

**This document is intended to give general advice and guidance on the particular subject; it is not a definitive statement of the law. If in doubt, consult your trade association or professional advisor.**

The following days are to be recognised as Public/Bank Holidays in 2012 for the purposes of the Construction Industry Joint Council (CIJC) Working Rule Agreement provided that such days are generally recognised as holidays in the locality in which work is being done.

### **England and Wales**

New Year's Day	Monday 2 <sup>nd</sup> January (substitute)
Good Friday	Friday 6 <sup>th</sup> April
Easter Monday	Monday 9 <sup>th</sup> April
May Bank Holiday	Monday 7 <sup>th</sup> May
Spring Bank Holiday	Monday 4 <sup>th</sup> June
Queens Diamond Jubilee	Tuesday 5 <sup>th</sup> June
Summer Bank Holiday	Monday 27 <sup>th</sup> August
Christmas Day	Tuesday 25 December
Boxing Day	Wednesday 26 <sup>th</sup> December

### **Scotland**

New Year's Day	Monday 2 <sup>nd</sup> January (substitute)
Easter Monday	Monday 9 <sup>th</sup> April
Early May Bank Holiday	Monday 7 <sup>th</sup> May
Spring Bank Holiday	Monday 4 <sup>th</sup> June
Queens Diamond Jubilee	Tuesday 5 <sup>th</sup> June
Friday and Monday at the Autumn Holiday	As fixed by the competent local authority*
Christmas Day	Tuesday 25 December
Boxing Day	Wednesday 26 <sup>th</sup> December

\*Members who require further information about the dates of the holidays to be fixed by a local authority should consult the local authority where their business is located.

### **Queens Diamond Jubilee**

For 2012, the Queen's Diamond Jubilee on Tuesday 5 June has been recognised as a day of paid holiday, not part of the 29 days of normal entitlement. This extra day of holiday is to be granted to operatives actively working for the employer on 5 June 2012. The provisions of WR.19.4 do not apply to this holiday and operatives are required to work on this day shall be granted an alternative day of paid holiday at a time to be agreed with the employer.

### **St Andrews Day**

As of 2007, there is an additional holiday in Scotland on 30 November for St Andrews Day however there is no legal requirement for employers to provide this additional day of holiday.

## **Easter/Spring Holiday**

The fixed shut down during the Easter week has been discontinued releasing 4 days holiday to be taken at another time by agreement with the employer. If the employer wishes to continue with the Easter shut down, the operatives affected should be notified at the beginning of the year. Similarly, if the employer wishes to have a shut down at some other time, the operatives affected should be notified of the dates at the beginning of the holiday year.

## **Summer Holiday**

The Working Rule Agreement states that the summer holiday shall be two calendar weeks, not necessarily consecutive, to be granted in the 'summer period' i.e. between 1 May and 31 October.

## **Winter Holiday**

The Working Rule Agreement states that at WR.18.1 there shall be seven working days taken in conjunction with Christmas Day, Boxing Day and New Year's Day to give a winter holiday of two calendar weeks. The winter break in 2012 will therefore extend from **normal finishing time on Friday 21 December 2012 to normal starting time on Monday 7 January 2013.**

## **Calculation of Holiday Entitlement**

As of 2010, the annual holiday entitlement under the CIJC Working Rule Agreement is 21 days of industry holidays plus 8 days of Public/Bank Holidays. The combined entitlement of 29 days accrues on a week by week basis at the rate of 0.558 days per week of service.

### ***Employee leaving or joining during the year***

To calculate accrued holiday entitlement for a leaver, it is necessary to multiply how many weeks the employee has been employed during the holiday year by 0.558. It is then necessary to calculate how many days of paid holiday (both industry and Public/Bank minus the Royal Wedding Day in 2011) the employee has received during this period. If the employee has been paid for less than the accrued entitlement, a payment in lieu of the difference must be made with the final wage. However, if the employee has been paid for more holidays than accrued, an appropriate deduction should be made from the final wage.

To calculate holiday entitlement for an employee who joins part way through the holiday year, it is necessary to multiply the number of weeks remaining in the holiday year by 0.558 rounded to a whole number.

## **Payment**

### ***General***

The provisions of the CIJC Working Rule Agreement provide that all holidays (annual and Public/Bank) are paid at the same rate. Where the employee's pay does not vary with the amount of work done, a week's pay is simply the normal weekly wage for the contractual weekly hours as defined by the contract of employment.

Where the employee's pay varies with the amount of work done because of piece work or other productivity bonus arrangements, a week's pay is arrived at by calculating the earnings during the normal working week as defined by the contract of employment, averaged over the 12 complete weeks worked immediately prior to the holiday week. A day's pay is calculated by dividing the week's pay as defined above by the number of hours in the normal week and multiplying it by the normal hours in the particular day, both as defined by the contract of employment.

***Public/Bank Holidays***

All hours worked on a day designated as a Public Holiday (except the Queen's Diamond Jubilee) shall be paid for at double time (WR.19.4).

An employee who has worked on a Public Holiday should be given another paid day's holiday in lieu and not paid holiday pay for the day worked. The day in lieu should be taken by agreement between the employee and the employer.

**Night Work and Shift Work**

In the case of night work or shift work, it is customary for a holiday period to commence and finish at the start of the shifts which include the midnight preceding or the midnight at the end of the holiday period for normal day workers.