



# Holidays for Operatives

employed under the National Agreement for the  
Heating, Ventilating, Air Conditioning,  
Piping and Domestic Engineering Industry

## REVISED NEW STARTERS READY RECKONER

### SCOTLAND WINTER HOLIDAY 2007

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*and at*

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#### Holidays Remaining in 2007

Holiday period		Welplan Payment Code
Autumn recognised holiday and Friday before the Autumn recognised holiday	Friday and Monday (subject to local arrangements)	6
Winter Holiday (Annual)	Six days of Winter holiday to be taken in conjunction with four recognised holidays including: 3 January, 2008 (transferred from Spring)  Period inclusive of Annual and Recognised holidays: (Ten Days) Monday 24 December, 2007 - Friday 4 January, 2008 inclusive	7

(See Clauses 18 and 20 of the National Agreement and Section C of the Welplan Supplement to the National Agreement)

### IMPORTANT NOTE TO EMPLOYERS

#### Why is the "New Starters Ready Reckoner" being revised for the remainder of 2007?

Prior to 1 October 2007, the Working Time Regulations 1998 allow workers a statutory entitlement of 20 days' paid annual holiday. For Operatives employed under the Operative National Agreement whose holiday pay is delivered by Welplan, this statutory entitlement is allowed for *within* the usual holiday pattern of the National Agreement of 23 days' annual holiday and eight days' recognised holiday and normally paid for under Welplan's usual arrangements.

CONTINUED OVERLEAF

The Government has recently introduced the Working Time (Amendment) Regulations 2007 which increase the basic entitlement to 24 days' paid holiday, from 1 October 2007. This is similarly contained *within* the contractual provisions of the Operative National Agreement of 23 days' annual holiday and eight days' recognised holiday.

For employees remaining in continuous employment for the National Agreement annual holiday year of 1 February 2007 to 31 January 2008, employers will not be required to take any action, as the National Agreement and Welplan provide a total entitlement to paid holiday in excess of the increased entitlement under the Regulations.

The principal immediate effect of the new Regulations is to increase Operatives' *pro rata* entitlement to paid holiday for those Operatives commencing with a Welplan-participating employer part-way through the 1 February 2007 to 31 January 2008 holiday year. While the increase to 24 days' paid holiday is for a full year, the *pro rata* increase for the remaining four months of the holiday year from 1 October 2007 to 31 January 2008 is 1.33 days (for those who started during the holiday year before 1 October) and decreasing for those who start after that date.

The purpose of the "New Starters Ready Reckoner" is to provide guidance to Employers on how they can meet their differing obligations both under the *statutory* entitlement of the Regulations and the *contractual* entitlement of the National Agreement. This is shown on a week-by-week of starting basis in the attached "Ready Reckoner". (See also the Note overleaf entitled "Operatives joining part-way through a leave year").

Those new starters who started employment with a Welplan-participating employer before week commencing 16 January 2007 will, by the end of the holiday year, have received sufficient Welplan-funded paid holidays to meet both their previous and newly increased statutory paid holiday entitlement under the Regulations.

New starters commencing employment later in the holiday year, will be due additional *pro rata* paid holiday entitlement under the Regulations as shown in the revised "Ready Reckoner".

Importantly, the purpose of the "Ready Reckoner" is to show whether payment for those additional holidays is provided by Welplan or whether employers will need to fund this additional holiday pay directly themselves.

#### **Further Guidance**

Guidance issued by the Government Department responsible for the Working Time Regulations makes clear that the entitlement to additional holiday does not require employers to round up to the nearest half- or whole-day.

The Guidance also states that payment in lieu of the additional holiday entitlement may be made, if the Operative and the employer agree.

The "New Starters Ready Reckoner" for 2008 will revert to the usual principles employed in earlier versions of the document – albeit that the basic Working Time Regulations entitlement to paid holidays will amount to 24 days.

