

Articulating Work and Family in Belgium : a Gendered Use of Institutional Measures

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Introduction

The idea that professional investment and family investment are not incompatible is now currently considered, both for women (to be more present on the labour market) and for men (to be more present in the domestic sphere). A cumulative model of work/family articulation (WFA) is thus put forward. Its effects are expected to be beneficial in terms of well-being of the persons and of their children, of equal opportunity of access and remaining in the labour market for men and women, as well as for economic performance (attracting and keeping talents, reducing absenteeism, decreasing stress and increasing the quality of work...). This model also takes into account the evolution of the labour market towards increased flexibility, of the way the people themselves see their investment in their work as a means of earning a living, of course, but also as one of the manners, among others, to reach personal fulfilment rather than simply a duty towards society.

Institutionalising the “cumulative” work-family model faces various forces, including those resulting from the labour market logic. As the German sociologist Ulrich Beck says : “The labour market requires mobility, without considering personal situations. The couple and the family require the opposite. (...) The subject of the market is the individual himself, without any relational, conjugal or family ‘handicap’” (2001 :257). The creed of “flexibility” reinforces this logic. One of the societal conditions of the “cumulative” model is, thus, to broaden the margin of freedom men and women have regarding the requirement to sell their working force on the market in order to reach acceptable living conditions. In other words, they should find time and energy (including psychological and affective) to dedicate to other activities. This is a condition for “decommodification” of the working force (Esping-Andersen, 1999), though various provisions (i.e. regulation of working time, right to leaves, decent social and salary minima...).

A strong rein on an easy development of the cumulative model is the necessity for domestic work and care of children or of other members of the household (which is still very much left to women). The “cumulative” model thus supposes an increase in the margin of freedom of persons with respect to responsibilities and household tasks. In other words, they must be able to find a network of accessible services of quality (child care, education, various aids) in their environment, so they can be available for other things (among others a professional life). This condition is that of “defamilialization” of the family requirements, meaning that they should not be carried out by family members only (Esping-Andersen, 1999).

Societal models of articulation of professional life and family life are of course not homogeneous, since they depend on how societies meet these conditions through the combination of the three great institutions: Family, State and Market. Thus, in the whole of the nations, the Northern European states (Denmark, Norway, Sweden, Finland) give an

empirical model of the cumulative model of work/family articulation. Of course, cumulativeness is much higher for women than for men, since gender equality in the working sphere is not entirely effective and, although it is growing, the investment of men in the domestic sphere is still less than that of women (Chronholm, 2007). It still remains that, in these countries, the “dominant articulation model” differs from that of other countries by their high degree of cumulativeness and their more equalitarian gender balance. Concerning Sweden and Finland, OECD experts observe “the setting up of a complete collective model of family policies to help parents during the major part of their children’s youth” (OECD, 2005 : 211). This model shows a high level of full-time employment in women, more specifically those with children.

On the contrary, other countries show rather a strongly gendered alternative model, in so far as parents must choose between remaining in their work and investing in their family. Concretely, this is seen through a temporary – sometimes long-lasting – withdrawal of women from the labour market. This gendered alternative model appears in an institutional set-up and socio-economic regulations that encourage women to leave the labour market to take care of their children, and then to come back, often part-time. Japan is an obvious example (Fusulier, 2005).

If Japan and Sweden are two contrasting models, where does Belgium stand? We shall examine the situation in Belgium hereafter, and specify the institutional supports available for working parents, and analyse their use. We shall see how a gendered relationship to institutional provisions is found in Belgian society.

1. Belgium: a cumulative gendered model

Three available indicators of the degree of work/family cumulativeness for women allow us to compare Belgium with two other countries with a strong contrast in their work/family articulation model (Sweden with its cumulative model; Japan with its alternative model) :

1. the activity rate of women aged 25 to 54
2. the proportion of part-time in the total female employment
3. the employment rate of mothers of a child under 6, living in a couple

We also added the fertility rate, which is an indicator of the propensity for women to have children.

Table 1. Indicators of labour market and fertility rate: comparison Japan, Sweden, Belgium

	Japan	Sweden	Belgium
Activity rate, women (25-54 y.o.) in 2004 (a)	68.1	85.3	74.3
Proportion of part-time in total female employment in 2004 (b)	41.7	20.8	34.1
Employment rate of mothers of a child under 6, living in a couple (c)	33.3	77.8	71.8
Total fertility rate (children per woman) in 2004 (d)	1.38	1.75	1.48

Sources: (a) and (b) OECD, 2005a: statistical annex; (c) OECD, 2001, p.145; (d) Eurostat, 2005

Roughly, but not insignificantly, the few indicators in Table 1 show that Belgium is closer to Sweden than to Japan. Belgium is now composed mainly of bi-active couples of working age, where both members of the couple have a paid professional activity or are seeking employment. More than 70% of mothers with a child under 6 and living in a couple have a job, which puts Belgium at the top of the OECD countries (OECD, 2001). In 46% of Belgian couples with a child under 6, both spouses work full-time, whereas in 19.4% the husband works full-time and the wife part-time (Jaumotte, 2003: 62). According to the same reference, there are still 27.3% of couples in which the wife is not active. However, the preference rate for the full-time bi-active model is higher than the effective rate: 54.8% of couples would prefer the full-time bi-active model and 28.8% would prefer the bi-active model where the man works full-time and the woman part-time. On the other hand, 13.4% of couples adhere to the breadwinner man and housewife woman model.

Today, although there is a decrease in the interval between the employment rates of the two sexes, the employment rate still remains around 15% higher for men than for women. In fact, in 2005, the employment rate in Belgium of persons between 15 and 64 years old is 61.1%, with 68.3% for men and 53.8% for women¹. It should also be noted that temporary or fixed term work represents 8.9% of the total salaried work (6.8% for men and 11.4% for women). Moreover, part-time work is more frequent for women than for men. In 2005, more than 42.6% of salaried women are concerned, whereas for men salaried workers, the rate is slightly above 7.8%.² When referring to the figures of Anne-Marie Dieu (2006), the main reason given by men is not having found a full-time job (31.3%). Family and personal reasons are given by 14.5% of the male workers questioned. Only 3.5% of men working part-time give child care as a reason. On the contrary, for women, the first reason given is linked to child care (29.1%) and, the second one, to personal and family reasons (25.7%). The third reason is not having found a full-time job (20.2%).

How do couples divide the various domestic tasks?

¹ Source : SPF Economie-Direction générale Statistique et Information Economique (Enquête sur les forces de travail), Info Flash n°75, le 12 juillet 2006, in http://www.statbel.fgov.be/press/fl075_fr.asp

² Ibidem

It is obvious that the structure of time use remains very differentiated for men and women (20 to 74 years old). On an average, per day, women devote 2 hours and 7 minutes to paid work and/or to studies, and 4 hours and 32 minutes to housework, whereas men spend, respectively, 3 hours and 30 minutes and 2 hours and 38 minutes to the same activities (Eurostat, 2006). The sum of these two sets underlines that women work more than men.

