

BE INFORMED – INFANT SCHOOLS

BE INFORMED: INFANT SCHOOLS - YOUR HOLIDAY RIGHTS WHEN FURLOUGHED

During the time a worker is furloughed, given that their work contract is temporarily suspended, no holiday is generated. However, the rights to rest recognised and regulated in article 38 of the Basic Workers' Law, and in [Chapter 5 Article 18 of the Collective Agreement on Education and Non-Formal Training](#) continue to apply.

Neither the State of Alarm nor the health emergency have led to any changes in rights to holidays.

Companies cannot unilaterally impose holidays on their workers during or after the State of Alarm as a way of dealing with issues arising from COVID-19; this is because there is no mutual agreement for the worker to take holiday, nor have the company informed the worker 2 months' in advance of the dates of their holidays as stipulated in the Basic Worker's Law.

If your employer is trying to force you to take holiday, you should put your disagreement in writing, and in the case of your company still insisting you take holiday, you can challenge it legally.

[Article 38 of the Basic Workers' Law](#)

1. Annual paid holiday, which cannot be substituted for payment, will be agreed by collective agreement or individual contract. In no case can this be fewer than 30 natural days.

2. Holiday period or periods will be agreed between the business and the worker, and when applicable, following the rules outlined for planning annual holiday in collective agreements.

In case of dispute between each party, the Labour Court will decide the dates for the holiday due, and this decision will not be subject to appeal. The process will be summary and preferential.

3. The holiday calendar will be set in each company. The worker will know the dates of their holiday with at least two months' notice before they are due to take place.

Chapter 5 Article 18 of the Collective Agreement on Education and Non-Formal Training

Article 18

All workers affected by the current Agreement will take one month paid holidays every year or the proportional part of the time worked. They will be taken in the periods with less business activity, preferably in summer. For this purpose, the company will establish at least two months beforehand the schedule, the shifts, etc.