Further guidance on the increased holiday entitlement for employees who may be employed outside the terms of the Operative National Agreement is available in *Workforce* – the Association's periodical update on employment issues – dated August 2007, which can be downloaded from the HVCA web site at: [www.hvca.org.uk](http://www.hvca.org.uk)

SCOTTISH NEW STARTERS READY RECKONER FOR THE HOLIDAY YEAR COMMENCING 1 FEBRUARY 2007 - REVISED

Operatives starting employment	Welpplan 2007 credit purchase week no.	2007 WTR holiday entitlement accrues from	2007 WTR accrued holiday entitlement			No of 2007 Welpplan holiday credits purchased	No of 2007 N A holidays funded by Welpplan	Holiday Periods - 2007					See column heading from previous page		
			Annual	Additional from 1 October 2007	Total			Spring 5 days, 9 credits	May Day 1 day, 2 credits	Summer Week 1 7 days, 11 credits	Summer Week 2 6 days, 10 credits	Autumn 2 days, 4 credits		Winter 10 days, 16 credits	
															Additional paid holiday required for the period 1 October 2007 to 31 January 2008 - see Notes about how these should be paid for and when they can be taken.
2-Oct-06	2-Oct-06	1	20	1.33	21.33	52	31	5	1	7	6	2	10	- See note 1	
3-Oct-06	9-Oct-06	2	20	1.33	21.33	51	30	4	1	7	6	2	10		
10-Oct-06	16-Oct-06	3	20	1.33	21.33	50	29.5	3.5	1	7	6	2	10		
17-Oct-06	23-Oct-06	4	20	1.33	21.33	49	29	3	1	7	6	2	10		
24-Oct-06	30-Oct-06	5	20	1.33	21.33	48	28.5	2.5	1	7	6	2	10		
31-Oct-06	1-Nov-06	6	20	1.33	21.33	47	28	2	1	7	6	2	10		
7-Nov-06	6-Nov-06	6	20	1.33	21.33	47	28	2	1	7	6	2	10		
14-Nov-06	13-Nov-06	7	20	1.33	21.33	46	27	1	1	7	6	2	10		
21-Nov-06	20-Nov-06	8	20	1.33	21.33	45	26.5	0.5	1	7	6	2	10		
28-Nov-06	27-Nov-06	9	20	1.33	21.33	44	26		1	7	6	2	10		
5-Dec-06	1-Dec-06	10	20	1.33	21.33	43	25.5		0.5	7	6	2	10		
12-Dec-06	4-Dec-06	10	20	1.33	21.33	43	25.5		0.5	7	6	2	10		
19-Dec-06	11-Dec-06	11	20	1.33	21.33	42	25			7	6	2	10		
26-Dec-06	18-Dec-06	12	20	1.33	21.33	41	24			6	6	2	10		
2-Jan-07	25-Dec-06	13	20	1.33	21.33	40	23.5			5.5	6	2	10		
9-Jan-07	1-Jan-07	14	20	1.33	21.33	39	23			5	6	2	10		
16-Jan-07	8-Jan-07	15	20	1.33	21.33	38	22.5			4.5	6	2	10		
23-Jan-07	15-Jan-07	16	20	1.33	21.33	37	22			4	6	2	10		
30-Jan-07	22-Jan-07	17	20	1.33	21.33	36	21			3	6	2	10		
6-Feb-07	29-Jan-07	18	20	1.33	21.33	35	20.5			2.5	6	2	10		
13-Feb-07	1-Feb-07	19	20	1.33	21.33	34	20			2	6	2	10		
20-Feb-07	5-Feb-07	19	18.5	1.33	19.83	34	20			2	6	2	10		
27-Feb-07	12-Feb-07	20	18.5	1.33	19.83	33	19.5			1.5	6	2	10		
6-Mar-07	19-Feb-07	21	18.5	1.33	19.83	32	19			1	6	2	10		
13-Mar-07	26-Feb-07	22	18.5	1.33	19.83	31	18			0.5	6	2	10		
20-Mar-07	1-Mar-07	23	18.5	1.33	19.83	30	17.5			0.5	5.5	2	10		
27-Mar-07	8-Mar-07	23	17	1.33	18.33	30	17.5			5.5	2	10	0.83		
3-Apr-07	15-Mar-07	24	17	1.33	18.33	29	17			5	2	10	1.33		
10-Apr-07	19-Mar-07	25	17	1.33	18.33	28	16.5			0.5	4.5	2	10		1.33
17-Apr-07	26-Mar-07	26	17	1.33	18.33	27	16			1	4	2	10		1.33
24-Apr-07	1-Apr-07	27	17	1.33	18.33	26	15.5			1.5	3.5	2	10	1.33	
1-May-07	2-Apr-07	27	15	1.33	16.33	26	15.5			3.5	2	2	10	0.83	
8-May-07	9-Apr-07	28	15	1.33	16.33	25	14.5			0.5	2.5	2	10	1.33	
15-May-07	16-Apr-07	29	15	1.33	16.33	24	14			1	2	2	10	1.33	
22-May-07	23-Apr-07	30	15	1.33	16.33	23	13.5			1.5	1.5	2	10	1.33	
29-May-07	30-Apr-07	31	15	1.33	16.33	22	13			2	1	2	10	1.33	
5-Jun-07	1-May-07	32	15	1.33	16.33	21	12.5			2.5	0.5	2	10	1.33	
12-Jun-07	7-May-07	32	13.5	1.33	14.83	21	12.5			1	0.5	2	10	1.33	
19-Jun-07	14-May-07	33	13.5	1.33	14.83	20	12			1.5	2	10	1.33		
26-Jun-07	21-May-07	34	13.5	1.33	14.83	19	11			1.5	1	1	10	1.33	
3-Jul-07	28-May-07	35	13.5	1.33	14.83	18	10.5			1.5	1.5	0.5	10	1.33	
10-Jul-07	1-Jun-07	36	13.5	1.33	14.83	17	10			1.5	2	10	1.33		

