

**BRECKLAND COUNCIL**

**REPORT TO EXECUTIVE MEMBER FOR CABINET PORTFOLIO**

**REPORT OF THE OPERATIONS MANAGER TO LJCC ON 14 JUNE 2007 AND  
GENERAL PURPOSES COMMITTEE ON 4 JULY 2007**

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**Bank Holiday Entitlement for Part-Time Employees**

**Summary:** There is currently no distinction or set procedure on how to calculate bank holiday entitlement for part-time workers. At this time, there are anomalies within existing staff as to the best practice for calculating this entitlement. This report provides recommendations on how we calculate bank holiday entitlement for part-time workers, with the view to adopt a consistent approach across the establishment to maintain future best practice.

**1. BACKGROUND**

- 1.1 There have been recent queries within the HR department as to how bank holiday entitlement is calculated for part-time employees. Confusion has become apparent amongst existing part-timers, and those members of staff who have moved from full time, to part time employment.
- 1.2 As it stands, those employees who work on a day deemed as a public bank holiday, for example Monday, will currently receive that day as paid annual leave. Employees who do not work on a day of 'public holiday' receive less paid leave in terms of bank holidays, fuelling requests of a day owed in lieu.
- 1.3 The Part-time Workers (Prevention of less favourable Treatment) Regulations 2000 provide that part-time workers should not be treated less favourably than full-timers in regard to their contractual terms. As most bank holidays fall on a Monday, those staff who do not normally work that day could be disadvantaged. Best practice suggests that such workers should be given a pro-rata entitlement of days off in lieu according to the number of hours they work ([www.acas.org.uk](http://www.acas.org.uk)).
- 1.4 This report outlines the council's current attitude, possible alternative approaches, and possible consequences should a change to existing procedure be instigated.

**2. KEY DECISION**

- 2.1 This is not a key decision. This report is for information purposes only.

**3. COUNCIL PRIORITIES**

- 3.1 The matter raised in this report falls within the following Council priorities:
  - A safe and healthy environment
  - A prosperous place to live and work

**4. Existing Bank Holiday Entitlement for Part-Time Employees**

- 4.1 Calculating bank holiday entitlement for an employee, who works the same hours, five days a week is straight forward; they receive their normal daily wage on a bank holiday.

- 4.2 Part-Time Employees who work less than 5 days a week currently receive bank holiday pay, only if that bank holiday falls on their normal working day. Employees who do not work Mondays (when most bank holidays occur) may feel they are being treated less favourably. Up to 8 bank holidays may not fall on an employee's normal working day.
- 4.3 There is no corporate consistency as there are currently two exceptions to the existing bank holiday calculation amongst part-time workers at the council:
- 4.3.1 There are two employees within the council who job share (one working Monday, Tuesday and Wednesday morning, and the other working Wednesday afternoon, Thursday and Friday) and both are credited with 3.42 hours for every bank holiday.
- 4.3.2 An employee who only works Tuesday's and Wednesday's also receives 2/5<sup>th</sup>'s of the 8 day bank holiday entitlement added to their annual leave.

## **5. OPTIONS AVAILABLE**

- 5.1.1 Instigate a system where part-time employees who work less than 5 days per week, receive a payment on each bank holiday. This would be based on the annual bank holiday entitlement divided by their normal weekly hours (see appendix A).
- 5.1.2 A further option would be to pro-rata the bank holiday entitlement for all part-time staff, and then add this pro-rated entitlement to the employees existing annual leave entitlement. Employees are then required to take annual leave or flexitime (where the employee is covered by the flex scheme) when there is a bank holiday on their normal working day (see appendix A).
- 5.1.3 Part-time employees who work less than 5 days a week could be offered time off in lieu (exact to their daily working hours), where a bank holiday falls on a day that isn't classified as a normal working day.
- 5.1.4 Part-Timers are given annual leave proportioned to the full time equivalent of existing full time employees. Bank holidays will be included in the calculation, and employees will need to take annual leave/flex on each bank holiday should their working pattern fall on that day.

## **5.2 FINANCIAL IMPLICATIONS**

- 5.2.1 Costings for an immediate change to the existing practice including all affected employees are highlighted in Appendix A. However, a change to the bank holiday entitlement will in effect change the terms and conditions of employment, and it will therefore be necessary to enter into negotiations with UNISON. It is likely that UNISON will wish to protect those employees who are currently receiving more paid bank holidays than they would be entitled to under the proposed change. This may incur a short term cost to the council.

## **6. REASONS FOR RECOMMENDATION(S)**

- 6.1 To ensure that we comply with the ACAS Code of Practice and Part Time Regulations of fair practice towards all employees across the council. Breckland council can lead by example, in treating all employees fairly regardless of whether they work full, or part-time.
- 6.2 The Work and Families Act 2006 is coming into force as of 01 April 2007. Apply the proposal will not only be fair, but will cover any employees who request the right to flexible working.

- 6.3 The new proposal is more efficient and cost effective (see appendix B & C). Current practice shows that more money is spent adhering to the different allowances of existing staff. The positive impact of the new scheme is that there would be a reduction in costs in the long term. However, it is likely there will be an initial short term cost to cover the change period for existing staff change to the proposed practice (including protecting those who are currently in a more favourable position).

## **7. RECOMMENDATION(S)**

- 7.1 It is recommended that the council recognises a set number of bank holidays per annum. The proposed amount is 8 bank holidays a year regardless when Christmas falls (as all employees will be apportioned any additional days/hours due).
- 7.2 To ensure best practice and a consistent and fair approach for all employees, the recommendation is to pro rata bank holiday entitlement for part-time workers based on the full time equivalent, leaving them to take leave, or flex on the day when each bank holiday falls. HR Net will need to be manually updated at the beginning of a part-time employees leave year.
- 7.3 Appendix C; the proposed annual leave policy is approved to incorporate the above.

The recommendations within this report comply with the following:

- Equal Opportunities, Section 17
- The Part-time Workers (Prevention of less favourable Treatment) Regulations 2000

*Appendices:*

A – Cost Implications

B – Alternative Bank Holiday Calculations – Examples