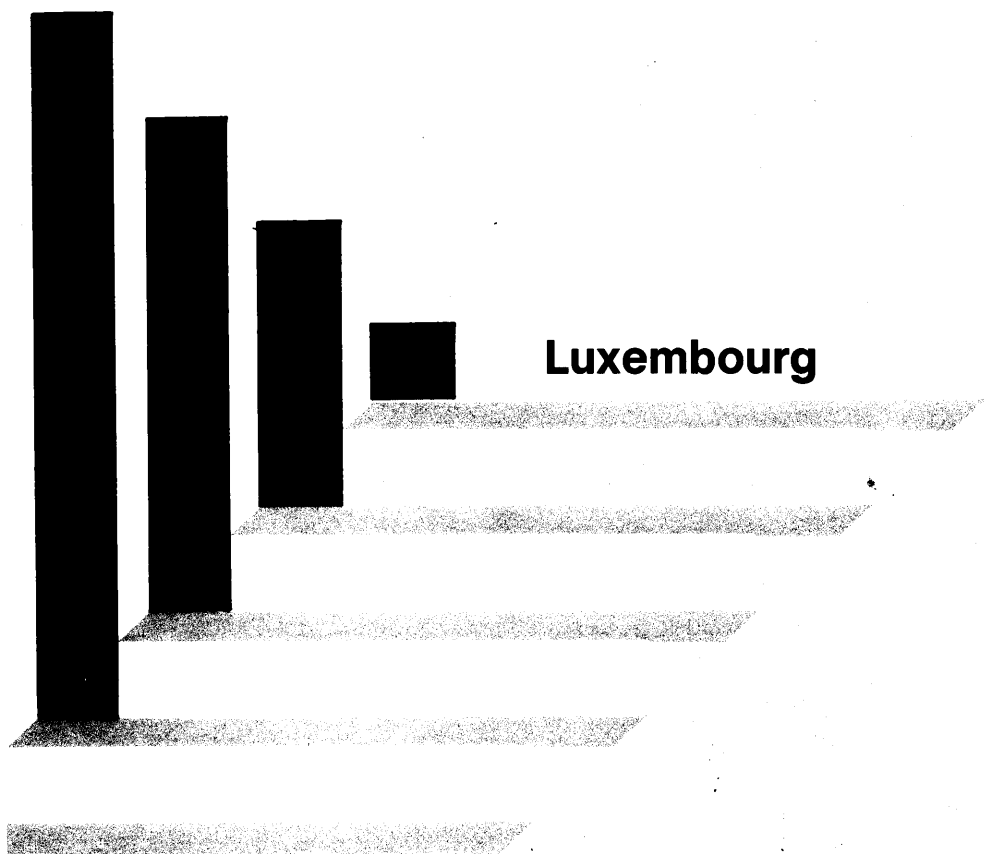


EUROPEAN COMMUNITIES

Social security for migrant workers



1974

Guide

**concerning the rights and obligations
with regard to social security of
persons going to work in
LUXEMBOURG**

In your own interest
read this guide carefully

NEW EDITION

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This guide gives only general guidance.

It must not be treated as a complete and authoritative statement on the law in any particular case.

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Contents

General introduction	4
Part I — Social security for employed persons	5
1. Introduction	6
2. Sickness and maternity insurance	7
3. Pension insurance (invalidity, old age, survivors)	12
4. Insurance against accidents at work and occupational dis- eases	18
5. Unemployment benefits	23
6. Family benefits	25
Part II — Social security for self-employed persons	29
1. Introduction	30
2. Sickness and maternity insurance	31
3. Pension insurance (invalidity, old age, survivors)	33
4. Insurance against accidents at work and occupational dis- eases	34
5. Family benefits	34

General introduction

When you work in Luxembourg you are entitled to the same social security benefits as Luxembourg workers.

Members of your family residing in Luxembourg are entitled to the same benefits as members of a Luxembourg worker's family.

The purpose of this Guide is to provide a brief outline of the social security system in Luxembourg, its organization, the way it works, and the qualifying conditions for benefit. It explains what you have to do to obtain these benefits and where to get more detailed information.

Part I of this Guide deals with social security for employed persons.

If you are self-employed, you should consult Part II of the Guide where you will find a description of the schemes for self-employed persons.

Part I

**Social security for employed
persons**

1. Introduction

1.1 Risks insured against under Luxembourg legislation

The following benefits are provided by the Luxembourg social security system:

- sickness and maternity benefits;
- invalidity, old-age and survivor's benefits (pensions);
- benefits for accidents at work and occupational diseases;
- unemployment benefits;
- family benefits.