In an analysis of time use by Belgians, the Institut National de Statistique (INS, 2002) titled Chapter 8: “The equalitarian household: not about to happen”.³ This assertion can also be true for bi-active households (active man and active woman), since the INS survey shows that, in a week, the time spent at work is 35 hours 1 minute for men and 25 hours 38 minutes for women; the time devoted to household tasks is 13 hours 51 minutes for men and 23 hours 40 minutes for women; the time devoted to care and education of children is 3 hours 6 minutes for men and 5 hours 18 minutes for women. In the bi-active couples included in the INS survey, men work full-time (96.2%), an average of 35 hours per week, whereas 46.2% of women work part-time, an average of 22 hours per week.⁴

The gendered distribution of roles obviously remains traditional. The INS also predicts that, as the double income household model will spread, the pressure on time will intensify.

The public authorities are thus called upon to bring parents (women and men) a series of institutional supports that would allow a better articulation of the different spheres. The institutional support to the development of a “cumulative” model is not only a way to better answer the desires of people, but is also part of two converging policies: that of promoting equal opportunity between men and women and that of increasing the activity rate of the latter. We shall review the main institutional supports.

2. Institutional supports to WFA

Work/family articulation is not a private matter where individuals and families have to make choices and juggle with various demands and desires; it is a public matter, and thus up to the State. In Belgium, a number of provisions that can be read (even if that is not their primary objective) as being able to favour a better articulation of working life and family life were institutionalised and have become rights. We shall first examine three provisions that have become classics (maternity, paternity and adoption leaves) in WFA, and then concentrate on two great measures: reduction or suspension of work in the private sector (time-credit) and so-called thematic leaves in Belgium (parental leave, leave for medical assistance, palliative care leave)⁵. But let us first insist on the fact that Belgium has a multiform network in child care facilities: day care centres, community child care centres (maisons communales d'accueil de l'enfance, MCAE), pre-school, child minders (supervised and independent), after-school child minding. The Communauté française (French-speaking Community) gives the O.N.E. (Office de la naissance et de l'enfance) responsibility for approval, financing, organising, support, control and evaluation of child care. However, concerning the availability of the services, the offer of child care in day care centres and other child minding is lower than the demand (estimated coverage rate 25% - Dieu, 2006).

³ « Le ménage égalitaire : pas encore pour demain ».

⁴ In the INS sample, 36% of bi-active couples have no children.

⁵ This part is mainly based on the master's thesis of Besançon O., directed by Fusulier B. (2008).

A. “Standard” leaves

A.1. Maternity leave

Except in specific cases such as multiple births, maternity leave is 15 weeks, one of which must be taken before delivery (prenatal leave) and 9 to be taken after delivery (postnatal leave). The other 5 weeks are “floating”, meaning that the worker can choose to take them before or after the expected delivery date. If a multiple birth is expected, the prenatal leave can be up to 8 weeks and the postnatal leave can also be extended by two weeks. During maternity leave, maternity benefits are paid by the mutual insurance system. The benefits are based on a percentage of the salary. For the first 30 days, it is based on the real remuneration (82% of the salary). Afterwards, it is a percentage of the salary, with an upper limit.

A.2. Paternity leave

Since 2002, paternity leave is 10 working days, to be taken within 30 days after delivery. The 10 days can be taken at once or spread out. The employer pays the first three days of leave; during the next 7 days, the worker does not receive a salary but receives a benefit through the health insurance payment system. The benefit is equivalent to 80% of the gross salary (with an upper limit).

A.3. Adoption leave

Each worker (man or woman) has a right to adoption leave at the arrival of an adopted child in his or her family, to be taken within two months of the registration of the child with the public authorities. The leave is six weeks maximum (if the child is under three) and four weeks maximum (if the child is over three). The worker keeps his or her complete salary during the first three days. For the following days, he or she receives benefits from the mutual insurance system.

B. Time-credit

Although it is not limited to WFA issues, time-credit is one of the provisions that answer the problem of combining social times. We shall first examine the juridical aspects of the time-credit system. After an overview of the measures prior to time-credit, we shall study the main points, based on the provisions of Collective work agreement (CCT) n°77 bis, providing a system of time-credit, reduction of career and reduction of working time to half-time.

B.1. Measures prior to time-credit

The basis of the time-credit system is the career interruption scheme (also called career-pause), governed by the recovery law of 22 January 1985 (Dauphin et al., 1999). Its first aim was to reduce unemployment in a context of economic crisis. One of the measures adopted by the government at the time, boosted by the Minister of employment and labour, was to set up a system of career interruption. Through this possibility, each worker has the right to stop or reduce his working time, with the employer’s agreement, for a specific amount of time. This

concerns public as well as private employment. Benefits are given by the National office for labour (Office National de l'Emploi, ONEM) provided the employer hires a full-time compensated unemployed person for the replacement. Moreover, the worker can benefit from this measure for any reason, and is protected against redundancy. This system has numerous budgetary advantages: for the State, there is a positive relationship between the benefits given to the beneficiary of the career interruption and the unemployment benefits that would have been paid if the unemployed person had remained outside the labour market (Verbrugge, 2002). It is thus a way to share the available jobs, but also to allow certain workers to better reconcile family and working lives. At the time, there were no measures of paternity leave, parental leave...

The system was rapidly successful and some modifications were brought, either to promote it or reduce its appeal, according to the economical situation (Dauphin et al., 1999). In the early nineties, an increase in the interruption benefits led to a sharp increase in the number of beneficiaries: a 140% increase in 3 years, from 20 590 persons in 1988, to 49 354 in 1991! For budget reasons, this benefit increase was stopped in 1993 and, thus, the progression of beneficiaries was curbed (in December 1993, there were 53 528 persons, an 8.5% increase).

As time goes on, career interruption has become a right for workers, at least for 1% of the average number of workers in an undertaking, per year. Above that limit, the employer still has to give his agreement.

From the middle to the end of the eighties, new systems were added on to the career-pause. Thus, the workers were given the right to interrupt their career, for example, for palliative care, to care for a seriously ill relative, or even to take care of their children. These three motives were grouped in a category called "thematic leaves". Moreover, after the European employment summit, the right to interrupt a career was given to 3% of personnel (rather than the previous 1%).

January 1st 2002 is a landmark in the universe of career interruption: in the private sector, the time-credit took its place, through the Interprofessional collective agreement (CCT) nr 77. In fact, under the influence of the socialist Minister of Employment and Labour at the time, Ms Laurette Onkelinx, one of the points of the governmental declaration of October 2000 was to offer "all workers a right to interrupt their career for one year (possibly extended) with a monthly allowance of 30 000 BEF (around 750 euros), as well as the right for all to work 4/5 time" (Verbrugge, 2002, 131).

