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Coronavirus (COVID-19): Rules on carrying over annual leave relaxed

Summary

On 27 March 2020 government introduced temporary emergency measures to relax laws on statutory leave to ensure that employees who keep working during the coronavirus pandemic do not lose the time-off they are entitled to.

In short, if effects of COVID-19 (including on the worker, the employer, the wider economy or on society) means it is not possible for a worker to take some, or all, of the holiday they are entitled to, the new [amendment to the Working Time Regulations](#) gives them the right to carry over up to 4 weeks unused leave into the next 2 leave years.

The measure, introduced by BEIS, was supported by Environment Secretary George Eustice who said: "At this crucial time, relaxing laws on statutory leave will help ensure key workers can continue the important work to keep supplies flowing, but without losing the crucial time off they are entitled to."

Taking holiday

In making its announcement, government has made quite clear there is an obligation on the employer to ensure their employees have an adequate opportunity to take their holiday.

Normally both the employer and employee would need to make sure all statutory leave entitlement is taken in any one year. But if it is not possible to take this holiday during the coronavirus outbreak, the amended regulations mean workers won't lose entitlements at the end of their leave year, and businesses have more flexibility around managing leave.

Workers in the UK are entitled to 5.6 weeks paid holiday (statutory annual leave). This is granted in two parts under the Working Time Regulations 1998, giving 4 weeks (20 days) and 1.6 weeks (8 days, which can be the year's bank holidays, depending on the worker's contract) respectively.

Under the amended regulation, payment in lieu of any unused leave is only possible if the worker is leaving employment before being able to use the carried-over leave.

Carrying over holiday

Under the temporary [amendment to the Working Time Regulations](#), if any effects of COVID-19 prevent a worker from taking some or all of their holiday entitlement during their current leave year, they have the right to carry forward up to 4 weeks unused leave, to then be taken in the two leave years immediately following the leave year in which it was originally due.

The meaning of 'effects of COVID-19' appears to be broad, including any effects on the worker, the employer, the wider economy or on society. [According to ACAS](#), this could include being unable to take holiday because a worker is self-isolating or too sick; or because the worker has been temporarily sent



home as there's no work ('laid off' or 'put on furlough'); or because the worker has continued working and not been able to take paid holiday. ACAS also highlights that furloughed workers continue to accrue holiday in the usual way.

The amendment is limited to carrying forward 4 weeks, because it specifically relates to the part of Working Time Regulations that grants 4 weeks leave. It does not apply to the part of the regulation that grants the 1.6 weeks of the annual leave entitlement, as this can already be carried forward one year, following agreement between workers and employers.

The changes amend the Working Time Regulations, which apply to almost all workers, including agency workers, those who work irregular hours, and workers on zero-hours contracts.

If a worker wanted to carry over more than 4 weeks, because they had extra holiday (i.e. the remaining 1.6 weeks of statutory leave, or holiday in their employment contract that is more than the 5.6 weeks minimum), this would be subject to either what their employment contract allowed, or to agreement between workers and employees.

You can read the government press release about this action [here](#).

