Belgium

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NB. Belgium is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to cross-country comparisons page on website. To contact authors of country notes, go to membership-list of members page on website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (Moederschapsverlof / Congé de maternité) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)

- Fifteen weeks for employees. A woman can start to take her leave six weeks before her baby is due; one week before and nine weeks after delivery are obligatory.
- Self employed mothers have 8 weeks.

Payment and funding

- Employees in the private sector: first month at 82 per cent of earnings plus 75 per cent for the remaining weeks with a ceiling of €94.87 per day. Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

Flexibility in use

- The start of Maternity leave can be delayed until one week before birth.
- Up to two weeks of postnatal leave can be taken as ‘free days’ thereby spreading Maternity leave over a longer period and facilitating a more gradual re-entry into paid employment.

Eligibility (e.g. related to employment or family circumstances)

- All women employees are entitled to leave with earnings-related benefit.
- Self-employed workers can take Maternity leave but have a separate system which is less advantageous compared with employees (e.g. eight weeks of paid leave).
Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Mothers needing to take the full six weeks of pre-natal leave, can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks.
- In the case of multiple births, the length of leave increases by four weeks (two weeks pre-natal and two weeks post-natal). Maternity leave can also be extended if the baby is hospitalised following birth.
- ‘Social’ parental leave. In the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the maternity leave period. He is paid 60 per cent of his earnings in addition to the payment of the mother’s maternity leave income.

b. Paternity leave (Vaderschapsverlof / Congé de paternité) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave
- Ten working days.

Payment and funding
- One hundred per cent of earnings for three days paid by the employer, 82 per cent of earnings for the remaining period paid by Health Insurance (ceiling of €103.72 per day).
- Funded as Maternity leave.

Flexibility in use
- Fathers can take these two weeks during the first four months following the birth of their child.

Eligibility (e.g. related to employment or family circumstances)
- All male employees. Self-employed fathers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother
- None.

c. Parental leave (Ouderschapsverlof / Congé parental) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)
- Four months per parent per child. Leave is an individual entitlement.

Payment and funding
- €679.59 per month net of taxes (€756.19 before taxes).
- Funded as Maternity leave.
Flexibility in use

- Leave may be taken full time, half-time over six months or one day a week over 15 months. For half-time leave, the total duration of six months can be split into blocks of time, minimum two months. For one-fifth leave, the total duration of 15 months can still be split into blocks, minimum five months.
- Leave can be combined as follows: one month at full time + two months at half-time + five months at one-fifth.

Regional or local variations in leave policy

- The Flemish Community Government pays an additional benefit bonus during the first year. The regulation and the flat-rate payment somewhat differ for workers in the public, the private or the social profit sectors, but this additional payment is approximately €160 net per month for a full-time break, and €106 per month for a half-time break.

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year’s employment with their present employer (during the last 15 months) and who have, or expect to have, parental responsibility for a child. Otherwise, the employer can grant this benefit by agreement to the employee. Self-employed are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As the leave is per child, length of leave is increased for multiple births, e.g. each parent of twins gets 26 weeks.
- Parents of disabled children can take leave until their child’s twenty-first birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €172 instead of €128 per month - before taxes - in all the other cases).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employers may postpone granting leave for up to six months ‘where business cannot cope’. In addition, the request for leave must be addressed to the employer a minimum of two months and a maximum of three months in advance.

d. Childcare leave or career breaks

- There is a Time Credit system (Tijdscredit / Crédit temps) which applies to employees in the private sector (a similar scheme – ‘career breaks’ – applies in the public sector). All eligible workers have a basic right to one paid year of this type of leave. This period can be extended up to five years by collective agreement negotiated at sectoral or company level. Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 51 years or older, for those employed for five years or more). The maximum for a full-time break is approximately €628 per month before taxes. The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave. Users who
extend their leave to care for a child younger than twelve years, to care for a seriously ill family member or for a handicapped child, will continue to receive a payment during the full length of their leave.

- Workers over 55 years, who have at least 25 years of employment, have the right to reduce their hours by one-fifth or to half time; they must work these reduced hours for at least 6 months (one-fifth reduction) or 3 months (half-time reduction), but there is no upper limit on the length of time they can work reduced hours. They receive a low flat-rate payment while working reduced hours.

- For each company, there is a 5 per cent threshold of employees who can use the time credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). There is a guarantee in principle to return to the workplace following a career break or time credit period.

