



Know your rights:

**Annual leave for
zero-hours workers**

**A fact sheet for
language school workers**

ALL workers are entitled to annual leave - and that includes you!

Zero-hours workers - or what the law refers to as “workers with irregular hours” - are entitled to annual leave.

How it's accrued and used can vary. But what's important is that you have a right to at least the statutory minimum of **28 days of annual leave each year**. This includes bank holidays and is pro-rata if you work less than full-time.

What's covered in this guidance:

1. Types of annual leave: banking systems v. rolled-up pay
2. Annual leave accrual during periods of sickness
3. Changes to statutory sick pay
4. Statutory sick pay v. contractual sick pay
5. Limits to when you can use annual leave
6. Your employer's responsibilities
7. What to do if you have a problem at work
8. Upcoming changes to zero-hours contracts
9. Where to go for more information



Rolled-up pay or banked hours?

There are two options when it comes to annual leave for irregular hours workers.

One is a **banking system**. As you work, you accrue annual leave. When you take a day off, you dip into your accrued hours.

The other option is “**rolled-up pay**”. This means your annual leave is paid out in each pay slip.

Here’s how it works: assuming you’re on the statutory minimum, for each hour worked, you accrue an extra 12.07% on top of your hourly wage. That extra 12.07% will be paid to you in your payslip each month.

As your annual leave is paid automatically in each payslip, if you take a day off work, you won’t get paid for it.

Rolled-up pay must be a separate line item on your payslip. If your employer claims your annual leave is included in your base wage (or just fails to include it as a separate line item), you can potentially make a claim for retroactive, unpaid annual leave. Speak to a union rep if you’re in this situation.

On rolled-up pay but would prefer banking?

Many of us prefer to get paid when we take a day off - that’s what makes it feel like a day off!

Nothing requires employers to use rolled-up pay, so if you’d prefer a banking system, reach out to the union. We can help.



THIS ONE IS IMPORTANT! ↘

You continue to accrue annual leave even when you're off sick.

The law requires that you continue to accrue annual leave even when you're sick.

For those who are on a salary, this is simple: taking a sick day does not reduce your total annual leave entitlement.

But for hourly paid workers, many employers fail to pay annual leave when you're sick. If the sickness policy at your school doesn't include this, reach out to the union. We can help you and your workmates raise the issue with your school.

But how is it calculated?

The short answer: it's complicated.

The basic rule is that your employer should look at your average hours worked over the past year. This is known as the "relevant period" and it **should not include weeks that you were off sick, on annual leave, or any other type of statutory leave** (e.g. parental leave).

But the calculation can get a bit more complicated, so make sure you speak to a union rep if you want to double check your school's calculation.



Statutory sick pay is now from day one

Recent changes in the law mean you should be getting at least statutory sick pay from your first day of sickness.

Previously, statutory sick pay didn't apply until your fourth day of sickness. That's no longer the case, so make sure your school has updated their sickness policy.

Also, remember that your school can only require a sick note ("a fit note") from your GP or other healthcare professional from your seventh consecutive calendar day of sickness. Before that, you can self-certify.

Statutory sick pay isn't good enough. You deserve proper sick pay!

Statutory sick pay is meagre, often a fraction of our normal wage. 'Occupational' or 'contractual' sick pay is what most of us think of as "sick pay" and is typically paid at your normal wage.

The sad reality is that too often our bosses see proper sick pay as just another way to reduce their costs - at the expense of our health!

But it doesn't need to be this way!

The TEFL Workers' Union has helped language school workers win contractual sick pay - and we can help your and your workmates do the same.

It's tefl@iww.org.uk to speak to an organiser.

Can my school limit when I take annual leave or require I use it during certain periods?

Yes, but your employer must facilitate you being able to use all your annual leave over the course of a year. Policies about annual leave should be in writing and be easily accessible.

Most importantly, your school must be reasonable about when and how you use your leave. It is **your employer's obligation** to ensure you are able to use your annual leave.

What should my employer be doing?

Your employer should have robust annual leave and sickness policies in place - and also be willing to implement “reasonable adjustments” for those with long-term health conditions (covering physical as well as mental health).

There should be policies that cover:

- how **many days** of annual leave you're entitled to
- the **type** of annual leave (banked or rolled-up)
- any dates on which you are **required to take leave** (e.g. bank holidays or during the December holidays)
- any 'blackout' periods in which you **cannot take leave**
- the process for requesting leave
- how annual leave is calculated and accrued when staff are off sick



Not sure you're getting everything you're entitled to? Here's what to do:

The most important thing to do is to have a copy of your contract, employee handbook, and other policy documents. If you don't have these, request them from your employer. If your employer can't or won't provide them, contact the union.

Once you have those documents, read through them. Does it seem that they include everything they should? Are you happy with what's in there? Anything you'd like to change?

If there is anything particularly egregious, you can consider taking out a grievance. This is a formal meeting where, with a union rep, you can raise concerns that your employer is not following the law. Alternatively, the union can help you write an email to your manager raising your concerns.

Improving workplace policies is best achieved by working together with your workmates. Discuss with them what they'd like to change about the job. Are proper contractual sick days important to them? Would annual leave beyond the statutory minimum be beneficial? Changing those things for the better always starts with a simple conversation with a trusted colleague.



Upcoming changes to zero-hours contracts

The new Employment Rights Act is being phased in over the next few years. Part of the act is designed to abolish “exploitative” zero-hours contracts. It appears this means that workers will have a right to request guaranteed hours based on some calculation of established working patterns.

It's not clear exactly what the final rules will look like although they are scheduled to be introduced in 2027. When they are enacted, the TEFL Workers' Union will provide training and guidance for our members.

Where to go for more information

A union rep can always be reached at tefl@iww.org.uk to speak to you and your workmates about your rights and how to go about fighting for improvements at work.

Further information on employment rights can be found on the union's website:

<https://teflworkersunion.org/employment-rights/>

ACAS provides an online overview of employment law.

Guides on specific topics can be found at

<https://www.acas.org.uk/>

ACAS also runs a free employment law helpline.

It's 0300 123 1100 to speak to an adviser.

Guidance can also be found on [gov.uk](https://www.gov.uk)

