

PAID LEAVE

All employees are entitled to paid leave as soon as they are hired, but this will only be paid if they have acquired holiday entitlement and comply with the legislation in force.

A - LEGAL BASES

- **Number of paid holidays per reference year, for a full year :**
 - 25 days if holidays are counted in **working days (Monday to Friday)** = 5 weeks
 - 30 days if holidays are counted in **workable days (Monday to Saturday)** = 5 weeksThe method of calculation is determined by the sector's collective agreement. For companies where Saturday is a day not usually worked, the calculation is generally based on working days.
PLEASE NOTE: holiday entitlement is accumulated on a monthly basis:
 - 2,083 days per month in working days = 25 days paid holiday at the end of a full year.
 - 2.5 days per month in workable days = 30 days paid holiday at the end of a full year.
- **The holiday accrual period, known as the reference period, runs from 1st June of year N to 31 May N+1.**
This period may be different depending on the collective agreement or a company agreement.
It is also acceptable to run this reference period from January to December, but this must be stated in the employment contract and the payroll service provider must be informed, as the software is set by default to the most common reference period (June to May).
- **The holiday period is the period during which the employee must take his/her main 4-week holiday - between May 1st and October 31st.**
Of these 4 weeks, the employee is obliged to take **2 consecutive weeks** of paid leave (10 working days or 12 workable days), excluding any compensatory days or RTTs.

If the employee cannot take 4 weeks during this period, he/she is entitled to additional split leave (see below).

This period may vary depending on the collective agreement or a company agreement.

B -- WHEN and HOW do you take paid leave?

- Any employee may take leave as soon as he/she is hired, but only if he/she has acquired sufficient leave at the time of the leave approved by the employer.
***It is strictly forbidden to take leave that has not yet been earned. The balance of paid leave cannot be negative.**

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- **In theory**, the periods in which leave is taken and the order in which it is taken are **set by company agreement** or, failing that, **by the employer**. The employer may impose holiday dates for a maximum of 4 weeks per year. The employee is free to choose the 5th week.
- But in practice, for small companies with fewer than 10 employees, the employee submits holiday dates to the employer, who is free to accept or refuse, **but at least one month before** the start of the requested holiday period.

Please note: the possibility of taking leave in advance (taking leave already earned before the start of the leave period) is subject to the agreement of both parties.

EXAMPLES (based on working days, i.e. Monday to Friday) :

Your employee arrived on July 1st 2024.

The holiday reference period runs from June N to May N+1.

The holiday period runs from May N to October N.

Example 1: the employee wishes to take 4 days from 23 to 27 December (25 December being a public holiday).

The employer must check that the employee has accumulated sufficient days on the date the leave is taken: $7 \times 2.083 = 12.49$ days. The employer is therefore free to accept or refuse, since the holiday period has not yet started.

Example 2: the employee wishes to take 10 days from 19 to 31 August. He/she will only have accumulated 4.16 days paid leave.

The employer may only grant 4 days of leave out of the 10 days requested. The other 6 days will be unpaid, i.e. the employee will not receive any pay during this period.

- **By law, days of leave acquired during the reference period N/N+1 that have not been used up by 31 May of year N+2 will be considered as lost and will not be carried over to the following period, unless there is a written agreement between the employer and the employee which states it.**
Don't forget to include this information in your employment contract!

B - ADDITIONAL LEAVE

- **Split days.** Four weeks' leave, including two consecutive weeks of leave (10 working days or 12 workable days) must be taken between 1 May and 31 October. If this is not the case, the employee is entitled to additional leave known as split days, depending on the amount of leave taken outside this period.
PLEASE NOTE: the 5th week of holiday is excluded from this calculation.
The number of split days varies according to each collective agreement. If there is no collective agreement for your sector of activity, or if yours is silent, the Labour Code is applied:
 - 1 additional day if the employee has taken between 3 and 5 days after 31 October.
 - 2 additional days if the employee has taken more than 6 days after 31 October.

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CAUTION: no split day will be granted if the employee refuses to take paid leave without a valid explanation, or if he/she takes RTT or compensation days* instead of paid leave when he/she has already accumulated sufficient paid leave.

- **Leave for family or exceptional events:** the Labour Code grants additional leave for family events such as the employee's marriage (4 days), the birth of the employee's child (3 days), death, etc. The collective agreement may grant more days than the Labour Code. In all cases, the employer must apply the one that is most favourable to the employee.

**RTT and compensation days= Additional days of leave granted to compensate for a fixed work schedule in hours or days.*

Don't hesitate to contact us if you have any questions!

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