

# Long-term sick EU ruling warning from Deminos HR

Submitted by: Deminos HR

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## HOLIDAYS ON THE SICK

UK bosses are being urged to tighten sickness procedures for their staff after an EU ruling gave workers the green light to carry forward holidays while on long-term sick.

Workers on the sick for over a year can now carry forward all untaken leave into the next holiday year period.

The European Court of Justice ruling means that a worker (<http://www.deminos.co.uk/blog/>) returning from a year-long sickness period could take all of their outstanding last 12 months holidays on top of their entitlement for the coming year.

In another whammy for employers already hard-pressed by the recession, if the worker hasn't had the chance to take accrued holiday by the time their employment ends, they are entitled to payment in lieu of their unused holiday.

Neil Atkinson of Gateshead and London-based human resource consultants Deminos said: "For some companies the ruling will create quite a burden on how they operate and reinforces why an effective sickness policy is essential for all firms.

"This should set out clearly the process for reporting, monitoring and managing absences. For example, an obligation to personally report absences by telephone is a must, instead of accepting texts and e-mails which encourages a 'detached' attitude to taking time off sick.

The EU ruling clears up years of legal wrangles about holiday entitlement lost during long-term illness. While the judgment means holiday will automatically be accrued during sickness, the ruling applies only to those off for extended periods who are not able to take their annual entitlement over the year.

The move applies to the minimum EU holiday requirement of 20 days annual leave including public holidays, although this may increase.

Deminos, which backs all its clients with its £1 million Employment Tribunal Indemnity guarantee, advises putting firm policies in place now following the ruling.

Neil Atkinson added: "Close sickness monitoring should really be seen as a positive thing as it can help manage an absence before it becomes a major problem."

Deminos can be contacted on 020 7873 2429. A free copy of the Deminos guide to employment law is available to download at [www.deminos.co.uk/free-employment-law-guide](http://www.deminos.co.uk/free-employment-law-guide).  
(<http://www.deminos.co.uk/free-employment-law-guide>)

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## NOTES:

The recent legal ruling was made by the European Court of Justice (ECJ) in the Stringer and others v HM Revenue and Customs case.

Deminos can look over, check and update all of your policies, and provide advice on all aspects of employment law. All of their advice is guaranteed - backed by a £1 million of Employment Tribunal Indemnity. This cover provides full legal representation as well as any tribunal payouts awarded.

In the UK last year (Apr 07 - Mar 08) there were 189,303 employment tribunal claims - 750 per working day. (Source: Employment Tribunal's own statistics)

As well as the volume, the cost of tribunals rises every year. Over the same period the average payout for an unfair dismissal claim was £8,058.