

Requiring Employee to Take Annual Leave

Answer:

This is a very complicated issue. In theory an employer can require an employee to take annual leave. The employer must give 2 x period they want the employee to take as notice. So if an employer wants the employee to take 5 working days, 10 working days notice must be given.

However, HMRC guidance has stated that if COVID-19/lockdown affects an employee's ability to 'enjoy' their annual leave, they are then able to retake that leave at another time. There is therefore significant risk that an employee could request after the annual leave period the ability to retake the leave, meaning the liability hasn't actually been dealt with.

We would suggest seeking the employee's agreement to taking annual leave on a voluntary basis rather than forcing the employee to take it by issuing formal notice. Engagement is the key to co-operation!

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