There are different institutions which are competent to provide benefits depending on whether you are a manual or a clerical worker, except for benefits for accidents at work and occupational diseases and unemployment benefits.

Information on these institutions is provided at the end of each chapter on the various categories of benefits.

1.2 How to register

As soon as you start working in Luxembourg your employer should complete the formalities required to register you with the social security institutions. You do not, therefore, need to take any steps yourself.

1.3 Contributions you have to pay

Your employer is responsible for the payment of contributions. He will deduct your share of contributions from your pay packet.

The part of your earnings which exceeds a specified amount is not taken into consideration when the contribution is being calculated.

You do not have to pay any contribution for insurance for accidents at work, family benefits, or unemployment benefits. However, to help in financing unemployment benefits, every person liable to taxation must pay a 'solidarity tax'.

1.4 What to do if you do not agree with a decision of an institution

In such a case you may appeal to the Conseil arbitral des assurances sociales (social insurance arbitration board) in Luxembourg within 40 days of being notified of the decision.

When lodging an appeal in connection with a decision concerning sickness insurance, you should enclose a detailed report from the General Inspectorate for Social Security confirming that it was informed in advance of the administrative details of the dispute.

You may appeal against a decision of the Conseil arbitral to the Conseil supérieur des assurances sociales (higher social insurance board) in Luxembourg within the same period after being notified of the decision of the Conseil arbitral.

Appeals should be submitted in duplicate on plain paper. They may be made in English.

In the case of unemployment benefits, however, the appeal must be sent by registered letter to the Commission nationale de l'emploi (national commission on employment) within four weeks of being notified of the decision.

2. Sickness and maternity insurance

2.1 Persons covered

- (a) manual and clerical workers in gainful employment;
- (b) apprentices;
- (c) domestic staff who habitually work more than 16 hours per week;
- (d) unemployed persons receiving unemployment benefit;
- (e) persons receiving an old age, invalidity or survivor's pension;
- (f) persons receiving a pension for an accident at work or an occupational disease that has led to a reduction of earning capacity of

at least 50%, and persons receiving a survivor's pension under insurance against accidents at work and occupational diseases.

Members of an insured person's family who form part of his household in Luxembourg and are dependent on him are also covered.

2.2 Benefits provided

The insurance scheme provides:

- (a) benefits in kind for sickness or maternity;
- (b) cash benefits for incapacity for work owing to sickness or maternity;
- (c) grants to cover funeral costs.

2.3 Conditions you have to fulfil to qualify for benefits

There is no qualifying period for sickness benefits.

To qualify for cash maternity benefits, however, the person concerned should have been insured for at least six months during the year before confinement. To meet this condition insurance periods completed in another Member State are, if necessary, taken into account. For this purpose, Form E 104 should be submitted.

2.4 Benefits in kind

These benefits include:

- (a) medical and dental treatment;
- (b) refund of travel and transport costs;
- (c) medicines;
- (d) aids and appliances (prostheses, spectacles, etc.);
- (e) X-ray examinations and treatment;
- (f) stay and treatment in hospital;
- (g) maternity benefits.

These benefits are provided for an unlimited period from the beginning of illness, for as long as you are insured. When your insurance ends, benefits are provided for a further 26 weeks for any illness still being treated.

As a rule, these benefits are reimbursed in full on the basis of a tariff agreed between the sickness funds and the persons or institutions providing treatment. In some cases, however, the insured person may have to contribute to the cost of treatment. Thus, you have to pay 20% of the fees for the first doctor's visit to your home within 28 days and 5% of fees for any following home visits and for consultations in the doctor's surgery. You also have to pay 20% of the cost of certain medicines. You do not have to pay for medical consultations and visits as part of treatment in hospital or for medicines provided when hospitalized. When in hospital, you have to pay a flat-rate maintenance charge for each day in hospital.

Maternity benefits are refunded as a lump sum which covers assistance by the doctor and midwife, stay in a maternity hospital or clinic, medicines, and dietary products for infants.

It should be noted that costs which exceed what is strictly necessary are not refunded. For example, fees for not more than two consultations or home visits per seven-day period are refunded, unless more are authorized by the fund; for first-class treatment in hospital and for consultations by appointment you will have to pay the extra fees yourself.

2.5 Formalities to be completed

(a) to obtain sickness benefits in kind

You may apply to any doctor, hospital or other practitioner or establishment providing health services.

You should show your insurance identity card at all medical consultations and visits; this card will be issued to you when you register for insurance.

Prior authorization by the sickness fund is required for some services; please apply to your fund for further details.

