

*Approved by Trustee Board: May 2024*

*Review Period: 3 Years*

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*Heriot-Watt Student Union*

***HOLIDAY POLICY***

### 1. Overview

1.1 This Heriot-Watt University Student Union (HWUnion) policy covers arrangements relating to holiday entitlement (also referred to as ‘annual leave’) and explains what you must do to arrange time off for holidays.

1.2 The policy applies to all employees (including FTOs) and workers, but does not apply to self-employed contractors. Employees on hourly rates with irregular hours are covered in section 8 below.

1.3 If you are an employee, this policy does not form part of your employment contract and we may update it at any time.

### 2. What is my holiday entitlement?

2.1 *How many days holiday do I get?* You will find the number of days of paid holiday and bank/public holidays you are entitled to in your contract. The first four weeks of your annual leave are classed as leave under Regulation 13 of the *Working Time Regulations 1998* and the remainder under Regulation 13A and/or your contract as appropriate. This is important, because slightly different laws apply to the first four weeks of your holiday in any holiday year, which are dealt with below, described as your first four weeks’ leave.

The usual holiday entitlement for a full-time employee is 28 days, increasing by one day for every full year of service, up to a maximum of 33 days after five years service.

2.2 You can also buy up to 10 days (or two weeks holiday, for part time staff,) per year extra allowance at a rate of 1/260 of your salary per day. Requests must be discussed with your line manager prior to, and no later than 2 months before, the holiday year begins. All requests must be agreed by the Chief Executive Officer. Approval will, however, be subject to our business requirements. The cost of any extra days purchased will normally be deducted in 12 equal monthly instalments, from your pay, across the holiday year in which the purchased days are added.

2.3 *What if I work part-time?* If you work part-time, your holiday entitlement (including time off for bank/public holidays) will be calculated on a pro-rata basis. More information on how we do this calculation is contained in Appendix 1 of this policy.

2.4 *When does the holiday year start?* The HWUnion holiday year begins on 1 October and ends on 30 September. For Full Time Officers the holiday year begins on 1 June and ends 31 May. If you join or leave the Student Union part way through the holiday year, we calculate your holiday entitlement for that holiday year on a pro-rata basis. More details on how we calculate this are provided in Appendix 1.

2.5 *What if I've just started work?* During your first year, you can only take the number of days you have accrued up to the day your holiday starts, unless your line manager has agreed otherwise and confirmed that in writing.

2.6 *Can I roll my annual leave allocation over if I don’t take it all in one holiday year?* You are strongly encouraged to take all the leave due to you in the holiday year in which it has accrued. Annual leave not taken by the end of the holiday year will (except in the circumstances outlined below) be lost and you will not receive any payment in lieu.

2.7 You can carry over up to five days (pro-rata for part-time employees) of unused annual leave allocation into the next holiday year and this must be taken within the first three months of the new holiday year. Further days may only be carried over due to extenuating circumstances with the express written agreement of the Chief Executive Officer. Paragraph 6 below sets out the only other circumstances in which leave may be carried over from one holiday year to the next.

### 3. How do I request time off?

3.1 You should submit your request as soon as you have chosen the dates (but before booking any holiday). Holiday cannot be booked further ahead than the next holiday year other than with the specific agreement of the Chief Executive Officer who will consider business requirements.

3.2 You must make all requests for holiday leave via the Breathe HR system.

3.3 Your line manager must approve all holiday requests via the Breathe HR System. These are usually considered on a first come, first served basis. Leave requests for popular times of the year may require a conversation to ensure fair allocation of these dates across all staff.

3.4 Please do not make any travel arrangements or financial commitments until you have received our written confirmation that you can take the time off work. HWUnion will not be responsible if you suffer losses because your holiday request is refused, regardless of the reason.

3.5 You may sometimes have to take your holiday on dates that we specify. This is most likely to be when the business is closed — over Christmas and New Year, for example — or to avoid busy periods, or because you still have not taken all the leave due to you in the current holiday year. If you are leaving the Student Union, we may also ask you to take your remaining holiday entitlement during your notice period.

3.6 To ensure your continued wellbeing throughout the year, we strongly encourage all staff to take at least **one period of two consecutive weeks** holiday within the holiday year.

3.7 Provided you have sufficient holiday entitlement, we will – wherever possible – try to fulfil requests for time off for a religious occasion. This will however be subject to our business requirements.

3.8 Your line manager will always discuss alternative dates with you if it is necessary to decline a holiday request. If your request is refused and you take time off anyway, this will be viewed as unauthorised absence and the matter will be dealt with in accordance with our Disciplinary Policy.

3.9 Should you wish to cancel your leave we request as much notice is given as possible. We reserve the right to refuse last minute cancellations (i.e. less than 7 days prior to your leave starting).

### 4. How much will I be paid?

4.1 We will pay you at your normal rate while you are on holiday.

### 5. What happens if I am sick during my holiday?

5.1 If you fall sick while on holiday, you can treat the time off as sick leave instead of holiday. You should take action relating to sickness absence in accordance with the HWUnion Absence Management Policy.

5.2 To reclaim your holiday time and take it at a later date, you must tell your line manager as soon as possible (normally meaning while you are on holiday) and provide medical evidence — translated into English if necessary — of your illness or injury. If you do not do this, we will treat your absence as holiday and not sick leave. To book dates for another holiday, you must follow the procedures outlined in this Policy to obtain approval to take annual leave.

5.3 If you are on sick leave at the start of a holiday period, and you are not fit to work at any time during it, you may reschedule the affected days. You will need to provide medical evidence and follow the procedure outlined above.

