

## DO YOU STILL HAVE VACATION DAYS LEFT? GOOD ADVICE: TAKE THEM UP QUICKLY BEFORE THE END OF THE YEAR.

The end of the year is coming and it may happen that you still have a number of legal vacation days to take. **Attention**, the regulations on annual vacations stipulate that all legal vacation days must be taken before 31 December of the vacation year. You must therefore take all your legal vacation days. It is also forbidden to carry them over to the following year. If your employer does not allow you to take your vacations before the end of the year, he runs the risk of administrative or criminal sanctions for non-compliance with his obligations. He must pay you the vacation pay for the days not taken. The taking of vacations must always be agreed upon between yourself and your employer.

### What if you are unable to take your legal vacations before the end of the year?

In that case, your employer will have to pay, on the one hand, the single vacation allowance for the days not yet taken and, on the other hand, the double vacation allowance if this has not yet been paid. The payment of the double vacation pay is then exempt from social security contributions.

### What if you are temporarily unemployed because of the coronavirus?

The FOD Social Security (annual leave service) assumes that temporary unemployment due to the coronavirus (force majeure or economic reasons) is not a situation that makes it impossible for the employee to take his legal leave before the end of the year. The RVA confirms that it will carry out checks on workers placed in temporary unemployment during the month of December. These checks will only be carried out for the month of December, not for the other months of 2020 in which the worker would have been temporarily unemployed. If you do not take your vacations while you are temporarily unemployed in December, you will not be entitled to the unemployment benefits or you will have to reimburse the unemployment benefits wrongly received. You can, of course, take your legal vacation during a period of temporary unemployment. In that case, your wages will be paid by your employer.

Please note that this also applies if you are in quarantine. In that case, you will also receive unemployment benefits due to force majeure as a result of the corona virus.

### What if you are sick?

Attention, the health insurance fund will not reimburse you for the vacation days still to be taken. The health insurance fund will also ask you questions about this.

### What about your extra-legal vacations?

As far as taking extra-legal vacations is concerned, you must check which rules have been agreed upon in your sector and/or company. These extra-legal vacations could be postponed, contrary to what is foreseen for the statutory vacations.

### What about your catch-up days (ADV-days)?

These days must also be taken by the employees before the end of the year. If this is not the case, the average weekly working hours have been exceeded.

The balance of the ADV days must be recorded and taken up before 31 December 2020.