(b) to obtain maternity benefits in kind

To obtain the lump sum for confinement (forfait d'accouchement), the new-born child's birth certificate must be shown.

2.6 Payment of benefits

As a rule you should pay all fees for treatment provided and then apply to the sickness fund for a refund, from which the amount you have to pay yourself will be deducted.

However, the cost of hospitalization is settled directly between the sickness funds and the persons or establishments which provided the relevant services; you need to pay only the amount not borne by the sickness fund. If you are a manual worker, the cost of medicines is also settled directly by the sickness fund, apart from the part of the cost which you have to pay yourself.

2.7 Cash benefits

These benefits include:

- (a) a cash allowance (indemnité pécuniaire de maladie) if you fall ill;
- (b) a cash allowance for maternity (indemnité pécuniaire de maternité).

The cash allowance for sickness is awarded for up to 52 weeks from the first day of sickness onwards.

The cash allowance for maternity is awarded for eight weeks before and eight weeks after confinement.

The cash allowance, for sickness or maternity, corresponds to the earnings you would have received if you had been able to continue working.

These benefits are not paid as long as your employer continues to pay you your wage.

2.8 Formalities to be completed

(a) to obtain the sickness allowance

Within three days of the beginning of your incapacity for work due to illness you should submit a medical certificate drawn up by

your doctor. If you are incapable of working for only one day, you should report ill on that day.

To do so, you should submit one section of the medical certificate to the sickness fund and the other to your employer.

If the certificate is submitted late you are awarded the cash allowance only from the day on which incapacity was notified.

You have to undergo the medical checks to which you will be called by the Service du contrôle médical de la sécurité sociale (supervisory medical service). If you do not attend, the allowance will be stopped.

(b) to obtain the maternity allowance

In order to obtain maternity allowance during the eight weeks before confinement, you should submit to the sickness fund a medical certificate stating the expected date of confinement.

2.9 Payment of benefits

As a rule, cash allowances are paid at least twice monthly. In certain cases your employer will pay you the cash allowances, on behalf of the sickness fund, due for the days of absence from work during the month in which you were taken ill.

2.10 Grant to cover funeral costs

On the death of a worker or of a member of his family a lump-sum funeral grant is paid to the person who has borne the cost of the funeral, on submission of the receipted bills and a death certificate.

For children aged under six and for still-born infants this grant is paid respectively at one-half and one-fifth of the normal rate.

2.11 Sickness and maternity insurance institutions

The sickness and maternity insurance institutions are:

(a) the Caisse nationale d'assurance-maladie des ouvriers (national sickness insurance fund for manual workers), Luxembourg, which has offices in the major towns in the country;

(b) the Caisse de maladie des employés privés (sickness fund for clerical staff in the private sector);

(c) the following company sickness funds:

— the Arbed sickness fund for manual staff;

— the Arbed sickness fund for clerical staff.

All manual workers employed in Luxembourg who are not members of the Arbed sickness fund are insured with the Caisse nationale d'assurance-maladie des ouvriers.

All clerical workers in the private sector who are employed in Luxembourg and who are not members of the Arbed sickness fund are insured with the Caisse de maladie des employés privés.

Manual and clerical workers employed by Arbed SA are insured with the Arbed sickness funds.

Members of an insured person's family receive benefits from the fund with which the insured person is insured.

2.12 Provision of benefits in another Member State

For information on the benefits to which you are entitled, see Guide No 1 on the Community regulations.

3. Pension insurance (invalidity, old age, survivors)

3.1 Persons covered

Manual workers, apprentices, domestic staff, and clerical workers in the private sector who are in gainful employment are covered by pension insurance.

3.2 Benefits provided

The following are provided:

(a) invalidity pensions;

(b) old-age pensions;

- (c) survivor's pensions (for widows and orphans);
- (d) other benefits.

3.3 General qualifying conditions for pensions

In order to draw a pension, you should fulfil the following general conditions in addition to the special conditions set out in section 3.4 below:

(a) Your entitlement to the pension must be maintained: in the scheme for manual workers you must have been insured for at least 160 days during each period of two consecutive years or for an average of 180 days per year since becoming insured. In the scheme for clerical workers in the private sector entitlement to a pension is maintained if you have been insured for an average of eight months per year since becoming insured.

To fulfil these conditions and the minimum qualifying periods outlined in section 3.4, any insurance periods you have completed in one or more other Community countries are taken into account.