The career interruption scheme is still existent, but only for workers in the public sector. The time-credit is a right for all personnel in private undertakings with more than 10 workers, whereas the career interruption required the employer's agreement if at least 3% of the workers had introduced a request. Moreover, the obligation to replace the worker by a full-time compensated unemployed person was suppressed. Time-credit is becoming a measure allowing a better articulation of social times. New conditions for benefiting from this measure are appearing, however, such as a condition of occupation and seniority (Dauphin et al., 2002).

As some parts of CCT nr 77 caused practical problems (for example those dealing with transitory measures for workers concerned by the change from career interruption to time-credit), the social partners replaced the whole of CCT nr 77 by CCT nr 77bis, then by CCT nr 77ter (in July 2002). The aim was to give a maximum juridical security to beneficiaries.

The scope of the concept of time-credit is given in article 1 of CCT nr 77bis. This agreement groups three systems for partial or total suspension of work, which can be used simultaneously.

- the right to time-credit for full-time or part-time workers who have at least one year seniority in the undertaking;
- a 1/5-time reduction of career, by taking one day or two half-days per week for full-time workers who have 5 years seniority in the undertaking where they are employed;
- a specific reduction of working time for full-time workers, aged 50 or more, having more than 20 years of salaried employment and at least 5 years in the undertaking where they are employed.

Passed at the end of 2005, the Solidarity between generations Pact brings about some important changes. The objective is to encourage employees to work at least until the legal retirement age, and thus to make ageing of the population financially sustainable. It is a fact that the Belgian society is ageing and the balance of social security must be maintained. Thus, a whole series of measures were set up to render working longer more attractive. Some of them concern time-credit, and more specifically the workers aged 50 and over. Changes were made through CCT nr 77quater of 30 July 2007, which adapts some provisions of CCT nr 77bis.

We will now examine more in detail the provisions of CCT nr 77bis, which is now in force.

B.2. Workers and employers concerned

CCT nr77 applies to workers and employers who are covered by the Law of 5 December 1968 relative to Collective agreements and to joint commissions, in fact those of the private sector. It must be noted that, in Belgium, the CCT determine the individual and collective relationships between employers and workers in the enterprises or in a branch of activity. They also set the rights and obligations of the contracting parties. They are in fact the result of agreements between, on the one side, one or more workers' associations and, on the other, one or more employers' organisations or one or more employers. Collective agreements are taken in joint commissions at different levels:

- at the interprofessional level, collective agreements are concluded in the National Labour Council (Conseil national du travail) and apply to all undertakings in the country;
- at the activity sector level, collective agreements are concluded in joint commissions and apply to the whole of the undertakings in that branch;
- at the undertaking level.

Collective agreements complete and specify the legal texts of social law. They have the specificity that there is a monopoly of representation for recognized organizations and, if one of the partners requests it, they can be made mandatory by Royal decree. In this case, the Collective agreement binds all the employers and all the workers that are concerned by the joint commission. Employers and workers of the public sector remain under the system of career interruption found in the Recovery law of 22 January 1985. However, contract workers in private (non official) education (mostly catholic), the personnel in public regional transport companies (bus, tram, metro), workers in private or mixed intermunicipal undertakings in electricity and gas distribution, personnel in public autonomous undertakings (Belgacom,

SNCB, BIAC, Post) as well as personnel in ancient public credit institutions can benefit from the time-credit system (FGTB, 2007).

Moreover, CCT nr77bis provides that certain categories of workers (executive personnel, managers...) could be excluded from the field of application through a collective agreement for the sector or the undertaking.

B.3. Time-credit, reduction of career and reduction of working time to half-time: various rights provided for by CCT nr 77bis

a. Time-credit as such

Time-credit as such can be seen in two different ways (art. 3, para. 1):

- a total suspension of work
- a reduction of working time to half-time

In both cases, the workers must have been employed in the undertaking for 12 months in the 15 months preceding the written request for time-credit (art. 5). In organisations with at least 10 workers (on June 30 of the year preceding the one in which the worker requests the benefit of a full suspension of work or a reduction to half-time), the employer must give his agreement.

The maximum duration of time-credit, full-time or part-time, is one year. The undertaking or the joint commission can, through a collective agreement, extend the duration of the right to time-credit, but this can never exceed 5 years in the whole career (art. 3, para. 2). The time-credit must be taken by 3-month periods minimum.

Since 1st June 2007, even if the duration of the time-credit can be extended beyond one year (as long as a sector or undertaking collective agreement allows it), the benefits for time-credit are limited to one year if the worker stops working completely (art. 4). However, if the worker takes a full-time time-credit for reasons of education of children (aged under 8), caring for a seriously ill relative, palliative care or for training, the benefits can be received for a maximum of 5 years. For full-time workers, the benefits are set at 427.14 euros (on 1st January 2008) if they have less than 5 years seniority and at 569.53 euros (on 1st January 2008) if their seniority is 5 years or more. As for the workers who have a half-time reduction in working time, the benefits are set proportionally to the number of hours of reduction.

Concerning retirement, the calculation of rights in that matter is based on the previous salary, in the last 3 years, as long as they are receiving interruption benefits. Concerning health benefits, the workers keep their rights to reimbursement of health care. If the working time is reduced to half-time, the illness allowance, the amount of holiday leave and the holiday pay are calculated according to the rules applicable for part-time workers (namely proportional to the new working time and to the salary).

b. The 4-day week (reduction by 1/5)

The right to career reduction for workers can be exercised one day or two half-days per week (art. 6, para. 1). Three conditions must be met simultaneously (art. 6 and 7):

- have been working full-time for the 12 months preceding the request;
- have 5 years seniority in the undertaking

- have a working time distributed on 5 days or more.

The system of reducing work by 1/5 is a right in undertakings of more than 10 workers. If that is not the case, the employer must give his agreement.

The right to the 4-day week must be taken for a period of minimum 6 month and maximum 5 years, calculated on the whole career of the worker (art. 6, para. 1).

The benefits are 140.64 euros per month on 1st January 2008.

Social rights are maintained for 5 years. Concretely, this means that the previous salary is the reference for unemployment and retirement benefits. The illness benefits, the number of legal leave and the holiday pay are based on the 4/5-time work. It can be noted that CCT nr77quater introduced a new modification, according to the Solidarity between generations Pact. This is an increase in tax withholding applicable to the interruption benefits given by the ONEM. It was doubled and reaches 35%. The tax withholding is an advance payment on income taxes, and this means that when these are paid, the worker will not have to pay anything to the fiscal administration any more.

c. Reduction of work for workers 50 and over

All workers aged 50 or more benefit from (art. 9, para. 1):

- either a right to reduce working time to half-time
- or a right to reduce working time by 1/5 of a weekly full-time schedule

CCT nr77quater generalises the right to career reduction by 1/5 to all workers aged 50 or more. This means that these workers have a right, in all cases, to work 4/5 time. The condition of seniority in the undertaking, in order to benefit from a 1/5 or 1/2 reduction in working time, is lowered from 5 to 3 years. This condition can be reduced even more, down to 2 years or one year, if there is an agreement between the worker and the employer according to whether the worker is hired after his 50th or 55th birthday (art. 10, para. 2). Moreover, at the time of the request for reduction of working time, the worker must have at least 20 years of salaried employment (art. 10, para. 3).

