

Sunday Working & Annual Leave

Sunday Working

If an employee does Sunday work your entitlement to extra pay may be agreed between you and your employee. Under the Organisation of Working Time Act, if there is no agreement about the employees pay, you the employer must give the employee one or more of the following for Sunday working:

- A reasonable allowance
- A reasonable pay increase
- Reasonable paid time off work

What is reasonable depends on all the circumstances. Some guidance may be obtained by referring, where possible, to an agreement applying to comparable employees elsewhere in similar employment. Always note the extra pay as a fixed monetary amount rather than an additional percentage of basic pay (e.g. €1 per hour rather than 15%).

Annual Leave

Calculating annual leave

Under Section 19 (1) of the Act employees are entitled to a basic annual paid leave entitlement of 4 weeks. There are 3 different ways of calculating annual leave entitlement:

- Based on the employee's working hours during what is called the leave year, which runs from April to March. An employee who has worked at least 1,365 hours in a leave year is entitled to the maximum of 4 working weeks' paid annual leave unless it is a leave year in which they change employment. Many employers use the calendar year (January-December) instead of the official leave year to calculate entitlement
- By allowing 1/3 of a working week for each calendar month in which the employee has worked at least 117 hours
- 8% of the hours worked in the leave year, subject to a maximum of 4 working weeks

An employee may use whichever of these methods gives the greater entitlement. When calculating the entitlement, employers should include all hours worked including time spent on annual leave, maternity leave, parental leave, force majeure leave, adoptive leave or the first 13 weeks of carer's leave.

An employee who has worked for at least 8 months is entitled to an unbroken period of 2 weeks' annual leave.

Holiday pay: Pay in respect of annual leave is paid in advance at the normal weekly rate. If your pay varies because, for example, of commission or bonus payments, your pay for your holidays is the average of your pay over the 13 weeks before you take holidays.

Part-time work: Generally, the annual leave for part-time workers is calculated using the 3rd method, that is, 8% of hours worked. If you work full time for some months and the rest of the year you work part time, you should calculate the leave for the full-time and the part-time periods of work separately.