



# CHECKLIST FOR ENTERPRISES

## PARENTAL LEAVE

This checklist compiles the legal obligations, but also additional actions you can take (see “tips”) to make your organisation more family-friendly. Obviously, you start by reviewing what is necessary and possible at your company. This checklist is not exhaustive but a first tool to get started.

- ✓ Find out about the **legal obligations** regarding parental leave.

For each child, every employee who is also a parent is entitled to **parental leave** as long as the child has not yet reached the age of 12. The right to parental leave also exists in the case of adoption, up to the age of 12. For each child, the employee is entitled to 4 months of full-time parental leave.

- ✓ **Talk to the employee and plan the parental leave.**

Discuss in what way she/he wants to take the parental leave and also plan a possible replacement. Parental leave can be taken in different ways. These ways can also be combined, provided that the minimum period per arrangement is respected.

- **Full-time parental leave:** Your employee decides to fully suspend their function for a while (maximum 4 months). This is possible in periods of 1 month (general rule) or 1 week (with your consent as employer).
- **Part-time parental leave:** Your employee decides to suspend their function part-time for a while (maximum 8 months). This is possible in periods of 2 months (general rule) or 1 month (with your consent as employer).
- **1/5 parental leave:** Your employee decides to reduce their function by 1/5 for a while (maximum 20 months). This is possible in periods of 5 months (or a multiple thereof).




- **1/10 parental leave:** Your employee decides to reduce their function by 1/10 for a while (maximum 40 months). This corresponds to half a day a week or a full day every 2 weeks. This is possible in periods of 10 months (or a multiple thereof). This arrangement can only be made with your consent as the employer.

In addition, the part-time parental leave can be organised **flexibly**. For example, the employee can take half-time parental leave for 8 months by alternating a full-time working week with a leave week. This flexible arrangement can only be made with your consent as the employer.

There are therefore various possibilities to plan and organise the parental leave. In discussion with the employee, you can find out what is best for her/him, as well as for the company itself (e.g. can tasks be covered in this arrangement?).

**Inform** your employees about this, they are often not aware of the various possibilities.

More information on this can be found on the website of the [Federal Public Service Employment, Labour and Social Dialogue](#), or ask more information from your social secretariat.

 Add **important dates** to the agenda, relating to settling **administrative matters**.

- The employee must inform you **at the earliest 3 months and at the latest 2 months** in advance of taking parental leave, preferably by registered letter or with your signature for receipt as the employer. This letter must state the desired start and end date, as well as the form.
- In the case of parental leave according to the **'general rule'** (see above): **until 1 month after the written confirmation** by the employee, you have the right as an employer to **postpone** the start of the parental leave. This postponement must be justified in writing and can only be invoked if taking the leave would seriously disrupt the smooth operation of the company. This postponement is limited to a maximum of 6 months. In addition, in the case of deferral for a complete break, the employer is required to offer an alternative.

**TIP** Check if there are any **alternative arrangements** available, such as flexible working or co-parenting contracts, flexible working hours or working from home.

For this you can find inspiration in the [inspiring measures](#) and the [database of 'good practices'](#).



- In the case of parental leave according to **‘agreement with the employer’** (see above): **until 1 month after the written confirmation** by the employee, you have the right as an employer to **refuse** the start of the parental leave. You must inform the employee of this in writing.
- **At the earliest 6 months before the start of the parental leave and at the latest within the 2 months following the start of the parental leave**, the employee must submit an [online form](#) to the National Employment Office to obtain benefits during this parental leave. The employee must fill in the ‘employee’ section and let you fill in the ‘employer’ section.

**TIP** Always discuss clearly with your employee why you are postponing or refusing parental leave. Just as you have reasons to postpone or refuse the parental leave, she/he also has reasons to apply for it during this period. You can look for a joint solution by discussing it together.

- ✓ Make **agreements** with the employee regarding **communication during the parental leave**.

Contact the employee a few days before her/his resumption of work in order to **agree** on her/his return and the planning of the first workday/week.

But also **limit** contact during parental leave. This is a time for the family, to make the work-life balance easier and to be able to shut off work on these days.



**TIP** These are the official arrangements. However, for a good and open communication, it may be interesting to also contact the employee by phone. That way, you can explain your reasons, and so can the employee.

- ✓ **Do not dismiss the employee** on account of their taking parental leave!

The right to dismiss an employee is restricted as soon as you, the employer, have been informed (in writing) that they wish to take parental care leave and until 3 months after the end of the parental leave (cf. Recovery Act).

During this protected period, you can only dismiss your employee for reasons that are unrelated to their taking parental leave. You must provide written proof of the reasons you invoke to justify the dismissal.

✓ When the employee **takes part-time parental leave** or **returns** from parental leave, you give her/him the **same or equivalent work** as before.

✓ **Do not discriminate against employees who are parents.** This is covered by the protected criterion of “family responsibilities” under the Act of 10 May 2007 on gender equality.

This means that employees cannot be treated unfavourably because they are parents.

Discrimination in the workplace can take **various forms**, including difference in treatment, harassment, ineligibility for a promotion, not hiring someone because they have children, dismissing someone because of prolonged absence during parental leave, and so on. You can inform your employees preventively and also learn to recognise prejudice and discrimination.