No maximum length of time is applied to this measure. The right to reduce working time covers 3-month periods for the half-time reduction and 6 months for the 1/5 time reduction. The latter can be taken as one day or two half-days per week. Since June 1st 2007, these days can be spread otherwise through a collective convention.

The benefits for interruption are 140.65 euros on 1st January 2008, if the worker chooses the 4-day week. For a half-time reduction, the worker with less than 5 years seniority receives 213.57 euros and 284.76 euros with more than 5 years seniority.

Social rights are maintained during the whole period. This means that the previous salary is the reference for unemployment and retirement rights. Illness benefits, the number of legal leave days and the holiday pay are based on the part-time work. As for the 4-day week, the tax withholding rate is set at 35%.

B.4. Provisions common to the measures

a. How to introduce the request to the employer

The worker wishing to take advantage of the right to time-credit (in a broad sense) must make a written request to the undertaking. This request must reach the employer 3 months before the desired starting date, if the undertaking employs more than 20 workers. It is 6 months before if the number of workers is under 20.

b. How the employer can postpone the exercise of the right to time-credit

In undertakings with maximum 10 workers, the right to time-credit requires the agreement of the employer. This is the only exception because, in all other cases, the taking of time-credit (in the broad sense) is a right. However, in some circumstances, the employer can postpone the exercise of this right for internal or external imperious reasons (art. 14 and 14bis), for example the difficulty to find a replacement... In that case, the right to time-credit will start at the latest 6 months after the date it would have started if it had not been postponed. The employer must notify the decision to postpone within one month from the written request by the worker. If a worker aged 55 or more occupies a key post, the employer can be hesitant to allow the exercise of the right to the 1/5 reduction in the career. Before CCT 77quater, the employer could reject the request of the worker to work 4/5 time. Now, with a clear motivation, the undertaking will have 12 months to reorganise the work and allow that category of workers to take the 4/5 time.

c. Planning the leaves

The employer cannot approve the right to time-credit (in the broad sense) if the total number of workers that are or will be taking that right simultaneously in the undertaking or in one of the departments exceeds 5% of the total number of workers in the undertaking or in the department (art. 15). The total number of workers taken into consideration for setting the 5% limit is those with a working contract, in the undertaking or department, on June 30 of the civil year preceding the one when the rights are being taken at the same time (art. 15, para. 3). Since it was modified by CCT nr 77quater, workers 55 and over who wish to reduce their working time by 1/5 are not counted in the 5% threshold (art. 14bis). Moreover, those benefiting from thematic leave (parental leave, leave for palliative care, for caring for a seriously ill relative) are never taken into consideration for the threshold.

When the 5% threshold is exceeded, the possibility for certain workers to benefit from this right is postponed. The Enterprise Council (or, if there is none, it is an agreement between the employer and the Union delegation) set a preference and planning mechanism (art. 16). This system allows to determine the priority given to the various requests. Without priority rules, the employer will have to follow the principles in article 17, that sets additional provisions.

d. Protection of workers

Workers taking time-credit (in the broad sense) cannot be made redundant, except for a serious motive or if the nature and the origin of the motive are totally not related to the suspension of the contract or reduction of working time (art. 20). Protection against redundancy begins at the date of the written notice to the worker and ends three months after the end of the time-credit. If the employer does not conform, he will have to pay forfeit compensation equal to 6 months of salary.

C. Thematic leaves

Thematic leaves are independent from the time-credit system in the broad sense. We shall make an overview of the leaves for care and assistance to a seriously ill relative, leaves for palliative care and parental leave.

C.1. Leaves for care and assistance to a seriously ill relative

The right to leave for care and assistance to a seriously ill relative is governed by the royal decree of 10 August 1998, applicable to workers and employers that are in the field of application of the law of 5 December 1968 relative to collective agreements and to joint commissions. The concerned public is thus the same as that for time-credit.

Workers who have a medical certificate proving that a relative up to the second degree is seriously ill and requires care, can benefit from this leave. It must be noted that a person can request this leave more than once, as long as it is a different relative who requires care.

The workers have a right to

- either a complete interruption of their career for 12 months maximum per patient
- or a reduction of 1/5 time of the normal working time of a full-time employment
- or a reduction to half-time when they have at least a 3/4 time employment

In cases of reduction of working time, the maximum duration of the leave is 24 months. The interruption or reduction of working time can be by periods of 1-month minimum and 3 months maximum, taken consecutively or not. In undertakings having 50 workers or less on June 30th of the preceding year, the employer can reject the request for this right if the worker has already benefited from 6 months of suspension or 12 months of reduction of working time. This rejection must be motivated. In undertakings with less than 10 workers, the workers have a right to a complete interruption of their career only.

C.2. Leave for palliative care

Following the Royal decree of 22 March 1995, workers have the right to a leave in order to care for a person who has an incurable illness in its terminal phase.

Leave for palliative care is set at one month (renewable once) and can be taken as

- either a complete interruption of work
- or a reduction of working time to a 4/5 or half time.

Some distinctive differences are found between this leave and that for care or assistance to a seriously ill relative:

- type of illness: palliative care concerns an incurable disease in its terminal phase, which is not the case for a seriously ill relative;
- duration of the interruption: for palliative care, it is one month maximum, renewable once, whereas in case of serious illness it can extend up to 12 months of complete interruption (24 months in case of reduction of working time);
- relationship: a worker can put his career on hold to give palliative care to any person, whether or not he or she is a relative, whereas leave for assistance or care to a seriously ill relative requires a degree of relationship;

- agreement of the employer: the employer cannot object to a leave for palliative care, contrary to the leave for assistance or care to a seriously ill relative.

C.3. Parental leave

The Belgian regulations in matters of parental leave are based on European directive 96/34. In compliance with this directive, at least 3 months of parental leave is given for all workers at the birth or adoption of a child. It was first adapted in Belgian law by Collective agreement CCT nr 64. This was followed shortly after by the Royal decree of 29 October 1997. The regulation in the matter was modified later, for example interruption benefits are now given and the age of the child is now 6 instead of 4 years old.

