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For further
information contact:

Judith Ellery
jellery@metcalfes.co.uk
0117 9453080

Angelina Rigby
arigby@metcalfes.co.uk
0117 9453022

Bethan Southcombe
bsouthcombe@metcalfes.co.uk
0117 9453084

HOLIDAY PAY AND LONG TERM SICK

The case of Stringer v HMRC (previously known as Ainsworth v HMRC), has now been heard by the Advocate-General.

In April 2005, the Court of Appeal held that the right to four weeks' statutory paid holiday under the Working Time Regulations 1998 did not continue to accrue whilst an employee was off on long-term sick leave. However, the employees appeal this decision to the House of Lords, who referred the question to the European Court of Justice.

The Advocate General, having reviewed this case, stated:

- Entitlement to paid holiday does accrue whilst an employee is absent on sick leave;
- However, workers may not take their holiday while they are on sick leave; and
- After termination of the contract, workers are entitled to a compensatory payment to reflect accrued but untaken holiday leave, even where the worker was on sick leave for the full holiday year.

For further information, please contact Bethan Southcombe on 0117 945 3084 or e-mail employment@metcalfes.co.uk