(b) To obtain the fixed part of Luxembourg pensions (see point 3.5 below) you must have resided in Luxembourg for 180 months. If you have not fulfilled this condition while all the other conditions for the award of a pension have been fulfilled, you are entitled to a fraction of the fixed part in proportion to the number of months of actual residence. Insurance periods completed under the Luxembourg pension insurance scheme by workers who do not reside in Luxembourg (e.g. frontier workers) are treated as residence periods for the purpose of obtaining the fixed part.

3.4 Special qualifying conditions for pensions

(a) Invalidity pension

You must:

- have completed a 12-month qualifying period;
- be an invalid. In the scheme for manual workers a person who has an incapacity for work of two-thirds is deemed to be an invalid, while in the scheme for clerical workers a person must be permanently incapable of pursuing the occupation he previously exer-

cised or any other occupation which corresponds to his level of education or practical training.

If your invalidity is the result of an accident at work or an occupational disease, completion of the 12-month qualifying period is not required. The same applies to the 180-month residence condition for obtaining the fixed part.

(b) Old-age pension

You must:

- have completed a qualifying period of 60 months of insurance;
- have reached the age of 65.

Under special conditions relating to the length of insurance, the old-age pension may be awarded from the age of 60 provided that you give up all employment.

(c) Survivor's pension

The deceased insured person should have completed a qualifying insurance period of 12 months.

If the worker's death was due to an accident at work or an occupational disease, the 12-month qualifying period is not required. The same applies to the 180-months residence condition for the fixed part.

However, no widow's pension is awarded if:

- the worker died during the first 12 months of marriage, unless a child was conceived or born of the marriage, or if death was due to an accident;
- at the time of marriage the worker received an old-age or invalidity pension.

3.5 Amount of the pension

(a) The invalidity pension consists of:

- a fixed part,
- increases amounting to 1.6% of earnings declared each year during the whole of the insured person's working period in Luxembourg, and

— a supplement for each child which would have qualified for an orphan's pension if the insured person had died.

If you become an invalid before the age of 55, your pension will be calculated as if invalidity had occurred at that age. For this purpose your pension is increased by a special supplement for each calendar month from the time entitlement to the pension is acquired until the age of 55. This special supplement amounts to 1.6% of the minimum wage for the period before the age of 35, and 1.6% of the same earnings, increased by 20%, for the period from that age to the age of 55.

(b) The old-age pension consists of:

— a fixed part,

— increases amounting to 1.6% of earnings declared each year during the whole of the insured person's working period in Luxembourg, and

— a supplement for each child which would qualify for an orphan's pension in the event of the insured person's death.

(c) The widow's pension consists of:

— a fixed part,

— two-thirds of the increases for invalidity or old-age pensions, and

— a supplement for each child receiving an orphan's pension.

If the worker dies before the age of 55, the widow's pension is increased by two-thirds of the special supplements, determined as outlined in section (a) above, on condition that the widow:

— has reached the age of 45, or

— suffers from incapacity for work of at least 50%, or

— is bringing up or has brought up a child.

The rate of two-thirds of supplements and special supplements is progressively reduced to 60% if the widow's pension exceeds a certain amount.

If the widow remarries the pension is terminated by a final lump-sum settlement equivalent to 60 months' pension if she is aged under 50, or 36 months' pension if she is aged over 50. Special supplements do not form part of the lump-sum settlement.

(d) The orphan's pension consists of:

- one-third of the fixed part,
- 20% of the supplements for invalidity and old-age pensions,
- a particular supplement, and
- if the insured person dies before the age of 55, 20% of special supplements determined as in section (a) above.

Children, both of whose parents have died are granted a double pension.

The orphan's pension is awarded up to the age of 18. It is continued up to the age of 25 if the child concerned is still studying. There is no age limit for orphans who are unable to earn a living owing to physical or mental disability.

The total amount of a survivor's pension may not exceed the pension the deceased person had received when he died or which he could have received.

(e) Minimum pension

If the pension calculated as shown above is less than the minimum laid down by law, a complement is paid to bring the pension up to the minimum level.

The minimum rate varies depending on whether you can produce evidence of 10 or 35 years of insurance.

A widow receives two-thirds and each orphan receives 20% of the complement, on condition that the total of complements awarded to the survivors does not exceed that which the worker had received or could have received.

3.6 Determination of the pension if you have been insured in two or more Member States

In such a case the amount of your pension is determined according to the rules laid down in Guide No 1 on the Community regulations.

3.7 How your pension is adjusted

Pensions are adjusted to changes in the cost of living. In addition to this, pensions are also adjusted at least once every five years to keep pace with the average level of wages. This adjustment is determined by a special law.

