

# CHECKLIST FOR ENTERPRISES



## TIME CREDIT

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 time credit.

Time credit gives private sector employees<sup>1</sup> the opportunity to interrupt or reduce their work in certain situations.

Time credit is completely separate from thematic leave systems (see [checklists 7 and 8](#)).

There are currently two types of time credit, namely:

- **Time credit with a reason:** Your employee can, in a number of situations, interrupt or temporarily reduce their work.

What are the **reasons** for which time credit can be taken?

1. Caring for a child younger than 8 years old (a parental relationship must be demonstrated, so it is also possible for co-parents and adoptive parents).<sup>2</sup>
2. Providing palliative care.
3. Providing care to a seriously ill family member or relative (confirmed by the doctor that the care provided by the employee is necessary, in addition to medical care).
4. Caring for the employee’s disabled child up to the age of 21.
5. Caring for a seriously ill child (< 18 years of age) if it is the employee’s own child or a child that is part of the family (the seriousness of the health problem must be confirmed by a doctor).
6. Following a recognised training course (for at least 27 credits per year or 9 credits per trimester).

<sup>1</sup> The public sector – including the federal government, the regions and communities, local and provincial authorities and autonomous public companies (such as SNCB, bpost, and Proximus) – is not covered by the time credit scheme. Employees in the public sector should contact their HR department for more information on their right to career breaks.

<sup>2</sup> For a complete break, an allowance can only be received up to the child’s 5th birthday. The employee can therefore take leave until the child reaches the age of 8 but can only receive an allowance until the child is 5. The age limit of 8 remains for part-time or 1/5-time credit, both for the right to leave (with the employer) and for the right to an allowance.

- **Landing jobs for older employees:** Your employee who is at least 55 years old, can reduce their work time. From the age of 60, she/he is entitled to a benefit, before that age this system is unpaid. In a number of exceptional cases (for heavy occupations, bottleneck occupations or companies in difficulty) the time credit landing job can be taken up from the age of 50. You can read more about this on the website of the [Federal Public Service Employment, Labour and Social Dialogue](#).

These two types of time credit are separate from each other. They can both be taken up by one and the same employee during her/his career.

There are a **number of conditions** attached to this time credit:

- If you had 10 or fewer employees, time credit is not a right, and your approval as an employer is required. This agreement must cover the principle of the time credit, the form of the break (full-time, part-time or 1/5 time), the starting date and the duration.
- If you had more than 10 employees within your company on 30 June of the previous year, the time credit is an automatic right of the employees. However, within the company, access to the various time credits is limited to a quota of simultaneous absences, i.e. 5% of the company's workforce.
- Your employee must have worked in the company for at least 24 months, full-time or part-time. However, the length-of-service condition to be entitled to a time-credit allowance for "caring for your child" is 36 months. Your employee can therefore take leave after 24 months' service but will only be entitled to an allowance if they have completed 36 months' service.
- Please note, this condition of seniority does not apply if your employee applies for the time credit as a follow-up to parental leave (the parental leave must first be fully used up for all children).
- For the time credit landing job, the employee must have worked as a wage-earner for at least 25 years.

More information can be found on the websites of the [Federal Public Service Employment, Labour and Social Dialogue](#) or the [National Employment Office](#).



**TIP** Do not focus exclusively on time credit with a reason, but also keep an eye on the landing jobs. Within our ageing society, there are more and more **grandparents** who are still at work and want to adjust their work-life balance to spend more time with their grandchildren.



✓ **Talk to the employee and plan the time credit.**

Discuss in what way she/he wants to take the time credit and plan a possible replacement. First discuss what type of time credit your employee wants to take. Then, there are various possible arrangements for taking each type of time credit.

- **Time credit with a reason:**
  - > **Full-time time credit:** Your employee (employed full time or part time) can suspend work completely for a period of maximum 51 months for care motives (1 to 5, see above) and for a period of maximum 36 months for educational motive (6 see above).

