



Policy on the entitlement to pro rata bank holidays/closure days for part time workers

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1. Introduction

- 1.1. The University is committed to equality of all employees, including comparable terms and conditions of employment between full time and part time workers.
- 1.2. This policy addresses the requirements of both The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and The Working Time Regulations 1998, which both make it unlawful for employers to treat part timers less favourably than comparable full timers. In order to meet the legislative obligations part time staff should receive a pro rata bank holiday/closure day entitlement, calculated on a basis of the proportion of a full time contract worked, rather than on the days normally worked
- 1.3. Additionally the current application of bank holidays/closure days' entitlement for part time staff could constitute indirect sex discrimination under the Sex Discrimination Act 1976, as there are a higher proportion of women in part time posts.
- 1.4. This policy is applicable to all staff groups in the University.

2. Background

- 2.1. his policy has been developed in conjunction with trade union colleagues in the University and takes into account Employment Tribunal decisions and recommendations regarding this provision for employers in Higher Education across the country, as well as guidance from the Equal Opportunities Commission and ACAS.
- 2.2. The current provision for entitlement to bank holidays and closure days for part time staff is dependent on days worked by members of staff. Members of staff who work

the beginning of the week (ie Monday and Tuesday) receive a proportionately greater number of bank holidays/closure days than colleagues who work at the end of the week (ie Thursday and Friday).

3. Proposed policy

- 3.1. With effect from 1 August 2005 all part time staff who are currently receiving less than their pro rata proportion of public holiday/closure days entitlement and all new part time staff will receive a pro rata entitlement for bank holidays/closure days. (This should be taken as lieu time in the current leave year)
- 3.2. With effect from the 2007 leave year all part time staff who are currently receiving more than their pro rata entitlement will have their entitlement brought into line with their actual pro rata entitlement, in line with legislative requirements. This effectively means that in the current 2006 leave year there will be no detriment.
- 3.3. (For the purposes of this policy, the 2007 leave year commences 1 October 2006 for Academic and Academic Related (Professional and Managerial) Staff and 1 January 2007 for Support Staff).
- 3.4. Members of staff will be expected to use their bank holiday/closure day entitlement on bank holiday/closure days that fall on their normal working days.
- 3.5. Where a member of staff has to take a public holiday/closure day off (because it falls upon one of their working days) and their entitlement is not sufficient to cover this they may, either:
 - take the balance from their annual leave entitlement;
 - agree with their line manager to work the hours at an alternative time or;
 - agree with their line manager to take unpaid leave.
- 3.6. Where a member of staff is unable to take all of their public holiday/closure day entitlement on bank holiday/closure days (because not enough public holiday/customary day days fall on their working days) they are able to add the balance to their annual leave entitlement.
- 3.7. There are 8 bank holidays to which staff are entitled to, they are:
 - Good Friday
 - Easter Monday
 - May Day Bank Holiday Monday
 - Spring Bank Holiday Monday
 - Summer Bank Holiday Monday
 - Christmas Day
 - Boxing Day
 - New Year's Day

The closure days on which the University is closed by custom are:

- Christmas Eve and the days between Boxing Day and New Year's Day
- Maundy Thursday afternoon and the Tuesday after Easter Monday
- The Tuesday after the Spring Bank Holiday
- The Tuesday after the Summer Bank Holiday

4. Calculation of pro rata entitlement

4.1. The number of closure days may vary in any leave year depending on where Christmas falls, please refer to University website for clarification in a given leave year.

4.2. The formula for calculation of a pro rata entitlement is given below.

Example A: for staff working full days

*WTE x **BH/ closure days = total entitlement

(*Method of calculating WTE is: contracted hours = full time hours = WTE)

(**Total of BH and closure days variable depending on total in year)

- 0.4 WTE x 15.5 = 6.2 days
- 0.6 WTE x 15.5 = 9.3 days
- 0.8 WTE x 15.5 = 12.4 days

Example B: for staff working different number of hours each day/or to get entitlement in hours

*WTE x **BH/closure days x *** full time hours per day = total entitlement in hours

(*Method of calculating WTE is: contracted hours = full time hours = WTE)

(**Total of BH and closure days variable depending on total in year)

(*** 7.4 is the number of hours per day for a full time member of staff (actual figure variable depending on full time contracted hours for staff group))

- 0.4 WTE x 15.5 x 7.4*** = 45.88 hours
- 0.6 WTE x 15.5 x 7.4*** = 68.82 hours
- 0.8 WTE x 15.5 x 7.4*** = 91.76 hours

Example C: for term time only staff

Calculate as above (to give total entitlement) depending if days or hours required then:

Total entitlement = 52 (total number of weeks in year) x number of weeks contracted in the year (including annual leave, bank holidays and closure days).

5. Implementation

This policy has been agreed with University Trade Unions in February 2006 to implement according to the timescales set out above.