



Union  
Syndicale  
Fédérale  
Luxembourg

# More than 12 leave day left?

## Union Syndicale Fédérale Luxembourg asked DG HR to extend until 31 March 2021 possibility to take them

Luxembourg, 29 October 2020

In the context of various COVID-related communications, DG HR took the line that this year there would be a strict application of the maximum 12 leave days that staff can automatically transfer to the following year, and that derogations invoking service reasons would be closely scrutinised.

Paradoxically, during the summer period, **Union Syndicale Fédérale Luxembourg** received feedback from colleagues pointing to the fact that managers in certain DGs were asking them not to take leave invoking service needs...

Now, as the end of the year nears and we are in the midst of the second wave of COVID-19, HR services are sending reminders to colleagues who have more than 12 leave days left encouraging them to reduce any excess above the 12 days.

Against this backdrop, **Union Syndicale Fédérale Luxembourg** underlines that **paid leave is a key principle of European Union social law and an unquestionable statutory right** and that, as the Court of Justice jurisprudence has established, **staff must have reasonable opportunity to take it**. There are no legal grounds to simply suppress paid leave not taken.

For the majority, **leave means the possibility to travel to and spend time with family and friends** in the country of origin. At the institutional level, the importance of travel to the country of origin is formally recognised through the travel days that we are entitled to. The same logic applies to colleagues who want to travel to a destination other than the country of origin for their leave - for example, many of us do have family ties in places other than the country of origin.

Yet, the reality today is that there are **objective restrictions to transnational mobility**. Non-essential travel to many countries is strongly discouraged; numerous countries require travellers from Belgium to quarantine; and Belgium requires quarantine to those coming from an ever larger number of countries and regions. In addition, there is reduced flight availability, which penalises many of us.

**Union Syndicale Fédérale Luxembourg** considers **unacceptable that staff be forced to take leave at the place of work** if they encounter difficulties to travel to their desired leave destination.

**Union Syndicale Fédérale Luxembourg** considers that the **present exceptional COVID-19 circumstances require exceptional measures**.

In addition to asking DG HR and DGs in general maximum flexibility in considering derogations for service reasons, **Union Syndicale Fédérale Luxembourg asks DG HR to extend the possibility for staff to take leave days in excess of the 12 than can be normally transferred until 31 March 2021** (subject to revision if the present pandemic conditions do not improve). This is not such an extraordinary request given the present context and the fact that no so long ago, in normal circumstances, it was possible to take the excess leave days until the 31<sup>st</sup> of January of the following year.

**Union Syndicale Fédérale Luxembourg** will maintain an active watch on this matter and, as always, encourages staff to provide us with their feedback.

**Need help? Contact us:**

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