*Please note:* In order to grant this type of time credit for reasons 1, 2, 3 and 6, a relevant collective labour agreement must have been concluded within the company or sector.
  - > **Part-time time credit:** Your employee (employed full time or on a 3/4 basis) can reduce their full-time work by half for a period of maximum 51 months for care motives (1 to 5) and for a period of maximum 36 months for educational motive (6).

*Please note:* In order to grant this type of time credit for reasons 1, 2, 3 and 6, a relevant collective labour agreement must have been concluded within the company or sector.
  - > **1/5-time credit:** Your employee (employed full time) can reduce their work by 1/5 for a period of maximum 51 months for care motives (1 to 5) and for a period of maximum 36 months for educational motive (6).

A collective labour agreement is not required.


In total, no more than 51 months of time credit can be taken up. However, there are also minimum periods and maximum periods per reason. More information on this topic can be found on the website of the [Federal Public Service Employment, Labour and Social Dialogue](#).

Note that the right to a time-credit allowance for “caring for your child” is 48 months for all forms (full-time, part-time and 1/5 time). Your employee can therefore take 51 months’ leave but will only be able to receive an allowance for 48 months.

Are you in doubt about the duration of time credit to which the employee is still entitled? She/he can easily check this via the ‘[Break@work](#)’ tool of the National Employment Office.

- **Landing jobs for older employees:**
  - > **Part-time time credit landing job:** Your employee (employed full time or on a 3/4 basis) can reduce their full-time work by half for a period of minimum 3 months and maximum until the date on which they retire.
  - > **1/5-time credit landing job:** Your employee (employed full time, divided over 5 workdays) can reduce their work by 1/5, i.e. by 1 day or 2 half days per week, for a period of minimum 6 months and maximum until the date on which they retire.

More information on this topic can be found on the website of the [Federal Public Service Employment, Labour and Social Dialogue](#).

 Add several **important dates** to the agenda for **administrative matters**.

- **At the latest 6 months (when <20 employees) or at the latest 3 months (when >20 employees) before taking up the time credit**, your employee must inform you about their taking up the time credit, by registered letter or with your signature for receipt as the employer. She/he must enclose a certificate stating how much time credit has already been taken up in the past. This certificate can be downloaded via the tool '[Break@work](#)' of the National Employment Office. She/he must also provide proof of the reason for which the time credit is taken. More information can be found on the website of the [National Employment Office](#).
- **At the latest 1 month after the written request to take up the time credit**, you as the employer, will inform the employee of your decision as to whether or not to allow the time credit and the date on which this can start. In companies with less than 10 employees, you discuss together with the employee when this fits best in the planning. In companies with more than 10 employees, as an employer you can only postpone the time credit if 5% of your employees have already taken up time credit. You can only postpone it up to 6 months, or up to 12 months in the case of 1/5-time credit landing job for older employees. You can only postpone the time credit, not refuse it.



**TIP** Do you have a larger company? Determine a higher percentage of people within your company who can simultaneously take up time credit. In small companies, this can be more difficult to arrange, but in larger companies, 10% or even more is feasible. Record this in writing in the employment regulations or a collective labour agreement.



- **At the earliest 6 months before the start of the time credit and at the latest within the 2 months following the start of the time credit**, the employee must submit an [online form](#) to the National Employment Office to obtain benefits during this time credit. 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 the time credit. Just as you have reasons to postpone the time credit, she/he also has reasons to apply for it. You can find a joint solution by discussing it with each other.

- ✓ Make agreements with the employee regarding **communication during the time credit**.

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 time credit. 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.

- ✓ When the employee **returns** from time credit, you give her/him **the same or an equivalent job** as before.

- ✓ **Do not dismiss the employee** on account of taking time credit!

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

During this protected period, you can only dismiss your employee for reasons that are unrelated to their taking time credit. As the employer, you must provide proof of the reasons you invoke to justify the dismissal.

