

## Corporate update – What's new in 2018

A law enacted on 15 December 2017 has introduced **major changes** to certain types of **extraordinary leave, leave for family reasons and post-natal maternity leave**.

### Extraordinary leave:

Event	Right to (old)	Right to (new)
<b>Death</b> of a spouse/partner, sibling, child, grandchild, parent or grandparent	1 day	<b>1 day</b>
<b>Marriage</b>	6 days	<b>3 days</b>
<b>Child's marriage</b>	2 days	<b>1 day</b>
Entrance into a <b>civil partnership</b>	6 days	<b>1 day</b>
<b>Child's</b> entrance into a <b>civil partnership</b>	2 days	<b>0 day</b>
<b>Moving house*</b>	2 days	<b>2 days</b>
<b>Death</b> of a spouse/partner, child, parent or spouse/partner's child or parent	3 days	<b>3 days</b>
<b>Death</b> of a child (minor)	3 days	<b>5 days</b>
<b>(Fathers) birth</b> of a child**	2 days	<b>10 days</b>
<b>Taking in a child</b> under 16 with a view to adoption***	2 days	<b>10 days</b>
Enlisting for military service	1 day	<b>0 day</b>

\* Within **three years** with a **single employer**, except where the employee is required to move for professional reasons.

\*\* Cost for the first two days is borne by the employer. The rest is reimbursed by the State following submission of a reimbursement request. Employees must submit a request to the employer, giving two months' notice. If the employee fails to give sufficient notice, the employer may opt to grant two days only.

\*\*\* Except where the employee is eligible for adoption leave.

### Leave for family reasons:

Age range	Right to	Details
0–3 years old	<b>12 days</b> per child	This is the total number of leave days that may be taken within the age range. The leave may therefore be split.  This leave cannot be taken by both parents at the same time.
4–12 years old	<b>18 days</b> per child	
13–17 years old and when in hospital	<b>5 days</b> per child	

The age limit of 18 years does not apply to children receiving supplementary special allowances pursuant to article 274 of the Luxembourg Social Security Code. For these children, twice the amount of family leave is permitted for each age range.

By means of an official recommendation from a physician with the social security medical inspectorate (*Contrôle médical de la sécurité sociale*), this leave may also be extended for children with serious illnesses or conditions up to a maximum of 52 weeks within a 104-week period.

### Post-natal maternity leave:

Any woman who has given birth is entitled to 12 weeks of maternity leave following the birth. This leave must be justified by a medical certificate confirming the date of the birth.

The same applies for the adoption of a child under 12 years of age. 12 weeks' adoption leave is granted upon submission of a court-issued certificate.

We also wish to remind you that employees who are unable to work due to illness or accident must do the following:

- **inform the employer** on the **1<sup>st</sup> day** of absence;
- **provide the employer with a medical certificate** by the **3<sup>rd</sup> day** of absence at the latest;
- **send a medical certificate to the CNS** no later than the **3<sup>rd</sup> working day** of absence (not required if the employee is only unable to work for 1 or 2 days).

As of 1 January 2018, the **CNS no longer accepts copies of medical certificates**. We therefore advise employers to keep the original certificates they receive in a safe place.

Please note that we will apply **2017 tax treatment to 2018 payrolls** until we receive the corresponding 2018 tax cards, except where employers specifically request that we apply tax class 1 or a particular rate to their employees.

Finally, as at the beginning of every year, employers are required to submit electronic **account statements** to the *Administration des Contributions*, indicating the **total, partial or nil tax payable** in Luxembourg. This information primarily concerns cross-border workers.

We wish to remind you that employers of cross-border workers must be in a position to monitor the duties performed by their employees outside of Luxembourg. Withholding tax should be calculated solely on **days physically worked in Luxembourg**. We ask that you please inform us of the exact number of days worked by your employees outside of Luxembourg in 2017 **before 15 February 2018**.

**The new provisions came into force on 1 January 2018.**