
COVID-19: Your Rights and Duties

Frequently asked questions

One parent is on extraordinary leave for family reasons and now the other parent is on short-time work. Does he have to go back to work?

According to the press release from the Ministry of Social Security of March 14, leave for family reasons can be taken if other solutions to ensure childcare are not possible and the parent can interrupt and split the leave as needed, but the employer must be informed as soon as possible of any change.

In this sense, the OGBL recommends informing the employer of this change in needs in writing and asking for the action to be taken. In this context, it should be specified that the parent on short-time work must remain at the disposal of his employer.

I am on leave for family reasons and my spouse/partner is teleworking. Do I keep my leave for family reasons?

Yes. The telework partner works and therefore cannot take care of the child.

Can an employee cancel her/his leave dates because of the coronavirus-containment?

In principle, leave dates, once fixed, must be respected by both, the employee and the employer.

Case law considers that „the leave once granted by the employer constitutes an irrevocable unilateral act, the withdrawal is only allowed in the event of the employee's explicit or unequivocal agreement“ (judgment of the Court of Appeal of 25.10.2018, n° 44386 of the roll).

Consequently, the leave once granted can no longer be canceled, except with the agreement of both parties. In addition, the 2019 annual leave must in principle be taken until March 31, 2020.

Under these conditions, it is perhaps, from a financial point of view, preferable for the employee to maintain his fixed leave and to receive his normal salary.

I am on short-time work and on leave. What compensation am I entitled to?

During the leave, the employee is entitled to the statutory vacation pay. In practice, he therefore continues to receive his normal salary (100%).

During short-time work, the employee receives a compensation allowance for 80% of his normal hourly wages, current bonuses included, for each hour worked. (article 2 of the grand-ducal regulation of 15.09.1975 fixing the rate of compensation for the short-time workers).



Tax returns

The direct tax administration (ACD) has extended the deadline for the submission of tax returns to June 30, 2020. Additional information from the ACD can be found in French here: <https://impotsdirects.public.lu/fr/archive/newsletter/2020/nl17032020.html>

Social security bodies

Accident Insurance Association (AAA)

The AAA has closed its counter to the public, but it can still be reached by phone and by email. Information in French and German on <https://aaa.public.lu/fr/actualites/2020/Fermetureguichet.html>

Employment Development Agency (ADEM)

If you want to register as a jobseeker after losing your job, you will find the simplified procedure for applying for unemployment benefits here:

<https://adem.public.lu/en/actualites/adem/2020/03/inscription.html>

Other questions relating to the ADEM (appointments etc.) are dealt with here: <https://adem.public.lu/en/support/faq/faq-corona.html>

Fund for the future of children (CAE)

The processing of files and the payment of family benefits and parental leave allowances remain insured. The CAE is accessible by telephone and electronically (information in French): https://cae.public.lu/fr/actualites/2020/Information_Caisse.html

Joint Social Security Center (CCSS)

The CCSS counter remains closed for the duration of the pandemic. Requests for certificates or information can be made online (information in French): <https://ccss.public.lu/fr/actualites/2020/03/17.html>

National Pension Insurance Fund (CNAP)

The processing of files and the payment of pensions are fully guaranteed, but the CNAP public counters are temporarily closed. The CNAP is accessible by telephone or electronically: www.cnap.lu

National Health Fund (CNS)

CNS agencies are closed to the public. CNS can be reached by phone and by email: <https://cns.public.lu/en/actualites/2020/fermeture.html>

National Solidarity Fund (FNS)

The counters have been closed since March 17. The FNS can be contacted by phone and internet: www.fns.lu