Parental leave is aimed at workers and employers who fall in the field of application of the law of 5 December 1968 on collective agreements and joint commissions. The worker has a right to parental leave:

- at the birth of a child, until the child reaches the age of 6
- at the adoption of a child, during 4 years beginning the day the child is registered with the public authorities
- when the child has at least a 66% handicap, parental leave can be taken until the child reaches the age of 8.

In order to have the right to parental leave, the worker must have had a work contract with the current employer for at least 12 months in the 15 months preceding the written request. For practical reasons of running of the undertaking, the employer can postpone the beginning of the leave for 6 months maximum.

Parental leave consists in:

- a total suspension of work for 3 months, taken at once or fragmented (per month) and for full-time workers
- a reduction of working time to half-time for 6 months, taken at once or fragmented (by 2-month periods)
- a reduction of working time by 1/5 for 15 months, taken at once or fragmented (by 5-month periods).

C.4. Provisions common to the thematic leaves

Rights concerning child allowance, pension, unemployment benefits, illness benefits, holiday pay and the number of legal leave days remain established.

The workers taking thematic leave are protected against redundancy, just as those who benefit from time-credit.

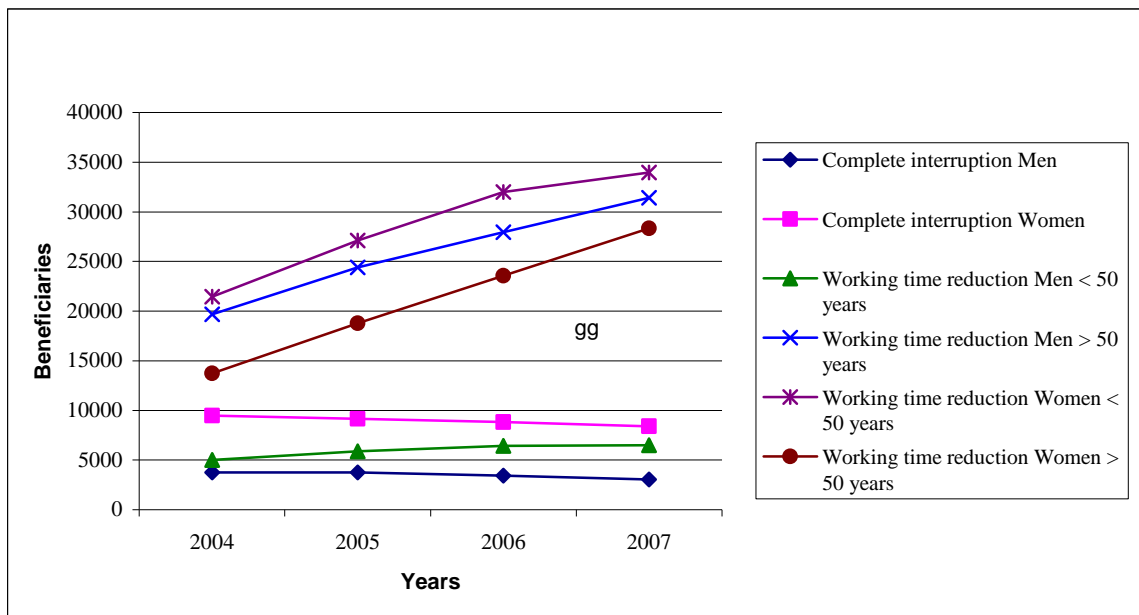
The Federal employment agency (ONEM) pays the interruption benefits during the thematic leave. The amount is, on 1st January 2008, 698.65 euros for full-time interruption. For half-time reduction, it is 349.32 euros and for 1/5 time reduction it is 118.51 euros.

3. Use of institutional measures⁶

In this section, we shall study the use of the various dispositions of career interruption in the private sector, with special attention to the differences between men and women.

A. Time-credit

Graph 1. Evolution of men and women using time-credit in the private sector

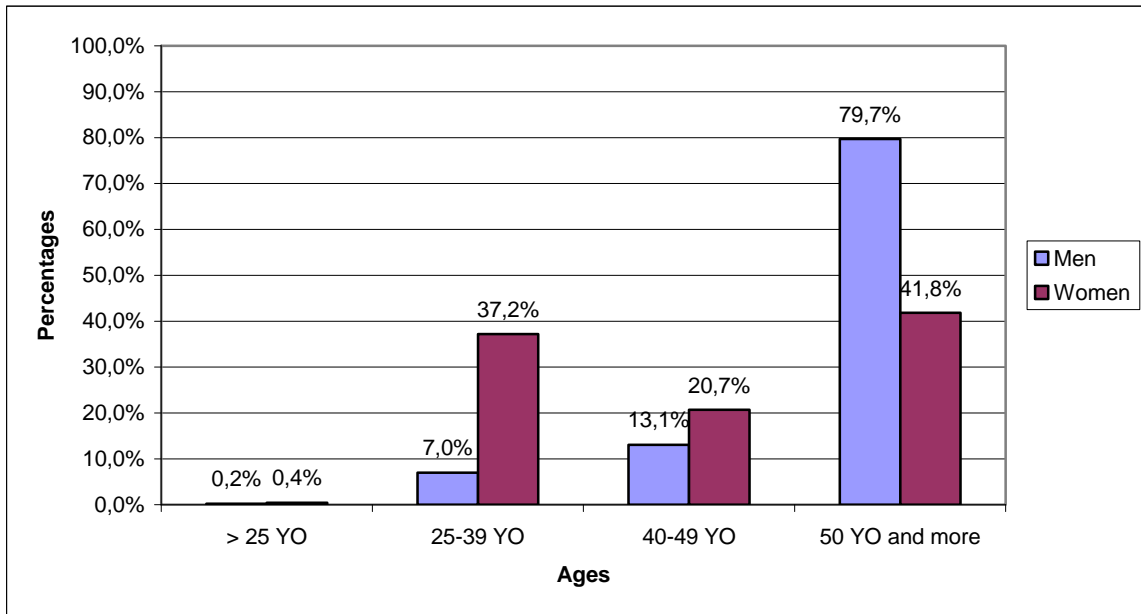


Source: ONEM

Working time reduction in men 50 and older and in women under 50 is progressing each year. In 2007, with 31 417 men beneficiaries and 33 971 women beneficiaries, the increase was respectively 12.4% and 6.2% compared to 2006. However, we can note a regression, for both sexes, of complete interruptions. This is the only system that is not increasing.

⁶ This part is mainly based on the master's thesis of Besançon O., directed by Fusulier B. (2008).