3.8 Formalities to be completed

To obtain a pension you should submit a claim to the Luxembourg pension insurance institution on the claim form of that institution. The supporting documents to be enclosed are listed on the claim form.

If you reside in another Member State, you may submit your claim to the pension insurance institution of that country.

3.9 Payment of pensions

Pensions are paid monthly and in advance.

If you reside in another Member State, the pension is paid directly to you in that country.

3.10 Other benefits

(a) Curative treatment

The insurance institution may authorize curative treatment to prevent incapacity for work or to restore a worker's ability to earn a living.

(b) Three-monthly allowance

If at the age of 65 the qualifying conditions for a pension are not satisfied even when insurance periods completed in other Member States are taken into account, an allowance equivalent to 1.6% of earnings declared to the Luxembourg pension insurance institution may be awarded if you can show proof of having completed at least four years of insurance. This allowance is also awarded to a worker's survivors at the same rate as supplements to survivors' pensions. It is paid at the end of each quarter.

(c) Refund of contributions

If the qualifying conditions for a three-monthly allowance are not fulfilled, contributions actually paid are refunded at their face value.

(d) Compensatory allowance

If the pension is below a certain level, a compensatory allowance is awarded. This allowance is subject to a means test.

3.11 Pension insurance institutions

- (a) For manual workers, the Etablissement d'assurance contre la vieillesse et l'invalidité (old-age and invalidity insurance institution), Luxembourg;
- (b) For clerical workers in the private sector, the Caisse de pension des employés privés (pension fund for clerical workers in the private sector), Luxembourg.

4. Insurance against accidents at work and occupational diseases

4.1 Persons covered

All manual workers, apprentices, domestic staff and clerical workers in the private sector employed in Luxembourg are covered.

4.2 Risks insured against

- (a) accidents sustained while at work;
- (b) accidents sustained while travelling;
- (c) occupational diseases.

An accident at work is an accident which arises out of or in the course of work.

An accident while travelling is an accident which occurs on the usual way taken to or from the workplace. A person insured under

Luxembourg legislation who is injured in such an accident outside the country is treated as if the accident happened in Luxembourg.

A list of recognized occupational diseases has been drawn up, but compensation may be paid for illnesses not on the list if it can be proved that they were caused by your work.

4.3 Benefits provided

The following benefits are provided:

- (a) benefits in kind following the accident or occupational disease;
- (b) cash benefits for incapacity for work (cash allowance and pension);
- (c) survivor's benefits if the person concerned died as a result of the accident or occupational disease (grant covering funeral expenses and pension).

4.4 Benefits in kind

Benefits in kind include medical treatment, medicaments, the cost of hospitalization and the provision of all means required to ensure that the treatment remains effective. There is no time limit on these benefits, and you do not need to contribute to their cost within the limit of the rates agreed on by the Association d'assurance contre les accidents (accident insurance association) and the practitioner or establishment providing treatment.

You may apply to any doctor, hospital, or other practitioner or establishment providing treatment.

4.5 Cash benefits

The following cash benefits are provided:

- (a) a cash allowance (indemnité pécuniaire) as long as your incapacity for work does not exceed 13 consecutive weeks after the accident;

(b) a household allowance (allocation ménagère) if you have dependants and are hospitalized, payable after your 13th week in hospital;

(c) an allowance (pécule) if you do not have dependants and are hospitalized, payable after your 13th week in hospital;

(d) a pension (rente) if your incapacity for work exceeds 13 weeks.

The amount of the cash allowance corresponds to what you would have earned if you had been able to continue working.

The household allowance is equal to the pensions which would be payable to the surviving dependants in the event of the worker's death (see section 4.6 below).

The allowance (pécule) is equal to one-third of annual earnings on the basis of which pensions are calculated, divided by 360.

The pension is calculated on the basis of your annual earnings during the year before the accident in the undertaking in which you were working. If you were working in agriculture, your pension will be calculated on the basis of standard earnings the amount of which is determined each year by the Government.

In the event of total incapacity, the pension amounts to 80% of earnings (full pension). For partial incapacity, the pension is a fraction of the full pension, depending on the degree of incapacity.

If your pension is provided for an incapacity of at least 50%, your pension is increased by 10% for each dependent child aged under 18. This supplement is provided up to the age of 25 if the child is still studying; there is no age limit if, as a result of physical or mental handicap, the child is unable to earn a living. Those of your children who are residing in another Member State are taken into account for the award of this supplement.

The pension plus any supplement(s) may not exceed your previous earnings.

4.6 Survivor's benefits

These benefits consist of:

- (a) a grant covering funeral expenses;
- (b) a pension for the widow;
- (c) a pension for the children of the deceased;
- (d) a pension for other relatives.

