

## Irregular hours and part-year workers

### 1 . Building up holiday

There are specific rules about holiday for irregular hours workers and part-year workers.

#### What an irregular hours worker is

Someone is an irregular hours worker if, under their contract in that year, the number of hours they work in each 'pay period' is wholly or mostly variable.

A pay period is how often someone gets paid, for example, weekly or monthly.

For example, Sam is paid weekly and works a different number of hours each week. Their contract says that their hours will vary each week. Sam is likely to be an irregular hours worker.

Irregular hours workers will usually include people on zero-hours contracts, casual contracts or bank contracts.

If someone's hours are fixed under their contract, they will not be an irregular hours worker.

For example, Alex has a rotating 2-week shift pattern where they work 15 hours in week 1 and 20 hours in week 2. Although Alex works different hours across the 2 weeks, their hours are fixed. They are not an irregular hours worker.

#### What a part-year worker is

Someone is a part-year worker if their contract:

- says they are required to work only part of that year
- says there are periods of at least a week when they are not required to work and which they are not paid for
- is in place all year around, including when they're not working

For example, Mel is a seasonal worker on a farm. They only work and get paid during spring and summer months. Mel's contract says there are some weeks when they will not have to work and will not get paid. Mel is a part-year worker.

Someone can still be a part-year worker if they have fixed hours.

#### Agency workers

An agency worker could be an irregular-hours worker or part-year worker if their working pattern fits either definition.

If they do not fall into either of the definitions, different rules about [how much holiday someone gets](#) will apply.

### Leave years beginning on or before 31 March 2024

Rules about building up holiday depend on when someone's leave year starts. This is because the new law for irregular hours workers and part-year workers took effect on 1 April 2024.

If someone's leave year began on or before 31 March 2024 the new rules do not apply until their next leave year. They must get 5.6 weeks' paid holiday as a minimum.

Their holiday entitlement should not be affected by how many weeks they actually work in a year. This is because the employment contract is in place for the whole year.

## Leave years beginning on or after 1 April 2024

The new rules apply to irregular hours workers and part-year workers whose leave year began on or after 1 April 2024.

Employers might need to update employment contracts if the new rules apply to their workers. There are procedures an employer must follow if they're [changing the terms of a contract](#).

Under the new rules, irregular hours workers and part-year workers 'accrue' (build up) holiday:

- at 12.07% of the hours they work in a pay period
- on the last day of the pay period

A pay period is how often someone gets paid. For example, weekly or monthly.

The 12.07% is based on the statutory minimum holiday entitlement of 5.6 weeks. If a worker's contract gives them more holiday than the statutory minimum, their employer will need to adjust this percentage.

If someone's holiday entitlement includes part of an hour, this is:

- rounded down to the nearest hour if less than 30 minutes
- rounded up to the nearest hour if 30 minutes or more

If a worker gets the statutory minimum holiday entitlement, the most holiday they can accrue in a year is 28 days.

Employers could allow workers to use holiday throughout the year before they have accrued it.

## Example of working out holiday entitlement

Jamie works irregular hours and is paid monthly. Their leave year started on 1 April 2024. They are entitled to the statutory minimum holiday entitlement only.

The new rules for irregular hours workers apply, so the employer should discuss the changes with Jamie. The employer should also follow the process for changing Jamie's contract.

In June, Jamie works 70 hours. Their holiday entitlement for June will be 12.07% of 70 hours. This works out as 8 hours, after rounding down the part hour that is less than 30 minutes.

## Using holiday accrued in the final pay period of a leave year

A worker accrues holiday on the last day of a pay period.

For example, Frankie works irregular hours and is paid monthly. Their leave year started on 1 April 2024. On the last day of each monthly pay period, they will accrue holiday based on how many hours they worked that month.

Employers have a legal responsibility to make sure workers take the holiday they're entitled to. Employers should plan with workers when they will take holiday they accrue in the final pay period of the leave year.

For example, they could:

- allow workers to take the holiday in the final pay period, before they have accrued it
- have a clear agreement to allow workers to carry over the holiday to the next leave year

## Get more advice and support

For more advice about holiday for irregular hours workers and part-year workers you can:

- [read about holiday pay and entitlement reforms on GOV.UK](#)
- [contact the Acas helpline](#)

You can also find advice for all workers on:

- [asking for and taking holiday](#)
- [bank holidays and Christmas](#)

## 2. Holiday pay

Holiday pay for irregular hours workers and part-year workers is based on their average pay over the previous 52 weeks.

This rule applies regardless of when the worker's leave year starts.

For example, Mo takes a week's holiday, starting on 1 June. Mo's average weekly pay from the previous 52 weeks is £250. Mo should receive £250 holiday pay for their week of holiday.

### If someone has not been employed for 52 weeks

If a worker has not yet been employed for 52 weeks, their employer should look at how many full weeks they've been employed for.

For example, Corey has been working for their employer for 26 full weeks. Their employer should look at the average pay they got during those weeks to calculate their holiday pay.

### Weeks when someone is off or did not get paid

There might be weeks in the 52 weeks where the worker:

- was off sick and only received statutory sick pay (SSP)
- was on statutory leave and received less pay – for example they were receiving statutory maternity pay
- received no pay

In this case, the employer should use an earlier week in its place.

