



## **Gaia Education Holiday Entitlement Policy for employed and contracted staff**

### **Policy Brief**

This policy describes the process for the allocation of Holiday entitlement for both employed and contracted 'workers at Gaia Education.

### **Policy Scope**

The policy differentiates between the legal rights of 'employees' and the policy decision of Gaia Education to compensate contractual staff working more than 10 hours per week as 'workers', beyond our legal responsibilities for the sake of team wellbeing and morale.

Any policy for contracted 'worker' holiday compensation is discretionary and will not be contractual.

In this policy, 'employees' are defined as 'workers' with extra employment rights and responsibilities that do not apply to workers who are not employees, as defined by [GOV.UK advice](https://www.gov.uk/government/consultations/contract-workers).

For the purposes of this policy, 'Workers' are defined as a contracted staff member working more than 10 hours per week:

- who has a [contract or other arrangement to do work or services personally for a reward](#) (a contract can be written or unwritten)
- whose reward is for money or a benefit in kind, for example the promise of a contract or future work
- who only has a limited right to send someone else to do the work (subcontract)
- whose employer has to have work for them to do as long as the contract or arrangement lasts
- is not doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client

Workers' rights include:

- getting the [National Minimum Wage](#)
- protection against unlawful deductions from wages
- [the statutory minimum level of paid holiday](#)
- the statutory minimum length of rest breaks
- to work no more than [48 hours on average per week](#) or to opt out of this right if they choose
- protection against [unlawful discrimination](#)
- protection for ['whistleblowers' who report wrongdoing in the workplace](#)
- not to be treated less favourably if they work part-time

## **Holiday Allocation for employees:**

As outlined in individual employee contracts:

- a) The holiday year runs from 1 July to 30 June.
- b) The employee is entitled to 28 working days paid leave, inclusive of UK public holidays, during each completed leave year and at a rate pro rata for each uncompleted year. If the office at which you are employed closes for the public holidays over the Christmas and New Year period, then you will be expected to retain sufficient holidays to take these days as paid annual leave.
- c) The employee must give at least 4 weeks' notice of proposed holiday days and these must then be approved by the Chief Executives. The Employer reserves the right to refuse any holiday request and to nominate days which must be taken as part of your holiday entitlement.
- d) The employee may carry forward up to five days of holiday entitlement to the following leave year.
- e) Holiday entitlement for any part of the year worked will be calculated on a pro rata basis at the rate of days per complete calendar month worked. On termination of your employment the employee shall be entitled to salary in lieu of any outstanding holiday entitlement. If the employee has taken more holiday than your pro rata holiday entitlement the employee will be required to repay by way of deduction from any monies which would otherwise be payable to the employee to the Company.

All further holiday entitlement procedure can be found in the Gaia Education Employee Handbook received at the start of the employment period.

## **Holiday Entitlement for Contracted 'Workers'**

At Gaia Education's discretion, for a six-month trial period from 01 January to 01 July 2023, all contracted staff members working 10 or more hours per week and defined as 'Workers' will receive 14 days of paid holiday pro rata (adjusted according to the number of hours worked compared with the full-time equivalent of 37.5 hours per week).

The worker must give at least 4 weeks' notice of proposed holiday days and these must then be approved by the Chief Executives. The Employer reserves the right to refuse any holiday request and to nominate days which must be taken as part of your holiday entitlement.

The worker is not entitled to carry forward any holiday entitlement into the next financial year.

On termination of contract, the worker shall not be entitled to salary in lieu of any outstanding holiday entitlement.

If the worker has taken more holiday than their pro rata holiday entitlement the employee will be required to repay by way of deduction from any monies which would otherwise be payable to the employee to the Company.