

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 Annual and Public Holidays in 2010 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 the work is being done.

England and Wales

New Year's Day	Friday 1 January
Good Friday	Friday 2 April
Easter Monday	Monday 5 April
May Bank Holiday	Monday 3 May
Spring Bank Holiday	Monday 31 May
Summer Bank Holiday	Monday 30 August
Christmas Day	Monday 27 December (substitute)
Boxing Day	Tuesday 28 December (substitute)
New Year's Day	Monday 3 January 2011 (substitute)

Scotland

New Year's Day	Friday 1 January
Monday in the Spring Holiday	Monday 5 April (Easter Monday)
The first Monday in May	Monday 3 May
Friday immediately preceding the Annual Local Trades Holiday	As fixed by the competent local authority*
Friday and Monday at the Autumn Holiday	As fixed by the competent local authority*
Christmas Day	Monday 27 December (substitute)
Boxing Day	Tuesday 28 December (substitute)
New Year's Day	Monday 3 January 2011 (substitute)

** 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.*

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

Easter/ Spring Holiday

It has been agreed that the close down during Easter week will be discontinued in 2010, releasing four days holiday to be taken at another time by agreement with the employer. If the employer wishes to continue with the Easter close down, the workforce should be notified at the beginning of the year. Similarly, if the employer wishes to have a close down at some other time, the workforce 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 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 2010 will therefore extend from **Saturday 25 December 2010 to Sunday 9 January 2011 inclusive.**

Calculation of Holiday Entitlement

From 2010, the annual holiday entitlement under the CIJC Working Rule Agreement will remain 21 days of industry holidays plus 8 days of Public and Bank Holidays. However, the combined entitlement of 29 days will now accrue in total on a week by week basis at the rate of 0.558 days per week of service. These new arrangements commence on Monday 11 January 2010 which is the start of the new holiday year.

Employee leaving during the year

To calculate accrued holiday entitlement, it will be 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 (annual, Public and Bank) the employee has received during the holiday year. 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.

Payment

General

The provisions of the CIJC Working Rule Agreement provide that all holidays (annual, Public and 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 Holidays

All hours worked on a day designated as a Public Holiday shall be paid for at double time (WR 19.3).

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.