

Background and Scope

The following document has been the output of discussions by the holiday working group. The group was comprised of union officials from Mandate, SIPTU, shop stewards, Company representatives from stores and management. The objective of the group was to explain the 2006 agreement and deal with legislative changes.

1. Holiday Entitlements

1.1 Holiday Leave Year

The Company holiday leave year generally runs from 1st April to 31st March. Holidays taken in the last week of the holiday year will be taken from that holiday year.

In line with the application process, holidays will be granted where it has not yet been accrued on the understanding that if a termination of the contract occurs the Company will recoup the excess holiday pay from any termination pay.

1.2 Service Entitlement

All retail colleagues are entitled to the following number of days based on length of service:

- 21 days for all colleagues
- 22 days after 3 years service
- 23 days after 5 years service
- 24 days after 20 years' service

Holiday entitlement will be increased automatically at the start of the week in which the colleague's anniversary of service date falls.

Colleagues contracted to work on a 5/6 or 5/7 contract

-Full time

- Full time colleague - a week's holiday entitlement is 5 working days.

-Part time

- Part time colleague – holiday entitlement will be calculated on your current average normal weekly hours worked over the previous 13 weeks. For example, if you work 20 hours, 1 week holiday entitlement is 20 hours (5 days will be deducted from your holiday entitlement); 1 day holiday entitlement is 1/5 of 20 hours i.e. 4 hours.

Colleagues contracted to work on a 3/7 contract

- Holiday entitlement will be calculated on your current average normal weekly hours worked over the previous 13 weeks. For example, if you work 24 hours, 1 week holiday entitlement is 24 hours; 1 day holiday entitlement is 1/3 of 24 hours i.e. 8 hours.
- If you are contracted to work 2, 3, 4 days per week and you take 1 week of holiday this counts as 5 days from your holiday entitlement.

1.3 Accrual for paid leave and protective leave

Holiday entitlement is accrued on paid leave and all physical hours worked up to a maximum of the colleague's holiday entitlement as outlined above.

Colleagues on the following types of unpaid leave will continue to accrue holiday hours for the number of weeks shown:

Maternity	26 Weeks + 16 at own expense
Parental Leave	18 Weeks
Adoptive Leave	24 Weeks + 16 at own expense
Carers Leave	13 Weeks
Paternity Leave	2 weeks

Colleagues on paid sick leave will continue to accrue holiday entitlement.

Note: Colleagues on any of the above protected leave will accrue holiday hours based on their average 13 weeks hours which will be frozen at the time they move to any of the above. Holiday hours will be paid at the current rate of pay.

1.4 Impacts on Holiday Accrual

Unpaid leave will impact the accrual of holidays.

Colleagues on sick leave will continue to accrue annual leave while on periods of certified sick leave. Colleagues will be entitled to the benefit of their accrued leave for a period of 15 months following the end of the leave year in which it was accrued if they were unable to avail of it due to sickness. Payment in lieu of accrued annual leave will be made in respect of leave which was untaken as a result of sickness, where the colleagues employment terminates within a period of 15 months following the end of the leave year during which the leave accrued.

Example

The Tesco annual leave year generally runs from 1st of April to 31st of March. John is out sick from 1st of May 2016 to 1st October 2018.

John is **not entitled** to the benefit of his statutory annual leave between 1 May 2016 and 31st of March 2017 as he did not return to work within 15 months of the end of the leave year which is March 2017.

John **is entitled** to the benefit of his statutory annual leave between 1st of April 2017 and 31st of March 2018 as he returned to work within 15 months of the end of that leave year which is March 2018.

For the same reason John **is entitled** to the benefit if his annual leave from 1st of April 2018 to 1st of October 2018 (his date of return to work)

1.5 Sickness

If a colleague falls ill immediately before a holiday begins and continues to be ill during their planned holiday, the holiday can be postponed or rearranged and the sick pay arrangement for the store comes into play. For this to happen, the colleague must provide medical certificates for the period of illness. A colleague who provides a medical certificate whilst on holiday is entitled to have their holidays rescheduled. A holiday is defined as starting from the end of the last working day/shift before the holiday. Otherwise holidays are not normally rearranged once started.

If sick leave has been exhausted and the colleague becomes ill, the line manager will discuss this with the colleague on their return from sick leave.

In the event that a colleague is sick preceding their planned/booked holidays the colleague must inform their line manager as to whether they are proceeding with their annual leave or they are still on sick leave. This is to ensure that the correct leave entitlement is recorded and correct payment made.

