

COVID-19: Short-time work Frequently asked questions

As an employee, can I benefit from short-time work?

If the employer for whom the employee works is eligible, then the latter can benefit from short-time work in compensation for lost working hours. It is recommended to check with your employer if he is eligible.

If the company is not eligible for short-time work, the employer must nevertheless continue to pay the salaries and cannot in any case force his employees to take their leave without their agreement.

Who is responsible for taking steps to obtain short-time work?

Only the employer can apply for short-time work in order to compensate for the working hours lost due to the health crisis.

Who decides when and for how long I am on short-time work?

The employer decides and informs the employee of his situation in the event of lost hours and thus if he is on short-time work. OGBL recommends that employees ask for written confirmation (email, mail or sms).

Does my employer have the right to make me work and to go on short-time work for the same period?

No, this is strictly prohibited and will result in sanctions for employers. Any employee who works, both on his workplace and in telework, can in no case be

declared as being on short-time work.

Is short-time work fractionable?

The employer can split and combine hours of short-time work with hours worked. Some possibilities as an example:

- ◆ 2 days a week on short-time work, 3 working days
- ◆ half day of short-time work, half day of work

Does telework or home office entitle you to short-time work?

Telework or home office is considered to be actual work and is therefore not covered by short-time working. Employers who nevertheless decide to make their employees work on short-time are punishable.

Can my employer end short-time work and call me back to work?

Yes. In the event of a resumption, the employer can call you back to work. However, currently there are exceptions:

- ◆ Business sectors closed by government decision that cannot resume until further notice.
- ◆ Employees who can exercise their right to leave for family reasons to care for their children after all other possibilities have been exhausted. Note that employees claiming this right in a company on short-time work will automatically be placed



on short-time work.

How is the short-time work benefit calculated?

The short-time work benefit is fixed at 80% of the normal gross hourly salary of the employee but may not exceed the amount of 250% of the minimum hourly social wage (currently 30,9538 EUR per hour, index 834.76), which constitutes the maximum ceiling. Employers are however free to compensate for the loss caused. It should be noted that the short-time work benefit cannot be lower than the minimum social wage for unqualified workers.

By normal hourly salary, we mean and count separately:

- ♦ The highest basic salary which forms part of the base applied during one of the three calendar months preceding the start of the period of short-time work;
- ♦ The average of the salary supplements and accessories which form part of the bases of the twelve calendar months preceding the month preceding the occurrence of short-time work.

In the absence of a single month fully covered, the basic salary as well as the supplements and accessories are taken into account according to their value agreed in the employment contract.

The current bonuses and the night, Sunday and public holidays supplements are part of the calculation of short-time work benefit. Concretely, the short-time work benefit is calculated in the same way as the cash sickness benefit.

Can my employer ask me to use up my leave before resorting to short-time work?

Yes. Employees are supposed to use the leave of 2019 (and previous years) before they can benefit from short-time work. This does not apply to the leave relating to the year 2020, nor to the time-saving account (compte épargne-temps - CET).

Is my employer entitled to block the payment of my salary while waiting for him to receive short-time work benefits?

No, employers are required to comply with the

regulations in force and are required to pay salaries according to the contractual or legal deadlines.

Does the employer have the right to declare me on short-time work on a public holiday?

Yes, no legal or regulatory provision prevents the employer from declaring the employee unemployed for a day normally worked.

If the holiday falls on a normally non-working day, the employee will be entitled to one day of compensatory leave to be taken within 3 months.

Can my employer combine short-time work and leave for family reasons?

No, short-time work takes precedence over leave for family reasons. Since the employee covered by short-time work is in principle freed from any work provision, he is available to care for a dependent child without having to resort to leave for family reasons. In the event of a call-back to work, the employee can assert his right to leave for family reasons if no other solution is possible.

In case of additional questions, please do not hesitate to contact us:

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