

Belgium¹

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April 2019

N.B. Belgium is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)

Length of leave (before and after birth)

- 15 weeks for employees – a woman can start to take her leave six weeks before her baby is due; one week before the due date and nine weeks after delivery are obligatory.
- 12 weeks for self-employed mothers (with three weeks of compulsory leave).
- Unemployed mothers have the same rights as employees.

Payment and funding (reference period for amounts: second semester, 2018)

- Employees in the private sector: the first month at 82 per cent of earnings, plus 75 per cent for the remaining weeks with an upper limit of €143 per day. Statutory civil servants receive their full

¹ Please cite as: Fusulier, B., Mortelmans, D. (2019) 'Belgium country note,' Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

salary, and contractual civil servants are paid as per the private sector.

- Self-employed mothers receive €485 per week.
- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of previous earnings with an upper limit of €143 per day, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit of €143 per day.
- Funded through 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 the birth.
- Up to two weeks of post-natal 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.
- Maternity leave for self-employed mothers has been extended to 12 weeks and made more flexible. Self-employed mothers now have three weeks of compulsory leave (one week before birth and two weeks after birth). In addition, they are entitled to nine weeks of optional leave to be taken in blocks of seven days during the 36 weeks following birth. Each week of optional leave can be converted into two weeks of part-time leave, where women want or need to go back to work on a part-time basis (for up to 18 weeks).

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

- All female employees or women on unemployment benefits are entitled to leave with an earnings-related benefit payment.
- Self-employed workers can take Maternity leave but have a separate system, which is less advantageous than the system for employees. They have 12 weeks (instead of 15) and only three of those are compulsory. The allowance is also limited to a fixed amount (€485/week) which is lower than the upper limit set for employees (€715/week).
- No differences apply to same-sex couples. Only their labour market position determines their benefit access, not the gender composition of their couple, nor its institutional bond (married or unmarried).
- For non-citizens/immigrant workers, their labour market status determines their benefit eligibility. An individual must have been working as an employee for a minimum of 120 days, plus paying social security contributions. For temporary workers, the minimum is 400 hours of work across 6 months.

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 who need the full six weeks of pre-natal leave for health reasons can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks. However, the remainder of their pre-natal leave is not added onto their post-natal leave if they fall sick.
- In the case of multiple births, the length of leave increases by two weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- 'Social' Parental leave is provided in the case of the death of the mother, or if the mother remains in hospital (for longer than a week after delivery) and if the baby is at home. Then the father is granted the remaining weeks of the Maternity leave, and paid 60 per cent of his earnings in addition to the payment of the mother's Maternity leave benefit.

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

Length of leave

- Ten working days.²

Payment and funding

- 100 per cent of earnings for the first three days paid by the employer, then 82 per cent of earnings for the remaining period paid by Health Insurance – there is an upper limit of €117 per day (second semester, 2018).
- Funded in the same way as Maternity leave.

Flexibility in use

- Fathers and co-parents (i.e. same-sex partners) can take these two weeks during the first four months following the birth of their child.

Regional or local variations in leave policy

² Belgium was one of the first OECD countries to introduce Paternity leave (two days in 1961, with guaranteed pay by the employers – extended to three days in 1963).

- Civil servants in the Walloon region receive 15 days, based on their Collective Agreement.

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

- All male employees are eligible, but unemployed and self-employed fathers are not.
- No differences exist for same-sex couples. Their labour market position determines their eligibility, as opposed to the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility. One needs to be working as a Belgian employee when the child is born.

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. Leave is an individual entitlement.

Payment and funding

- €750 per month after taxation (€835 before taxation).
- Funded in the same way as Maternity leave.

Flexibility in use

- Leave may be taken full-time, part-time (50 per cent) over eight months, or one day per week (20 per cent) over 20 months.
- For part-time leave, the total duration of eight months can be split into blocks of time (with a minimum of two months). For one-fifth of the leave, the total duration of 20 months can also be split into blocks (with a minimum of five months).
- Leave can also be combined as follows: one month at full-time + two months at part-time + five months at one-fifth.
- Leave may be taken up until the child's 12th birthday.
- Both parents can take leave at the same time.

