ANNUAL LEAVE · LABOUR LAW ART. 57

Payment of annual leave pay before leave and termination for just cause

The legal obligation and the consequences of not complying with it.

KEY POINTS

5 key points

SWIPE TO CONTINUE →

02 · THE RULE

Pay for the leave period is paid before the leave

Under **Article 57 of Labour Law No. 4857** and Article 21 of the Annual Paid Leave Regulation, the employer pays the wage for the leave period in advance, or as an advance, before the employee starts leave.

14 June

Latest payment date for an employee starting leave on 15 June

The rule applies to every annual leave, including leave of a few days.

— 03 · SCOPE

Workplaces paying wages at month-end

In practice, leave pay is often paid on the normal pay day with the month-end payroll. The law, however, requires payment **before the leave starts**.

⚠ Pay day

Not a valid payment date for leave pay

Where wages are paid in advance at the start of the month, the obligation is largely met automatically. For leave spanning two months, pay for days in the following month must also be paid before the leave starts.

04 · COURT OF CASSATION

No request from the employee is needed

MANDATORY RULE

The advance payment obligation is mandatory. “This is how it is done at our workplace” does not remove it.

NO REQUEST REQUIRED

The employee does not need to ask for payment; the employer must pay without waiting for a request.

Court of Cassation 9th Civil Chamber, decision of 10.03.2025, E. 2025/2024, K. 2025/2487, resolving the conflict between regional courts of appeal.

— 05 · CONSEQUENCE

Late payment creates grounds for just-cause termination

Failure to pay leave pay before the leave gives the employee the right to terminate for just cause under **Labour Law Article 24/II-(e) and (f)**.

⚖ Just cause

Severance pay obligation that would not arise on resignation

The right to terminate continues while payment is outstanding; paying later does not automatically remove the risk.

06 · MEASURES

Running leave approval and payroll together

01 **Reflecting leave pay in payroll for payment before the start date once leave is approved.**

02 **Showing the payment separately in payroll if made as an advance.**

03 **Keeping the payment receipt together with the leave record.**

Other practices may give rise to just-cause termination claims and related severance pay claims.

IN SUMMARY

Payment before leave

Leave pay is paid in advance or as an advance before the employee starts leave.

Delay is just cause

No request is needed; paying later does not change the outcome.

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