

LAW & POLICY GROUP

GRIST**LUXEMBOURG EXTENDS PAID SICK LEAVE,
ALLOWS PARTIAL RETURN TO WORK**

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Employees' right to sick pay from the National Health Fund (CNS) in Luxembourg has increased to 78 weeks — up from 52 weeks — calculated over a reference period of 104 weeks. [Memorial A No. 703](#) (French) took effect 1 Jan 2019. Other highlights include:

- An employment contract automatically terminates after 78 weeks of sick pay if the employee isn't fit to return to work.
- The reference period for employers maintaining employees' salaries has increased to 18 months — up from 12 months. Employers still must maintain employees' salaries until the end of the month in which the 77th day of incapacity occurs. The longer reference period reportedly reduces employers' obligations and transfers the cost to the CNS. The employer contribution rate has decreased to 1.85% — down from 1.95%.
- Employees who receive a medical certificate from their referring physician can submit a request to the CNS for a gradual return to work for therapeutic reasons, subject to their employer's approval. To be eligible, employees must have been incapacitated for at least one month during the three months immediately before requesting a gradual return to work. The CNS will continue to pay sickness benefits during periods of part-time work.

RELATED RESOURCES

- [Mémorial A No. 703](#) (French) (Official Journal, 21 Aug 2018)

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