International Law at Work: Annual leave and time off work

**National Legislation**

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<tbody>
<tr>
<td><strong>Austria</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes.</td>
<td>Yes, employees covered under the EA (&quot;EA-employee&quot;) are entitled to statutory annual leave. For employees not covered under the EA (&quot;non-EA-employee&quot;), such entitlement will normally be provided in the employment contract.</td>
<td>Yes, employees who have worked for at least 3 months are entitled to receive between 7 and 14 days paid annual leave. Individuals paid for sick leave (including sick leave due to an illness the employee only has to take days off work because of sick leave) are entitled to two weeks paid annual leave. For non-EA employees, the amount of annual leave entitlement depends on the employment contract.</td>
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<td><strong>Brazil</strong></td>
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<td><strong>China</strong></td>
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<td><strong>Czech Republic</strong></td>
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<td><strong>Germany</strong></td>
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<td><strong>Hungary</strong></td>
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<td><strong>Poland</strong></td>
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<td><strong>Singapore</strong></td>
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<td><strong>Slovakia</strong></td>
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<td><strong>UK</strong></td>
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<td><strong>Ukraine</strong></td>
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**Are employees entitled to paid annual leave?**

| Country          | Yes         | Yes                             | Yes                                     | Yes.                            | Yes.                                                           | Yes.                                                                 | No.                                                                                             | Yes.                                                                                             |

**How much paid annual leave are employees entitled to receive?**

- **Statutory minimum of 30 days of annual leave a year on completion of the first year of service.**
- **Statutory minimum paid leave on the basis of the total number of years an employee has worked (for any employee):**
  - 0-9 years: 5 days
  - 10-19 years: 10 days
  - 20 or more years: 20 days

**Right to receive contractual paid annual leave?**

- **No right, however additional contractual annual leave is common, especially for companies based overseas.**
- **No right but not often granted.**
- **No right, not in common practice unless a higher entitlement can be granted in the contract.**
- **No statutory right to do so.**
- **At the discretion of the employee.**
- **At the discretion of the employer.**
- **At the discretion of the employer.**
- **At the discretion of the employee.**

**Are public holidays included in the minimum entitlement?**

- **No**
- **Public holidays are in addition to the statutory annual leave, except where the public holiday falls during the annual leave period being taken by the employee.**
- **No**
- **No**
- **No**
- **No**
- **No**
- **No**
- **No**

**What is included in the calculations for paid annual leave?**

- **Base salary:**
  - Yes
  - Yes
  - Yes
  - Yes
  - Yes
  - Yes
  - Yes
  - Yes
  - Yes

**Does an employee receive an annual leave whilst on sick leave?**

- **Yes**
- **Yes**
- **Yes**
- **Yes**

**Minimum entitlement: 31 calendar days per year. Certain categories of employees are entitled to additional days.**

**Bonus:**

- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**

**Commission:**

- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**

**Overtime:**

- **Yes**
- **No**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**
- **Yes**

**Expenses:**

- **Yes**
- **No**
- **Yes**
- **Yes**
- **No**
- **Yes**
- **Yes**
- **Yes**
- **No**

**Other:**

- **No**
- **No**
- **No**
- **No**
- **No**
- **No**
- **No**
- **No**
- **No**

**Overtime pay for annual leave is calculated on the basis of the highest received salary during the working period. The employee is also entitled to a vacation bonus, calculated at an extra third of the highest remuneration.**

**Sabbatical at discretion of employer.**

**Sick leave does not generally give rise to a contractual entitlement to annual leave, but statutory annual leave is limited where employees have taken more than the following periods of sick leave within the relevant calendar year: 0-9 years’ accumulated years worked: 2 months, 10-19 years: 3 months, and 20 or more years: 4 months.**

