



Let's Discuss Holidays

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This is the beginning of many employees taking their annual holiday and can often be a grey area for some practitioners. There are certain points that employers should follow relative to holiday for their team members and themselves, some of which will be highlighted in this article.

Your employees who are working within your organisation for 4 years or less, according to the Holiday with Pay Act, earn three weeks holiday, annually. This annual holiday is normally calculated based on the employees' days earned for the year worked. The Act has a per-requisite for an employee to be eligible for the 3 weeks of holiday.

This stipulation being, your employee, whether monthly, bi-weekly or weekly, should complete 12 continuous months of service or work at least 208 days within your organisation before they are eligible for holiday.

Now, despite this being legislation, some employers, as custom and practice in the organisation, tend to be flexible and allow their employees to take holiday prior to the 12-month continuum and the Act allows for such. Once there is a mutual agreement between yourself and your team members, you can permit them to take their holiday before they are entitled. Additionally, despite we mentioned 12 continuous months of employment, some organisations may have casual or daily workers who will not be working in a similar time-frame as the other employees. This does not mean that your hourly, daily or casual workers are not eligible for holiday. This category of worker would be required to work at least 150 days annually, to become eligible.

Even though as the employer you may allow a custom of holiday to be taken prior to the completion of the full year, you must ensure that your documentation is accurate where you have a vacation template of days earned and days taken created. Something like this can be formulated in Excel for easy computation and record-keeping.

We emphasize on documentation and its importance, so that employers do not find themselves in breach of the law with respect to holiday provision. Holiday documentation would fall under the records of employment for your employees. If you do not have the appropriate records, how will you know if days were owed, taken in full or earned? Do you also know it is considered an offence if you do not maintain records of employment?

The Act also states that your employees are entitled to a 4-week holiday after five years of being employed at your organisation. This has been and continues to be a bit questionable for most persons, employees and employers, as many seek clarification on it. However, it is upon the completion of the 5th year of employment that your team member becomes eligible for the 4 weeks of holiday and not the start of the 5th year of employment. Let's say you received the vacation form with split dates; one week in February and the other two for weeks in July. There is nothing wrong with this.

Although it states in the Holiday with Pay Act that holiday should be given in one period there is still provision for you to agree with your employee that this split of time is permissible.

As an employer, you should always ensure and encourage your employees take their holiday annually. There are instances where your employees

may say to you "I'm not going to take my holiday this year"; this is something that we would not advise on as you should ensure that each team member takes time for themselves to rest, relax and recharge because burnout is a reality.

With this information, it does not mean that you are restricted from having your policy of a longer holiday period for long-standing employees; that is all part and parcel of your incentives to your team. The Act is there to ensure that a minimum standard is maintained. There are also other facts and tips on what employers can permit and things considered offences with respect to annual holiday under the Holiday with Pay Act. Guidance should always be sought from professional practitioners in labour legislation such as the BEC to ensure you avoid legislation breaches and possibly fines.

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