

SUMMARY

ECJ 12 October 2023, case C-57/22 (Ředitelství silnic a dálnic), Paid Leave

YQ – v – Ředitelství silnic a dálnic, Czech case

Summary

A worker who was unlawfully dismissed and then reinstated in his or her employment, is entitled to paid annual leave for the period between the date of the dismissal and the date of his or her reinstatement, as he or she is already entitled, under national law, to wage compensation during that period.

Question

Must Article 7(1) of Directive 2003/88 be interpreted as precluding national case-law by virtue of which a worker unlawfully dismissed and then reinstated in his or her employment, in accordance with national law, following the annulment of his or her dismissal by a decision of a court, is not entitled to paid annual leave for the period between the date of the dismissal and the date of his or her reinstatement in his or her employment, on the ground that, during that period, that worker did not actually carry out work for the employer as the latter did not assign him or her work and as he or she is already entitled, under national law, to wage compensation during that period?

Ruling

Article 7(1) of Directive 2003/88 must be interpreted as precluding national case-law by virtue of which a worker was unlawfully dismissed and then reinstated in his or her employment, in accordance with national law, following the annulment of his or her dismissal by a decision of a court, is not entitled to paid annual leave for the period between the date of the dismissal and the date of his or her reinstatement in his or her employment on the ground that, during that period, that worker did not actually carry out work for the employer as the latter did not assign him or her work and as he or she is already entitled, under national law, to wage

compensation during that period.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-10-12

Case number: C-57/22