

# Belgium<sup>1</sup>

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

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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, but one week before the due date and nine weeks after delivery are obligatory.
- 12 weeks for self-employed mothers; one week before the due date and two weeks after delivery are obligatory.
- Unemployed mothers have the 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 €146.98 per day (in 2020). Statutory civil servants receive their full salary, and contractual civil servants are paid as per the private sector.

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- Self-employed mothers receive €499.54 per week (or €249.77 per week when taken part-time).
- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of previous earnings with an upper limit of €146.98 per day, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit of €146.98 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.
- 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 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 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. Paternity / co-parental leave (*Vaderschapsverlof/Congé de paternité*) (responsibility of the Federal Department of Employment)**

*Length of leave*

- Fifteen working days.<sup>2</sup>

*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

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<sup>2</sup> 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).

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#### *Flexibility in use*

- Fathers and co-parents (i.e. same-sex partners) can take these 15 days (from 1 January 2021) 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, based on their Collective Agreement.

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

- All male employees are eligible, but unemployed are not.
- From 1 May 2019, self-employed people are 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 €816.30. Those who choose to take eight days (or fewer) will receive 15 free service vouchers.
- 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*

- €765.33 per month after taxation (€851.59 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, 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 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 12<sup>th</sup> 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 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 €514.38 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 €205.92 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken). This benefit is not applied in the 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. 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 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; 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 21<sup>st</sup> birthday.
- The benefit is higher for single parents: €1,258.19 per month after taxation (€1,400.01 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](http://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 12<sup>th</sup> 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.

#### *Career savings account*

- Each employee can voluntarily save 'time rights' for use later in the career (time for time principle). 'Time rights' that can be saved are (1) voluntary overtime (up to 100 hours) and (2) 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. It came into force on February 1<sup>st</sup> 2018, but in order to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners: in 2018, for workers and employees in the clothing and garment industry (for one year); in 2019, for urban and regional transport in the Brussels-Capital Region (no time limit); in 2020, for insurance companies (until end 2026).

#### *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 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 Early Childhood Education and Care (ECEC) from 2.5 years of age: from this age, children can attend nursery school for 31.5 hours per week during term time. There is, therefore, no gap between the end of Parental



leave/Time Credit and an ECEC entitlement, but a gap of more than two years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children below and above three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

- Paternity leave has been increased to 15 days in 2021 and will increase to 20 days in 2023.
- In the private sector, during the years 2019 and 2020, workers between the ages of 55 and 59 had the possibility of obtaining an end-of-career time credit until they retired, with allowances from the RVA/ONEM. These interruption allowances could be granted on the basis of specific conditions (35 years of salaried professional experience, exercise of a heavy work, etc.), if this possibility was provided for in a sectoral or company collective bargaining agreement, concluded in application of the interprofessional collective bargaining agreement no. 137. The cross-industry collective bargaining agreement no. 137 ceased to have effect on December 31<sup>st</sup> 2020. As a result, workers between 55 and 59 who start a time credit at the end of their working life as from January 1<sup>st</sup> 2021 will no longer be able to claim an exception to benefit from interruption allowances. As long as the social partners have not concluded a new interprofessional collective bargaining agreement, this means that time credit for workers between 55 and 59 years of age will be granted without an allowance from the RVA/ONEM.
- From September 1<sup>st</sup> 2020, workers who are recognised as close carers can apply to their employer for a new thematic leave and obtain the allowance to which they are entitled. This caregivers' leave is a thematic leave in the same way as parental leave, medical assistance leave, and palliative care leave. It allows for a complete suspension of working hours or a reduction in working hours (50 per cent or 20 per cent) to provide help or support to a person who, because of their advanced age, state of health or disability, is vulnerable and dependent. This does not have to be a family or household member. The right to full suspension is a maximum of six months over the entire working career or a maximum of 12 months in the case of a half-time break or a 1/5 break. Under the current regulations, a worker can only take one month of full-time carer's leave (or 2 months of half-time or 1/5-time leave) per person being cared for. In other words, he or she

can take a total of 6 months of full-time carer's leave but for 6 different carers. Benefits paid are the same as for medical assistance leave. From September 1<sup>st</sup> 2020, caregivers' leave applies to: (1) private sector workers and contractual public sector staff (i.e. staff with an employment contract); (2) statutory staff members of regional and community authorities. From 1 January 2021, leave for carers can also be obtained by statutory staff of the State and those of autonomous public enterprises.

## **Policy response to the COVID-19 pandemic up to end April 2021**

In this section, we focus both on some temporary adjustments to the regular leave system, and on two specific leave policies during the COVID-19 pandemic. The first is the 'Corona Parental Leave', and the second is the 'Corona Time Credit'.

### *Adjustments to the regular leave system*

- Parents in the regular system of leave (Parental leave or Time Credit) could suspend their leave until August 31<sup>st</sup> 2020 with the purpose of being employed as a key worker in a vital sector. The suspension was voluntary and could not be obliged by the employer. The suspension was a temporary suspension. The leave continued after the parent stops their employment in a vital sector.
- Within the framework of the fight against the coronavirus, two additional measures are foreseen for workers who benefit from a regular career break, a time credit or a thematic leave. These measures apply to full and partial breaks and they are in force between 1 October 2020 and 31 March 2021.
  - (1) Temporary suspension of the current interruption with an employer who is part of the care or education sector or with an employer operating a contact centre. Interrupting workers who are employed by an employer in one of the sectors concerned may agree with that employer to temporarily suspend their full or partial interruption in order to resume their work in their original schedule. During the agreed period, the worker is not entitled to break benefits because their break is suspended. After this suspension, the worker recovers their break for the remaining period. The period of suspension will automatically be added to the original break period.
  - (2) Temporary employment with an employer in the care or education sector or with an employer operating a contact centre during the current career break. During the current career break, the person taking a career break can start work with another employer in the care or education sector or in a contact centre. This employment must be temporary. During this employment, the person taking part in the break is entitled to 75 per cent of the gross

break allowance, less 25 per cent. The allowance will be calculated on a pro rata basis for incomplete months.

