

Notice to take annual leave management guide

From time to time, you may wish to require an employee, or group of employees, to take annual leave on dates that you've selected. Use our notice to enable you to do this on an ad hoc basis throughout the holiday year, whether that's to accommodate a workplace shutdown, because the employee has taken insufficient annual leave and it's coming towards the end of your holiday year or for some other reason.

WORKING TIME REQUIREMENTS

All workers are entitled to a minimum of 5.6 weeks' paid annual leave in each holiday year. Whilst you will normally have in place arrangements for approval of annual leave requests, occasionally you might want to require a worker to take holiday at a particular time, even if they don't want to. Generally speaking, unless your contracts of employment provide otherwise, you are entitled to insist that staff take holiday at specific times. However, if you do wish to make a worker take annual leave, you'll need to comply with the notice provisions in the **Working Time Regulations 1998** (or any alternative notice requirements you've set out in the employee's contract), as a failure to do so will mean you can't insist on a worker taking holiday at your chosen time. The notice requirement in the Regulations states that if you require a worker to take holiday on a particular date, you must give them notice equivalent to twice the number of days' holiday. So if you want a worker to take one week's holiday, you have to give them at least two weeks' notice of this. And this means working days' notice, so if you want a worker to take two days' holiday, you must give them four working days' notice (i.e. excluding weekends if the worker doesn't work at weekends). Of course, if the worker is happy to forego the notice and willing to agree to take the time as leave, there isn't a problem.

DESIGNATED DATES

Our **Notice Requiring Employee to Take Annual Leave** is for use where you wish an employee to take annual leave on dates that you've chosen and we've given you three different alternatives. They all set out the start and end dates of your pre-selected leave period, confirms how many working days of their leave entitlement the holiday constitutes and clarifies that the holiday required to be taken will be deducted from their outstanding annual leave entitlement for the current holiday year. The first option is for use where you designate annual leave dates on an ad hoc basis during the holiday year. It gives you the opportunity to set out your reasons for requiring the employee to take leave at your chosen time, for example, because business is slow, your major clients are themselves on holiday, etc. There's no obligation on you to give reasons but, as a matter of good employment relations practice, it may limit any hostility or resistance from the employee if they understand the rationale behind your decision. In addition, if you're limiting your request to particular employees and not to others in the same team, you'll need to ensure there are no unlawfully discriminatory motives for the selection. The second option is for use where you're getting towards the end of your holiday year and the employee hasn't taken enough leave days. It confirms there is no right to carry over, or to receive a payment in lieu of, unused annual leave entitlement. It then goes on to nominate specific dates when the employee must take some of their outstanding annual leave. The final option is for use where you want to designate specific dates to accommodate the workplace closing down, for example at Christmas or a summer shutdown - where it's towards the end of the holiday year, make sure you give notice in plenty of time to ensure your staff understand they need to save some of their annual leave entitlement for this.