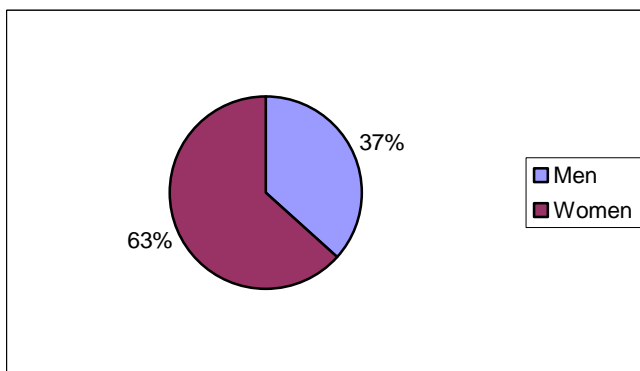
Graph 2. Distribution of time-credit beneficiaries according to age and gender (2007)



Source : ONEM

The proportion of women in the time-credit scheme is higher than that of men, in all age classes except 50 and over where men are very present. When women choose the time-credit, they do so mainly between the ages of 25 and 39, or after 50. Men who use this scheme do so after the age of 50 in 79.7% of cases.

Graph 3. Use of time-credit according to gender (2007)



Source : ONEM

Since its implementation, women have always been the main users of this scheme (63%). The proportions have remained very similar since 2002. Another way to illustrate this is by observing the evolution of the number of beneficiaries based on gross figures.

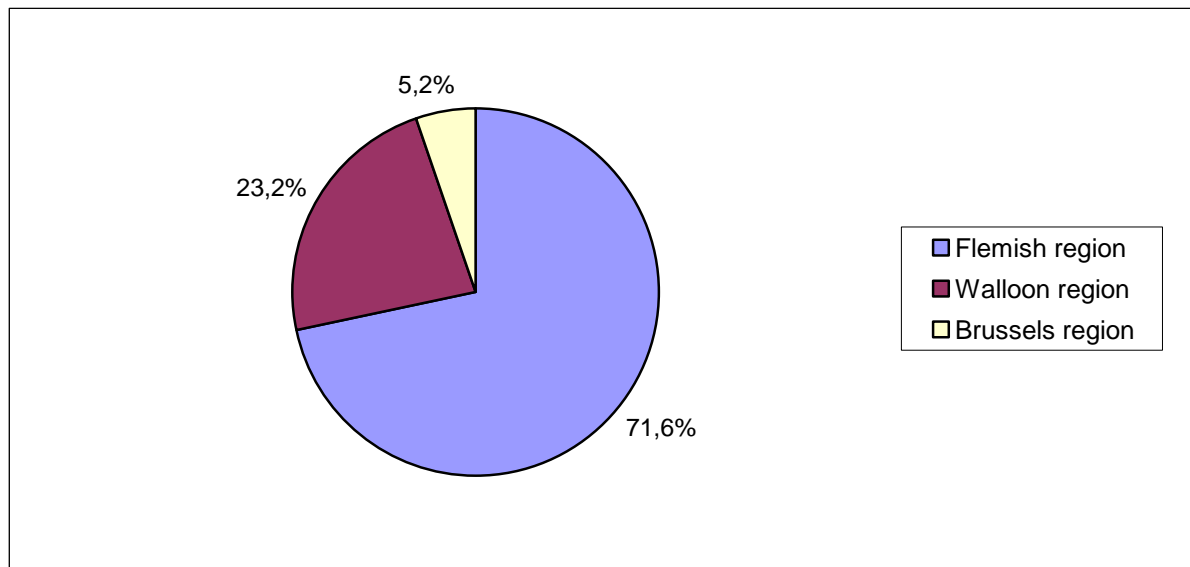
Table 2. Evolution of men and women beneficiaries of time-credit in the private sector

	Complete interruption		Reduction of working time				TOTAL		
	Men	Women	Men		Women		Men	Women	TOTAL
			< 50 y.o.	> 50 y.o.	< 50 y.o.	> 50 y.o.			
2004	3754	9456	5012	19666	21458	13744	28432	44658	73090
2005	3754	9130	5879	24401	27096	18757	34034	54983	89017
2006	3433	8835	6416	27956	31986	23539	37805	64360	102165
2007	3052	8400	6503	31417	33971	28324	40972	70695	111667

Source: ONEM

There are great disparities in the distribution in the different regions.

Graph 5. Distribution of beneficiaries of time-credit according to regions (2007)



Source : ONEM

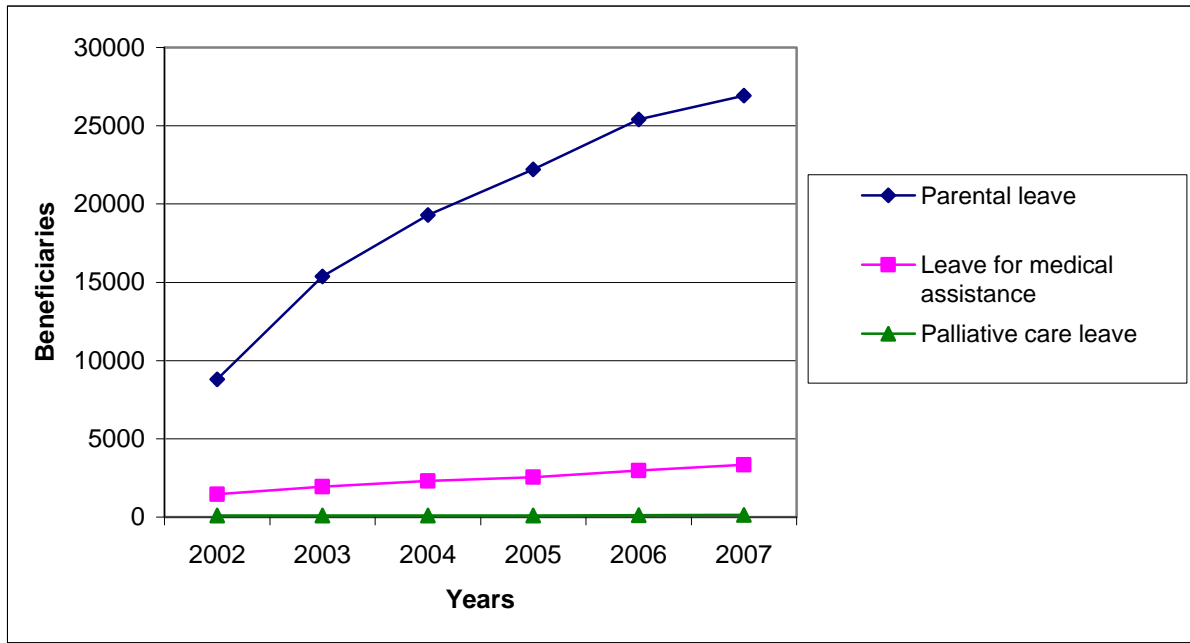
In 2007, the Flemish region alone had 71.6% of the beneficiaries, the Walloon region 23.2% and the Brussels region 5.2%. However, these figures must be further examined.

