

## **ANNUAL LEAVE AND PUBLIC HOLIDAY POLICY – COVID-19 ADDENDUM**

### **INTRODUCTION**

The purpose of this addendum is to outline the changes made to Tayside Contracts' Annual Leave and Public Holiday Policy in light of the impact of the COVID-19 pandemic.

This addendum affects the different groups of employees in different ways but applies to all employees of Tayside Contracts, including part-time, temporary or agency workers whose ability to take annual leave during the 2020/2021 leave year period has been restricted due to the pandemic.

### **BACKGROUND**

As a result of the COVID-19 pandemic, the Government introduced The Working Time (Coronavirus) (Amendment) Regulations 2020 as an amendment to the existing Working Time Regulations 1998. This amendment means that, where it is not reasonably practicable for a worker to take some, or all, of the statutory holiday to which they are entitled (28 days inclusive of public holidays), due to coronavirus, they have a right to carry up to 4 weeks into the next 2 leave years. This provides employers with flexibility to allow their employees to continue to work during the fight against coronavirus without suffering any detriment and ensures that organisations are not left understaffed when trying to deliver essential services to key industries during the pandemic.

Tayside Contracts does not anticipate that any employee will be unable to take the minimum statutory amount of leave due to COVID-19 but recognises that whilst employees have been encouraged to take annual leave during the period of lockdown, the ability to fully benefit from this leave has been impacted by the restrictions put in place by the Government. The impact of the COVID-19 pandemic has affected the different groups of Tayside Contracts' employees in different ways and therefore, the amendments to the Annual Leave and Public Holiday Policy are detailed further below:

### **CONSTRUCTION DIVISION EMPLOYEES**

The fixed leave periods in April were taken as normal. Any employee who was required to work during this period will have these days added back on to their annual leave balance.

Due to the timing of the lifting of restrictions on the Construction industry by the Scottish Government and the current workload, the fixed leave for the summer periods has been cancelled in all areas. However, should an employee still wish to take some/all of their leave during this previously defined period of fixed leave, this will be permitted where operationally viable. Any employee wishing to take annual leave during this time will be required to submit a request for leave and have it authorised by their line manager in the normal manner.

The purpose of this change is to ensure the successful re-start of the Construction Division in line with the Government's 6 phase re-start programme and to provide employees with flexibility to take their annual leave at a time suited to their individual circumstances. This level of flexibility needs to be

balanced with the business and restart demands therefore, employees should not make any new travel arrangements or fixed commitments until their leave has been authorised by their line manager.

The fixed leave periods in October as detailed in Appendix 1 of the Annual Leave and Public Holiday Policy 2020 remain unchanged as at the date of publication of this addendum.

## **FACILITIES SERVICES DIVISION**

School Crossing Patroller, Catering and Cleaning employees within the Dundee City and Perth and Kinross Council areas are required to return to work earlier than stated in the Annual Leave and Public Holiday Policy 2020 due to the Scottish Government instructing that all Scottish local authority schools will reopen on 12 August 2020 for pupils and on 10 August 2020 for teachers.

The restart dates for these Dundee and Perth and Kinross area employees are as follows:

School Crossing Patrollers – Wednesday 12 August (with COVID/refresher training being provided on Monday 10 or Tuesday 11 August)

Cooks in Charge and Assistant Cooks – Wednesday 5 August

Catering Assistants – Monday 10 August

Cleaners – Monday 10 August

**Note: employees within the Angus area are unaffected by this change as they were already due to return on 10 August 2020.**

Term-time employees in the Dundee and Perth and Kinross areas will be paid for the additional hours worked and will also be paid in lieu of the non-working days they forfeit. However, it is recognised that a proportion of our workforce is in receipt of benefits/Universal Credits which could be negatively affected by the above recompense arrangements. Therefore, employees can elect to be recompensed for additional days worked in the form of leave. It should be noted that this leave will only be authorised when it is operationally viable to do so and is unlikely to be authorised in a full week block due to the impact this will have on service delivery. Where leave in lieu of payment is preferred, employee should discuss this with their manager.

Employees with pre-booked travel commitments that coincide with the earlier return to work dates that cannot be cancelled or changed will be permitted to take this leave as planned and should discuss this with their line manager as soon as possible.

All other non-working days remain unchanged at the date of publication of the addendum.

## **SUPPORT SERVICES/OFFICE BASED/NON-TERM TIME/TRANSPORT/STREET LIGHTING**

There are no fixed leave periods for employees within these groups, meaning the only changes to the policy are those outlined in the sections below regarding quarantine and carry over of leave, or for employees who have been furloughed, stood down or shielding (see relevant sections below).

## **FURLOUGHED EMPLOYEES**

Employees who agreed to and were subsequently furloughed have been encouraged to request annual leave in the normal manner. However, it is not mandatory for furloughed employees to take their annual leave during periods of furlough and they will continue to accumulate annual leave during these periods.

Any leave, including public holidays, taken prior to the Furlough Policy and Memo of Understanding being agreed will not be reinstated onto an employee's annual leave balance as these employees had already benefitted from this leave (i.e. when employees are on furlough or 'stood down' they are at the disposal of management and can be called upon, with reasonable notice, to return to work at any time. This is, of course, not the case when an employee is on leave).

## **SHIELDING EMPLOYEES**

Employees in the shielding category, as defined by the Government, are not required to take annual leave during the shielding period and will continue to accumulate annual leave as normal. Any public holidays during the period of shielding are considered to have been taken.

## **QUARANTINE**

On 8 June 2020, the Government introduced The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations which state that, any person travelling to Scotland from abroad, including via other parts of the UK, are required to quarantine for a period of 14 days. Where an employee has the ability to work from home, they will be permitted to do so. Where an employee does not have the option to work from home, the 14-day quarantine period must be covered by annual leave or unpaid leave. Employees should ensure this is considered as part of their travel plans and discuss this, in advance, with their line manager. This position will be reviewed if the Scottish Government change their rules on this.

The most up to date Scottish Government advice and list of exempt countries and territories can be found [here](#).

## **CARRYING FORWARD ANNUAL LEAVE**

Tayside Contracts recognises that many employees have been, and will continue to be, crucial in delivering essential services during the lockdown and recovery periods and may not have the opportunity to use or fully benefit from all of their annual leave entitlement in the leave year 2020.

It is not anticipated that any employee, including those who have continued to deliver key services during the lockdown period, will be unable to take a significant proportion of their leave in the remainder of the year. However, to ensure operational sustainability and to provide flexibility to employees to take the remainder of their annual leave at a time suited to their individual circumstances, the maximum carryover of leave has been increased to:

- 9 days (66.60 hours) for those with 27 days annual leave entitlement
- 14 days (103.6 hours) for those with 32 days annual leave entitlement

This entitlement is inclusive of long service days and will also apply to term-time employees who have been unable to use their long service days in the current leave year.

Annual leave carried over to next year must be taken in the leave year 2021 and can only be carried over with prior approval of the Head of Unit/CMT member.

All other rules of the existing Annual Leave and Public Holiday Policy 2020 remain unchanged.