

Belgium¹

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

April 2018

NB. 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

- 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 €135 per day. Statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Self-employed mothers receive €458 per week.
- Unemployed mothers: first month receive unemployment benefits + 19 per cent of previous earnings with a ceiling of €135 per day, then unemployment benefits + 15 per cent of previous earnings with a ceiling of €135 per day
- 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.

¹ Please cite as: Merla, L., Mortelmans, D., Fusulier, B. (2018) 'Belgium country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2018. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- 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 by blocks of seven days during the 36 weeks following birth. Each week of optional leave can be transformed into two weeks of part-time leave for women who go back to work on a part-time basis (max half-time, from the total of 18 weeks).

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

- All women employees or women benefiting from unemployment benefits 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. 12 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 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. The rest of pre-natal leave is not added to 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: 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 benefit.

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

Length of leave

- Ten working days.

Payment and funding

- 100 per cent of earnings for the first three days paid by the employer; 82 per cent of earnings for the remaining period paid by Health Insurance up to a ceiling of €110 per day.
- Funded as Maternity leave.

Flexibility in use

- Fathers and co-parents (that is, 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

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

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

- All male employees. Unemployed and 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. Leave is an individual entitlement.

Payment and funding

- €721 per month net of taxes (€802 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time (50 per cent) over eight months, or one day a week (20 per cent) over 20 months.
- For half-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 half-time + five months at one-fifth.
- Leave may be taken up to 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 the Flanders area) pays an additional benefit bonus for a maximum of one year for Parental 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 is largest for employees in the social profit sector, namely an additional €484 net per month for employees taking a full-time break (for Parental leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €172 net per month (for Parental leave or, in the case of Time Credit, for any the reason for taking 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. 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 service.
- Self-employed workers 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 eight months of leave.
- Parents of disabled children can take leave until their child's 21st birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €169 instead of €125 per month in all 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 (*Tijdskrediet/Crédit temps*), which applies to employees in the private sector; a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right over their working lives to one paid year of this type of leave, taken full time, or 24 months taken half time or 60 months taken at one-fifth time.
- Leave taken under the Time Credit/career break system can only be taken to care for a child younger than eight years (or for a disabled child up to 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 €654 per month (587€ after taxes). 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 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 an increase of the threshold relatively to the number of employees over 50 in the company (more 1 unit/10 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 the leave 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 as for parents having their own children, except Parental leave may be taken until a child's twelfth birthday.

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 (Medical care leave), an employee can take full-time leave ranging from one to twelve 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, paid as for 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 less 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 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 2017 (including proposals currently under discussion)

For the first time in Belgian political history, the current federal government is based on a coalition of two liberal parties (Open VLD and MR), one Christian-democrat party (CD&V) and one dominant Flemish nationalist party (N-VA), with only one French-speaking party, the MR, included – though the Prime minister comes from the latter party.

The Agreement of the Federal Government included number of intentions for reform related to:

- The progressive harmonisation of the time credit and career break systems in the private, public and non-profit sectors
- Increased control on the reasons for, and conditions of, the use of thematic leave, including Parental leave
- An action plan for gender equality in work-life balance, consisting of a policy to combat stereotypes, and the ‘possibility’ to encourage a more equitable use of leave schemes by mothers and fathers

In 2017, a series of reforms entered 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 to take unpaid time credit for other reasons has been suppressed. 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’ (Law of 5 March 2017). This measure allows workers to cumulate ‘vacation time’ and or ‘remuneration’, and use them for a temporary interruption of their careers, to facilitate the transition between two jobs, or to top-up one’s pension benefits. The system entered 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. 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 during the next months include the further flexibilisation of Parental leave with the new option to take it on a 1/10th 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).

4. Take-up of leave

Viewing the ongoing extension of flexibility of numerous types of leave, with some differences in remuneration and even duration according to various sectors of employment (private, public, education, etc.) it becomes increasingly difficult to provide accurate data of take-up 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 of this RVA / ONEM², 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 opts for a one fifth a week leave, especially among older workers taking time credit / career break to facilitate the final years of their formal career. This also holds to a lesser extent for the take-up of Parental leave, especially among fathers who continue to work but who 'soften' their involvement via this one fifth a week leave. Such fathers are registered as leave takers for twenty months (instead of 4). 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 CN.

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

In 2017, 56,036 (RIZIV/INAMI data) fathers used the Paternity leave four or more days of leave (there is no information about fathers using three – or less – days of leave paid by their employers). In average they took-up 9.83 days (max 10 days). For several years, the number of users and the duration have remained relatively stable.

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2017, 63,739 employees used Parental leave, an increase of 87 per cent compared to 2007 (N = 34,111).

Official statistics from the Unit of RVA/ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) do not distinguish parental leave by sex. So in order to approach the gender take-up of parental leave, we must include the two other thematic leaves (Medical care leave and Palliative care leave). However, in 2017, parental leave concerned 78 per cent of the users of thematic leaves. In 2017, 25,586 men used thematic leaves (an increase of 202 per cent since 2007 – N = 8479), in comparison with 56,329 women (an increase of 79 per cent since 2007 – N = 31,390).

Obviously most of the users of Parental leave are women, although the proportion of fathers among all leave-takers is slowly growing. In early 2014, the Study Unit of RVA/ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) issued a more detailed account of developments over the decade from 2002 to 2012. The proportion of men taking Parental leave increased from 8.3 to 25.7 per cent, with some levelling-off by the end of the period (RVA/ONEM, 2014).

² Available at: www.rva.be / www.onem.be

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 flexibility measure. But the possibility of combining two or more types of leave (e.g. mixing some full-time and some part-time leave) is rarely used, on average by about one per cent of men and four per cent of women. See: http://www.onem.be/sites/default/files/assets/publications/Etudes/2014/Conge_Parental/FR.pdf

d. Other employment-related measures

In 2017, 73,562 Civil Servants used the Career Break system (53,573 of them being women). If men are taking the Career Break System they proportionally use more the End-of-Career measure. Compared to 2008, the number of users remains relatively stable. Within the different types though, the full time break fell by 58 per cent while the end-of-career break increased with 17 per cent.

In 2017, 130,829 employees in the private sector made use of the Time Credit system, mostly via the part-time formula (88 per cent). Part-time use of Time Credit is predominantly used as end-of-career measure (55 per cent) and to a lesser degree as general leave measure (33 per cent). Overall, use increased by 8 per cent compared to 2008. Men predominantly take the time credit as an end of career leave while women are more equally divided among end-of-career and general leave.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. At best, large-scale comparative information is provided on the basis of administrative statistics (see above) by the federal agency – RVA/ONEM – in charge of the regulation and monitoring of the various types of leave in Belgium. There have been a number of publications documenting the use of these entitlements based on these administrative records, showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected recent publications

None reported.

c. Ongoing research

Among Belgian universities, three research units in particular work on work-life balance issues and occasionally provide relevant information related to leave policies:

- University of Antwerp, unit CLLS (Research Center for Longitudinal & Lifecourse Studies (<https://www.uantwerpen.be/en/rg/cello>). Contact: Professor D.

Mortelmans at dimitri.mortelmans@uantwerpen.be or Professor K. Neels at karel.neels@uantwerpen.be.

<https://www.uantwerpen.be/en/research-groups/cils/>

- Free University of Brussels, unit TOR (Tempus Omnia Revelat). Contact: Professor I. Glorieux, <https://www.vub.ac.be/TOR>
- Catholic University of Louvain, Interdisciplinary Research Centre on Families and Sexualities (CIRFASE). Contact: Prof. Bernard Fusulier and Prof. Laura Merla <http://uclouvain.be/cirfase>