In 2005, according to the labour force survey, Belgium had 2 542 182 salaried workers in the private sector. When seen at the regional level, 1 596 808 workers live in Flanders, 719 233 in Wallonia and 226 141 in Brussels. The total number of time-credit users for Flanders was 64 140 in 2005. If the number of time-credit users is divided by the number of salaried workers, according to regions, we find the proportion of time-credit users for each of them. It can thus be deduced that, in the Flemish region, 4% of workers benefit from time-credit. In the Walloon region, the number is 20 240, corresponding to 2.8% of workers using time-credit. The main reason for this difference is that the Flemish government gives a supplementary allowance to workers. This is valid for all workers occupied in the Flemish region in a private undertaking (Decree of 1st March 2002, reforming the encouragement benefits system in the private sector). To have this allowance, the candidates must have taken a time-credit, or thematic leave, for a very specific reason such as caring of a child under 8, caring for a seriously ill relative... All these reasons are called care-credit. Moreover, encouragement benefits are also given to a worker who interrupts a career to follow a specific training. On 1st January 2008, the allowance is 168.93 euros per month, and is added to the interruptions benefits already given by the ONEM.

B. Thematic leaves

Parental leave is by far the most used of the thematic leaves, with 26 933 beneficiaries in 2007. Its use has been growing steadily since 2002. Leaves for medical assistance to a relative (3347 beneficiaries in 2007) or for palliative care (137 beneficiaries in 2007) are not used as much, although their use is slightly rising as years go by.

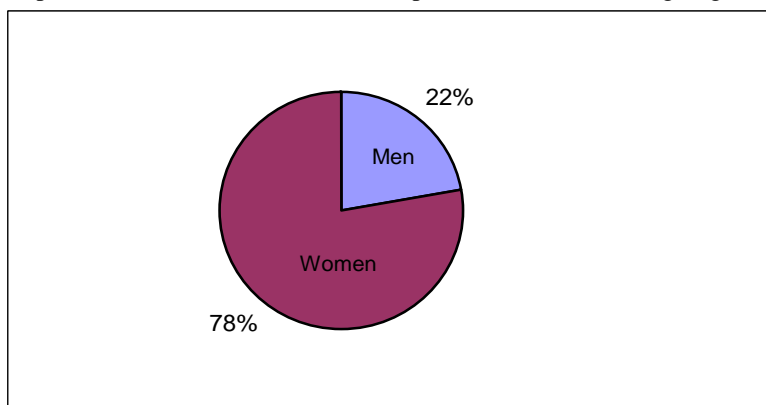
Graph 6. Evolution of men and women using thematic leaves in the private sector



Source : ONEM

As for time-credit, women are the main beneficiaries of thematic leaves. However, the proportion of men is growing more and more. There are 7 times more men using parental leave now than in 2002.

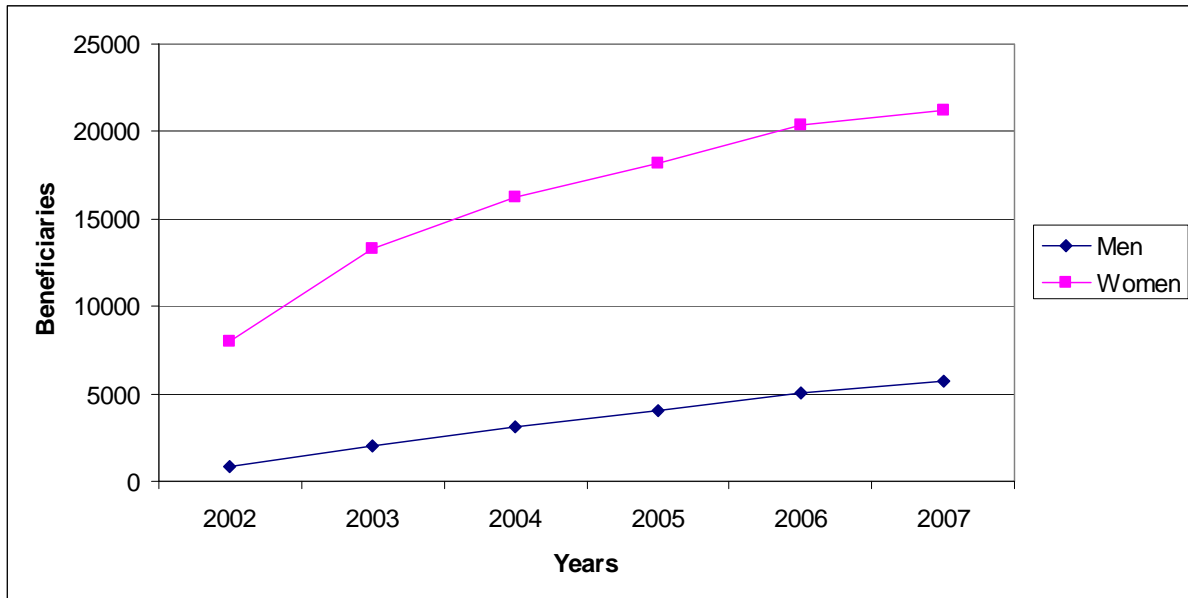
Graph 7. Use of thematic leaves in the private sector, according to gender (2007)



Source : ONEM

When looking at the evolution of the number of men and women who benefit from parental leave in the private sector, it can be observed that although there has been a constant increase since 2002, men are still far behind women.

Graph 8. Evolution of the number of men and women taking parental leave in the private sector



Source : ONEM

4. Women as main users of FWA measures

Observation of the use of family/work articulation measures clearly shows that women are the main users of these systems, whatever the type of leave. It is seen that, except for time-credit after the age of 50, which is another question that we are not debating here, in Belgium there are more women interrupting their career, all ages included, than men. In 2007, women represented 63% of the beneficiaries of time-credit and 78% for thematic leaves. However, it can be seen that the number of men interrupting their career rises every year. For time-credit, the figure was 8 868 in 2002 and 40 972 in 2007, which is a 462% increase in 5 years. Parental leave has known the most significant rise in 2007, with 6788 beneficiaries, eight times more than 5 years ago.

However, the number of women interrupting their career also rises each year, with a slightly higher proportion than men; the figure is almost always twice that of their masculine equivalents. From 2006 to 2007, the number of women using time-credit rose by 10%, whereas for men the rise was 8%. The situation is slightly different for parental leave: the number of women rose by 4% between 2006 and 2007, whereas for men the rise was 13%. When looking back on the use of these dispositions, this tendency is confirmed.

These observations lead us to deduce that, although there are some notable changes, work/family articulation in Belgium still remains mainly women's prerogative. We must recognise that some of the motives are purely financial. Gendered difference in salary is real, mostly due to the fact that women more often have a part-time job (Bever & Gilbert, 2007). The calculation is easy for the couple: it is the wife who will choose to use the dispositions, since the difference between benefits and salary is lower. Thus, we wondered if the encouragement allowance given by the Flemish region could have a positive effect on men and the career interruption scheme. Our hypothesis was that the proportion of men benefiting from the allowance would be higher than the whole of the national male proportion choosing

time-credit or thematic leave. The latter is 34% for 2005. We used the 2005 annual report of the Flemish Ministry of Employment and Social economy to know the figures of the beneficiaries of the allowance.

