

Contractor doctor: can I be forced to take time off for xmas?

Dear Contractor Doctor:

Can you let me know whether a contractor can be forced to take holiday when they don't wish to? The client is trying to force me to take a break 2 weeks before Christmas.

Thanks,

Rachel

Contractor Doctor replies:

Unless your contract specifies that you should expect periods of suspension, or that your period of assignment could be abbreviated, you are not obliged to take time off if you don't want to. This does not include not working on national holidays like Christmas and New Years when the whole country is off.

But for the rest, if it's not in your contract, just say no. Your contract probably does include terms for termination, but [if you are terminated](#), the client will probably want you back again when the project starts up again. You will be well-placed to demand a higher fee.

Should the client insist, point out that it breaches your contract and that you will take action. Warn the agency, and they will intervene--they should be made to understand that you will seek damages for the time lost on the contract.

If your contract does provide for such suspensions, obviously you are obliged to accept them.

As Claire Walker of the London-based [Recruitment and Employment Confederation](#), an organisation of recruitment agencies, points out, a good agency recruitment officer should explain to you when you sign the contract that you may be expected to go for periods without work under its terms.

What would be perhaps the best solution would be to talk the whole thing over with your client, and see if you can't find a compromise that works for you both. After all, you may want to work for the client again. But don't allow your rights to be impugned without a reasonable solution.

Good luck with your contracting!

Contractor Doctor

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