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**Human Resources & Health and Safety**



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Do you employ staff?

## HR Update June 2016

### Working Holidays, What are the Dangers?

#### Working Whilst on Holiday

In the modern world of smart phones, tablets, and WiFi, it is increasingly easy and common for people to check their emails, or be available on the phone, whilst they are away from work on annual leave. Over recent years the number of employees who work during annual leave (out of choice or requirement) has risen, the Glassdoor UK Annual Leave Survey (2014) collected information from 2,000 UK employees and found that 51% of all participants admitted doing some work on holiday. Out of these 51%, the survey found that 11% of participants did this because they were afraid of “falling behind” on their workload, 10% because they were hoping this would earn them a pay rise, and 6% of participants worked whilst on annual leave because they were worried they would be at risk of losing their jobs if they didn't. For some people, such as business owners or entrepreneurs, it is normal to expect some form of work during annual leave, but for the majority of employees there shouldn't be a need for work to be done whilst on holiday.

#### What are the Risks?

The purpose of paid annual leave is to enable employees to enjoy rest, relaxation, and leisure away from the workplace. Annual leave is a statutory right that was put in place to ensure the health and safety of the workforce, and therefore when employees don't fully utilise this time as it is intended, or employers don't

allow them to do so, their health and safety is at risk. This is because employees are not being given the opportunity to fully “switch off” from work and are never really resting. This could mean that when employees return from annual leave, instead of feeling rested, energised, and ready to get stuck back in to work, they are still feeling tired, worn out, and possibly even overworked. When employees feel “overworked” they are more likely to call in sick in order to take a day to rest, something they wouldn’t need to do if they fully utilised their annual leave. It should also be noted that stress is one of the main causes of long-term absence in the UK, and it is easy to see the link between employees regularly working during their annual leave and employees regularly taking time away from work due to stress.

Another risk of allowing employees to work during annual leave is that it sends the wrong message. A workplace culture is created more by actions than words, and therefore if an employer is not careful a culture of working holidays may quickly develop. Those employees who do not want to work on holiday may start doing so if they believe it is considered normal, thereby increasing the amount of employees who aren’t making the most of restful periods and potentially exposing themselves to periods of stress.

It is also very important to remember that annual leave is a legal right. If an employee is working during their annual leave because their employer requires them to, then this may give rise to a possible breach of the employment contract. Whilst there have not been any instances of employees bringing a claim in front of a tribunal for this reason, it is certainly possible that an employee could do so in the right circumstances. Similarly, if an employee was being made to work during their annual leave and subsequently suffered from a stress related illness as a result of this, they could then possibly bring a personal injury claim against their employer due to their employer not upholding their duty of care.

### What can Employers do?

The best thing to do is have a clearly worded policy on annual leave which states what communication will and will not take place. The inclusion of a statement about communication in emergency situations only would be appropriate, as this informs employees that communication may be made by the company, but only when necessary. Obviously as an employer you can’t control what an employee chooses to do whilst they are on holiday, but by minimising the contact you or their colleagues have with them whilst they are on annual leave, you could remove the temptation to check or reply to emails. It could also be beneficial to include a statement informing employees that you don’t want them to participate in work during their annual leave.

Another thing you can do is investigate *why* employees are choosing to work during their annual leave. Are they playing catch up? Are they trying to impress you? Do they feel obligated to check emails? Investigating this issue will help you to manage it appropriately. It is best to prevent employees from working on annual leave where you can, as this will lead to a happier and healthier workforce.

### How Can We Help?

If you would like us to review your Annual Leave/Holiday Procedure, or if you have any queries relating to the subject of this e-newsletter or any other HR related issue, then please don't hesitate to contact us at [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk).