

Belgium⁹⁰

Dimitri Mortelmans (Universiteit Antwerpen) and **Bernard Fusulier** (Université Catholique de Louvain)

April 2024

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)

- Employees: 15 weeks: can start from six weeks before her baby is due.
- It is obligatory for employees to take leave from one week before the due date to nine weeks after delivery.
- Self-employed: 12 weeks.
- It is obligatory for self-employed workers to take leave from one week before the due date to two weeks after delivery.
- Unemployed: same rights as employees.

Payment and funding

- 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 €176.02 per day. Statutory civil servants receive their full salary, and contractual civil servants are paid as per the private sector.
- Self-employed mothers receive €855.74 per week (full time) (or €427.87 per week when taken half time) during the first 4 weeks and from week 5 onwards (€782.70 per week full time and €391.35 per week half time).

⁹⁰ Please cite as: Mortelmans, D., Fusulier, B. (2024). 'Belgium country note', Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of the gross salary limited to the salary ceiling taken into consideration by the unemployment sector, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit (as for the first month).
- 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.
- Self-employed mothers 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 2 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 3 of those are compulsory. The allowance is also limited to a fixed amount.
- 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; single 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 or co-parent 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. Birth leave (*Geboorteverlof / Congé de naissance*⁹¹)
(responsibility of the Federal Department of Employment)**

Length of leave

- Twenty working days.

Payment and funding

- One hundred per cent of earnings for the first three days paid by the employer, then 82 per cent of earnings for the remaining period with an upper limit of €176.02 per day.
- Funded as for Maternity leave.

Flexibility in use

- Can be taken during the first 4 months after the birth of the child.
- Can be taken in one term or in spread leave.
- Self-employed workers may take leave in whole days or half days.

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

- All male employees and self-employed workers are eligible, but unemployed men are not.
- Men in same-sex relationships are eligible.

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

- None.

⁹¹ This leave was previously called 'paternity leave'. The official term now changed to 'birth leave' and explicitly mentions fathers and co-parents as target groups of this type of leave.

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, non-transferable entitlement.

Payment and funding

- €997.80 per month.
- Payments are taxed.
- Funded as for Maternity leave.

Flexibility in use

- Leave may be taken full-time, part-time (50 per cent) over eight months, one day per week (20 per cent) over 20 months, or a half day a week (10 per cent) over 40 months.
- For part-time leave, the total duration of eight months can be split into blocks of time (with a minimum of 2 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 (encouragement benefit / *aanmoedigingspremie*) for a maximum of one year for Flemish care leave or Time Credit (see 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 €602.65 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 €214.72 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken). The encouragement benefit is not foreseen in case of a 10 per cent Parental leave.

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 or adoption parents. 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.
- Taking the 10 per cent Parental leave is only possible with the agreement of the employer.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single 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: it is increased with €52.96 per month after taxation (€59.51 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 with motive system (*Tijdskrediet met motief/Crédit-temps avec motif*), 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 with motive/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 €639.62 per month after taxation. The bonus for residents of the Flemish community taking Parental leave also applies to this type of leave.

- Employees need 2 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 with motive period.
- For each company, there is a 5 per cent threshold of employees who can use the Time Credit with motive 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 ten employees in a business with more than 50 employees).
- Payments to Time Credit with motive 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 with motive 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 types of leave and flexible working

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' (*overmacht/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 (thematic leave: 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) (thematic leave: palliative leave). Benefits paid are the same as for Parental leave.
- Employees in the private sector and non-statutory workers in the public sector are allowed to take an informal caregiver leave to provide help or support to a person who, because of their old age, state of health or

disability, is vulnerable and dependent (thematic leave: informal care leave). This does not have to be a family or household member. The entitlement to a full break is a maximum of 6 months over the entire career or a maximum of 12 months in the case of a half-time break or a 1/5th break. The leave is granted only once in a career. The informal caregiver leave can also be taken by statutory civil servants.

- Foster parents may take 6 days of leave to allow them to fulfil administrative and legal requirements, and this is also paid as per Parental leave.

Specific provision for (breast)feeding

- None.

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.
- Flanders has a system of flexi-jobs where retired people and some types of employees can earn some additional wages for a predefined period of time or a predefined job.

Career savings account

- Each employee can voluntary save 'time rights' for use later in the career (time for time principle). 'Time rights' that can be saved are (i) voluntary overtime (up to 100 hours) and (ii) conventional days off (not official days off). Time saved in the system can be taken later in the career. The system is dependent of the sector in which the employee works; to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners.

