



Focus on France 2017

ACCRUED PAID LEAVE

A – BASICS

- **Number of paid leave per year of reference:**
 - 25 days if we count paid leave from Monday to Friday (“jours ouvrés”) = 5 weeks
 - 30 days if we count paid leave from Monday to Saturday (“jours ouvrables”) = 5 weeks

The way of calculation is often given by the Union Trade Agreement (CCN) of the sector of activity, but we usually count paid leave from Monday to Friday. This can be specified in the employment contract.

- **The accruing period of paid leave goes from 1st of June year N to 31st of May year N+1**
- **We can take above accrued paid leave from the 1st of June year N+1 to 31st of May year N+2.**

Example 1: I begin the 1st of August 2015, the accruing period of paid leave is calculated from 1st of August 2015 to 31st of May 2016 i.e. 21 paid leave accrued (2.083 x 10 months)

Example 2: I can benefit from above accrued paid leave (i.e. 21 days) from 1st of June 2016 to 31st of May 2017.

- **It is totally forbidden to take paid leave by anticipation. Exceptionally, if my employer agrees, I can take paid leave before the 1st of June 2016 if I accrued enough.**

Example 3: I want to take 14 paid leave in December 2015. Having started my employment on the 1st of August 2015, I accrued 10.5 holidays. I haven't accrued enough paid leave; the employer can't give me holidays by anticipation so that I will have to take 4.5 days not paid in addition of 10.5 days accrued (if the employer agrees I take them).

Example 4: I want to take 5 paid leave in December. I accrued enough holidays to take at least 5 if my employer agrees.

SEDI France SARL

18 rue Gambetta, 95 880 Enghien les Bains, France
Tel : +33 (0)1 34 05 07 71 Fax: +33 (0)1 34 05 01 69
RCS Pontoise B 410 485 981 APE 7022Z

SEDI UK LTD

231 Vauxhall Bridge Road, SW1V 1AD London, UK
Tel: +44(0) 203 4053 203
Company registered in England & Wales n° 3494781

- **The employer normally decides when the employees can take their paid leave, except for the 5th week of holidays which is obligatory decided by the employee. In practice, the employee proposes paid leave dates to the employer, who can accept or refuse at least 1 month before the beginning of period of vacation requested.**
- **Legally, the paid leave accrued during the period N/N+1 and not taken on the 31st of May year N+2 are lost (not carried over to the following period) and not financially compensated, except if there is a written agreement between the employer and the employee which stipulate it. Don't forget to specify it in the employment contract!**

Example 5: from 1st of July 2015 to 31st of May 2016, I accrued 23 paid leave that I am able to take from the 1st of June 2016 to the 31st of May 2017. I take 15 holidays in August 2016, 3 holidays in December 2016 and 2 days in March 2017, i.e. 20 days. There is a balance of 3 paid leave to take before the 31st of May 2017. If I don't take these days, I will lose them except if my employer accepts to carry them over the next period or to pay them.

B - ADDITIONAL PAID LEAVE

- **A maximum of paid leave must be taken between the 1st of May and the 31st of October.**
If it is not the case, the employee has to be given additional leave called "jours de fractionnement", depending on the number of paid leave taken outside this period. This number of additional days is usually fixed by the Union Trade Agreement. If not, they are fixed By French labour law.
- **Additional days for family events:** French Labour Law ("code du travail") gives additional days in case of employee's wedding (4 days), birth (3 days), death... The Union Trade Agreement can give more days. The employer must apply what is the most favourable to the employee.

SEDI France SARL

18 rue Gambetta, 95 880 Engchien les Bains, France
Tel : +33 (0)1 34 05 07 71 Fax: +33 (0)1 34 05 01 69
RCS Pontoise B 410 485 981 APE 7022Z

SEDI UK LTD

231 Vauxhall Bridge Road, SW1V 1AD London, UK
Tel: +44(0) 203 4053 203
Company registered in England & Wales n° 3494781