



## **ECIA Communiqué - 26 January 2012**

Members will be aware that the Government have declared an additional Public Holiday on 5<sup>th</sup> June 2012, to mark the Queen's Diamond Jubilee. This day is in addition to the 8 normal Public Holidays.

The Government have also announced that the late May Bank Holiday (for 2012 only) will be delayed by a week and will now fall on Monday 4<sup>th</sup> June 2012.

Notwithstanding the Government's announcement, there is no statutory right, in the UK, for an employee to take either a Bank or Public Holiday as a day of leave. Entitlement to such leave will be informed by the terms of a contract of employment.

The NAECI Agreement, which is incorporated into the employment contracts of all in-scope workers on blue-book sites, gives an entitlement to 8 days of Public Holiday per annum. NAECI gives no entitlement to any additional Public Holidays over and above the 8 days specified in the Agreement.

In recent weeks, members have been contacting the Association asking how this additional Public Holiday might best be handled. The subject has been discussed at both the ECIA Industrial Relations Committee and the ECIA Management Board. Following this consultation, the Association is recommending to its members that Tuesday 5<sup>th</sup> June should not be treated in a similar way to other Public Holidays but instead be treated as a day of leave with pay.

For companies choosing to adopt this recommendation, this will mean that employees would not be required to attend work on that day and would be paid monies equal to what they would have contractually earned had they worked their normal hours on Tuesday 5<sup>th</sup> June.

Contractors need to consider whether they will require any employees to undertake work on sites on 5<sup>th</sup> June, before announcing their plans, for dealing with this day, to their workforces. Where employees are required to work on 5<sup>th</sup> June, it is recommended that they are paid for their contracted hours at basic rate (or appropriate shift rate if working shifts) i.e. overtime rate B will not be payable for basic contracted hours. They should also be allowed to take an agreed day off with pay at a later date.