



Guidance for employers: who is permitted to take leave for the Queen's Platinum Jubilee bank holiday

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This year, the annual Spring bank holiday will take place on Thursday 2 June 2022 instead of the last Monday in May 2022. This will be followed by an extra public holiday on Friday 3 June 2022 to commemorate the Queen's Platinum Jubilee.

The additional bank holiday is likely to raise questions for employers as to whether they are required to allow employees an extra day of paid annual leave.

Guernsey

In Guernsey, this will ultimately depend on the terms of the employee's contract of employment.

There is no statutory requirement in Guernsey to give employees paid annual leave, enhanced rate of pay, or time off in lieu in respect of public and bank holidays. Any provisions in respect of paid annual leave, or public and bank holidays depend on the terms of the employee's contract of employment. Pursuant to the Conditions of Employment (Guernsey) Law, 1985, the employee's entitlement (or otherwise) to paid or unpaid holidays and public and bank holidays must be clearly set out in their contract of employment.

If an employee's holiday entitlement provides that they are entitled to bank and public holidays in **addition** to their annual leave entitlement, but does not specify the actual days or a number of them then this will be interpreted that they will be entitled to **all** bank and public holidays. This will therefore include the Queen's Platinum Jubilee bank holiday in 2022.

If, however, the employee's holiday entitlement specifies the number of days in the wording which refers to the usual bank and public holidays, or the days to be inclusive of their annual leave allowance, then the employer will **not** be required to provide an additional day of leave for the Queen's Platinum Jubilee.

It should, however, be noted that if an employer wishes to provide the bank holiday to commemorate the Queen's Platinum Jubilee, regardless of the wording of employee's contract of employment, then they absolutely can and it is likely to be appreciated. But employers should be clear when drafting provisions in relation to bank or public holidays.

In other years, additional bank holidays have been given to commemorate events such as the wedding of the Duke and Duchess of Cambridge in 2011 and the Queen's Diamond Jubilee in 2012. Therefore, employers should also consider what they have provided for in previous years when such Royal events have taken place (ie did they provide an additional day of paid annual leave). As a result, employees may consider it to be an implied term of their contract of employment to be given the same for any future additional bank holidays.

With regards to part-time employees, consideration should be given so that they are treated in the same way as full-time employees but with entitlements pro-rated in respect of their working hours.

Jersey

Employees in Jersey have a statutory right to paid time off, or paid time off in lieu, on all declared public and bank holidays where they fall on a normal working day for that employee. This entitlement is in addition to the statutory right to three weeks' paid annual leave.

The States of Jersey has declared Thursday 2 June 2022 and Friday 3 June 2022 as public holidays.

For employers in Jersey, this means that, if either of those days are normal working days for an employee, they are entitled to a paid day off work. If the employee is required to work on a public or bank holiday, the employee should be paid for the time that they worked on that day as normal, and be given alternative paid time off work in lieu at a mutually agreed time.

There is no requirement in the law to offer an enhanced rate of pay for public or bank holidays that are worked. However, employees may have a contractual entitlement to an enhanced rate of pay on such days.

In its recent Annual Report for 2021, the Chair of Jersey's Employment and Discrimination Tribunal commented that it has been "[...] noticed that the law relating to bank holiday pay is an issue that continues to be problematic for employers and employees alike".

Businesses are reminded to ensure that employees have the opportunity to either take paid time off on each of the forthcoming public holidays, or to take paid time off on a different day instead.

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