

## ECJ RULES ON HOLIDAY FOR LONG TERM SICKNESS ABSENCE

The European Court of Justice has delivered its decision in the long running saga of *Stringer v HMRC*. As you may know, the case involves the issue of paid holiday entitlement under the Working Time Regulations for employees on long term sick leave.

In the Employment Tribunal and the EAT, the employees had successfully argued that they were entitled to accrue paid holiday while absent. The Court of Appeal disagreed, but on further appeal the House of Lords referred the point to the ECJ.

The ECJ combined the case with a related referral from the German courts and has now held that a worker who is absent for the entire leave year is entitled to receive paid annual leave. It is for national courts to decide when that leave can be taken or when payment in lieu is made, but the ECJ confirms that the right itself is not lost merely because sickness has prevented its exercise.

The case will now be sent back to House of Lords and it is likely that the Court of Appeal's decision will be overturned. We will update you once the final judgment is issued.

If you have any queries, please get in touch with your usual Parker & Co contact.

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### CONTACT US

Helen Parker	020 7614 4031	<a href="mailto:helen.parker@parkerandcosolicitors.com">helen.parker@parkerandcosolicitors.com</a>
Richard Woolmer	020 7614 4035	<a href="mailto:richard.woolmer@parkerandcosolicitors.com">richard.woolmer@parkerandcosolicitors.com</a>
Dan Begbie-Clench	020 7614 4034	<a href="mailto:dan.begbie-clench@parkerandcosolicitors.com">dan.begbie-clench@parkerandcosolicitors.com</a>
Jackie Feser	020 7614 4038	<a href="mailto:jackie.feser@parkerandcosolicitors.com">jackie.feser@parkerandcosolicitors.com</a>
Charlotte Schmidt	020 7614 4033	<a href="mailto:charlotte.schmidt@parkerandcosolicitors.com">charlotte.schmidt@parkerandcosolicitors.com</a>
Rebecca Jackson	020 7614 4032	<a href="mailto:rebecca.jackson@parkerandcosolicitors.com">rebecca.jackson@parkerandcosolicitors.com</a>

Parker & Co Solicitors  
28 Austin Friars  
EC2N 2QQ  
Tel: 020 7614 4030  
Fax: 020 7614 4040

[www.parkerandcosolicitors.com](http://www.parkerandcosolicitors.com)