



## **The Queen's Diamond Jubilee- do you know the drill?**

A four day weekend lies ahead to mark the Queen's Diamond Jubilee – or does it? NASDAL, the National Association for Specialist Dental Accountants and Lawyers, is advising dental team members not to be too jubilant until they are sure that they really are entitled to the additional holiday.

The Spring Bank Holiday has been moved to Monday 4th June and there is an additional Bank Holiday on Tuesday 5th June to mark the 60<sup>th</sup> year of Queen Elizabeth II's reign. But June 5<sup>th</sup> June could be just another day in the practice.

In the same debate that surrounded last year's Royal wedding, the tabloids have already stepped up the campaign for employers to grant their staff the day off to celebrate, but in many cases, employers are being advised that they are not obliged to do so.

Amanda Maskery, a Lawyer and a member of NASDAL, has shed some light on the matter. It is a common misconception, she said, that employees are entitled to time off work for bank holidays. Usually, employees are simply entitled to the statutory minimum number of holidays, currently 5.6 weeks (or 28 days) a year.

She suggests that the starting point is to look at the contract of employment for guidance. Where the contract states that an employee is entitled to public holidays in addition to their annual leave, but neither the number nor

the specific dates are referred to, they will be entitled to an additional day's holiday. That said, if the employer has the contractual right to grant a day off in lieu of a bank holiday, an employee may still be required to work on 5<sup>th</sup> June, and their extra day's holiday can be postponed.

Where the contract specifies a total number of days' holiday that includes bank holidays, or where it states either the number or the specific bank holidays that may be taken, then the employee will not be entitled to an additional day's holiday.

Amanda has warned that employers should also consider their custom and practice when taking a decision on whether to grant an extra day off. She adds: 'Employers should be aware that their employees may have an implied right to the extra holiday by virtue of the employer previously granting time off in similar circumstances. Given that the situation does not arise very often, the likelihood is small, but in the shadow of the Royal wedding, there is clearly the potential for a custom and practice argument.'

Amanda suggests that employers would be wise to consider any potential staffing issues now and consult their employees' contracts of employment, together with holiday policies, so their staff know whether or not they will have a four day weekend.

***Amanda Maskery of Sintons LLP can be contacted on 0191 226 7838 or to find a member of NASDAL in your area, go to <http://www.nasdal.org.uk/>***