An employer should only count back as far as needed to get 52 weeks of a worker's usual pay. If necessary, they can look at the pay the worker got over the previous 104 weeks, but no further.

### What holiday pay must include

By law, holiday pay must include:

- payments linked to doing tasks required in the contract, for example commission
- payments related to professional or personal status, for example for length of service, seniority or professional qualifications
- other payments, for example overtime payments, if an employee has regularly been paid these during the last year

Employers must include any relevant payments in the full 5.6 weeks' paid holiday (statutory annual leave).

## Get more advice and support

If you have any questions about holiday for irregular hours workers and part-year workers you can [contact the Acas helpline](#).

You can also find advice for all workers on:

- [asking for and taking holiday](#)
- [bank holidays and Christmas](#)

## 3. Rolled-up holiday pay

'Rolled-up' holiday pay is when an employer spreads holiday pay over the year, by adding an amount on top of someone's normal pay. This is instead of paying someone for their holiday when they take it.

For leave years that started on or after 1 April 2024, employers can choose to use rolled-up holiday pay. This applies to irregular hours workers and part-year workers only.

Employers using rolled-up holiday pay must:

- calculate it at a rate of at least 12.07% of the worker's total pay in a 'pay period' – a pay period is how often someone gets paid, for example weekly or monthly
- pay it at the same time they pay for the work the worker has done in that pay period
- show it as a separate payment on the worker's payslip

## Example of using rolled-up holiday pay

Jian is an irregular-hours worker. Their employer uses rolled-up holiday pay. In June, Jian earns £1,000. Jian should receive £120.70 rolled-up holiday pay in addition to the £1000 they earned in June. Their employer must show this as a separate payment on the payslip.

In July, Jian works for 2 weeks and takes 2 weeks' holiday. They earn £500. Jian should receive £60.35 rolled-up holiday pay in addition to the £500 they earned in July. Jian will not receive any pay for their 2 weeks' holiday.

## Considering whether to use rolled-up holiday pay

Employers should consider whether using rolled-up holiday pay is right for them and their workers.

They should:

- talk to workers and trade unions about using rolled-up holiday pay
- listen to and take account of any concerns
- check if contract changes are needed

Rolled-up holiday pay means a worker will not get any pay when they take holiday. This is because their holiday pay is spread over the year, by adding an amount onto their normal pay. This might put some workers off taking holidays.

Taking holiday is important for workers' health, safety and wellbeing.

Making sure workers take their holidays can also:

- improve productivity
- reduce unplanned sickness absence
- improve staff retention
- improve working relationships

Employers do not have to use rolled-up holiday pay for irregular hours workers and part-year workers.

They can continue to:

- use the 52-week reference period to [calculate holiday pay](#)
- pay workers when they take their holiday

If an employer decides to use rolled-up holiday pay, they should remember their legal responsibility to:

- make sure workers can take the holiday they're entitled to
- encourage workers to take their holiday

## Checking if contract changes are needed

Employers should tell workers if they're planning to use rolled-up holiday pay. Introducing this might involve changing employment contracts. There are procedures employers must follow if they're changing the terms of a contract.

[Find out more about changing an employment contract](#)

## Rolled-up holiday pay when off sick or on statutory leave

An irregular hour worker or part-year worker must not lose holiday pay when they're off sick or on statutory leave.

Statutory leave includes:

- maternity leave
- paternity leave
- adoption leave
- shared parental leave
- ordinary parental leave
- parental bereavement leave
- carer's leave

The employer must pay the worker holiday pay in the pay periods when they're off sick or on statutory leave.

The employer must pay the worker the average amount of holiday pay they received for each pay period in the 'relevant period'. The relevant period is the 52 weeks before the sick leave or statutory leave started.

For example, Pat is paid weekly. They go off sick for 2 months. Their average weekly holiday pay across the 52 weeks before the sick leave started was £36. Pat's employer must pay them £36 holiday pay each week they are off sick.

The employer might have been using rolled-up holiday pay for less than 52 weeks. In this case the relevant period is the number of weeks they have been using rolled-up holiday pay for.

A worker might have been employed by their employer for less than 52 weeks. In this case, the relevant period is the number of weeks they have been employed.

## Get more advice and support

For more advice on rolled-up holiday pay, you can:

- [contact the Acas helpline](#)
- [read about holiday pay and entitlement reforms on GOV.UK](#)

You can also find advice for all workers on:

- [asking for and taking holiday](#)
- [bank holidays and Christmas](#)

## 4. Carrying over holiday

Irregular hours workers and part-year workers can carry over holiday in certain circumstances. Whether they can carry over some or all of their statutory holiday entitlement will depend on the situation.

They can carry over up to 5.6 weeks of any holiday they've 'accrued' (built up) and not taken if:

- they're on long-term sick leave
- their employer fails in their legal responsibility and does not let them take all the holiday they're entitled to
- they're not able to use their holiday because they're on statutory leave, for example if they're on maternity leave

They can also carry over some of their holiday if there's a relevant agreement that allows it.

