



GUIDE TO PART TIME WORKERS – HOLIDAYS AND PUBLIC HOLIDAYS ENTITLEMENTS

A common problem which we receive as specialist Employment Law Solicitors from clients is how to work out the annual leave entitlements (holiday entitlements) and Public holiday entitlements for employees who are part time workers.

The holiday entitlement for part time workers depends on the number of hours that they work. There are two methods used to calculate their entitlements.

These are;

- (a) Where the employee works at least 170 hours in certain months throughout a year then they are entitled to one third of a working week per calendar month, or
- (b) Employees who work on a part time basis and work less than 170 hours per month will receive 8% of the hours they work in a leave year.

Example

Mary works from 9.00 a.m. to 1.00 p.m. five days a week. This is 4 hours a day for 5 days being 20 hours per week.

20 hours per week multiplied 52 weeks = 1,040 hours in the year

1,040 hours x 8% = 83.2 holiday entitlements

The entitlement to annual leave is 20 days being 4 weeks per annum. In this case the entitlement would be a full 20 days.

If Mary only worked 3 hours a day her entitlement would be for 3 weeks paid leave.

Public Holidays

All full time staff have an entitlement to Public holiday benefits. Where an employee is a part time worker then the employee must work for at least 40 hours in the 5 weeks ending on the working day before the Public holiday. Where this happens the employee is entitled to one fifth of the benefit based on their normal working week. In the example of Mary above, as she works Monday to Friday from 9.00 a.m. to 1.00 p.m. being 4 hours per day or 20 hours per week she will be entitled to 4 hours pay on the Public holiday.

How to calculate Public Holiday Entitlements

To qualify for a Public holiday entitlement the employee who is not a full time worker, that is a part time employee, must have worked for the employer for at least 40 hours in the 5 weeks ending on the working day before the Public holiday.

For each Public holiday the employee is entitled to either



- (a) A paid day off on the holiday, or
- (b) A pad day off within the month following the Public holiday, or
- (c) An extra day's annual leave, or
- (d) An extra day's pay

An employer is entitled to set out whether an employee will work on a Public holiday in which case the employer determines which of the benefits at (b), (c) or (d) apply. If the employer decides that the employee will have a day off and will not work that day then the employee receives their normal day's pay for that day.

It should be remembered that where an employment ceases in the week before the Public holiday is due to fall and the employee has worked for the employer during the four weeks before that week, then the employee is entitled to receive payment for that Public holiday equivalent to his/her normal daily rate of pay.

Calculating part time workers entitlements can be complex and appropriate advice should always be obtained.

Richard Grogan & Associates can be contacted on 01 6177856 or info@grogansolicitors.ie if you need any help or assistance on this issue or on any employment law matters.

This is a Guide only. Before acting or refraining from acting appropriate legal advice should always be obtained.