



University of Strathclyde
LAW CLINIC

7D. Notice Pay and Holiday Entitlement

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Statutory Notice Pay (1)



If you were paid notice pay then you cannot claim it twice.



However, if you were unfairly dismissed without notice, you may be entitled to your notice pay.



If you have worked for 1 month with an employer, you are entitled to at least 1 week of notice.

Statutory Notice Pay (2)

- ▶ Once you have been employed for two years, this entitlement increases to at least 2 weeks.
- ▶ For each year you are employed after that you add 1 week.
- ▶ So, 5 full years of employment means you should get 5 weeks of notice.
- ▶ This is capped at 12 weeks.
 - ▶ So if you have been employed for more than 12 years, you only get 12 weeks of notice.

Contractual Notice Pay

- ▶ Your contract of employment might state a different figure for your notice period.
- ▶ If this figure is higher than the statutory minimum, you can claim for the amount stated in the contract.

Holiday Entitlement (1)



The statutory minimum for holiday pay is 5.6 weeks per annum. This means that you are entitled to have 5.6 weeks leave during which you should be paid your normal wage.



Similar rules apply to that of notice in that if your contract provides for contractual holiday pay which exceeds the statutory minimum. Then you will be entitled to the annual leave stated in your contract.



Whether you are part-time or full time makes a difference:

If you work a 5 day week or more, your 5.6 weeks add up to 28 days but if you were only working 2 days a week you would only get 11 days holiday pay.

Holiday Entitlement (2)



To help calculate your entitlement to holidays,



Particularly if you are a shift worker with irregular hours (calculated based on an average pay of the past 52 weeks)



Follow this link: <https://www.gov.uk/calculate-your-holiday-entitlement>

Holiday Entitlement (3)

- ▶ You can build up holiday entitlement during maternity, paternity and adoption leave.
- ▶ You can build up holiday entitlement while off work sick.
- ▶ For further information please see: <https://www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics>

Holiday Pay

- ▶ If you are not permitted to take the holidays you are entitled to or are not paid the correct amount during holidays then you can raise a complaint about this in the Employment Tribunal.
- ▶ There are some complex rules around this and it can be advisable to get legal advice and assistance with this.
- ▶ If your employment contract comes to an end when you have accrued holidays that are not yet taken, you should be paid for the accrued but untaken leave when you leave your employment.