Operatives starting employment	Welpplan 2007 credit purchase week no.	WTR holiday entitlement accruing from	2007 WTR accrued holiday entitlement			No of 2007 Welpplan holiday credits purchased	No of 2007 N A holidays funded by Welpplan	Holiday Periods - 2007					See column heading from previous page		
			Annual	Additional from 1 October 2007	Total			Spring 5 days, 9 credits	May Day 1 day, 2 credits	Summer Week 1 7 days, 11 credits	Summer Week 2 6 days, 10 credits	Autumn 2 days, 4 credits		Winter 10 days, 16 credits	
															Additional paid holiday required for the period 1 October 2007 to 31 January 2008 - see Notes about how these should be paid for and when they can be taken.
2-Jun-07	4-Jun-07	36	12	1.33	13.33	17	10					2	10	1.33	
9-Jun-07	11-Jun-07	37	12	1.33	13.33	16	9.5					2	0.5	9.5	1.33
16-Jun-07	18-Jun-07	38	12	1.33	13.33	15	8.5					2	1.5	8.5	1.33
23-Jun-07	25-Jun-07	39	12	1.33	13.33	14	8					2	2	8	1.33
30-Jun-07	1-Jul-07	40	12	1.33	13.33	13	7.5					2	2.5	7.5	1.33
7-Jul-07	2-Jul-07	40	10	1.33	11.33	13	7.5					2.5	7.5	1.33	
14-Jul-07	9-Jul-07	41	10	1.33	11.33	12	7					3	7	1.33	
21-Jul-07	16-Jul-07	42	10	1.33	11.33	11	6.5					3.5	6.5	1.33	
28-Jul-07	23-Jul-07	43	10	1.33	11.33	10	5.5					4.5	5.5	1.33	
4-Aug-07	30-Jul-07	44	10	1.33	11.33	9	5					5	5	1.33	
11-Aug-07	1-Aug-07	45	10	1.33	11.33	8	4.5					5.5	4.5	1.33	
18-Aug-07	6-Aug-07	45	8.5	1.33	9.83	8	4.5					4	4.5	1.33	
25-Aug-07	13-Aug-07	46	8.5	1.33	9.83	7	4					4.5	4	1.33	
1-Sep-07	20-Aug-07	47	8.5	1.33	9.83	6	3.5					5	3.5	1.33	
8-Sep-07	27-Aug-07	48	8.5	1.33	9.83	5	2.5					6	2.5	1.33	
15-Sep-07	1-Sep-07	49	8.5	1.33	9.83	4	2					6.5	2	1.33	
22-Sep-07	3-Sep-07	49	7	1.33	8.33	4	2					5	2	1.33	
29-Sep-07	10-Sep-07	50	7	1.33	8.33	3	1.5					5.5	1.5	1.33	
6-Oct-07	17-Sep-07	51	7	1.33	8.33	2	1					6	1	1.33	
13-Oct-07	24-Sep-07	52	7	1.33	8.33	1	0.5					6.5	0.5	1.33	
20-Oct-07	1-Oct-07	7	7	1.33	8.33							7		1.33	
27-Oct-07	8-Oct-07		5	1.00	6.00							5		1	
3-Nov-07	15-Oct-07		5	1.00	6.00							5		1	
10-Nov-07	22-Oct-07		5	1.00	6.00							5		1	
17-Nov-07	29-Oct-07		5	1.00	6.00							5		1	
24-Nov-07	1-Nov-07		5	1.00	6.00							5		1	
1-Dec-07	5-Nov-07		3.5	0.67	4.17							3.5		0.67	
8-Dec-07	12-Nov-07		3.5	0.67	4.17							3.5		0.67	
15-Dec-07	19-Nov-07		3.5	0.67	4.17							3.5		0.67	
22-Dec-07	26-Nov-07		3.5	0.67	4.17							3.5		0.67	
29-Dec-07	1-Dec-07		3.5	0.67	4.17							3.5		0.67	
5-Jan-08	9-Dec-07		2	0.33	2.33							2		0.33	
12-Jan-08	16-Dec-07		2	0.33	2.33							2		0.33	
19-Jan-08	23-Dec-07		2	0.33	2.33							2		0.33	
26-Jan-08	31-Dec-07		2	0.33	2.33							2		0.33	
2-Jan-08	1-Jan-08		2	0.33	2.33							2		0.33	

