



## RSM InterPay HR Insights - October 2019

### New from 1 October 2019 : care leave

#### RSM BELGIUM INFORMS YOU

In addition to parental leave, medical assistance leave and palliative leave, employees have the option of applying for care leave as from 1 October 2019.

The caregiver is the person who provides continuous or regular help and assistance to the assisted person. The employee can only be recognised as a volunteer aid worker if the conditions laid down by law are met:

- The caregiver must have his main residence in Belgium and be registered in the population or foreigners' register;
- The assisted person must reside in Belgium and be in need of care;
- There must be a relationship of trust between the caregiver and the person in need of care;
- The assistance must be provided free of charge by the caregiver and must be provided in cooperation with at least one professional caregiver.

Only the employee who is recognised by the sickness fund can qualify as a volunteer caregiver. An application for recognition, accompanied by a declaration of honour from the person in need of care or his legal representative, must be submitted to the sickness fund.

The employee must inform the employer in writing only seven days before he wants to take the care leave. This period is very short, but it is possible to deviate from it by mutual agreement with the employer.

Full-time employees can take care leave during either one full month or two months half-time or one fifth. This period applies per person in need of care and is limited to 6 full-time or 12 part-time months over the professional career. The employee who reduces his performances by 1/2 or 1/5 gets the status of part-time employee. Part-time employees can only suspend their employment contract in full. The rules on part-time employment must therefore be respected.

The employee who takes care leave is entitled to an allowance from the National Employment Office and is protected against dismissal.

Despite the fact that the law enters into force on 1 October 2019, no royal decree has yet been issued laying down the conditions and procedure for the application for recognition as a volunteer aid worker. In the absence of such a royal decree, employees cannot yet apply for this new leave. In the meantime, the Council of Ministers has approved a draft royal decree that will be submitted to the Council of State for its opinion.

If you would like to receive additional information on this matter, the InterPay team of RSM Belgium is at your disposal ([interpay@rsmbelgium.be](mailto:interpay@rsmbelgium.be)).

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