



## European network of legal experts in gender equality and non-discrimination

### FLASH REPORT

<b>Country:</b>	Belgium
<b>Title:</b>	Parental leave during the COVID-19 pandemic
<b>Date:</b>	30 June 2020
<b>Expert:</b>	Wuiame Nathalie
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Additional parental leave to support parents during the COVID-19 pandemic
<b>Grounds of discrimination:</b>	Gender
<b>Field of application:</b>	Family leave
<b>Source:</b>	National legislation
<b>Applicable law:</b>	Royal Decree no. 23 of 13 May 2020 (implementing article 5 §1, 5° of the law of 27 March 2020 granting powers to the King to take measures in the fight against the spread of the COVID-19 coronavirus) for corona parental leave, Moniteur Belge/ Belgisch Staatsdblad 14 May 2020
<b>Law development:</b>	Royal Decree of 4 June 2020 granting a parental allowance to the self-employed, who partially interrupt their self-employed activity as part of the measures to combat the spread of the COVID-19 coronavirus Moniteur belge/ Belgisch Staatsdblad 10 June 2020

### **Content**

The Royal Decree (RD) of 13 May 2020 introduced "corona" parental leave from 1 May 2020 for workers in the private sector who have been in service with their employer for at least one month, as well as for all staff members in the public sector. This leave offers workers the possibility of reducing their work to half-time or to 4/5ths-time, subject to the agreement of their employer, to take care of their children under 12 years of age (up to 21 years of age for children with disabilities and no age limit for certain disabled children). This leave, which could initially be taken in May and June, has been extended to 31 August 2020.

A Royal Decree of 4 June 2020 introduced a system of temporary parental allowance for the self-employed, which can be considered to be comparable to the parental corona leave for employees.

**Key points of analysis:** The material scope of parental leave corona is in principle identical to that of ordinary parental leave. However, as this leave concerns a part-time interruption, it is only accessible to workers with a full-time employment contract (and to part-time workers working 3/4 of a full-time job). The classic parental leave allowance is here increased by 25%. This leave can be taken more quickly since the employer must only be notified 3 days in advance, and it is also more flexible since it can be taken all at once until the end of the measure or for several months or weeks which may follow one another or not. Furthermore, the duration of this 'corona' parental leave does not count

towards the maximum duration of parental leave under the regular scheme (i.e. 4 months full-time, with possible fractions). Finally, it is accessible to foster parents as well.

Corona parental leave is an additional parental leave option that addresses the difficulty many parents have in combining work with childcare. This is why, unlike traditional parental leave, corona leave is limited to part-time, that is a reduction of work by 1/2 or 1/5, because taking full-time leave does not meet the objective of this measure, namely that childcare must allow you to return to work at least part-time.

Workers who are already taking forms of part-time parental leave may suspend the current parental leave and take corona leave.

While the self-employed workers and assisting spouses do not in general benefit from ordinary parental leave, the federal government, which has jurisdiction in the matter, decided to help them too to combine their self-employment more easily with the education of their children. The temporary parental allowance, of an amount comparable to that of the corona parental leave, can be granted to them for the months of May and June 2020 (duration initially planned, and extended until 31 August).

**Internet link source:**

The RD of 13 May 2020 is accessible at

<http://www.ejustice.just.fgov.be/eli/arrete/2020/05/13/2020020950/moniteur>.

The RD of 10 June 2020 is accessible at

<http://www.ejustice.just.fgov.be/eli/arrete/2020/06/04/2020021143/moniteur>.