# REVISED NOTES

## SCOTLAND

### ANNUAL & RECOGNISED HOLIDAYS 2007

#### GENERAL

Under the National Agreement all Operatives shall be entitled to receive payment for annual and recognised holidays and welfare benefits from **Welplan** – the HVACR industry's Welfare and Holiday Scheme. Further details may be obtained from **Welplan**, Old Mansion House, Eamont Bridge, Penrith, Cumbria CA10 2BX. Telephone: 01768 860400.

Normally holiday pay is paid to the Operative on the last working day before the holiday. However, it is recommended that if an employer has to discharge an Operative within a week or so of the holiday period, he should, if the Operative so wishes, pay him his holiday pay and obtain reimbursement from **Welplan** in the usual way (Section D of the **Welplan** Supplement to the National Agreement).

#### PAYMENT FOR HOLIDAYS WORKED

- (a) Normal hourly rate plus one day off in lieu paid in accordance with (d):  
  
April 10-13 inclusive; Summer holiday (Annual); the Friday of the Autumn Recognised Holiday; December 24, 28, 31; January 4, 2008.
- (b) Time and a half plus one day off in lieu paid in accordance with (d) (Double-time after normal working day is worked):  
  
December 25, 27.
- (c) Double time rate subject to a minimum of two hours payment plus one day off in lieu paid in accordance with (d):  
  
April 9; May 7; Monday of the Autumn Recognised Holiday; December 26; January 1-3, 2008.
- (d) The holiday pay received from **Welplan** constitutes the Operative's pay for actual day(s) of leave. If the Operative works on his annual or recognised holiday, he is entitled to the payment set out above and the money received from **Welplan** is payable for the day(s) off in lieu.

#### PAYMENT FOR HOLIDAYS UNDER THE WORKING TIME REGULATIONS, 1998

The Working Time Regulations (Statutory Instrument 1998 No. 1833) require the first 20 holidays of those listed on the front of this leaflet to be paid at the rate of a "week's pay" as defined in Sections 221-224 of the Employment Rights Act 1996. The pay required in respect of the first 20 holidays (recognised and annual) is related to an Operative's normal hours of work. Where an Operative's normal working hours are fixed by their contract of employment – as tends to be the case under the National Agreement – any overtime is not counted as part of normal working hours unless the Operative's contract fixes a minimum number of hours (including overtime) which is more than their notional fixed hours (38 under the National Agreement).

