# The King’s Coronation bank holiday: are workers entitled to have the day off work?

**A national bank holiday will take place on Monday, 8 May 2023 to mark the Coronation of King Charles III.  Do workers have the right to have the day off work?  If so, does it need to be paid?  The short answer is: it depends on what the employer’s contracts and policies say.**

**What does the law say?**

- The Working Time Regulations 1998 entitle workers to a minimum of 5.6 weeks’ paid leave per year.  For full-time workers, this equates to 28 days’ paid leave per year.

- Contrary to widespread belief, bank holidays do not have special status and there is no statutory entitlement to time off work for bank holidays.  However, employers may choose to include bank holidays as part of a worker’s overall leave entitlement.

- When drafting employment contracts employers have freedom in how the minimum annual leave entitlement is distributed – this can be done in several ways with different consequences.

**What do the contracts and policies say?**

As a starting point, employers should check the drafting of relevant policies and contracts. This will determine whether workers are entitled to leave, and pay, for this additional bank holiday.

Some possibilities of how the contract might set out the 5.6 weeks' annual holiday entitlement include:

- **"Four weeks plus eight standard bank holidays" (and in some cases, the bank holidays may even be specified).** In this scenario, there would be no automatic entitlement to have the Coronation bank holiday as an additional day off, but if the worker had some of their annual leave entitlement remaining then they may request to take it as a day's leave in the normal way.

- **"Four weeks plus all bank holidays".** This wider drafting suggests that workers would be entitled to have the Coronation bank holiday as an additional day off. This means that full-time workers would get a minimum of 29 days' paid leave this year instead of 28. If the employer needed the worker to work on the Coronation bank holiday it could offer the worker a day off in lieu at a later date instead.

- **"5.6 weeks inclusive of the eight standard bank holidays".** This drafting means that there is no entitlement to have the Coronation bank holiday as an additional day off, since the leave entitlement is ultimately capped at 28 days for a full-time worker (i.e. a full-time worker would not get a 29th day of paid annual leave). However, as above, if the worker had some of their annual leave entitlement remaining then they may request to take it as a day's leave in the normal way.

- **"5.6 weeks inclusive of all bank holidays".** There would be no entitlement to have the Coronation bank holiday as an additional day off. Again, this drafting means the leave entitlement is ultimately capped at 28 days for a full-time worker. However, the worker could ask to take it off in the normal way. Further, this drafting would, in fact, allow employer to require that the day be taken as a day's leave (whether the worker wants to or not) out of their usual paid leave entitlement.

**What practical issues should employers consider?**

In addition to checking what contracts and policies say, employers should also think about the optics of their decision – both internally, in terms of impact on staff morale, as well as externally. Many workers will be expecting to have the day off, regardless of the strict legal position. Indeed, the Government has said that the Coronation bank holiday would *"give people across the United Kingdom the opportunity*

*to come together as families and communities to welcome His Majesty to the throne as we mark this important day in our nation's long history*".

It should also be remembered that schools will close on the Coronation bank holiday, and this will have a direct impact on workers with children. Employment Tribunals continue to recognise that decisions impacting childcare have a disproportionate impact on women. Employers should be mindful of indirectly discriminating against mothers with childcare responsibilities. Where a worker's contract does not entitle them to have the Coronation bank holiday off, and the employer needs them to work, it should consider allowing parents of school age children to either:

- work from home on the day;
- take the day off and make up the lost working hours later in the week;
- take paid annual leave on the day (assuming they have paid leave entitlement available);
- take unpaid parental leave on the day; or
- take unpaid time off to provide emergency care for

dependants on the day (whether or not this type of leave is engaged will depend on the circumstances).

Employers should also consider what to do if a worker makes a request to have the day off where they have already used up their paid annual leave entitlement.  Would you be prepared to let them take it as unpaid leave?

Some workers may actually prefer to work on the Coronation bank holiday.  Can employers force workers to take the day off, and take the leave out of their annual entitlement? Can workers ask to take a different day off at some other time? Again, the answers will be found in the employment contract and relevant policies.

**BDBF is a law firm based at Bank in the City of London specialising in employment law.  If you would like to discuss any issues relating to the content of this article, please contact Principal Knowledge Lawyer Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.**