Regional or local variations in leave policy

- The Flemish community (i.e. the government in Flanders) pays an additional benefit bonus for a maximum of one year for Flemish care leave or Time Credit (see section 1d). The amount of this additional payment depends on the sector of employment (e.g. private, social profit, or public) and the reduction of employment while taking leave. This additional benefit payment is highest for employees in the social profit sector, namely an additional €504.29 net per month for employees taking a full-time break (for Flemish care leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €179.68 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken).

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 (in practice, this can refer to: the child's biological mother and/or biological father; the person with whom the child has paternal filiation; the wife or partner of the biological mother of the child; the adoptive parents). Otherwise, the employer can grant this benefit by agreement with the employee. All employees in the public sector are eligible, regardless of the length of their service.
- Self-employed workers are not eligible.
- No differences exist for same-sex couples. Their labour market position determines their eligibility, not the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility – they need to be working as a Belgian employee.

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 allocated per child, the length of leave is increased for multiple births (e.g. each parent of twins gets eight months of leave).
- Parents of disabled children can take leave until their child's 21st birthday.
- The benefit is higher for single parents: €1,035 per month after taxation (€1,152 before taxation).

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 (*Tijdskrediet/Crédit temps*), which applies to employees in the private sector; and a rather 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 over their working lives, taken full-time, or 24 months taken part-time or 60 months taken at one-fifth time.
- Leave taken under the Time Credit/career break system can only be taken in order to care for a child younger than eight years (or for a disabled child up to the age of 21 years), to provide palliative care, and/or to care for a severely ill relative. Payment varies according to age, civil status, and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €500 per month after taxation. The bonus for residents of the Flemish community taking Parental leave also applies to this type of leave.
- Employees need two years of previous employment with the same employer in order to be granted payment. There is a guarantee in principle to return to the workplace following a career break or Time Credit period.
- For each company, there is a five 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 relative increase of this threshold, corresponding to the number of employees (one more unit per 10 employees in a business with more than 50 employees).
- Payments to Time Credit users are funded by the federal social security system, which is financed by contributions from employers and employees, and by the federal government.
- Collective agreements negotiated at sectoral or company level are permitted to extend the Time Credit period up to 51 months for care purposes. This maximum length of leave is applicable regardless of whether the leave is being taken full- or part-time.
- All employees can trace their personal account of Time Credit/career break in an online e-government tool: Break@Work (www.breakatwork.be).

e. Other employment-related measures

Adoption leave and pay

- The same regulations apply as those for parents having biological children, except that the Parental leave may be taken up until a child's 12th birthday.

Time off for the care of dependants

- Employees may take up to ten days of leave per year for 'urgent reasons' (*force majeure*) in order 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 an illness, accident or the hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member (medical care leave), 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). It must, however, be taken in blocks of one to three months. Benefits paid are under 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, and this is also paid as per Parental leave.

Flexible working

- No statutory regulation. In Flanders, however, some firms experiment with flexible contracts adapted to the living conditions of parents with joint physical custody. These parents have one week with more working hours and one week with fewer working hours, depending on whether the children reside with them or not. The system is not used in all economic sectors and receiving such a contract depends on the goodwill of the employer.

Specific provision for (breast)feeding

- 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 51 months (including full use of the basic entitlement to Time Credit), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around four 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 technically no gap between the end of Parental leave/Time Credit and an ECEC entitlement, but a substantial gap of more than two years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above EU and OECD averages, with universal coverage for children over three years of age.

3. Changes in policy since April 2018 (including proposals currently under discussion)

In 2017, a series of reforms came into force. These reforms included significant changes to the Time Credit system and Maternity leave for self-employed mothers. The new Time Credit system is not strictly limited to paid leave for care or training reasons – the possibility of taking unpaid Time Credit for other reasons has been added. In addition, the total duration of paid Time Credit (as negotiated in sectoral or workplace agreements) for care reasons (for children, disabled children, severely ill relatives, or palliative care) has been extended to 51 months.

The federal government also introduced a 'career-savings account' (5 March 2017). This measure allows workers to accumulate 'vacation time' and/or 'remuneration' and use them for a temporary career break, to facilitate the transition between two jobs, or to top-up pension benefits. The system came into force on 1 February 2018, but in order to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners. The clothing sector is the only sector preparing a collective agreement on the implementation in Flanders. It is expected that existing schemes such as Time Credit and 'similar systems' would be integrated into this account. Planned reforms that should come into force in upcoming months include further flexibility of Parental leave with a new option of taking it on a 1/10 basis, allowing parents to take a half-day off work every second week (for instance, to care for their children on Wednesday afternoons, when there is no school). The law is has been passed, but is not working (yet).