The funeral grant amounts to one-fifteenths of the deceased's annual earnings.

The widow's pension amounts to 40% of her deceased husband's earnings (50% if she suffers from incapacity for work of at least 50%).

The orphan's pension is 20% of these earnings. It is awarded up to the age of 18 (25 if they are studying, and without age limit if handicapped).

In certain circumstances a pension may be awarded to other close relatives. This overall pension may not exceed 30% of the deceased's previous earnings, or 20% if for his grandchildren.

The total amount of survivors' pensions may not exceed 80% of the worker's previous earnings.

4.7 How your pension is adjusted

Pensions are adjusted to changes in the cost of living. In addition to this adjustment, pensions for accidents at work are uprated at least every five years to keep pace with the average level of wages. This adjustment is made by a Government regulation.

4.8 Final lump-sum settlement

If you are receiving a pension for incapacity of less than 10% your pension is, three years after the accident, automatically replaced by a lump sum the amount of which depends on your age (lump-sum settlement known as 'rachat'). Under certain conditions you may request such a settlement if incapacity exceeds 10% but is less

than 40%; you may be awarded a loan on mortgage if your incapacity is over 40%.

If a widow remarries, the automatic final lump-sum settlement in lieu of continued payment is equal to 60 months' pension if she is aged under 50, or 36 months' if she is over 50.

4.9 Formalities to be completed following an accident at work

You should inform your employer without delay. You should further notify the sickness fund of your incapacity for work within the same period of time as in the case of incapacity for work due to illness (see section 2.8 of the chapter on sickness and maternity insurance).

4.10 Payment of benefits

The cost of medical treatment, medicaments, hospitalization etc. is settled between the insurance association and the practitioner or establishment providing the services.

Cash benefits are paid at least twice monthly.

Pensions are paid monthly and in advance.

4.11 Insurance institution for insurance against accidents at work and occupational diseases

All workers, with the exception of persons working in agriculture, are covered by the Association d'assurance contre les accidents, section industrielle (accident insurance association, industrial section) in Luxembourg.

Agricultural workers are covered by the section agricole et forestière (agricultural and forestry section) of the association.

4.12 Payment of benefits in another Member State

Please consult Guide No 1 on the Community regulations.

5. Unemployment benefits

5.1 Persons covered

- Employed persons;
- Part-time workers provided that they work for at least 20 hours a week;
- Young persons without a job on finishing their studies or training, provided that on the day on which they register as a person looking for work they do not exceed the prescribed age-limit for finishing their courses.

5.2 Qualifying conditions for unemployment benefits

You must:

- have lost your job without having committed a serious fault or have given up your job for exceptional, valid and convincing reasons;
- be fit for work, available for work and prepared to accept any suitable work;
- be aged between 16 and 64;
- be registered with the employment administration as a person looking for work;
- have worked for at least 26 weeks during the 12 months before becoming unemployed. Certain periods (e.g. periods of incapacity for work or of reduced earning capacity) are disregarded, i.e. the 12-month period is prolonged accordingly. If you do not fulfil this condition and you were previously employed in another Member State, insurance or employment periods completed there are, where necessary, taken into account. You should for this purpose submit to the employment administration form E 301 issued to you by the unemployment insurance institution of the country where you were previously employed. If you do not submit this form, the employment administration will request it from the appropriate institution in the other country.

Young persons who are without a job after having finished their studies or training are treated as workers. They are exempted from the qualifying period.

5.3 Benefit rates

The unemployment benefit for full unemployment amounts to 80% of your earnings. However, it may not exceed a fixed amount. For persons working part time the maximum rate of unemployment benefit is reduced, account being taken of the amount of time worked previously. Benefit may be reduced if you have other income. Unemployment benefit will be paid to you for each calendar day. It is paid from the first day of unemployment provided that you have registered as a person looking for work on the very day you became unemployed. If you registered later, entitlement begins on the day you registered. Unemployment benefit may not be paid for more than 12 months over a 24-month period.

Young persons are entitled to a benefit corresponding to 70% of the minimum social wage. This benefit is reduced to 40% of this wage for adolescents aged 16 or 17 who cannot show proof of having received a certain level of training. Entitlement to the benefit commences after the claimant has been registered as a person looking for work for 26 weeks.

5.4 Formalities to be completed

To claim unemployment benefits, you should go to the employment administration, to one of its branch offices, or to the secretariat of the commune where you live.

Once you have registered you should go back there regularly for checks and to have your unemployment card stamped.

5.5 Payment of unemployment benefit

Unemployment benefits are paid to you every month.

