

27. March 2019

NO EXPIRATION OF LEAVE ENTITLEMENTS WITHOUT CORRECT PRIOR INSTRUCTION BY THE EMPLOYER - FEDERAL LABOR COURT IMPLEMENTS GUIDELINES BY THE EUROPEAN COURT OF JUSTICE INTO GERMAN HOLIDAY LAW

IN ITS JUDGMENT OF 19 FEBRUARY 2019 (FILE NO. 9 AZR 541/15) THE FEDERAL LABOR COURT [*BUNDESARBEITSGERICHT* - BAG] RULED THAT AN EMPLOYEE'S ENTITLEMENT TO PAID ANNUAL LEAVE SHALL AS A RULE ONLY EXPIRE AT THE END OF A CALENDER YEAR IF THE EMPLOYER DID NOT PREVIOUSLY INSTRUCT THE EMPLOYER ABOUT THE CONCRETE LEAVE ENTITLEMENT AND TIME LIMITS AND IF THE EMPLOYEE DID NOT TAKE THE LEAVE VOLUNTARILY NONETHELESS. WITH THIS JUDGMENT, THE BAG IMPLEMENTED THE JURISDICTION OF THE EUROPEAN COURT OF JUSTICE WHICH MEANS THAT THE EXPIRATION REGULATION UNDER SECTION 7 PARA. 3 FEDERAL HOLIDAY BENEFITS ACT IN ITS CURRENT FORM NO LONGER APPLIES. ([more...](#))