
Extraordinary leave for family reasons

Frequently asked Questions

As part of measures to limit the spread of the Covid-19 coronavirus, the government announced on March 12 that all schools, nurseries and maisons-relais will remain closed for the period from March 16 to March 27, 2020 (with possibility of an extension thereafter). In order to allow working parents to be able to take care of their children and ensure the follow-up of homework provided by the Ministry of National Education, the government has announced at the same time that parents can in this case claim their right to leave for family reasons, even without a medical certificate by a doctor. The closures of schools, nurseries and maisons-relais are assimilated to putting the child under quarantine (grand-ducal regulation of 12 March, 2020 amending the grand-ducal regulation of May 10, 1999).

The OGBL welcomes this decision of the government.

Who can benefit from the extraordinary leave for family reasons?

All employees who are affiliated to Luxembourg social security with dependent children under the age of 13 (12 years accomplished), in so far as they are going to school and are impacted by the temporary closure of schools, nurseries and maisons-relais.

I am a cross-border worker and my child is not going to school in Luxembourg. However, schools in my country of residence are also closed. Am I entitled to the leave for family reasons?

Yes, affiliation to Luxembourg social security entitles you to the leave for family reasons, with the same procedure as for residents.

Are both parents entitled to the leave for family reasons?

Yes, but not at the same time. Where possible, rotate as far as possible between the two partners. This also applies if both parents are divorced.

My partner is on maternity / parental leave. Do I still have the right to the leave for family reasons?

The government recommends in this case not to take the leave and to continue going to work. However, the use of leave for family reasons is still possible if there is no other option available. This should also apply to other situations where the partner is not working.

There are no boxes for the start and end of the leave on the form. Where do I indicate it?

According to the government, it is enough to inform the employer, who then must inform the social security on the specific days and times. >>



Is the leave splittable?

Yes, like ordinary family leave, the new extraordinary leave can be split. The labor code does not provide for minimum limits on splitting, so it can be down to one working hour.

Is the extraordinary leave assigned to my counter for family leave days?

No, the grand-ducal regulation of March 12, 2020 adds the situation of quarantine of the child to the list of diseases or deficiencies of exceptional gravity, which allows, according to article 234-52 of the labor code, to extend the usual threshold (18 days for a child between 4 and 12 years old) up to a maximum of 52 weeks over a reference period of 104 weeks.

Is my employer entitled to refuse the leave for family reasons?

No, if the employee has respected the legal procedure. However, the government recommends taking the leave only if other solutions for childcare are not possible. If the parents concerned have the possibility of teleworking, or of organizing childcare with other people (neighbors, family members etc. who are not vulnerable people or from a group at risk), then these options should be preferred.

This is particularly true for activities defined as "strategically important" in the context of the fight against the spread of the pandemic (eg healthcare professionals).

In this sense, the OGBL encourages both employers and employees to act responsibly in this crisis, which above all requires solidarity and mutual aid, in order to limit the spread of the virus.

Procedure to be followed:

The parent who wants to take leave for family reasons must inform his employer as soon as possible, orally or in writing, indicating the time periods for which he wishes to benefit from the extraordinary leave for family reasons.

Subsequently, this parent must complete the form, sign it and send it to the National Health Fund (CNS) and to the employer.

The form must be sent to the CNS by post to the following address:

CNS
Indemnités pécuniaires
L-2980 Luxembourg

The form is available on the CNS internet portals, but also on guichet.lu and government.lu.

More information:

https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/03-mars/14-crf-infos-supp.html