Fancy a career break? Yes please, I’d be over the moon

Jeremy Coy 10 Mar 2017  ➤  0 comments

With news that two people have bought a private trip to the moon for 2018, what should HR professionals bear in mind when considering sabbatical requests?

Although few employees will have the opportunity – or indeed wallet – to travel to space on holiday, more and more people are taking sabbaticals to travel planet Earth or take a break from the daily grind.

As sabbaticals become more common and are seen less as only taken by older staff members, many employers are putting policies in place to deal with requests, recognising the advantages of allowing employees to have a change of scenery – whether it be the beach or the moon – and to return to work refreshed and raring to go.

There is no legal right to take a sabbatical unless it is provided for as part of an employee’s contractual terms and conditions. But what rights do employees have when on a career break, and what issues should employers be aware of before allowing them to go off into the sunset?

Salary and holiday

Sabbaticals are typically unpaid. Because organisations will usually have to pay for temporary cover, most will not want to pay employees for taking an extended period of leave.

In most cases, the employee’s contract will continue, although some terms – such as pay – can be varied. The advantage of the contract continuing is that employees are still bound by the usual rules on confidentiality and good faith. Employees, therefore, cannot typically work for or divulge any sensitive information to a third party while on sabbatical.

It is generally accepted that statutory holiday will continue to accrue during a sabbatical. Employers can also ask that employees take some of their paid holiday at the beginning or end of the sabbatical so they don’t come back and then ask to go on leave again.

Eligibility: be careful of age discrimination

It would be risky only to allow staff members over a certain age to take a sabbatical as this could amount to age discrimination. Specifying an arbitrary minimum age is likely to be difficult to justify. Instead, employers might prefer to require a minimum level of service before an employee can ask to take a sabbatical. Although this approach might tend to favour older employees who are more likely to be long-serving, it is probably more likely to be justifiable on the basis that they are being required to show loyalty before jet-setting around the world.
Be fair and get agreements in writing

Requests should be considered fairly and take into account the reasons for the career break. As well as length of service, it can be useful to stipulate that employees must have a positive performance record, so that good workers are rewarded for their hard work and poor performers are not granted a long holiday. Bear in mind, however, that this approach could lead to a dispute if a request is refused on the basis of a performance assessment that the employee refutes.

It can be useful to have a policy in place to deal with sabbatical requests and to record the terms (including duration, pay and holiday) in an agreement with the employee to avoid disputes.

It seems unlikely that employers will be inundated with requests for time off to fly to the moon or beyond any time soon. They should, however, be alive to the possibility of their employees asking for time off to travel to places closer to home. Offering sabbaticals can be a way of retaining valuable members of staff who would otherwise choose to leave.

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