



## ABOUT

We propose to examine the **two significant rulings issued** in September 2025 by the **Court of Cassation**.

### A sick leave takes precedence over paid leave.

**(Cass. soc., September 10, 2025, No. 23-14.455)**



**When an employee is granted sick leave while on paid leave, the sick leave supersedes any ongoing paid leave.**

**In application:**

- If an employee utilizes sick leave during their paid vacation, they are required to furnish justification to their employer.
- The work stoppage will take priority over paid leave days utilized on the same dates.
- The employee will receive compensation under the same terms as a standard work stoppage, which may include a waiting period, daily sickness benefits, and potential salary maintenance.
- Paid leave days not utilized during the leave will be carried over either until the conclusion of the leave period or for 15 months following the employee's return to work.

**IMPORTANT**

**This case law is applicable retroactively. Employees may thus seek reimbursement for vacation days (or compensation in lieu of paid leave) that coincided with a work stoppage, provided they can substantiate the justification for the stoppage.**



### PAID LEAVE DAYS ARE CONSIDERED WHEN CALCULATING OVERTIME.

**(Cass. soc., September 10, 2025, No. 23-14.455)**

- As a general principle, overtime hours are calculated on a weekly calendar basis (monday till sunday). Consequently, any hour that surpasses 35 hours of work is considered an overtime hour.
- When an employee logs both working days and paid leave days within the same week, the latter are factored into the calculation of hours worked to ascertain whether overtime has been incurred.

| For instance | Contractual timeline | Week 1         | Week 2         |
|--------------|----------------------|----------------|----------------|
| Monday       | 7 hours              | 1 CP = 7 hours | 1 CP = 7 hours |
| Tuesday      | 7 hours              | 7 hours        | 7 hours        |
| Wednesday    | 7 hours              | 7 hours        | 7.5 hours      |
| Thursday     | 7 hours              | 7 hours        | 7 hours        |
| Friday       | 7 hours              | 7 hours        | 7.5 hours      |
| TOTAL        | 35 hours             | 35 hours       | 36 hours       |
| Overtime     | 0                    | 0              | 1 hour         |