



### **Don't Waste your Holiday Feeling Ill**

Have you ever booked time off from work, looked forward to a relaxing few days then fallen sick and spent your holiday in bed feeling sorry for yourself? The European Court of Justice (ECJ) has decided that workers who fall ill when they are due to go on holiday, or while they are on holiday, can count that period that they are ill as time off sick from work rather than time on holiday. So no holiday days are wasted and you can still take time out to rest and enjoy yourself!

The ECJ states that sick leave is needed to ensure the worker recovers from illness, whereas the purpose of statutory holiday is to enable the worker to 'rest and enjoy a period of relaxation and leisure'. Therefore you can now postpone your holiday until you have recovered from your illness or recover the days lost on holiday whilst ill. These additional days can be taken at a time other than originally planned 'if necessary outside the corresponding reference period', meaning you can carry over statutory holiday into the next leave year, if you could not take it in the current leave year because you were ill.

However, the ruling doesn't indicate when workers should let their employer know that they are sick or what proof of illness would be necessary. If you are an employee, it would be beneficial to check the guidelines in your contract of employment. The rules about giving notice to your employer about when you wish to take statutory holiday will also apply to any postponed holiday, and employers have the right to pay statutory sick pay rather than holiday pay for the days you are sick.

Information provided by Sevenoaks & Swanley Citizens Advice Bureau. Tel: 01732 454443, email: [info@sevenoakscab.org.uk](mailto:info@sevenoakscab.org.uk). There is also a Citizens Advice Bureau at Edenbridge.