



TOM SMYTH & ASSOCIATES

HR & Employment Law Consultants

Member Update: Christmas 2020

Introduction

It has been a rollercoaster year for business and every sector and individual organisation has been impacted in a specific manner by the pandemic. As we continue to live with Covid-19, we would alert members to some HR considerations that are likely to be relevant as we approach the Christmas season

Annual Leave

As we approach the end of 2020, it is clear that the Covid-19 pandemic has had a profound impact on the holiday plans of most employees. Many have cancelled leave which was scheduled for earlier in the year and the current Level 5 restrictions have put further pressure on holiday plans.

If / when restrictions are eased in December, many employers in Retail and Hospitality will not be in a position to allow employees to take annual leave during this period. If this is the case, please ensure that this is clearly communicated and enforced fairly across your business.

As a first step, we recommend that employers conduct a stock-take on outstanding annual leave totals for 2020 and gain a clear picture of entitlements. Remember, some employees may not have accrued their normal annual leave entitlements this year.

Develop a plan to either a) facilitate the taking of annual leave or b) consider what employees can carry over into 2021. If you generally do not allow a carry-over of untaken annual leave perhaps you could make a special allowance for this year only (be sure to clarify this in writing!).

Remember employees cannot be paid for any untaken annual leave. Ultimately, it is up to the employee to take his/her annual leave, but an employer must be seen to make sufficient efforts to allow time slots for this leave to be taken.

Public Holidays

We would remind clients that the Public Holidays over the festive season are:

- December 25th (Friday)
- December 26th (Saturday)*
- January 1st (Friday)

* As the public holiday of December 26th falls on a weekend, many employers will voluntarily transfer the benefit for this day to the following Monday. However, that is based on their own business needs and remember, Monday 28th December is classed as a normal working day.

Seasonal Employees

If you need to hire seasonal employees, please ensure that they are given a Contract of Employment which confirms their status to them. The style of contract that you give such recruits will generally be of a fixed term or specified-purpose nature, meaning that they are hired specifically for the Christmas period and there is clarity on their contract end-date from the outset.

Remember, you should still provide appropriate induction, safety and manual handling training to these employees.

Bonus

If you generally make a bonus available to colleagues but may not be in a position to provide it this year, be sure to communicate this as early as possible. If employees usually receive something in mid-December, they generally have it spent before they get it! Late notice of bad news only leads to disappointment and/or employee grievances.

Conversely, should you be in a position to show your appreciation to staff who have proven their loyalty in these unprecedented times we would encourage you to do so where possible.

While this Christmas will undoubtedly be different to previous years we would ask you to take note of the points raised above and take some time to plan ahead for what will hopefully be a busy trading season for you all.

Kind regards,

TSA Team

This briefing is for general guidance only and should not be regarded as a substitute for customised, situational advice. Such advice should always be sought before acting on any of the matters discussed.