#### Operatives joining part-way through a leave year

Operatives joining a **Welplan** participating employer part-way through a leave year will be subject to different holiday pay arrangements. Their entitlement to Working Time Regulations paid annual leave will be *pro rata* to the proportion of the leave year that they are actually in employment. Further details on holiday pay arrangements for Operatives in these circumstances can be found within the "Ready Reckoner for New Starters".

The Ready Reckoner can be found on pages 4-5 of this leaflet. This shows the *pro rata* holiday entitlement for a new starter commencing employment during each week of the holiday year. By reading across each line, you can establish:

- the total *pro rata* holiday entitlement under the contractual provisions of the National Agreement for the portion of the holiday year remaining (column F);
- of which, the *pro rata* amount which would need to be paid in line with the statutory requirements of the Regulations (column D);
- of which, the number of days to which **Welplan** would contribute some payment but which may need to be supplemented by the Employer (column G).

***The Ready Reckoner for the remainder of 2007 has been revised to take account of the Working Time (Amendment) Regulations 2007.***

Rule **B7a** of the **Welplan** Supplement to the National Agreement states that Operatives must work their full contractual hours at normal hourly rates for the week concerned to be eligible for the purchase of a holiday credit.

In effect, this means, therefore, that, in order to be eligible for the purchase of a holiday credit for the week in which they commence employment, Operatives need to commence employment on a Monday.

#### SICKNESS PRIOR TO AN ANNUAL HOLIDAY PERIOD

If an Operative's sickness absence pre-dates a relevant holiday period, payment of sickness benefit should continue through the holiday period and the Operative should be entitled to take his holiday "as soon thereafter as is reasonably convenient" (section C of the **Welplan** Supplement to the National Agreement). Where, accordingly, Annual Holiday is deferred, holiday pay shall be held over and paid when the holiday is taken.

However, Recognised Holidays cannot be deferred, and payment for a Recognised Holiday coinciding with a period of sickness absence shall be in accordance with the section below. (See **Welplan** Rule **E12b**).

#### SICKNESS IN THE HOLIDAY PERIOD

If an Operative falls sick during the period in which he is on holiday, Sickness and Accident Benefit will not be paid in respect of the days for which the Operative has received holiday pay but such days of sickness will count towards the three waiting days in the rules of the **Welplan** Scheme, subject to the provision of a Doctor's Statement or self-certificate of incapacity. (See **Welplan** Rule **E12a**). It should be noted, however, that an Operative may be entitled to SSP.

#### ASSESSING WAGES

Attention is drawn to the following National Agreement Clause particularly because of the length of the Christmas/New Year holidays:

See Clause **8f** which states:

"Where wages due cannot be calculated on time sheets, the Employer shall make assessed payment for the days worked. Any necessary corrections shall appear in wages payable for the following week".

#### RECOGNISED HOLIDAY PAY FOR OPERATIVES WHOSE EMPLOYER DOES NOT PARTICIPATE IN WELPLAN

Normal hourly rate x 8 hours per day.

**This leaflet is issued as a general guide for the convenience of employers. It should not be used as an authoritative statement of entitlement to holidays or holiday pay and the National Agreement or the Welplan Supplement to the National Agreement should be referred to for detailed interpretation.**

## REVISED NEW STARTERS READY RECKONER FOR 2007 – EXPLANATORY NOTES - SCOTLAND

### **Note 1: No further action required**

Welplan already delivers more *contractual* paid holiday than the increased *statutory* entitlement requires.

### **Note 2: Welplan pays for the full Winter Holiday – but additional paid time off necessary (or compensatory payment instead)**

Operatives are entitled to an extra 1.33 days' paid holiday by virtue of working the entire portion of the leave year to which the increased statutory entitlement applies.

By the end of the holiday year, Welplan will have already delivered the number of days' paid holiday indicated in column F, but – in light of the increased entitlement – there will be a shortfall (indicated in column H) which will need to be funded by the employer.

Welplan will deliver sufficient holiday pay to cover the entire Winter Holiday period. There is therefore no opportunity to include all or part of the shortfall within the normal Winter Holiday period.

