**03 May 2018**

**UNISON secures legal victory over holiday pay calculations**

UNISON took a case on behalf of a group of ambulance workers to the Employment Appeal Tribunal in April. The case concerns the calculation of pay during annual leave. Recent case law (*Lock vs British Gas, Dudley Metropolitan Borough Council v Willetts and others and Bear Scotland Ltd v Fulton and others*) has improved the rights of workers to receive pay in line with their normal pay when they take holiday.

Recent case law has relied on the European Working Time Directive and the UK Working Time Regulations, therefore is limited to the first 20 statutory days of leave. However, UNISON’s recent case took the argument a step further arguing that NHS terms and conditions (Agenda for Change) were clear about holiday pay calculations. They state that pay should be based on what the worker would have received, had he or she been at work, based an agreed reference period.

The ambulance staff involved in the appeal will now need to have their holiday pay recalculated to include voluntary overtime, and worked out to their annual leave entitlement as set by Agenda for Change leave.  In the meantime, the employer may seek to appeal this judgment.  We will keep you informed of developments as they happen

We would not be in this place without the support of our members and the hard work of UNISON ambulance branches in pulling cases together for our legal teams to progress, so thank you to you all.

***UNISON, working hard to improve the terms and conditions of ambulance members***