### If there's a relevant agreement

Irregular hours workers and part-year workers can carry over some of their statutory 5.6 weeks' holiday entitlement if there's a relevant agreement that allows it.

A relevant agreement can be one of the following:

- a workforce agreement, which is made between an employer and employee representatives
- a collective agreement, which is made between a recognised trade union and an employer
- an agreement that can be legally enforced between a worker and an employer, for example an employment contract

If there's no relevant agreement, workers should take the 5.6 weeks' holiday entitlement during the leave year. This is unless there's a good reason why they cannot use their holiday. For example, this could be if they're on long-term sick leave or maternity leave.

If a worker gets more than the legal minimum 5.6 weeks, their contract should say if they can carry over holiday and how much.

## Covid and carrying over holiday

In 2020, the government introduced a law allowing workers to carry over up to 4 weeks' holiday into their next 2 holiday years. This law applied for any holiday a worker did not take because of covid-19 (coronavirus).

From 1 January 2024, this law no longer applies. Workers needed to use any holiday they had carried over by 31 March 2024. If a worker left their job before 31 March, their employer must pay them for this holiday.

## Long-term sick leave

If an irregular hours worker or part-year worker is on long-term sick leave, they can carry over any holiday they've accrued but not taken. They can carry over up to 5.6 weeks' statutory holiday. They must use it within 18 months starting from the end of the leave year in which they accrued it.

[Find out more about sick pay and holiday pay](#)

## If an employer does not let someone take all their holiday

Employers have a legal responsibility to make sure employees can take the holiday they're entitled to.

By law, an irregular hours worker or part-year worker can carry over holiday if their employer:

- does not let them take all their holiday or does not encourage them to take it all
- does not inform an employee that they will lose any holiday they do not take

In these circumstances, they can carry over any holiday they've accrued but not taken. They can carry over up to 5.6 weeks' statutory holiday.

## If a worker cannot use holiday because of statutory leave

An irregular hours worker or part-year worker might not be able to use their holiday entitlement because they're on statutory leave. For example, they're on maternity leave.

In this case, they must be allowed to carry it over to the next leave year. Employees should arrange this with their employer as early as possible.

## If a worker cannot take all their holiday for another reason

An irregular hours worker or part-year worker might not be able to take their full holiday entitlement for another reason and be worried about losing it. They should [talk to their employer](#) and try to reach an agreement.

## Get more advice and support

If you have any questions about carrying over holiday, you can [contact the Acas helpline](#).

You can also find advice for all workers on:

- [asking for and taking holiday](#)
- [bank holidays and Christmas](#)

## 5. Other leave and sickness

Irregular hours workers and part-year workers still 'accrue' (build up) holiday when they're off sick or on statutory leave.

An irregular hours worker or part-year worker will only be entitled to statutory leave if they're [legally classed as an employee](#).

Statutory leave includes:

- maternity leave
- paternity leave
- adoption leave
- shared parental leave
- ordinary parental leave
- parental bereavement leave
- carer's leave

A worker cannot take holiday while they're on statutory leave.

## Leave years that started on or after 1 April 2024

For leave years that started on or after 1 April 2024, a calculation method has been introduced. This is to help employers work out how much leave irregular hours workers and part-year workers accrue when they're off sick or on statutory leave.

To work out how much holiday someone has accrued, the employer should follow 3 steps to:

- look at the 52-week reference period, known as the 'relevant period'
- work out average hours worked
- apply the 12.07% accrual rate

### The relevant period

First, the employer should look at the 52 weeks before the day the worker starts their sick leave or statutory leave.

If a worker has not been employed for 52 weeks, their employer should look at how many weeks they've been employed for.

The employer cannot include weeks the worker was off sick or on statutory leave in the 52 weeks. They must include weeks that the worker did not work for any other reason.

If necessary, the employer can look at hours the worker worked over the previous 104 weeks, but no further.

### Average hours worked

The employer should work out the average number of hours the worker worked per week in the 52 week relevant period.

### Applying the 12.07% accrual rate

Finally, the employer should work out 12.07% of the average weekly hours.

This will give the number of hours of holiday the worker will accrue each week when they're on sick leave or statutory leave.

### Example of working out holiday when on statutory leave

Sam takes 2 weeks' paternity leave, starting on 1 July. They worked on average 16 hours a week in the 52 weeks before they started paternity leave. Sam will accrue 4 hours of holiday while they are on paternity leave. This is 12.07% of 16 hours, multiplied by the



number of weeks Sam is on paternity leave. The number of hours is rounded up to 4.

## Leave years that started on or before 31 March 2024

For workers whose leave years began on or before 31 March 2024, the law does not give a way to work out how much holiday they accrue when off sick or on statutory leave.

However, these workers still accrue holiday when they're off sick or on statutory leave.

Employers should use a fair and reasonable way to work out how much holiday a worker accrues when off sick or on statutory leave.

## Get more advice and support

If you have any questions about holiday for irregular hours workers and part-year workers you can:

- [contact the Acas helpline](#)
- [read about holiday pay and entitlement reforms on GOV.UK](#)

You can also find advice for all workers on:

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