

Civil Service Conciliation and Arbitration Scheme

General Council Report 1509

(Meeting/s of 31 October 2007, 30 July 2008)

Claim To permit to carry forward without conditions or restrictions of up to five days annual leave at the end of leave year.

General Council Report 1509

Claim: To permit to carry forward without conditions or restrictions of up to five days annual leave at the end of a leave year.

(Meetings of 31 October 2007, 25 June 2008 and 30 July 2008)

1. The Staff Side is seeking to allow staff to carry forward without conditions or restrictions up to five days of annual leave at the end of any leave year. Such leave would be in excess of statutory leave. The reason for the claim is that staff are experiencing difficulties taking their annual leave allocation.

2. Annual leave is governed by the Organisation of Working Time Act, 1997 (OWTA) and circular 27/2003 in the civil service.

3. Under the OWTA statutory leave must be taken in the year it is accrued or with the consent of the employee within 6 months of the start of the next leave year. It is, therefore, not possible to carry forward statutory annual leave under different circumstances.

4. Leave in excess of the statutory minimum may under Circular 27/2003 be carried over from one leave year to the next over a three year cycle provided the carry-over is due to the requirements of work. Untaken annual leave at the end of the three year cycle may be forfeit.

5. In response to the claim, the Official Side stated that all annual leave should be taken in the year it is accrued. In a letter of clarification to Personnel Officers issued on 20 October 2006 it was stated that "Where possible leave should be taken in the year in which it is accrued. The carry-over of annual leave should be avoided".

6. The Official Side informed the Staff Side that it was unable to agree to the claim for the following reasons:

- Annual leave should, where possible, be taken in the year it is accrued.
- There is already provision for the carry over of annual leave in excess of statutory leave over a three year cycle.

- The carry-over of annual leave is a concession to address busy and exceptional work periods.
- Conceding the claim could lead to a build up of annual leave which could have to be purchased on termination of employment e.g. retirement.
- The claim would benefit those with higher leave allowances most.

7. Under the Organisation of Working Time Act 1997 it is the employer's right to choose when an employee takes their annual leave. This claim would remove the right to decide on when leave can be taken from the employer.

8. This report records disagreement on the claim and was adopted at meeting held on 30 July 2008.

Signed for the Official Side
Aengus O Riain

Signed for the Staff Side
Joan Byrne

Report records disagreement

This report was adopted on 30 July 2008