

Vacation leave

Igor Kyrzewski · 18.05.2025 · Kadry i Płace – JDG, Kadry i Płace – Spółki

□□ Introduction

Annual leave is one of the fundamental employee rights stemming from the Labor Code. Employers are obliged to grant it to employees **every year**, and failing to use it cannot result in the loss of the right to rest. Below we present who is entitled to leave, how to calculate it, and how it should be granted.

□□ 1. Leave entitlement

According to **Article 154 § 1 of the Labor Code**:

Length of service (including education)	Annual leave entitlement
less than 10 years	20 days
10 years and more	26 days

□□ **Important:** The length of service also includes the period of education:

- vocational school – 3 years,
- high school – 4-5 years,
- higher education – 8 years (not cumulative with other schools).

□□ 2. Granting leave - rules

□□ **a) Leave is granted:**

- **at the employee's request** (written, electronic, or in the HR system),
- **on the days that are working days for the employee**, according to their schedule,

- **in full working days** (minimum unit – 1 day or 1/8 of the workload).

☐☐ b) Employer's obligations:

- cannot refuse leave if it is in accordance with the vacation plan,
- must grant leave in the calendar year in which the employee acquired the right to it,
- unused leave must be granted **by September 30 of the following year** (Article 168 of the Labor Code).

☐☐ 3. Acquiring the right to leave

☐☐ a) In the first job:

- The employee acquires the right to leave **at the end of each month of work** – 1/12 of the annual entitlement,
- which means 1.67 days per month (for 20 days) or 2.17 days (for 26 days),
- from the next year – the full entitlement in advance.

☐☐ b) Subsequent years of employment:

- From January 1 of each year, the employee is entitled to **the full annual leave**.

☐☐ 4. Proportional leave - when?

☐☐ a) Employment or dismissal during the year:

- The employee is entitled to **proportional leave** corresponding to the period worked in that year.

☐☐ b) Change of employer:

- If in the same year the employee was already employed by another employer and used part of the leave, the new employer **calculates proportionally only**

the remaining portion.

□□ c) Change in workload (e.g., from half-time to full-time):

- The leave for the period of part-time work is calculated proportionally (e.g., 10 days for half-time over the year).

□□ 5. Vacation plan

- The employer may establish a **vacation plan** (if there is no trade union operating – after consultation with employees).
- The vacation plan **cannot violate the employee's right to annual rest.**
- Vacation days can be divided – e.g., 10 days in June and 10 days in August.

□□ 6. Annual leave and absences

- **Illness** does not interrupt leave – however, sick days are not counted as leave days.
- If the employee falls ill before the start of the leave – they should inform the employer and postpone the leave.

□□ 7. Leave and termination of contract

- During the notice period, the employer may:
 - **grant unused and current leave**, or
 - **pay compensation** for unused leave.

□□ 8. Example of calculations – proportional leave

Example: An employee with 5 years of service started work on July 1, 2025.

→ They are entitled to:

$20 \text{ days} \times 6/12 = \mathbf{10 \text{ days of annual leave}}$ until the end of 2025.

☐☐ Legal basis:

- **Labor Code**, Articles 152–173
- Regulation of the Minister of Labour and Social Policy of May 28, 1996, on the method of granting annual leave