

Employer's guide to the extra bank holiday 2023

To celebrate the coronation of the King, there is an additional bank holiday on Monday 8 May 2023.

Employers will need to decide if their staff are entitled to take an additional day's paid leave either on the 8 May or at another date in the holiday year. The starting point is to look at the holiday clause in the employee's contract of employment.

We've set out below the most commonly used clauses relating to bank holidays and explain whether your staff are entitled to an extra day's paid leave this year. We've referred to 20 days holiday (equivalent to four weeks for people working full-time) in many of the clauses to reflect the Working Time Regulations. However, your contracts may specify a different number of days to reflect an employee's part-time hours or their entitlement to additional contractual holiday.

Contractual wording	Does this give the employee the right to an extra day's paid leave?
"20 days holiday per year plus bank and public holidays" or "four weeks holiday per year plus bank and public holidays"	Yes – the employee can take the extra bank holiday on the day it falls unless there is another provision somewhere in the contract which allows you to ask the employee to work on some bank holidays which you decide to exercise. Even if you can postpone the holiday, the extra day will be added to the employee's annual entitlement this year.
"20 days holiday per year plus bank and public holidays that are normally observed in England and Wales" or "four weeks holiday per year plus bank and public holidays that are normally observed in England and Wales"	No – the contract only includes bank and public holidays that are "normally observed" which amount to eight days in England and Wales. The bank holiday on Monday 8 May isn't normally observed and the employee isn't entitled to take it unless they use one of their existing 28 days holiday.
"20 days holiday per year plus New Years Day, Good Friday, Easter Monday, early May bank holiday, spring bank holiday, summer bank holiday, Christmas day and Boxing day"	No – the contract sets out eight bank holidays only. The early May bank holiday refers to Monday 1 May and the spring bank holiday refers to Monday 29 May.

Contractual wording	Does this give the employee the right to an extra day's paid leave?
<p>"28 days holiday per year" or "5.6 weeks holiday per year"</p>	<p>No – the number of days paid holiday is fixed and the employee isn't entitled to an extra day's paid leave.</p> <p>If the employee wants to take time off on a bank holiday, they must make a holiday request unless their contract specifies that they are required to take bank holidays off.</p> <p>If the employee chooses to take Monday 8 May off they won't be able to take one of the later bank holidays this year. You should clarify this with them when they book leave.</p>

If your contracts of employment contain different provisions, please speak to one of our team if you're not sure about whether you have to legally allow staff to take an additional day's leave.

Disclaimer

This guide has been prepared on the basis of what is required by law at January 2023, what is good practice, and our understanding of issues common to employers. It may not be suitable for the education sector whose staff are subject to nationally agreed terms and conditions. It may also not be suitable for your circumstances and should not be considered a substitute for the advice of a lawyer. You agree you use this document at your own risk in these respects.