

# CONSTRUCTION INDUSTRY FEDERATION

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6 August 2015

IR Circular: 2015/05

To: All Members

Re: **Accrual of Annual Leave during Certified Sick Leave – Commencement Order 1 August 2015**

Dear Member,

The Minister for Business and Employment, Ged Nash, has announced that workers will now be able to accrue annual leave while on certified sick leave effective from last Saturday, 1 August 2015. This amendment was brought into operation on 1 August 2015 by way of a Commencement Order. This is an important update and all members should be fully aware of this key development. (See Circular dated 1 July 2015).

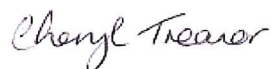
The new legislation change is in response to the Court of Justice European Union rulings that employees accrue annual leave entitlements during sick leave. The amendment will have the following effects:

- Medically certified absences from work will be counted as working time for the purposes of calculating annual leave.
- A statutory annual leave carryover period of 15 months after a leave year will apply to those workers who could not, due to illness, take annual leave during the relevant leave year or during the normal carryover period of 6 months.
- On termination of employment during the 15 month period mentioned above, workers will be entitled to payment in lieu of any such outstanding statutory annual leave entitlements.

The change does not have retrospective effect. Therefore, if a worker has been on certified sick leave before 1 August 2015, they will not have accrued annual leave during that time. The official Construction Industry annual leave year runs from the beginning of August to the beginning of August. In effect, the legislative amendment is operational from the start of the 2015/2016 annual leave year henceforth.

Please contact the Federation if you require clarification on the above.

Yours Faithfully,



Cheryl Treanor

**Executive**

**Industrial Relations and Employment Services**

