

Isle of Man Government
COVID-19 Annual Leave Carryover Guidelines

Introduction

1. These guidelines are intended to assist staff and managers in the Isle of Man Government, where it has not been reasonably practicable for employees to take some or all of the annual leave they are entitled to due to the effects of the Coronavirus pandemic¹, to carry forward annual leave to future leave years.
2. These guidelines reflect the amendments made to statutory provisions provided under the Annual Leave Regulations 2007 by the Annual Leave (Amendment) Regulations 2020 and Annual Leave (Amendment) (No. 2) Regulations 2020.
3. The guidelines apply to all Isle of Man Government employees regardless of their terms and conditions of employment (including staff on individual contracts), who have an annual leave allowance.

Annual Leave

4. Annual leave allows employees to take time off work so they can rest, relax, re-energise and recover from the demands of their job. This is particularly important to support an employee's wellbeing.
5. Employees should be encouraged to take annual leave throughout the leave year and employers should do everything reasonably practicable to ensure an employee is able to take as much of their annual leave as possible in the leave year to which it relates.
6. As a result of the circumstances caused by the Coronavirus pandemic an employee may no longer wish to take their annual leave, for example because their holiday, hotel or flights have been cancelled or because they will have to quarantine on their return following travel off-Island. However, it is important employees continue to take their annual leave unless they are specifically prevented from doing so due to the effects of Coronavirus. The benefits of annual leave are not limited to going away, off-Island on holiday, it is about taking time away from work.

Untaken Annual Leave – Options to Consider

7. **Carryover annual leave** - Employees will be allowed to carryover a maximum of 20 days annual leave (pro rata for part time employees) into the next two leave years², regardless of any contractual carryover limits allowed for in their terms and conditions of employment. However, this must be where it has not been reasonably practicable for an employee to take annual leave and they have been specifically prevented from taking it due to the effects of Coronavirus (see **Annex A** for further guidance).

¹ This could be whether on the worker, the employer, the wider economy or society or otherwise.

² 2021-2022 and 2022-2023

8. **Take annual leave as rostered** - Where an employee's annual leave is rostered throughout the year or a business area or service closes at certain times of the year and an employee is required to utilise annual leave to cover the period of closure, these arrangements should continue as normal.
9. **Make payment for annual leave** - In some circumstances e.g. where there is a higher cost of employing staff via an agency to cover absence or a need for key skills of specific staff, it may be beneficial for employers to consider making payment for annual leave. However, employees should be allowed to take at least the statutory minimum leave (four weeks) in each of the two years commencing 1 April 2021.
10. **Compel an employee to take their annual leave** - In circumstances where it is practicable for an employee to take annual leave but they do not wish to do so, an employer may compel employees to take annual leave at a time specified by the employer with the required notice³. However, wherever possible employees should be given a choice as to the timing of their annual leave. If an employee does not take annual leave when they were requested to do so by the employer the annual leave could be forfeited.
11. Should an employee's employment terminate they must receive payment in lieu of any unused annual leave including any unused annual leave they have carried forward.
12. Local guidelines may be produced by individual Departments with regard to the application of these guidelines.

Further information

[Annual Leave Regulations 2007](#)

[Annual Leave \(Amendment\) Regulations 2020](#)

[Annual Leave \(Amendment\) \(No. 2\) Regulations 2020](#)

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³ The employee must be given prior notice of at least twice the period of annual leave to be taken.

Annual Leave Carryover

What is reasonably practicable?⁴

When considering whether it was not reasonably practicable for a worker to take leave as a result of the coronavirus, so that they may carry untaken holiday into future leave years, an employer should consider various factors, such as:

- whether the business has faced a significant increase in demand due to coronavirus that would reasonably require the worker to continue to be at work and cannot be met through alternative practical measures
- the extent to which the business' workforce is disrupted by the coronavirus and the practical options available to the business to provide temporary cover of essential activities
- the health of the worker and how soon they need to take a period of rest and relaxation
- the length of time remaining in the worker's leave year, to enable the worker to take holiday at a later date within the leave year
- the extent to which the worker taking leave would impact on wider society's response to, and recovery from, the coronavirus situation
- the ability of the remainder of the available workforce to provide cover for the worker going on leave

Employers should do everything reasonably practicable to ensure that the worker is able to take as much of their leave as possible in the year to which it relates, and where leave is carried forward, it is best practice to give workers the opportunity to take holiday at the earliest practicable opportunity.

⁴ <https://www.gov.uk/guidance/holiday-entitlement-and-pay-during-coronavirus-covid-19#carrying-annual-leave-into-future-leave-years>