Estates entitled to holiday pay for deceased workers

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The Court of Justice of the European Union (CJEU) has held that the estates of deceased workers are entitled to payments for any accrued but untaken statutory annual leave entitlement at the time of their death and that such payments are 'essential to ensure the effectiveness of the entitlement to paid annual leave'.

Mr Bollacke had been employed by K Klaas & Kock B.V. and Co KG ('K&K') since 1998. During his employment he had accrued but not taken 140.5 days of annual leave. In 2009, he became seriously ill and, unfortunately, died in November 2010. Mr Bollacke's wife sought payment of his accrued but untaken annual leave from K&K to Mr Bollacke's estate but K&K refused.

The case was referred to the CJEU who held that the Working Time Directive (which states that EU workers must be entitled to at least four weeks' paid holiday each year), prevents national legislation providing that workers entitlement to paid annual leave is lost when they die. It said that rights to paid holiday were particularly important under EU law and that member states could not derogate from it.

Bollacke v K + K Klaas & Kock B.V. and Co KG C-118/13

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