

## When employees are off work

An employee's entitlement to commission when they are off work depends on the type of leave they are taking.

### Maternity leave

Employers should pay employees on maternity leave commission they earned before their leave. This applies even if the commission is paid after their maternity leave has started.

Employees are also entitled to be paid commission for the time that they:

- were on compulsory maternity leave (the first 2 weeks of maternity leave following the birth of the baby, or 4 weeks for factory workers)
- were working a keeping in touch (KIT) day

If an employer does not pay this commission to employees on maternity leave, it could be:

- [maternity discrimination](#)
- unlawful deduction from wages

### Shared parental and adoption leave

Employers should pay employees on shared parental or adoption leave commission they earned before their leave. This applies even if the commission is paid after their shared parental or adoption leave has started.

Employees are also entitled to be paid commission for the time that they were working a:

- keeping in touch (KIT) day
- shared parental leave in touch (SPLIT) day

If an employer does not pay this type of commission to employees on shared parental or adoption leave, it could be unlawful deduction from wages.

### Sick leave

An employee's written statement or contract should say what their sick pay entitlement is. If an employee is eligible for statutory sick pay (SSP), their employer must pay that as a minimum.

It might be written in the contract that employees get more than statutory sick pay. This can be called 'company', 'contractual' or 'occupational' sick pay.

Commission is not usually included in company sick pay. This is because the employee is not earning commission while they are away from work. However, employees should check the terms of their contract or their organisation's sick pay policy.

## Suspension

Suspension is when an employer tells an employee to temporarily stop carrying out work. Suspension might be for medical reasons, or to allow an employer to carry out a disciplinary or grievance investigation.

An employee will not be able to earn commission during the time they are suspended.

An employer should have a good reason to suspend an employee. They should also make sure the suspension does not last longer than is needed.

Employees should continue to receive their pay and their contractual benefits while they are suspended. This includes any commission payments earned for work already done.

Find out more about:

- [suspension during a work investigation](#)
- [medical suspension from work](#)

## Holiday pay

When calculating holiday pay, employers must include payments that are linked to doing required tasks in the contract. This includes commission payments.

Employers must include any relevant payments in at least 4 weeks of holiday pay.

Some employers might include these payments in the full 5.6 weeks' paid holiday (statutory annual leave), but they do not have to. Employees should check their written statement for their entitlement.

[Find out more about calculating holiday pay](#)