



Press Release

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Local small businesses will be hit by EU court ruling

Workers will be able to claim back holiday lost to illness

Local Conservative MEP, Malcolm Harbour, has condemned a ruling by the European Court of Justice which says workers should be able to claim back leave if they fall sick whilst on holiday.

Mr Harbour said the ruling will create a legal minefield for local businesses and especially small businesses.

The court was passing judgment on the case of a Spanish employee who was refused the right to alter his holiday plans because he suffered injury before he was due to take his leave. The court in Luxembourg ruled he should have been able to alter his holiday dates.

The court did not specify at what time an employee could trigger the right to alter holidays, however employment lawyers argue that the ruling can be interpreted as giving workers the right to claim extra holiday time even if their holiday has begun.

Malcolm Harbour said:

"This court ruling opens up a legal minefield for British businesses. Local small businesses have to plan their leave extremely carefully to prevent staff shortages. This judgment could leave small businesses vulnerable during peak holiday periods.

"Many local employers take a sympathetic approach towards employees who fall ill when on holiday. Now we are replacing goodwill with legal requirements that many businesses will struggle to meet.

"As we try to recover from the recession, we need to assist small businesses wherever possible to expand and take on new employees. Instead, we are tying them down in yet more red tape dictated by a remote court in another country.

"We cannot continue to have employment legislation imposed upon us by the EU. This type of one-size-fits-all law may be well-intentioned but it is exacerbating the ultimate injustice in the workplace: unemployment."

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