

# SECTION **D**

Holidays and Holiday Pay

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## D1. Information for Operatives

D1.1 Details of holidays, holiday pay entitlement and the position on the termination of employment must be given to the Operative no later than eight weeks after the start of employment, and should be set out in the Written Statement of Employment Particulars given to the Operative by his employer.

## D2. The Recognised Holiday Year

D2.1 The holiday year shall commence on the first working Monday in January and conclude on the Sunday preceding the first working Monday in January of the succeeding year.

## D3. Entitlement to Annual Holidays

D3.1 An Operative with one full year of service shall be entitled to six weeks holiday per annum, comprising 22 days' annual holiday and eight days' Public Holiday.

**Note:** One extra day's holiday will be introduced in both 2019 and 2020. This will increase the holiday entitlement as follows:

- 23 days with effect from Monday, 7 January 2019. This will increase the total holidays to 31 days per annum.
- 24 days with effect from Monday, 6 January 2020. This will increase the total holidays to 32 days per annum.

D3.2 An Operative who commences employment part way through the holiday year shall receive pro rata annual leave for each full month worked.

D3.3 All holiday entitlement is to be taken during the Holiday Year (see Rule D2) in which it arises.

## D4. Arrangements for Taking Annual Holidays

D4.1 Annual holiday dates should be agreed, in advance, between the employer and the Operative.

D4.2 In the circumstances of a continuous shutdown, annual holiday may be attached, on days of the employer's choice, to existing Public Holidays. Such arrangements should be communicated to Operatives as far in advance as possible.

## D5. Annual Holiday Pay Calculation

D5.1 Payment for any period of annual or Public Holiday is calculated by reference to an Operative's normal week's pay as defined in Sections 221 to 224 of the Employment Rights Act 1996. When calculating holiday pay entitlement certain additional elements, as appropriate, should be included within the calculation. These may include some or all of the payments set out below:

- (a) Normal earnings shall include, where appropriate:
  - Basic rate of pay (37.5 hours) or whatever is stated in the Operative's Written Statement of Employment Particulars
  - Responsibility money
  - Regular bonus payments
  - Shift Premium
  - Contractual guaranteed overtime
  - Non-guaranteed overtime when worked regularly and consistently
  - Commission
  - London Weighting
- (b) Currently, normal earnings do not include:
  - Voluntary overtime
  - Ad hoc bonus payments
  - Lodging allowance
- (c) All Operatives entitled to holiday pay shall receive a minimum of normal earnings. The payment is calculated on the normal working hours at the average hourly rate over the preceding 12 weeks.

D5.2 The amount of holiday pay per week is calculated as follows:

$$\text{Average weekly earnings} = \frac{\text{Normal earnings over the last 12 weeks worked} \times 37.5^*}{\text{Number of hours worked in the last 12 week period}}$$

## D6. Payment for Working on Annual Holiday

D6.1 Where an Operative is required to work during a period of agreed annual holiday, that Operative shall be entitled to premium payments as follows:

- (a) First Friday and Monday of the holiday – double time.
- (b) All other days – time plus one half.

\* If an Operative is contracted to work more than 37.5 hours, the multiplier should be replaced by the contractual hours.

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## D7. Operative Unable to Take Agreed Annual Holiday

- D7.1 An Operative will continue to accrue annual leave if absent because of ill health. The Operative will be entitled to carry over a maximum of 20 days to the next holiday year to be taken at a time when convenient to both the Operative and the employer.
- D7.2 Alternatively, during a specified period of sickness absence, an Operative may request to be paid at the appropriate rate. Any requests for payment must be made in writing by the Operative.

## D8. Identification and Payment of Public Holidays

- D8.1 Normal pay at the appropriate SJIB Rate shall be paid for a maximum of eight Public Holidays per annum. These are:
- New Year's Day
  - Good Friday or Easter Monday
  - Spring Bank Holiday
  - May Day
  - Summer Bank Holiday
  - Autumn Bank Holiday
  - Christmas Day
  - Boxing Day
- D8.2 Whilst it is desirable that these holidays should generally conform to local custom, other mutually acceptable arrangements shall not be precluded.

## D9. Special Arrangements for Public Holidays

- D9.1 When Christmas Day or New Year's Day falls on a Saturday or Sunday, the Monday following shall be treated as a Public Holiday.
- D9.2 When Boxing Day falls on a Saturday or Sunday, the Tuesday following shall be treated as a Public Holiday.
- D9.3 Operatives who are required to work over the Christmas and New Year period shall take, as holiday, the days worked at a later date agreed with the employer.

## D10. Payment for Working Public Holidays

- D10.1 Payment for working on any Public Holiday, excluding Christmas and New Year, is time plus one half and a day off in lieu.
- D10.2 Operatives required to work on any one of the three designated Public Holidays over Christmas and New Year shall be paid as follows:
- Christmas Day – Double Time plus a day off in lieu to be mutually agreed.
  - Boxing Day – Time plus one half of the appropriate hourly rate plus a day off in lieu to be mutually agreed.
  - New Year's Day – Time plus one half of the appropriate hourly rate plus a day off in lieu to be mutually agreed.

## D11. Qualifying for Payment

- D11.1 In order to qualify for payment on any one of the eight Public Holidays, an Operative must work a full normal day on the working days preceding and following the holiday.
- D11.2 An Operative shall receive payment if, on one or both of the qualifying days, the Operative:
- Was absent through certified sickness (Self Certification or Statement of Fitness for Work).
  - Was on a rest period for the day following continuous working all the previous night.
  - Was absent with the employer's permission.