- Payments to time credit users are funded by the Federal social security system, which is financed by contributions from employers and employees.

e. Other employment-related measures

**Adoption leave and pay**

- At the time of adoption: 6 weeks for parents adopting a child under three years of age, and 4 weeks for parents adopting a child under 8 years of age., Parental leave: same regulations as for parents having their own children.

**Time off for the care of dependants**

- Employees may take up to ten days of leave a year ‘for urgent reasons’ (force majeure) to deal with unexpected or sudden circumstances. The legislation defines ‘urgent’ as making it ‘obligatory and necessary’ to be present at home instead of being at work (e.g. such as illness, accident or hospitalisation of a member of the household). There is no entitlement to payment.

- For a severely ill family member, an employee can take full-time leave ranging from one to 12 months (and up to 24 months in the case of part-time leave, and in the case of full-time leave to care for lone parents looking after a child under sixteen). It must, however, be taken in blocks of one to three months. Benefits paid are the same conditions as for Parental leave.

- Employees may also take up to two months of leave, full time or part time, for palliative care (to be taken in blocks of one month). Benefits paid are the same as for Parental leave.

- Foster parents may take six days of leave to allow them to fulfil administrative and legal requirements, paid as for Parental leave.

**Flexible working**

- None.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Belgium is 34 months (including full use of the time credit scheme), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around 4 months after birth. There is an entitlement to ECEC from 2.5 years of age: from this age children can attend nursery school for 31.5 hours
per week during term time. So there is no gap between the end of Parental leave/time credit and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and for OECD countries, with universal coverage for children over 3 years of age. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on cross-country comparisons page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

There have been developments in the 'career break / time credit' (CB / TC) system in Belgium (see 2009 review for articles on these policies). By way of introduction, from the mid-1980s an innovative system of leave was developed in Belgium allowing not only parents to care for their young children but also other workers for any reasons. Several periods in the development of the career break system can be distinguished. First, various modifications were introduced which gradually improved the system from the perspective of the employees (1986-1991). Second, there was some retrenchment followed by some progress as a collective agreement was negotiated between the employers and trade unions in the National Labor Council (1991-1999). Third, the career break system received a further impetus (2000-2011) as the basic entitlement was expanded, e.g. more flexible options, becoming a right for employees in the private sector.

At present, this CB/TC system is under review in the context of budget deficits, and the need to adapt is a subject for political discussion at the federal level in Belgium. The new federal government, which finally took office in Autumn 2011, has decided already on a number of restrictions and cuts. Mostly to implement savings, the government has started to distinguish the so-called 'motivated' and 'non-motivated' CB/TC. The former refer to any periods taken for various types of care; no changes are proposed here.

But from 28th November 2011, changes are made for 'non-motivated periods' of CB/TB, which refers to longer periods of interrupting work for reasons such as taking long holidays, life reorientation or just for leisure or rest. One major change is to limit this right to a maximum of one year (or an equivalent period if leave is taken using a part-time formula). Secondly, the age condition for the right to work reduced hours is increased from 50 to 55 years, after a minimum of 25 years of work (previously 20 years), though some exceptions remain (e.g. workers involved in physically demanding work or enrolled in companies witnessing a major restructuring). A third major change affects pensions; until now periods of CB/TC were dealt with as equivalent to work for building up pension rights, but from 2012 onwards, periods of non-motivated CB /TC are no longer valid in this respect.

The overall impact is mostly that the process of previous decades of gradually extending rights and possibilities (e.g. greater flexibility) is halted; more restrictions may be decided later in 2012 during another round when additional budget savings are needed. At present, though, changes are limited to cutting down on some types of CB/TC possibilities that employers have objected to for some time (cf. too long, too early, too flexible, etc.).

