

GMB MEMBERS POTENTIAL HOLIDAY PAY CLAIMS

GMB

GMB@WORK

**IF YOUR
HOLIDAY PAY SLIP
IS LESS THAN YOUR
NORMAL PAY SLIP –
YOU MAY HAVE
A CLAIM**



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UNIONLINE

YOUR TRADE UNION LAW FIRM
0300 333 0303
www.unionline.co.uk

GMB MEMBERS POTENTIAL HOLIDAY PAY CLAIMS

A recent ruling in the Court of Justice of the European Union has ruled that UK law in relation to the calculation of holiday pay is not in line with European law.

As paid holiday is a health and safety measure, members should not be deterred from taking holiday because they will be paid less than their normal pay

For most members the calculation of holiday is straightforward and they receive the same pay for each week of holiday as they do for the rest of the year. But the position is more difficult where pay varies because of factors such as overtime, shift pay, commission and some allowances, but not expenses.

WHO MIGHT HAVE A CLAIM?

Anyone whose holiday pay is calculated on their basic pay only, excluding other amounts they regularly get paid when they are working.

Examples of other amounts would include:

- commission
- overtime (contractual or discretionary)
- shift payments (shift allowance, nightshift payments, on-call allowance)
- unsociable hours payments.

The best test is to compare a pay slip received while working normally with a pay slip while you are on holiday – if it is less, you may have a claim.

IF YOU THINK YOU MIGHT HAVE A CLAIM

You must contact your GMB Region AS SOON AS POSSIBLE so we can investigate your claim and, if necessary, contact your employer to ensure you are paid correctly.

If we cannot get the issue resolved (both back pay and future holiday pay), we may need to file a grievance, or take legal action to ensure your employer obeys the law.

If you think you have a claim, it is particularly important that you get in touch with us IMMEDIATELY if you have recently left your job OR your employer has recently changed the way they calculate your holiday pay.

In either of these situations, there are strict time limits and you may lose your rights to claim for missing back pay of holiday pay if you miss the time limit.

If you have any questions, please contact your GMB Regional Office:

TO CONTACT YOUR GMB REGIONAL OFFICE	A: 020 8202 8272	F: 0141 332 8641	J: 02920 491 260
Your GMB membership number contains one of the following letters – dial the telephone number next to it.	D: 0845 337 7777	G: 0121 550 4888	N: 0191 233 3930
	E: 020 8397 8881	I: 0115 960 7171	P: 0151 727 0077

Or dial 020 7391 6700 if you are not sure which GMB Region you belong to.