5.6 Unemployment insurance institution

The institution responsible for investigating claims and providing benefits is the Administration de l'emploi (Employment Adminis-

tration) which has its head office in Luxembourg and branch offices in Esch-sur-Alzette, Diekirch and Wiltz.

5.7 Payment of benefits if you are unemployed and go to another Member State to look for work

Please consult Guide No 1 on the Community regulations. Before leaving Luxembourg you should ask the Administration de l'emploi for form E 303.

6. Family benefits

6.1 Persons entitled to receive family allowances (child benefit)

If you are resident in Luxembourg and your dependent children are also living in Luxembourg, you are entitled to family allowances for these children.

6.2 Children qualifying for family allowances

You are entitled to family allowances for dependent children:

- as a rule, up to the age of 18;
- up to the age of 25 for children who are still studying;
- without age limit for children with a physical or mental handicap.

The family allowance is no longer payable after the month in which the child dies. It is also withdrawn from the month following the month in which the child got married, unless the latter is still studying.

6.3 Benefits

Benefits consist of:

- standard family allowances, and
- supplementary allowances.

The rates of standard family allowances are on a rising scale for each of the first three children. It is fixed for the fourth and any

subsequent children. For children from 6 to 11 and those of 12 and over age supplements are paid.

In addition to the standard family allowance, the supplementary allowance is awarded for each child aged under 18 with a physical or mental disability of at least 50% compared with normal children of the same age. The amount of the supplementary allowance is the same as the standard family allowance payable for the first child. There is no age limit if the child is unable to meet its own needs, provided it is not receiving a pension.

Family allowances are adjusted to changes in the cost of living.

6.4 Formalities to be completed

You should submit a claim to the family allowance fund. Claim forms are available from the fund or from communal administrations. Supporting documents to be enclosed are listed on the claim form.

If your children are not living with you in Luxembourg form E 401, on the composition of the family, should be enclosed with your claim.

6.5 Payment of allowances

Family allowances are paid monthly to the father if the child is being brought up by both parents living under the same roof. If the parents are separated the allowances are paid to whichever parent has actual custody of the child.

6.6 Other benefits

On the birth of a child you are, under certain conditions concerning residence and medical supervision, entitled to a childbirth allowance (allocation de naissance) which is paid partly as a prenatal allowance, partly as a childbirth grant, and partly as a postnatal allowance.

6.7 Institutions for family allowances

— For manual workers, the Caisse d'allocations familiales des ouvriers (family allowance fund for manual workers) in Luxembourg;

— For clerical workers, the Caisse d'allocations familiales des employés (family allowance fund for clerical workers) in Luxembourg.

6.8 Children residing in another Member State

You are also entitled to family allowances for any of your children who are being brought up in another Member State when you are employed in Luxembourg or receive any of the following benefits under the scheme for employed persons:

- cash sickness benefit;
- cash benefit for accident at work;
- accident pension;
- unemployment benefit.

Part II

Social security for self-employed persons

1. Introduction

1.1 *Risks insured against*

All self-employed persons are entitled to receive benefits for the following contingencies:

- sickness and maternity;
- accidents at work and occupational diseases; insurance is compulsory for master craftsmen working on their own account, farmers, and self-employed persons in the professions; for other self-employed persons this insurance is optional;
- invalidity, old age and death (pensions);
- family benefits.

1.2 *Organization*

With regard to sickness insurance and pension insurance, social security for self-employed persons comprises two separate schemes covering the following categories:

- craftsmen, tradesmen and industrialists;
- farmers.

For these two branches of social security, self-employed persons in the professions come under the scheme for clerical workers in the private sector.

These schemes are administered by independent institutions to which you are assigned on the basis of the nature of your occupation. You will find details of the competent institutions in the appropriate sections below.

1.3 *How to ensure that you are covered*

As soon as you take up self-employment in Luxembourg, you should complete certain formalities at the insurance fund responsible for the insurance of self-employed persons in your occupation.

This institution will inform you on the contributions to be paid and on their rates. Contributions have to be paid monthly.

1.4 What to do if you do not agree with the decision of an institution

Should you disagree with a decision taken by the fund under which you are insured, you may lodge an appeal with the Conseil arbitral des assurances sociales (social insurance arbitration board) within 40 days of being notified of the decision. For sickness insurance matters, a detailed statement from the general social security inspectorate should be submitted together with the appeal, certifying that it has been informed beforehand of the administrative aspects of the dispute.

Appeals against decisions of the Conseil arbitral may be lodged with the Conseil supérieur des assurances sociales (higher social insurance council) within 40 days of being notified of the decision of the Conseil arbitral.