#### *Corona Parental leave*

- A special system of 'Corona Parental leave' was established 14 May 2020. The system was in place until 30 September 2020. It concerned a new and additional system that did not breach the existing rights of parents. The age limit for children was 12 years or 21 years in case of children with a handicap. Entitlement started when a parent was at least 1 month employed. Leave could be taken for 1/2 and 1/5 of the time. Full time leave and 1/10 leave were not foreseen in the Corona Parental leave system. In order to be entitled to the 1/2 leave, full time employment was required. For the 1/5 leave, a minimum employment of  $\frac{3}{4}$  was required. Biological parents, foster parents and adoption parents were all entitled to take the leave. Both parents could take the leave. Employers needed to agree with the leave. They could refuse the leave. Benefit levels differed according to the sector one was employed in. Since 16 May the Corona Parental leave was extended to self-employed workers in order to take care of a child under the age of 12 or a disabled child. This parental leave could be taken until the end of August 2020 for the time being. The corona parental leave for self-employed workers could not be combined with the replacement income 'bridging benefit' (a monthly financial benefit).
- Corona Parental leave ended on 30 September 2020. However, from 1 October 2020 to 31 March 2021, the worker was entitled to be absent from work to look after a child who could not go to nursery, school or a care centre for the disabled because of a measure to limit the spread of the coronavirus. A worker who was temporarily unemployed for childcare purposes received 70 per cent of his or her (capped) pay. A withholding tax of 15 per cent was deducted from this amount. In addition, they received a supplement of €5.63 per day on top of their unemployment benefit.

#### *Corona Time Credit*

- From 1 July 2020, private sector employers are able to obtain a 'Corona Time Credit' for a period of 1 to 6 months. This is a new time credit that will coexist with the regular time credit that already exists. In the context of the economic difficulties which may result from the coronavirus crisis, the corona time credit will enable employers of companies which are recognized as undergoing restructuring or in difficulty to offer workers a partial half-time or one-fifth break in order to temporarily reduce their working time. The periods of

interruption taken under the Corona Time Credit will not be deducted from the maximum duration of the regular time credit. During the period of the corona-time credit, when all the conditions are met, the worker will be entitled to an allowance (same amount as the regular time credit).

- In addition to this new measure, there will also be the end-of-career Corona Time Credit. It will allow workers who are at least 55 years old and who have at least 25 years of paid employment to obtain the break benefits if the starting date of their reduced working time is during a period of recognition of the company as a company undergoing restructuring or in difficulty.

## 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/ONEM<sup>3</sup>), 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.

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<sup>3</sup> Available at: [www.rva.be](http://www.rva.be) / [www.onem.be](http://www.onem.be)

## **b. Paternity leave**

In the private sector, 54,540 (2019) (54,422 in 2018)<sup>4</sup> 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 in 2019, they took 9.84 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.

## **c. Parental leave (including the ‘Corona Parental leave’)**

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2020, 90,339 employees used Parental leave, an increase of 32 per cent compared to 2019 (68,688). 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 29,954 in 2020 (22,211 in 2019). There is a clear effect of corona parental leave: used by 22,278 working parents (6549 men and 15,729 women).

In 2010, 38,053 women used Parental leave and in 2020, that number rose to 60,385 (in 2019: 46,447). The proportion of men taking Parental leave also increased during this period (from 27 to 33 per cent), however there is no effect of the ‘Corona Parental leave’ on this proportion between 2019 and 2020.

Part-time leave options are the most popular, especially among men (only 7 per cent of them used a full-time parental leave versus 14 per cent for women). 70 per cent of male leave-takers use the one-fifth time option and 57 per cent of female leave-takers, suggesting that it is predominantly used as a flexible measure. In 2020, the 1/10 parental leave option was taken by 3520 men and 4313 women. 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.<sup>5</sup>

## **d. Other employment-related measures**

In 2020, 103,483 (in 2019, 117,271) employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 4,123 individuals took a full-time break (489 men versus 3,635 women). Part-time use of Time Credit is predominantly

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<sup>4</sup> RIZIV/INAMI data, not yet available for 2020.

<sup>5</sup> See:

<https://www.rva.be/nl/documentatie/statistieken/cijfers/loopbaanonderbrekin-g-tijdscrediet-en-thematische-verloven/thematische-verloven>

used as an end-of-career measure (around 56 per cent). Men predominantly take Time Credit as end-of-career leave (N = 32,394), while women are more equally divided between end-of-career leave (N = 26,295) and part-time general leave (N = 25,784). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased since 2015 (when N = 149,268).

The 'Corona time credit' is anecdotal as only 33 people were using it in December 2020, mainly the end-of-career Corona time credit (N = 32).

In 2020, 48,291 civil servants used the career break system (34,213 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (78 per cent, compared to 65 per cent for women). Compared to 2018 (when N = 60,246) and 2019 (when N = 54,701), 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.<sup>6</sup>

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