Table 3. Evolution of the number of encouragement allowances given in the private sector (based on time-credit or thematic leave), 2002-2005

	Men	Women	Total
2002	2152	14400	16552
2003	3989	20318	24307
2004	5134	22679	27813
2005	5489	21709	27198
Evolution between 2004 and 2005	+7%	-4%	-2%

Source : Vlaams Ministerie voor Werk en Sociale Economie

We can see that there were 27198 encouragement allowances, based on time-credit or thematic leave, given in the private sector in 2005. Compared with 2004, there was a slight 2% decrease. Nevertheless, we can see a 7% rise in number of men, when there is a 4% decrease for women, compared to 2004. The slight decrease in 2005 for all the allowances is due to the new regulations for the private sector, which were implemented on 1st April 2005 (Vlaams Ministerie van Werk en Sociale Economie, 2005).

In fact, to perpetuate the system, the Flemish government introduced stricter limitations, for example concerning motives. There was thus a larger number of rejected requests. It should be reminded that the Flemish benefits are given for motives of training (training-credit), and for help and assistance to children and relatives in need (care-credit). The latter is the most successful, with 99% of requests in 2005. However, the proportion of men in the beneficiaries of the allowance is 20% in 2005. This is much lower than the national proportion! However, the observation is truncated: since the allowance is mostly given for motives of care-credit, workers over the age of 50 are not much concerned by the disposition. 5.4% of the total number of persons request care-credit after the age of 50, whereas at the national level, 41% benefit from time-credit or thematic leave. This is why, in order to correct the comparison, we need to calculate the proportion of men in the use of career interruption schemes without counting workers above 50. Following the calculation of Olivier Besançon (2008), the result is 18% of men in the time-credit or thematic leave schemes, for the whole country. After this adjustment, the proportion of men having requested the care-credit allowance is now 19%. So we can deduce that the monthly 168.93 euro supplement is not an incentive for men.

Conclusion

The relationship between working life and family life is an important issue in Belgium. Public authorities have institutional supports as a means of action for a better work/family articulation, in order to encourage a cumulative work/family model where professional investment and family investment would not be incompatible (“one AND the other”), for women as well as men. This is coherent with the perspective of a universal breadwinner and caregiver, considering that each adult should have the capacity, which Sen (2004) calls capability, to earn a living and assume care of other persons.

Part of the Belgian institutional measures show premises of the development of this model. Besides maternity, paternity and adoption leaves, some of the thematic leaves (parental leave,

care of seriously ill relatives or palliative care) and time-credit schemes allow to partially or totally leave the labour market without breaking the link with that sphere. However, passing laws in the matter is not sufficient to ensure a more equalitarian articulation. We have shown how women remain the main users of these measures, although they are open to both sexes.

Of course, this is result from an economic calculation, but it often hides a preliminary gendered social structure. In this sense, socio-culturally, the main responsibility for family duties is still left to women, which is ipso facto an obstacle for men who would want to invest more in parenthood. But this is another subject to consider and research.

References

BECK U., 2001, *La société du risque. Sur la voie d'une autre modernité*, Paris, Flammarion.

BEVERS T., GILBERT V., 2007, « L'écart salarial entre les femmes et les hommes en Belgique – Rapport 2007 », Institut pour l'égalité des femmes et des hommes, 1-55.

BESANCON O., directed by Fusulier B., 2008, *Analyse du dispositif crédit-temps et des congés thématiques*, Master's thesis, Institut des Sciences du Travail, Université catholique de Louvain, Louvain-la-Neuve.

CHRONHOLM A., 2007, "Father's Experiences of Shared Parental Leave in Sweden", *Recherches sociologiques et anthropologiques*, n° 2, pp.9-25.

CONSEIL SUPÉRIEUR DE L'EMPLOI, 2002, *Rapport. Partie II. La population inactive en âge de travailler*, Bruxelles, Ministère fédéral de l'Emploi et du Travail.

DAUPHIN M., DELISSE M.P., PIRARD F., 1999, *Interruption de carrière professionnelle: secteur privé*, Diegem, Ced. Samson.

DAUPHIN M., DELISSE M.P., PIRARD F., 2002, *Crédits-temps, droits thématiques: secteur privé*, Bruxelles, Kluwer.

DIEU A.-M., 2006, *Conciliation vie privée-vie professionnelle: la Belgique*, <http://www.gendercheck.net/conf04-fr.htm>

ESPING-ANDERSEN G., 1999, *Social Foundations of Postindustrial Economics*, New-York, Oxford University Press.

EUROSTAT, 8 mars 2006 : "Journée Internationale de la Femme. Un aperçu statistique de la vie des femmes et des hommes dans l'UE25", *Communiqué de Presse*, n° 29.

FUSULIER B., 2005, "Aux antipodes de la Finlande: le Japon et son modèle alternatif d'articulation travail-famille", in Tremblay D.G. (dir.), *De la conciliation emploi-famille à une politique des temps sociaux*, Montréal, Presses de l'Université du Québec, pp.271-280.

FUSULIER B., GIRALDO S., LALOY D., 2008, *L'entreprise et l'articulation travail/famille*, Presses Universitaires de Louvain, Louvain-la-Neuve.

INSTITUT NATIONAL DE STATISTIQUE, 2002, “24 heures à la belge: une analyse sur l’emploi du temps des Belges”, Études statistiques, n° 110.

JAUMOTTE F., 2003, “Les femmes sur le marché du travail: évidence empirique sur le rôle des politiques économiques et autres déterminants dans les pays de l’OCDE”, Revue économique de l’OCDE, 37, n° 2.

OCDE, 2001, Perspectives de l’emploi, Paris, OCDE.

OCDE, 2003, Bébés et employeurs. Comment réconcilier travail et vie de famille. Autriche, Irlande et Japon, vol. 2, Paris, OCDE.

OCDE, 2005, Bébés et employeurs. Comment réconcilier travail et vie de famille. Canada, Finlande, Royaume-Uni et Suède, vol. 4, Paris, OCDE.

SEN A.K., 2004, “Elements of a Theory of Human Rights”, Philosophy and Public Affairs, 32, n° 4, pp.315-356.

VERBRUGGE F. (2002), Interruption de carrière et crédit-temps, Bruxelles, Kluwer.

VLAAMS MINISTERIE VAN WERK EN SOCIALE ECONOMIE, Aanmoedigingspremies bij loopbaanonderbreking en tijdskrediet, [en ligne].
http://www2.vlaanderen.be/werk/documenten/prim_jaarraport2003.pdf