2. Holiday Pay

Annual leave pay for all colleagues will be based on the average pay over the previous 13 weeks worked and will therefore include overtime i.e. late nights, Sundays and early morning premiums.

Colleagues who receive agreed late nights and take a day's holiday on the day their latenight falls, in this circumstance the colleague will receive an average days' pay and will have the option to work their latenight on an alternative day that week or as soon thereafter by agreement with their line manager.

2.1 Payments for holiday

For all colleagues individual days leave are paid with pay for that week and holidays of one or more whole weeks are paid in advance of the holiday starting.

If a paid holiday coincides with a public holiday, the colleague is entitled to a day in lieu.

3. Booking Holidays

In line with the Organisation Working Time Act the Company will decide when holiday leave may be taken. Management will take into account family responsibilities, opportunities for rest and recreation that are available prior to making this decision.

Holiday can be taken as follows;

- 1 spring week, 2 summer weeks, remainder as individual days
- 1 spring week, 2 summer weeks, 1 winter week, remainder as individual days

In the event that a colleague requests more than two weeks or an alternative to the above this will have to be signed off with the store manager prior to booking.

All holidays must be taken before the holiday year-end. Holidays will not normally be granted during our exceptionally busy times e.g. the month of December and the Easter Holiday period.

3.1 Booking Holiday Window

In order to ensure that all colleagues receive their full holiday entitlement at a time that suits both themselves and the business, there is a "Holiday Booking Window" process in place. The holiday booking window gives colleagues a set period of time to request their holidays for the year ahead. In February the holiday booking window opens and all colleagues will have a holiday review meeting with their line manager to confirm that their holiday entitlement is fully booked for the forthcoming holiday year. The holiday booking window closes on 1st March. Holidays must not be agreed until the booking holiday window has closed.

Colleagues should plan in their full holiday entitlement for the year during this time. During the last month of the window, managers should review and plan in 1 2 1 meetings with colleagues to ensure all holidays are planned in for the year.

All holiday requests must be submitted on the 'Holiday request Form'(appendix 1), which needs to be signed off by the line manager during the booking window. A copy must be given to the colleague and the original to be placed on the individual's file.

3.2 Signing off Holiday Request Forms

The colleagues line manager in conjunction with the store manager is authorised to sign off holiday requests up to a maximum of two weeks holiday. All requested holiday days signed off by line managers must be honoured, therefore agreed holiday days should be honoured by management when colleagues move between departments and or stores. **No holiday request will be processed without a signed holiday request form.** Holidays must be signed off within 2 weeks after the booking window closes.

In the event that 2 or more colleagues request the same day or weeks holidays during the holiday booking window and this exceeds the allocation of holidays, in these circumstances the holidays will be granted to the colleague with the longest service.

3.3 Cancelling booked leave

A colleague can make changes to their holiday dates in an emergency, if their plans change or when an unexpected event arises. By speaking with the line manager at the earliest opportunity they will try to accommodate any request, or work to agree a solution.

3.4 Remaining holidays at end of leave year

There should be no holidays carried over. In exceptional circumstances if they cannot be taken in the year they must be taken in the first 3 months of the new holiday year, by agreement with your store manager. If colleagues do not schedule their holiday to be taken within this 3 month period they will have their outstanding holidays scheduled for them by their line manager.

3.5 Holidays when a colleague leaves the Company

When a colleague leaves the Company and the paid holidays already taken exceed the paid holiday entitlement at the date of termination i.e. a minus in outstanding holidays, the Company will deduct the excess holiday pay from any termination salary.

Outstanding holidays which have not been taken when a colleague leaves the Company are paid to them in the termination pay.

4. Underpayment/overpayments

If a colleague has been overpaid or underpaid due to an administration error, the compliance/line manager should contact the payroll department who will calculate whether the over/underpayment has affected the colleague's tax or PRSI and will advise what steps to take.

Underpayments:

Colleague receives payslip and discovers he/she has been left short of hours – the process is as follows:

- Colleague contacts their line manager as soon as the error has been noticed
- Line manager investigates if there has been an error
- If an underpayment has occurred the compliance/line manager contacts payroll department to calculate net payment due to colleague
- Compliance/line manager arranges payment to be given to colleague prior to going on leave

5. Colleagues on holidays:

Store managers, personnel managers and/or line managers must not roster a colleague on a day or week that he/she has booked as a holiday. Any incident of a colleague found to be working while on holiday leave will be fully investigated. Arising from an investigation this may lead to disciplinary action being taken against the party responsible.

In the event a colleague has a grievance in relation to any of the above, the normal grievance procedures in line with the "Working Together" folder for dealing with issues will continue to apply.