



SHOPWORKERS AND WORKING AT CHRISTMAS

Frequently Asked Questions

Am I entitled to a paid day off on a public holiday?

There is no legal right to take paid time off on a public holiday or to receive premium payments for working on such a holiday.

Your position in relation to working on a bank/public holiday will depend on what is outlined in your contract of employment, staff handbook and if there is a Union/company agreement.

In my diary for 2009, the two designated bank holidays for Christmas are Friday, 25 December and Monday, 28 December. Surely these are the public holidays in my store?

Not necessarily. Bank holidays are the days the Government designates as public holidays under the Banking Act. When the customary holiday falls at the weekend, the bank holiday is the substitute date for workers in Monday to Friday businesses.

For businesses such as the retail sector that operate seven days a week, the customary holiday is often kept to the traditional date for the public holiday.

The arrangements for assigning the date of the customary holiday are different in each company. Your contract and the staff handbook may explain which days are designated as customary holidays in your workplace. In workplaces with union recognition, the dates are often agreed with the employees' trade union.

Is working on a public holiday voluntary?

For some shopworkers, working on a designated public holiday is voluntary; for others, working on some or all public holidays is part of your contract.

Your rights relating to working on public holidays will depend on what your employer agreed with you when you started or what the employer has agreed collectively with the workforce.

The position on whether public holiday working is voluntary is usually explained in your contract and the staff handbook, or outlined in any agreement between the employer and the trade union.

Will working on a public holiday attract additional pay?

If you work on a public holiday, there is no automatic right to an enhanced pay rate. It depends what is in your contract of employment and Union/company agreements. The pay rates for working on a public holiday are usually explained in the staff handbook or in other communications to staff.

Usdaw has been involved in many discussions with employers over premium pay for public holiday working. The Union's aim is that staff receive premium pay for working unsocial hours, including public holidays.

Most shops will be shut on Christmas Day. What if my store opens on 26 December - do I have to work?

It depends on your contract and which days have been designated in your company as the customary holidays.

Your normal working hours also come into it; for example, if you do not usually work Saturday, it is unlikely you will be expected to work (unless your contract enables your employer to vary your days and hours).

Usdaw has agreements in many workplaces that Saturday, 26 December will be designated as the Boxing Day customary holiday. In these workplaces, there may also be agreements that working this day will be voluntary and any hours worked will be paid at premium pay.

Monday, 28 December is a bank holiday but I'm being expected to work my normal hours at normal pay - is this correct?

In many businesses that operate seven days a week, Friday, 25 December and Saturday, 26 December have been designated as the Christmas and Boxing Day customary holidays. As a result, many retailers are treating Monday, 28 December as a normal working day.

Elsewhere, businesses operating five days a week need to identify two days as their customary holidays, and for these businesses, Friday, 25 and Monday, 28 December have been designated as bank holidays.

Both groups of workers are getting two public holidays. It is important to remember that if the customary holiday in retail was moved to Monday, 28 December, then this could have left Saturday, 26 December (Boxing Day) as a normal working day!

If Saturday, 26 December was not designated as the customary holiday, then staff who would normally work this day could be contractually required to attend work and would only be entitled to their normal rate of pay.

I want to finish early on Christmas Eve and start a bit later on Bank Holiday Monday but my manager says I have to work my normal hours. Is this right?

In much of the retail sector, 24 and 28 December are contractually normal working days and staff may be required to work their normal working hours.

However, many retailers allow staff to come in earlier on Christmas Eve so that they can finish earlier. Also, shops often open their doors later on bank holidays.

Usdaw is urging retailers to make allowances for the fact that 24 December is Christmas Eve and Monday, 28 December is a bank holiday. They are not normal days and Usdaw is urging retailers to open for trading later and close earlier than on normal working days.

Every Christmas and New Year the business puts pressure on staff to work extra hours, often at short notice. Do I have to do it?

Unless your contract states otherwise, working additional hours is voluntary and should be agreed mutually between employees and their immediate manager.

I'm having difficulty getting my manager to accept my rights to time off. What should I do?

If you are a member of Usdaw you should speak to the Union Rep in your store.

If you are not already a member of a trade union, you should join Usdaw via the web site www.usdaw.org.uk or by phoning 0845 6060640.

Udaw
188 Wilmslow Road
Manchester M14 6LJ
Tel: 0161 224 2804
web site: www.usdaw.org.uk