5.4 We will treat dishonest claims or any other abuse of this policy under our Disciplinary Policy.

### 6. What happens to my holiday entitlement if I am on long-term absence?

6.1 Your holiday entitlement continues to accrue during a holiday year when you are absent from work long-term for any of the following reasons:

* sick leave; or
* maternity leave; paternity leave; adoption leave; parental leave; or shared parental leave (known as ‘family leave’ in this policy; see also the HWUnion Maternity and Family Friendly Policy).

6.2 You may carry over unused holiday relating to the first four weeks’ leave only to the following year if your sick leave spans two holiday years or you return to work too near the end of the holiday year to fit in the time off due to you. Any holiday carried over will be lost if you do not take it within 18 months of the end of the holiday year in which it accrued.You are not entitled to carry over any additional Regulation 13A or contractual leave.

6.3 If you intend taking family leave and expect this to span two holiday years, you must give your line manager as much notice as you can. You may carry over into the next holiday year any holiday entitlement that it is impractical for you to take before the start of your family leave. This covers your full annual leave entitlement.

6.4 You should take any holiday leave you have carried over within the holiday year in which you return to work unless a different timescale is agreed with your line manager.

### 7. What happens if I leave HWUnion?

7.1 You will normally be required to use up any outstanding annual leave days during your notice period. This applies whether you resign or we give you notice that we are ending your employment.

7.2 We may alternatively pay you in lieu of any holiday that has accrued in the holiday year in which your employment will end, but which you have not taken. Payment will be made at the rate of 1/260th of your basic salary for each day of leave you have outstanding, pro-rated if you work part-time.

7.3 If you have taken more annual leave than you were entitled to up to the day you leave the Student Union, an amount calculated as above will be deducted from the final payment we make to you.

### 8. Hourly paid and irregular hours workers

8.1 Staff who are paid an hourly rate and work irregular hours will receive holiday pay in lieu of paid time off.

8.2 Holiday pay is calculated at 12.07% of earnings and is included as an additional payment each month alongside your worked hours pay.

### Review Tracking

|  |  |
| --- | --- |
| Action | Date |
| Creation & Approval | May 2021 |
| Reviewed | May 2024 |

# Appendix 1

### Calculation for new joiners

#### A) FOR PERMANENT STAFF (or fixed term but working beyond end of leave year)

#### FULL-TIME AND PART-TIME (providing works same hours each day, Mon-Fri)

The entitlement for a period of less than one year in any twelve months from 1st October will be calculated pro rata using the formula:

*(Entitlement / 52) x Number of weeks remaining in the current holiday year*

#### B) FOR FIXED TERM, IF CONTRACT ENDS BEFORE THE END OF LEAVE YEAR

The entitlement for a period of less than one year in any twelve months from 1st October will be calculated pro rata using the formula:

*(Entitlement / 52) x Number of weeks you are required to work*

#### C) FOR PART-TIME, IF WORKS SAME HOURS EACH DAY BUT DOES NOT WORK EVERY DAY OF THE WEEK

The full time entitlement for a period of less than one year in any twelve months from 1st October is calculated pro rata using the formula:

*(Entitlement / 52) x Number of weeks remaining in the current holiday year*

As you are part time, these days have to be further pro-rated using the formula:

*Days remaining x (Number of days you work out of 5 / 5)*

#### D) IF BOTH B) AND C) APPLY

The entitlement for a period of less than one year in any twelve months from 1st October will be calculated pro rata using the formula:

*(Entitlement / 52) x Number of weeks you are required to work*

As you are part time, these days have to be further pro-rated using the formula:

*Days remaining x (Number of days you work out of 5 / 5)*

#### E) IF PART TIME AND NOT ALL WORKING DAYS ARE THE SAME LENGTH

The annual, full-time, holiday entitlement is 28 or 33 daysper annum*.* As your daily pattern of hours varies, your leave allowance will be calculated, and taken, in hours. The full-time annual leave entitlement expressed in hours, is 196 or 231 respectively.

The entitlement for a period of less than one year in any twelve months from *1st October* will be calculated pro rata using the formula:

*(Number of weeks remaining in holiday year x (Annual holiday entitlement in hours / 52)) x Percentage of full time hours worked*

#### F) IF PART TIME BUT WE DO NOT KNOW THE PATTERN

Entitlement for part time contracts will be calculated on a pro rata basis.

# Appendix 2

### Building Closed Days

*Sometimes referred to as “fixed days”.*

There are an additional 9 days (pro-rated for part-time colleagues) designated “Building Closed Days” which are taken as they fall and not pro-rated for part-year service as follows:

* 25th December – 2nd January inclusive (7 days)
* Good Friday and Easter Monday (2 days)

In addition, when 24th December (Christmas Eve) falls on a week-day, it is also treated as a “Building Closed Day”.

#### Rules relating to Building Closed Days

FOR FULL TIME OR STAFF WORKING THE SAME HOURS DAILY MONDAY – FRIDAY.

These days will just be paid as normal working days and no adjustment will be required to your leave allowance.

FOR PART TIME STAFF

Your entitlement to the ‘fixed days’ is calculated on a pro-rata basis. You are contracted to work #% of full time therefore you are entitled to #% of the ‘fixed days’.

FOR TERM TIME ONLY STAFF

Your entitlement to ‘fixed days’ is calculated on a pro-rata basis and is usually added to your pro-rata annual leave balance to create one leave total for the period in which you are contracted to work each year. Fixed days will therefore need to be deducted from your total leave balance for the year.