



Holidays, Public Holidays and Holiday Pay

Note: This publication is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

Advisory Officers, at the Employment Relations Service, can offer confidential and free advice on all aspects of employment law and employment relations.

Overview

There is no statutory entitlement to paid leave in Guernsey. Neither is there a legal requirement to give employees time off with pay, an enhanced rate of pay, or time off in lieu in respect of public holidays. Any rights to paid time off for holidays and public holidays depend on the terms of the **contract**.

The Conditions of Employment (Guernsey) Law, 1985, requires the employee's entitlement (or otherwise) to paid or unpaid holidays and public holidays to be clearly set out in their written statement of employment (or contract).

The details of an employee's holiday and public holiday entitlement should be sufficient to enable the employee's entitlement to be precisely calculated, including any entitlement to accrued holiday pay on the termination of employment.

What details are needed in the written statement (contract)?

Holidays

The number of days holiday per year should be clearly stated (and whether they are **paid or unpaid**).

For **part time** employees it may be simpler to state the holiday/public holiday entitlement in hours rather than days. Employees who work part time should receive the same holiday entitlement as full time employees on a pro rata basis.

If part time members of staff are treated less favourably, an employer may risk claims of indirect sex discrimination under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 as, generally, more women work part time.

Public Holidays

The number of public holidays should also be stated and whether they are paid or unpaid. This will ensure that there is no misunderstanding regarding an employee's entitlement (or not) to public holidays. Care should be taken when drafting this section to explain what will happen if an additional public holiday is proclaimed (remember the Millennium and Queen's Jubilee) and also what happens when the public holiday is on a different day to the customary day (e.g. Christmas day and Boxing Day when they fall on weekends).

Employers and employees can check the list of public holidays for a specific year using the following link: <https://www.gov.gg/article/120214/Public-and-school-holidays>

How to calculate holiday entitlement in the first year of service

In the first year of employment the amount of paid holiday is usually proportionate to the length of service in that year as outlined below:

Number of days as an employee in first year	x	$\frac{\text{Normal paid holiday entitlement for full year (in days)}}{365 \text{ or } 366 \text{ (in a leap year)}}$
---	---	---

Here is an example where the employee is normally entitled to 21 days holiday per year. Assuming Joe Smith starts work on 16 April he will have worked for the organisation for 260 days by the end of the year. This calculation includes all normal working days from 16 April to 31 December including weekends and days off. Joe's holiday entitlement for a full year is 21 days and his holiday entitlement in his first year would be:

260	x	$\frac{21}{365 \text{ (366 in a leap year)}}$	=	15 days (14.9)
-----	---	---	---	----------------

Qualifying period for holiday entitlement

If there is a qualifying period for new employees before they are entitled to take holiday, it should be made clear whether holiday can be **accrued** during this period.

It is also important to confirm whether employees will be paid for any holiday due (but not taken) on the termination of their employment or alternatively, if more leave has been taken than the employee is entitled to, the difference will be deducted from their final salary.

The calculation above can also be used to determine how many days holiday an employee is entitled to, up to and including their last day of service.

How to calculate public holiday entitlement for part time employees

Some part time employees have an entitlement to paid time off for each public holiday on a proportionate basis (whether or not it coincides with their normal working day). The entitlement could be calculated in hours.

A method of calculating this entitlement is provided below. If this calculation is used the entitlement would need to be recalculated on an annual basis as some of the public holidays will fall on a different day each year. Care should also be taken to establish the exact number of public holidays in each year.

The two examples relate to employees who work 20 hours per week, compared to full time members of staff who work 40 hours. The employees are, therefore, entitled to 50% of the public holiday entitlement, on a pro rata basis. The examples provided illustrate clearly the impact of the employees' different working patterns on their overall holiday entitlement. The calculation should be discussed with the employee concerned to ensure their understanding.

	Hours worked per week Employee A	Hours worked per week Employee B	Number of Public holidays per year	Public holidays not worked Employee A	Public holidays not worked Employee B
Monday	4	8	x 4	16	32
Tuesday	6		x 1	6	0
Wednesday	5	4	x 1	5	4
Thursday	5				
Friday		8	x 3	0	24
				27	60

Full time (FT) entitlement	Hours per week ÷ days per week 40 ÷ 5 = 8 hrs per day	Hours per day x public holidays per year 8 x 9 = 72 hrs public holiday entitlement
-----------------------------------	---	--

Part time (PT) (Pro Rata) Entitlement	$\text{FT public holiday hours} \div \text{FT working hours} \times \text{PT working hours}$ $72 \div 40 \times 20 = \mathbf{36} \text{ hours PT entitlement to public holiday}$
--	--

Employee A $36 - 27 = 9$ **An additional 9 hours leave are owed to the employee.**

Employee B $36 - 60 = -24$ **The employee owes 24 hours of time.**

Other Publications

Publications can be downloaded from the website on a wide range of employment relations subjects, including local employment legislation and best practice guidance on other employment related matters.

Contact Information

For further advice

- Check www.gov.gg/employmentrelations
- Email employmentrelations@gov.gg
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**