Four-day working week

- Full-time employees can negotiate with their employer to work four days a week instead of five. They will still work full-time hours, but these will be compressed into fewer days. This means that an employee can now work more than 8 hours a day at the workplace, but never more than 10 hours.
- The request must come from the employee and must be in writing. However, the 4 day working week is not an obligation for the employer, who can refuse. In this case, the refusal must be justified in writing to the employee. If the employer accepts, a written amendment to the employment contract between the employee and the company must be drawn up, setting out the practical arrangements for the new working hours.

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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Conciliation leave is still under discussion. This is an initiative proposed to the Federal Government by the League of Families. It consists of giving parents an extra eight hours of leave per year (with an additional eight hours for single-parent families) to deal with unforeseen events such as parents' meetings, children's dental appointments, etc. This leave would be paid by the employer without any proof or control.

4. Uptake of leave

Viewing the ongoing increasing flexibility of numerous types of leave, with all the variation in remuneration and duration across 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/ONEM⁹²), 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.

⁹² Available at: www.rva.be / www.onem.be

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. In 2021, 67,182 employees or unemployed women took Maternity leave (completed in the reference year), and 8,325 self-employed women, the latter having increased from 6,328 in 2017).

b. Birth/Paternity leave

In 2021 in the private sector, 51,366 (up from 49,700 in 2020) fathers or co-parents used the Birth/Paternity leave for four or more days (there is no information about fathers using three – or fewer – days of paid leave paid by the employer).⁹³ On average in 2021, they took 13.63 days (9.82 days in 2020 (as a reminder, in 2020 the number of days was a maximum of 10) of paid leave for the birth of their child (up to a maximum of 15 days in 2021). 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 (N = around 55,000). In 2020 however, the number of Birth/Paternity leaves taken decreased by almost 9 per cent though the number of births (live babies) decreased in a similar proportion in 2020 (N = 113,739) in comparison to 2019 (N = 117,103). In 2021, the number of births (live babies) (N = 117,914) and the number of birth and paternity leaves increased again.

c. Parental leave (including the 'Corona Parental leave')

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2023, 93,876 employees used Parental leave, an increase compared to 2022 (86,310). Obviously, most people taking Parental leave are women. In 2010, 38,053 women used Parental leave and in 2023, that number rose to 57,733. The number of men taking Parental leave increased from 13,891 in 2010 to 34,143 in 2023. So, the proportion of fathers among all leave-takers is growing during this period 2010-2023 (from 27 to 36 per cent).

Part-time leave options are the most popular, especially among men (only 10 per cent of them used a full-time parental leave versus 16 per cent for women). 57 per cent of male leave-takers use the one-fifth time option and 48 per cent of female leave-takers, suggesting that it is predominantly used as a flexible measure. In 2023, the 1/10 parental leave option was taken by 8746 men (26 per cent) and 9731 women (16 per cent).⁹⁴

d. Other types of leave and flexible working

In 2023, 95,291 (in 2022, 94,685) employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 3,605 individuals (4 per cent) took a full-time break (436 men versus 3,170 women). Part-time use of Time Credit is predominantly used as an end-of-career

⁹³ RIZIV/INAMI data, not yet available for 2022.

⁹⁴ See: <https://www.rva.be/nl/documentatie/statistieken/cijfers/loopbaanonderbreking-tijdscrediet-en-thematische-verloven/thematische-verloven>

measure (58 per cent). Men predominantly take Time Credit as end-of-career leave (77 per cent or 34,680) while women are more equally divided between end-of-career leave (N = 20,809) and part-time general leave (N = 23,909). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased dramatically since 2015 (when N = 149,268).

The 'Corona time credit' is anecdotal as only 139 people were using it in 2023, mainly the end-of-career Corona time credit (N=137).

In 2023, 35,034 civil servants (37,983 in 2022) used the career break system (24,371 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (82 per cent, compared to 62 per cent for women). Compared to 2015 (when N = 72,221), the number of users has decreased significantly. The most significant reason for this decrease is the tightening of the rules around the factors permitting an individual to take leave. Probably there was also an effect of the measures taken to combat the pandemic, including the widespread use of teleworking. Another 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 decrease caused by the more stringent regulations around an individual's eligibility for taking leave.⁹⁵

⁹⁵ See: <https://www.tijd.be/politiek-economie/belgie/algemeen/belg-neemt-fors-minder-tijdskrediet/10098519.html>