

Newsflash

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Employment, Social Security and Immigration Law

Will 2 May 2008 be a bank holiday?

In 2008, 1 May 2008 marks both Labour Day and Ascension Day. In order to guarantee the legal requirement of 10 bank holidays granted to workers in the private sector, one day as compensation must be decided upon. For some time now, there has been a lot of uncertainty as to whether 2 May 2008 will be a public holiday or not. A Royal Decree dated 10 February 2008 finally brings clarity in this respect: As a general rule, 2 May 2008 will remain a bank holiday.

However, the Royal Decree allows the professional sectors and individual companies to deviate from this rule:

- Until the 15 February 2008, the joint (sub) committees could decide to replace the bank holiday of 2 May 2008 by another day. This decision must receive assent by Royal Decree.
- In industries where such decision was not taken by the 15 February 2008, individual employers can replace the holiday of 2 May 2008 by another day. Permission from the works council is required in this respect. If no works council has been established within the company, the replacement must be decided in agreement between the employer and the trade union delegation. In the absence of a works council and a trade union delegation, an individual agreement between the employer and the employee is required.

The day that will substitute 2 May 2008 must be a normal working day.

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