Employers will need to make good the shortfall (as indicated in column H). The option Employers have is *either* to provide this further paid holiday between 7 and 31 January 2008 *or* – if both parties agree – to make the Operative a payment equal to the value of the shortfall still outstanding in lieu of the Operative actually taking the leave.

### **Note 3: Combination of Welplan and Employers' payments fund the entire Winter Holiday – but additional paid time off (or paid time in lieu) necessary**

Operatives are entitled to an extra 1.33 days' paid holiday by virtue of working the entire portion of the leave year to which the increased statutory entitlement applies.

By the end of the holiday year, Welplan will have already delivered the number of days' paid holiday indicated in column F. The earlier edition of this Ready Reckoner, published at the beginning of the 2007 holiday year, made employers aware that – in order to meet their statutory requirements under the Working Time Regulations (prior to their amendment) – they would be required to make supplementary payments of holiday pay during the Winter Holiday period, as indicated in the green shaded areas.

The combination of payments delivered through Welplan and Employers' previously advised liability to fund some holiday pay during the Winter Holiday will, therefore, deliver holiday pay for the duration of the Winter Holiday period.

However, as a result of the Government's changes, there is an *additional* shortfall (indicated in column H), which will now also need to be funded by the employer. The option Employers have is *either* to provide this further paid holiday between 7 and 31 January 2008 *or* – if both parties agree – to make the Operative a payment equal to the value of the shortfall still outstanding in lieu of the Operative actually taking the leave.

### **Note 4: Combination of Welplan and Employers' payments fund Winter Holiday entitlement of less than 10 days – necessary additional paid time off (or paid time in lieu) may be accommodated within 10-day period of the Winter Holiday**

Operatives are entitled to an extra 1.33 days' paid holiday by virtue of working the entire portion of the leave year to which the increased statutory entitlement applies.

By the end of the holiday year, Welplan will have already delivered the number of days' paid holiday indicated in column F. The earlier edition of this Ready Reckoner, published at the beginning of the 2007 holiday year, made employers aware that – in order to meet their statutory requirements under the Working Time Regulations (prior to their amendment) – they would be required to make supplementary payments of holiday pay during the Winter Holiday period, as indicated in the green shaded areas.

However, as a result of the Government's changes, there will be an *additional* short-fall (indicated in column H), which will also need to be funded by the employer. Employers can accommodate this additional shortfall *within* the total number of days due for the Winter Holiday.

**Note 5: Further paid holiday required in addition to Employers' existing *pro rata* liability to fund some of the Winter Holiday – but no additional time off required**

Operatives are entitled to additional paid holiday (indicated in the middle part of column D) by virtue of working the portion of the leave year to which the increased statutory entitlement applies.

The earlier edition of this Ready Reckoner, published at the beginning of the 2007 holiday year, made employers aware that Welplan would not deliver any holiday pay to these Operatives in the current leave year and, therefore, in order to meet their statutory requirements under the Working Time Regulations (prior to their amendment), employers would be required to make supplementary payments of holiday pay during the Winter Holiday period.

As a result of the Government's changes there will now be an *additional* shortfall (indicated in column H), which will also need to be funded by the employer.

Employers can accommodate this additional shortfall *within* the total number of days due for the Winter Holiday, by paying for the number of additional days or part-days indicated in Column H.

**Note 6: National Agreement rule overtakes Working Time Regulations**

Whilst the Working Time Regulations give Operatives commencing employment in this period an entitlement to 2.33 days, there will be a greater *contractual* entitlement for some Operatives.

For those Operatives who are new entrants to the industry (rather than just new entrants to your organisation having come from another employer in the industry), Rule C13 of the Welplan Supplement to the National Agreement applies. It states: "Any Operative, excluding an Apprentice in his/her first year, who has insufficient holiday credits in his/her account to pay for the three days of recognised holiday included in the Winter Holiday period *because he/she entered the industry too late to accrue the minimum number of credits required*, shall be entitled to three days pay at the normal rate of eight hours. The Employer shall be responsible for paying the difference between this sum and the value of any holiday credits that may have accrued for the Winter Holiday period."

Those Operatives covered by Rule C13 will have an entitlement of 3 days (rather than the lower *statutory* figure of 2.33 days).