



**OGB-L**

# Half-time therapeutic leave

*A useful and necessary measure*





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## Preface

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In order to give better information to women and men employees, OGBL has produced the brochure “therapeutic half-time leave— a necessary and useful measure“. It gives you more details about the following topics:

*What’s the purpose of therapeutic half-time and who can benefit from it?*

*What are the steps to be taken?*

*What consequences does it have for the labor contract?*

*What about a person’s permission to go out while on therapeutic half-time leave?*

OGBL’s representatives at the National Health Insurance (Caisse nationale de Santé/ CNS) committed themselves to implementing this therapeutic half-time leave. In 2015 more than 2,000 employees benefited from it.

The therapeutic half-time leave is indeed an ideal measure which facilitates the reintegration of the employee into work process after a heavy medical treatment.

The OGBL will seek to improve therapeutic half-time leave in the future and will stay committed to a continuous improvement of the social security system in Luxembourg.

We hope that all your questions will be answered in this brochure.

**OGBL. A social force at the employee’s service.**

# Half-time therapeutic leave

## *A useful and necessary measure*

By Ministerial Order of May 20th 2011, the introduction of the half-time therapeutic leave in the statutes of the National Health Insurance Fund (Caisse nationale de Santé/CNS), as decided by the Steering Committee at its meeting March 30th, 2011, was approved among other points. These amendments to the statutes of the CNS came into effect on June 1st 2011 (Publication in the Memorial A-112 of May 31st 2011, page 1744).

Unfortunately, this device is only based on a text of the statutes of the CNS and is not in itself a right for employees needing this measure to restore their health.

Therefore, the OGBL claims a deep reform of the half-time therapeutic leave to improve the existing procedure so that employees can, if need be, use this device. We believe that this device must be a right for all employees and must be anchored in the Code of Social Security, as well as be regulated in the Labour Code.

Here are some details about the current procedure that employees must follow in order to take that leave.

## What is the purpose of a half-time therapeutic leave?

After a heavy illness or a serious accident, the part-time therapeutic leave allows employees to get back to work half-time for a certain period of inability to work.

## Who can benefit from it?

Any employee who fulfills the conditions for being granted sickness cash benefit under the provisions of the Code of Social Security.

## What steps are to be taken (article 169 of the statutes of the CNS)?

Half-time therapeutic leave can be achieved only with the agreement of the employer. The procedure is initiated by the attending doctor who addresses a specific request to the Medical Control of Social Security through the CNS, bearing in mind that there is no form to request the leave in question.

The request is evaluated by the medical advisor of the Medical Control, whether by reviewing the medical record and / or after having convened and examined the insured.

The medical advisor informs the CNS of his positive or negative opinion.

If he considers that a return to half-time work is indicated during the period of work incapacity, the CNS informs in writing both parties (employee and employer) of the granting of a half-time therapeutic leave.

Of course, the period of the leave must be imperatively covered by a certificate of work incapacity due to illness or accident.





## Duration of half-time therapeutic leave

Half-time therapeutic leave is limited in time. Indeed it is counted as part of the 52 weeks of work incapacity over a period of 104 weeks. Nevertheless, the period in question is only counted for half (ex.: instead of 8 hours per day, only 4 hours are counted as work incapacity).

## Consequences on the labor contract

The employment contract remains unchanged. However, the employee must only work half of the time fixed in his employment contract.

Example: an employee working full-time (40 hours / week) comes to work for 4 hours a day and during the other four hours, he stays at home and / or receives his therapeutic care. So the work incapacity is only brought into account for 4 hours instead of 8 hours per day.

In the case of an improvement in health on the treating doctor's or doctors' advice, the employee may return to his full-time job unless the occupational doctor decides otherwise.

If the employee becomes again totally unable to work, the therapeutic leave is cancelled and the employee must provide (CNS and employer) a new certificate stating the total work incapacity.

Be aware that the work incapacity resulting from a half-time therapeutic leave entitles you to statutory leave. Therefore, an employee who works half-time and is in half-time therapeutic leave is entitled to the full statutory annual leave, namely 25 working days (L. 233-6 of the Labour Code).

In case of interruption of the half-time therapeutic leave because of a statutory leave, the employee is obliged to start the procedure from the beginning when he resumes work. However, the statutory leave is accounted for 8 hours a day under a full-time contract.





## Impacts on the sick person's right-to-go-out scheme

The sick person's right-to-go-out scheme, as fixed in the statutes of the CNS (Articles 198 to 200 and Article 203), does not apply to employees covered by a half-time therapeutic leave.

*For further information, please call our Assistance and Information Office, **+352 2 6543 777**, or please contact one of our agencies in Luxembourg and the Greater Region. You find our addresses on [www.ogbl.lu](http://www.ogbl.lu)*