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NEWS REPORT

Country:	Belgium
Title:	Conditions for paid maternity leave
Date:	22 December 16
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Update of news report nr:	European Gender Equality Law Review, n° 1-2016
<u>Context</u>	
Issue at stake:	Conditions for maternity benefits under Healthcare and Sickness Insurance
Ground of discrimination:	Sex
Source:	Legislation
Field:	Pregnancy and maternity
Applicable law:	Royal Decree of 28 October 2016

Content

Policy development: Following the CJEU's decision of 21 May 2015 in Case C-65/14 and without waiting for the Labour Court in Nivelles to rule on the dispute, the Sickness Fund paid Ms Rosselle maternity benefits which were due for the maternity leave she had taken in 2010. The breach of compliance with Directive 92/85/ECC, which the CJEU had pointed to in its decision, was supposedly corrected by Royal Decree of 28 October 2016 which amended Article 205 (1) of the Royal Decree of 3 July 1996, ancillary to the Consolidated Act of 14 July 1994 on Healthcare and Sickness Insurance.

Key points of analysis: Under the amended provision, the condition of having been subject to the scheme for at least 120 working days within a period of six months immediately prior to the application for benefits is waived when the applicant is a tenured staff member of a public service who took unpaid furlough in order to be engaged as a paid worker by another employer.

Internet link source:

Royal Decree of 28 October 2016, *Moniteur belge/Belgisch Staatsblad*, 25 November 2016, available in Dutch and French on www.juridat.be, accessed on 22 December 16.