## D12. Periodic Return Fares

- D12.1 Travelling fares only shall be paid to Operatives working away from home and returning home at the recognised holiday periods except in the case of Christmas Day and Boxing Day, which for the purpose of this Rule shall be regarded along with New Year's Day as one holiday.

## D13. Operatives Leaving Employment

- D13.1 Operatives will receive payment for any outstanding holidays on termination of employment.
- D13.2 Where the proportion of holidays taken by an Operative exceeds his accrued holiday entitlement, the Operative, on termination of employment, will be required to reimburse his employer for the balance by means of a deduction from final earnings. In these circumstances, the employer will inform the Operative in writing of the amounts to be recovered.

## D14. SJIB Holiday Pay Schemes

- D14.1 The SJIB offers two methods by which employers may save for holiday pay. The object of these schemes is to assist employers in ensuring their Operatives receive appropriate periods of rest with pay. They are not a means by which Operatives can achieve extra pay if they do not take the prescribed holidays. The two methods are:
- The SJIB Holiday/Welfare Credit Scheme; or
  - The SJIB Holiday with Pay Scheme.
- D14.2 These schemes shall apply to all Technicians, Approved Electricians, Electricians, Labourers, Apprentices and Adult Trainees whose wages and working conditions are determined by the SJIB.
- D14.3 Participation in these schemes is compulsory for all employers registered as members of the SJIB who operate within the Electrical Contracting Industry in Scotland.

## D15. SJIB Holiday/Welfare Credit Scheme

- D15.1 Under the provisions of this scheme the SJIB issues Holiday/Welfare Credits weekly in respect of each Operative covering:
- (a) 22 days of Annual Holiday.
  - (b) 5 days of Recognised Holiday (Christmas Day, Boxing Day, New Year's Day, 2nd January and Easter Monday).
  - (c) Sickness, Accident and Group Life Insurance Benefits.
  - (d) Private Health Insurance.
- (Please also refer to Section E – SJIB Welfare Benefit Scheme)
- Note:** Rule D3.1 of the SJIB National Working Rules stipulates that Operatives are entitled to 30 days holiday (increasing to 31 days in 2019 and 32 days in 2020). For the remaining days of holiday not covered by the Holiday Credit Scheme, employers are obliged to pay the normal hours that would have been worked on these days including any applicable top-up payments, provided that the Operative was at work or available for work the day before and the day after the holiday (see Rules D11.1 and D11.2).
- D15.2 Holiday Credits are not the property of the Operative. They are a means for the employer to accrue holiday pay for Operatives.
- D15.3 Holiday pay is dependent on an Operative's individual holiday entitlement which takes into account length of service, for example an Operative who commences employment part way through the holiday year shall receive pro rata holiday pay for each full month worked.



- D15.4 The employer will complete a New Starts Report on behalf of each new Operative and is responsible for the purchase of and the value of Holiday Credits on behalf of each Operative.
- D15.5 The full value of the Holiday Credits purchased (less an administration charge) shall be paid to the employer by the SJIB in March, June and December irrespective of whether the Operative takes his holiday in consecutive weeks or in separate weeks.

## D16. SJIB Holiday with Pay Scheme

- D16.1 Under the provisions of this scheme the SJIB holds money deposited by employers covering the value of 30 days holiday (22 days annual holiday and 8 days Public Holiday).
- D16.2 Employers who participate in the SJIB Holiday with Pay Scheme are required to purchase Welfare Credits for all their Operatives.
- D16.3 Reimbursement of holiday pay (less an administration charge) from the Holiday with Pay Scheme will be made by the SJIB following verification by the employer. Payment will be made via the employer's bank account approximately one week prior to the holiday period.

## D17. Employers' Weekly Contributions

- D17.1 The SJIB shall determine the value of the weekly holiday credits/deposits. These shall be paid wholly by the employer in respect of each Operative covered by the Scheme.
- D17.2 Employers must continue to purchase holiday credits/deposit holiday pay in respect of any whole calendar week during which an Operative is absent from work due to certified illness.

## D18. Payment of Holiday Pay to Operatives

- D18.1 The sum to be paid to the Operative shall be the equivalent of the total number of holidays as shown on the Operative's SJIB Holiday/Welfare Credits Scheme or the SJIB Holiday with Pay Scheme less the appropriate administrative charge. The payment shall be made by the employer in whose employment the Operative is in at the dates of the holiday. Payment shall be made on the last customary payday prior to the commencement of the holiday. If the annual holiday is taken in separate weeks, the amount available shall be apportioned equally.
- D18.2 In the event of the employer failing to fulfil this obligation it shall be open to the Operative to report the matter to the SJIB.

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## D19. Payment of Holiday Credits of a Deceased Operative

D19.1 Any outstanding Holiday Credits will be paid to the employer. The employer shall be responsible for making any payments due to the beneficiary or beneficiaries of the deceased Operative.

## D20. Administration of Schemes

D20.1 Responsibility for interpretation and administration of the Schemes and for settlement of all questions arising out of the Schemes shall be vested in the SJIB.

D20.2 All disputes arising out of this agreement shall be dealt with in accordance with the procedures laid down in the National Working Rules of the SJIB.

D20.3 The Schemes may be varied or amended at any time by the SJIB.