Appeals should be made in duplicate on plain paper. They may be made in English.

2. Sickness and maternity insurance

2.1 Persons covered

All self-employed persons and members of their families.

Craftsmen, tradesmen and industrialists come under the Caisse de maladie des professions indépendantes (sickness fund for self-employed persons).

If you are a farmer you come under the Caisse de maladie agricole (agricultural sickness fund).

If you work in one of the professions any benefits will be provided to you by the Caisse de maladie des employés privés (sickness fund for clerical workers in the private sector).

2.2 Benefits in kind

In Luxembourg all sickness funds provide the same benefits in kind.

You are therefore entitled to the same benefits in kind as employed persons, and under the same conditions (see Part I, sections 2.2 to 2.6 of this Guide).

2.3 Cash allowance (*indemnité pécuniaire*)

(a) Beneficiaries

Only insured persons coming under the scheme for self-employed persons as well as self-employed people working in the professions are, in the case of incapacity for work due to illness, entitled to a cash allowance. This allowance is not available under the agricultural scheme.

(b) Rate of the cash allowance

The allowance is paid at the rate of one-thirtieth of the minimum social wage for each day of incapacity for work. If you can prove that your loss of earnings is higher, the cash allowance is raised accordingly but under no circumstances can it exceed one-thirtieth of the minimum social wage increased by 40%.

The allowance will be paid to you for a maximum of 52 weeks. It is suspended until the first day of the fourth month following the month in which the illness was reported to the sickness fund.

In the event of hospitalization the cash allowance (*indemnité pécuniaire*) is replaced by a household allowance (*allocation ménagère*) if you have dependants or by an allowance (*pécule*) if you have no dependants. The household allowance is equal to the cash allowance for the first 10 days in hospital; from the 11th day onwards it is 85% of the cash allowance. The allowance (*pécule*) is equal to one-third of the amount of the cash allowance.

(c) Maternity

As a rule, no cash allowance is paid for maternity. However, under certain residence conditions all women are entitled to a maternity allowance for eight weeks before and eight weeks after delivery.

(d) Formalities to be completed

You should report your incapacity for work to the sickness fund, using a medical certificate giving detailed reasons.

(e) Payment of benefits

The cash allowance is paid once a month.

2.4 Grant to cover funeral expenses (indemnité funéraire)

This grant is paid on the death of the insured person or of a member of his family (see Part I, section 2.10, of this Guide).

3. Pension insurance (invalidity, old age, survivors)

3.1 Persons covered

All self-employed persons are covered by pension insurance. Depending on the occupational category to which you belong, you come under either the Caisse de pension des artisans, commerçants et industriels (pension fund for craftsmen, tradesmen and industrialists) or the Caisse de pension agricole (agricultural pension fund). If you work in the professions you come under the Caisse de pension des employés privés (pension fund for clerical workers in the private sector).

3.2 Risks insured against — Benefits

As a self-employed person you are entitled to the same benefits and under the same conditions as employed persons (see Part I, sections 3.2 to 3.10, of this Guide) subject to certain special features:

(a) rights in the process of being acquired are maintained only if an average of eight months of insurance per year have been completed since the beginning of insurance;

(b) a person is considered an invalid if as a result of illness or disability he has had to give up his insurable activity (if this activity is not being continued by someone else on his behalf) and who is unable to pursue any other occupation commensurate with his ability and skills.

4. Insurance against accidents at work and occupational diseases

4.1 Persons covered

This branch of insurance is compulsory for master craftsmen working on their own account, for farmers and for self-employed persons in the professions. It is optional for other categories of self-employed persons.

Farmers come under a separate scheme while all other insured persons are covered by the scheme applicable to employed persons.

4.2 Risks insured against — Benefits — Qualifying conditions

If you sustain an accident at work or contract an occupational disease you are entitled to the same benefits and under the same conditions as employed persons (see sections 4.2 to 4.11 of Part I of this Guide), subject to the following special features:

- you are not entitled to the cash benefits provided to employed persons during the 13 weeks following the accident;
- the pension payable to farmers is calculated on the basis of average annual earnings determined each year by the Government;
- farmers whose degree of incapacity for work is more than 33.33% are entitled to pension supplements, the amount of which varies with the degree of incapacity.

5. Family benefits

Self-employed persons are entitled to the same family benefits as employed persons. For details, please consult sections 6.1 to 6.6 of Part I of this Guide.

The institution responsible is the Caisse d'allocations familiales des non salariés (family allowance fund for self-employed persons).

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