



Holidays for Operatives

employed under the National Agreement for the
Heating, Ventilating, Air Conditioning,
Piping and Domestic Engineering Industry

NORTHERN IRELAND 2022

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IMPORTANT NOTE TO EMPLOYERS

In order to comply with the Working Time (Amendment) Regulations 2001, Employers are advised that they should copy: pages 1-2 of this leaflet to all Operatives in their employment to ensure due notice is given as to when holidays may be taken.

Holiday period	
Recognised (Bank) Holidays	
Easter Monday and Tuesday	18 and 19 April
May Bank Holiday	Monday 2 May
Additional Bank Holiday (Platinum Jubilee)	Friday 3 June
July Bank Holiday – Battle of the Boyne – Monday and Tuesday	11 and 12 July
Winter Holiday	
26 December (Boxing Day) 27 December (substituted for 25 December) 2 January 2023 (substituted for 1 January 2023)	Seven days annual holiday to be taken in conjunction with the three recognised holidays. Period inclusive of annual and recognised holiday Monday 26 December 2022 – Friday 6 January 2023 inclusive.
Annual Holiday	
St Patrick's Day	Thursday, 17 March
Other Holiday (Annual) 16 days – to be taken at any time during the holiday year subject to the Notes set out overleaf (page 2) under the heading 'Annual and Recognised Holiday Arrangements'	

NORTHERN IRELAND

ANNUAL AND RECOGNISED HOLIDAYS 2022

NOTES

ANNUAL AND RECOGNISED HOLIDAY ARRANGEMENTS

(a) Annual leave entitlement increased to **24 days** with effect from the holiday year 1 February 2020 [JCC Letter 120 dated 2.7.18 refers]. In addition, there are **8 days** recognised (bank) holidays. This equates to an annual total of **32 days**.

(b) The holiday year shall run from 1 February to 31 January, or on such other basis as may be determined by the Employer which shall be fixed in advance and notified to the Operative accordingly.

(c) The concept of Easter (Spring) and Summer holidays has been discontinued in favour of "Other Holidays (Annual)" The Winter (Christmas and New Year) holiday period remains in place and Operative are required to hold back 7 days from the 24 days annual entitlement to cover this period. (National Agreement Clause 20 (Annual holiday – entitlement) will be updated to reflect this change).

(d) Operatives in Northern Ireland are also required to hold back one day annual holiday for St Patrick's Day on 17 March (or substituted day)

(e) The remaining 16 days annual holiday can be taken at any time during the holiday year by agreement with the Employer in line with the Employer's requirement for annual leave to be taken, and the Employer's holiday request procedures. The granting and taking of annual holiday shall be in accordance with the Employer's normal practice.

(f) Operatives should ensure that all holiday entitlement is taken during the holiday year in which the entitlement arises, unless otherwise agreed with the Employer.

(g) If an Employer wishes to designate a 'close down' period (such as the old Easter close down), then Operatives should be notified of such close down at the beginning of the holiday year; or as soon as possible thereafter.

PAYMENT FOR HOLIDAYS UNDER THE WORKING TIME REGULATIONS, 1998

Employers will need to have regard to the requirements of the Working Time Regulations, 1998, which define the level of holiday pay that should be paid.

The Working Time Regulations (Statutory Instrument 1998 No. 1833), as amended, require holidays to be paid at the rate of a "week's pay" as defined in Sections 221-224 of the Employment Rights Act 1996. A week's pay is the amount of remuneration for the number of normal working hours in a week calculated at the average hourly rate of remuneration payable by the Employer during the 52 weeks before the holiday is taken.

In 2014 the Employment Appeal Tribunal (EAT) cases of *Bear Scotland Ltd*, *Hertel (UK) Ltd* and *Amec Group Ltd* decided that the Working Time Regulations should now be interpreted such that payment for guaranteed and non-guaranteed (but not voluntary) overtime is to be regarded as part of normal remuneration and should be included as such in the calculation of holiday pay.

The 2017 EAT case of *Dudley Metropolitan Borough Council v Willetts and Others* ruled that voluntary overtime is to be regarded as part of normal remuneration for the purpose of calculating holiday pay, provided such overtime is worked over a *sufficiently regular* and *settled* period.

The EAT rulings above apply only to the first 20 days' holiday derived from the European Working Time Directive.

Considering the above, the Parties to the BESA/Unite Operative National Agreement have agreed *Advisory Notes* on the effect of the EAT judgments to the terms of the National Agreement. These Notes are in JCC Letter 113 (dated 24 April 2015) and JCC Letter 121 (dated 02 July 2018).

PAYMENT FOR HOLIDAYS WORKED

(a) Normal hourly rate plus one paid day off in lieu.

All annual holiday days.

(b) Double time rate subject to a minimum of two hours payment, plus one day off in lieu.

Easter Monday & Tuesday, May Bank Holiday, 2 days of July summer holiday (to be agreed locally) December 26 & 27 (substituted for December 25) and January 2 (substituted for January 1), 2023.

(c) Employers will need to devise appropriate payroll arrangements for accumulating holiday pay to fund the 32 days provided for under the National Agreement (including the first 20 days required to be paid under the Working Time Regulations 1998 (as amended)).

Additional Bank Holiday- Friday, 3 June 2022

For 2022 only an additional paid bank holiday has been awarded to commemorate Her Majesty the Queen's Platinum Jubilee. In Northern Ireland the Platinum Jubilee, falling on a Friday, will create a 'three-day weekend.'

Friday 3 June should be regarded as an additional paid holiday and be paid by the Employers at the rate of normal hourly rate x normal number of hours worked on a Friday (subject to an absolute maximum of 7.5 hours). If the date must be worked, it should be paid for a normal hourly rate for all hours worked and the Operative should be granted a day's holiday with pay to be taken on an alternative Friday within the present leave year, as agreed between the Operative and the Employer.

OPERATIVES JOINING PART-WAY THROUGH A LEAVE YEAR

Operatives who commence employment part way through the annual holiday year, shall be entitled to a proportion of the full annual leave entitlement at a rate of 1/52nd of the annual entitlement for each complete week during which the Operative has been employed by his employer on a Monday for each week in that holiday year.

SICKNESS PRIOR TO AND DURING AN ANNUAL HOLIDAY PERIOD

An Operative prevented from taking his accrued annual holiday(s) because of illness or injury, shall be entitled to take his outstanding accrued annual holiday entitlement at a later date, provided he is able to supply appropriate certification of illness from a registered medical practitioner (National Agreement Clause 20 (k)).

WELPLAN HOLIDAY PAY SCHEME - CLOSED

Note: The Welplan Holiday Pay Scheme closed on 30 June 2021. National Agreement Employers should now calculate annual holiday as directed under the heading '**Payment for Holidays under the Working Time Regulations, 1998**' above.

If you require assistance with calculating holiday pay entitlement please access our calculator [here](#).

This leaflet is issued as a general guide for the convenience of employers. It should not be used as an authoritative statement of entitlement to holidays or holiday pay and the National Agreement should be referred to for detailed interpretation.