From 1 May 2019, self-employed people will be entitled to ten days' Paternity leave within four months of their child's birth. Self-employed people may take this leave in whole days or half days. The allowance amounts to a total of €808. Those who choose to take eight days (or fewer) will receive 15 free service vouchers.

4. Uptake of leave

Viewing the ongoing increasing flexibility of numerous types of leave, with all the variation in remuneration and duration across to different sectors (private, public, education, etc.), it becomes increasingly difficult to provide accurate data on leave uptake rates in Belgium. Available statistics are mostly administrative and developed to fit the monthly payments of the users. The main source of information is the federal agency in charge (RVA/ONEM³), but for a more detailed account, see 'Documentation/Statistics.' The actual number of users according to the type of leave is especially blurred by the variations in the duration of leave. An increasing number of employees opt for one day per week leave, especially among those older workers taking a Time Credit/career break to facilitate the final years of their formal career. This also holds, to a lesser extent, for the uptake of Parental leave, especially among fathers who continue to work but who 'soften' their involvement via this one day per week leave. Such fathers are registered as leave-takers for 20 months (instead of four). The drawback of this flexibility is that it keeps users much longer in the annual statistics. We therefore invite readers to be very careful in their interpretation of the statistics we provide in this country note.

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 which is especially relevant among the self-employed.

b. Paternity leave

In the private sector, 56,036 (2016) and 55,314 (2017)⁴ fathers used the Paternity leave for four or more days (there is no information about fathers using three – or fewer – days of paid leave). On average, they took 9.83 days of paid leave for the birth of their child (up to a maximum of 10 days). There is no information for civil servants. For several years, the number of users and the duration of their Paternity leave have remained relatively stable.

³ Available at: www.rva.be / www.onem.be

⁴ RIZIV/INAMI data, not yet available for 2018.

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2018, 65,218 employees used Parental leave, an increase of 26 per cent compared to 2010 (51,944). Obviously, most people taking Parental leave are women, although the proportion of fathers among all leave-takers is growing. The number of men taking Parental leave increased from 13,891 in 2010 to 20,295 in 2018.

In 2010, 38,053 women used Parental leave and in 2018, that number rose to 44,923. The proportion of men taking Parental leave also increased during this period (from 27 to 31 per cent). Part-time leave options are the most popular, especially among men. Almost three-quarters of leave-takers use the one-fifth time option, suggesting that it is predominantly used as a flexible measure. But the possibility of combining two or more types of leave (e.g. mixing some full-time with some part-time leave) is rarely used: it is taken on average by about one per cent of men and four per cent of women.⁵

d. Other employment-related measures

In 2018, 122,028 employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 4140 individuals took a full-time break (518 men versus 3622 women). Part-time use of Time Credit is predominantly used as end-of-career measure (around 54 per cent). Men predominantly take Time Credit as end-of-career leave (N = 33,723), while women are more equally divided between end-of-career leave (N = 31,683) and part-time general leave (N = 33,842). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased by 28 per cent since 2015 (when N = 149,268). In 2018, 60,246 civil servants used the career break system (42,719 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (around 80 per cent, compared to 63 per cent for women). Compared to 2017 (when N = 73,562), the number of users has decreased by 13,316 units. The most significant reason for this decrease is the tightening of the rules around the factors permitting an individual to take leave. A second reason is that Flemish civil servants and teachers can only use the Flemish care credit system (and no longer have access to the federal career break system). The decrease on the federal level is compensated at the Flemish level, so that there is no decrease in total in the public sector, aside from the

⁵ See:

http://www.onem.be/sites/default/files/assets/publications/Etudes/2014/Conge_Parental/FR.pdf

decrease caused by the more stringent regulations around an individual's eligibility for taking leave.⁶

⁶ See: <https://www.tijd.be/politiek-economie/belgie/algemeen/belg-neemt-fors-minder-tijdscrediet/10098519.html>