**Yes**

**Yes**

**Yes**

**Yes**

**Yes**

**Yes**

**Yes**

**Yes**

**Yes**
International Law at Work: Annual leave and time off work (continued)

| Country | Employee accrues annual leave on maternity/ paternity leave? | Can an employer require an employee to take annual leave at a certain time? | Can employees carry over any period of annual leave entitlement if they have not used their full entitlement during the relevant year? | Can an employer pay an employee in lieu of their annual leave entitlement? | How much notice does an employee have to give to the employer to take annual leave? | Can an employer refuse an employee’s annual leave request? | Can an employer pay an employee in lieu of their annual leave if they have not used their full annual leave entitlement? | Does an employee accrue annual leave for sick or injury? | Can an employer require an employee to take annual leave? | How does the employer have to give notice of the annual leave entitlement? | Is there a statutory requirement to carry over annual leave? | Can an employer make a payment in lieu of annual leave? | Can an employer require the employee to use annual leave? | Can an employer make a payment in lieu of annual leave? | Can an employer require the employee to use annual leave? | Can an employer make a payment in lieu of annual leave? | Can an employer require the employee to use annual leave? | Can an employer make a payment in lieu of annual leave? | Can an employer require the employee to use annual leave? |
|---------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| Austria | No. However, annual leave accrues during the prohibited period (6 weeks pre-birth and 8 weeks after the birth of the child, 12 weeks post-partum for multiple births, pre-term birth or Cesarean section). | No, but if the employee is not entitled to take the annual leave within the relevant period the employer will have to make a payment in lieu of the employee’s annual leave of double the value of the annual leave. | Yes, mandatory carry-over. Employees forfeit carry-over two years from the year in which the entitlement arose. | No, but if the employee is not entitled to take the annual leave within the relevant period the employer will have to make a payment in lieu of the employee’s annual leave of double the value of the annual leave. | Yes, if both parties agree. | Generally, the employer is responsible for ensuring leave is taken in the relevant year. If not, the leave does not exist but the employee could be fined. | Yes, until 31 March if the holiday could not be taken due to urgent operational reasons or personal reasons. | No carry-over unless a period of annual leave spans the end of one year and the start of the next without interval, and the amount carried over does not exceed 5 working days. | Yes, but unused leave should be taken by 30 September of the following year. | No right to do so unless it is expressly provided in the employment contract. | Yes, until the end of the next year at the latest. | Yes, unless they are given the right to carry over in their employment contract. | Yes, generally unused annual leave entitlement should be used during the next 12 months. | Yes, whilst on the maternity leave for 125 – 182 days covering the period before and after childbirth, but not during additional maternity/ paternity leave. |
| Brazil | Yes, but if the annual leave entitlement arose. | No carry-over unless a period of annual leave spans the end of one year and the start of the next without interval, and the amount carried over does not exceed 5 working days. | | | | | | | | | | | | | | | | | | | |
| China | No, if the employee is not entitled to take the annual leave within the relevant period the employer will have to make a payment in lieu of the employee’s annual leave of double the value of the annual leave. | | | | | | | | | | | | | | | | | | | |
| Czech Republic | No, similar to the above, it will depend on the employer’s internal rules. | Yes. Employers must make reasonable efforts to allow the employee to take any remaining annual leave before the end of the entitlement date (payable at the normal rate). | | | | | | | | | | | | | | | | | | | |
| Germany | Yes, during ordinary maternity leave and paternity leave, not during additional parent leave (annual leave is reduced according to the amount of additional parental leave taken). | Only in specific circumstances as set out in regulation (eg: medical leave of the employee for the benefit of the child). | | | | | | | | | | | | | | | | | | | |
| Poland | No, if as long as not agreed otherwise. | | | | | | | | | | | | | | | | | | | |
| Portugal | Can an employer require an employee to take annual leave? | In practice an employee requests a certain time either by an application for leave or a list of holidays. | | | | | | | | | | | | | | | | | | | |
| Singapore | | No statutory requirement, purely contractual matter between employee and employer. | | | | | | | | | | | | | | | | | | | |
| Slovakia | No statutory requirement, purely contractual matter between employee and employer. | | | | | | | | | | | | | | | | | | | |
| UK | Yes. Employers have to compensate employees at 200% of daily, not basic, salary per day, but can require employees to take any remaining annual leave before the end of the entitlement date (payable at the normal rate). | No statutory requirement, purely contractual matter between employee and employer. | | | | | | | | | | | | | | | | | | | |
| Ukraine | No, unless they are given the right to carry over in their employment contract. | | | | | | | | | | | | | | | | | | | |

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International Law at Work: Annual leave and time off work (continued)