At the same time, the federal government has also acted (in haste) to implement the EU Directive 2010/18 on Parental Leave. Given the long period of political deadlock at the federal level (with no government from late 2010 through most of 2011), it remained impossible to formally adopt the specific regulation for Parental leave to meet the requirements of the EU Directive (deadline early March 2012). At last, the federal government decided on 18 March 2012 to allow a fourth month of Parental leave, as an individual entitlement; the flat rate payment is extended to a fourth month of leave for parents of children born after 8 March 2012.
4. Take-up of leave

a. Maternity leave

A period of Maternity leave is obligatory for employees. There is no systematic information on what proportion of women do not take the full amount of Maternity leave, an issue especially relevant among the self-employed.

b. Paternity leave

Following the extension to ten days, a large majority of men used the extended Paternity leave, up from 17,045 fathers in 2002 to 61,246 in 2008 (RIZIV/INAMI data); a comparative study estimated the take-up rate of Paternity leave in 2008 to be approximately 68 per cent. Only about 5 per cent of fathers continue to use only the three days of leave that was the previous entitlement.

c. Parental leave

There is no information on what proportion of employees are not eligible for Parental leave. Most of the users are women, although the proportion of fathers among all leave-takers is slowly growing. From 2007 to 2011, the total number of users increased by 54 per cent. This means that in 2011 52,539 took some period of Parental leave, representing 2.1 per cent of all female workers and 0.7 per cent of all male workers during that year. The proportion of fathers among all takers of Parental leave increased from 9 per cent in 2002 to 28 per cent in 2011. Part-time leave options are the most popular, especially among men.

Approximately three quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure.

d. Other employment-related measures

Between 2007 and 2011, the number of time credit users rose by 21.6 per cent. During this period full-time time credit leave decreased by 31.9 per cent and part-time time credit leave and one-fifth credit leave respectively increased by 21.2 per cent and 30.8 per cent. People aged 50 and over represent the majority of users, accounting for 66 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. Time credit users in this age group are predominantly male, suggesting that men tend to use the time credit system as a form of flexible early retirement. By contrast, women tend to use it more to balance paid work and (child)care. In 2011, 62 per cent of all users were women.

In 2011, users of time credit represented 2.8 per cent of the workforce; 3.8 per cent of women in the workforce and 1.9 per cent of men in the workforce.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. Research has been focused on how parents have managed to take time off work or work more flexibly without recourse to legal entitlements, including the contribution of workplace policies and practices. There have been a number of publications documenting
the use of these entitlements based on administrative records showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected publications since April 2011

The Belgian Career Break scheme, which allows employees to interrupt their careers temporarily while receiving a (limited) replacement income from the government, was first introduced in 1985, but little is known about the consequences of taking a career break. This paper reviews the existing literature, then applying multilevel growth modelling to the Belgian administrative database analyses the consequences for future wages of using the scheme.

This book presents a comparative study of work-family balance in three professional groups in Belgium: nurses, police officers and social workers.

This study analyses work-family balance strategies of couples with similar earnings in Belgium.

This article examines how women adjust their professional careers after first child birth. Reducing the hours of paid work is one way of reconciling work with family responsibilities. An alternative strategy consists of finding a job that integrates with family life more easily. Jobs with better opportunities for positive role-combination (i.e. work and family) are defined using the job demands-control model of Karasek. Using the longitudinal SONAR-data set on the transition from school to work in Flanders, Belgium, the article analyses how the career trajectories of young women (N = 809) change with family formation. The results suggest that women with children try to improve their work-family balance by changing the kind of jobs they work in. There were no indications, however, that mothers anticipate the future combination by choosing less demanding jobs. The largest decrease in job strain is realized by women who start working part-time. Part-time work as a combination strategy however, appears to be needed most in those jobs which offer few opportunities for successful combination.

This article summarizes Phd-research with the same title. The work orientations, time use and experiences of time pressure of 1,236 men and women with a career break are compared with working individuals from 20 to 49 years. Time credit and career break were introduced to increase the labour market participation and the quality of life. Both objectives were evaluated.

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This article considers the consequences of work-family reconciliation, in terms of the extent to which the adjustment of the labour market career to family demands (by women) contributes to a better work-life balance. Using the Flemish SONAR-data, it analyses how changes in work and family conditions between the age of 26 and 29 are related to changes in feelings of time pressure among young working women. More specifically, by using cross-lagged models and synchronous effects panel models, it analyses (1) how family and work conditions affect feelings of time pressure, as well as (2) reverse effects, which may point to (working career) adjustment strategies of coping with time pressure. The results show that of all the considered changes in working conditions following family formation (i.e. having children), only the reduction of working hours seems to improve work-family balance (i.e. reduces the experience of time pressure). Part-time work is both a response to high time pressure, and effectively lowers time pressure. The effect of part-time work is not affected by concomitant changes in the type of paid work, rather, work characteristics that increase time pressure increase the probability of reconciling work with family life by reducing the number of work hours.

c. Ongoing research

None reported.