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RE-EMPLOYMENT SUPPORT



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Overview

An employee (whether resident or a cross-border worker) working in Luxembourg who, following the loss of their job, accepts a position in the Grand Duchy with a salary lower than their previous income may, under certain conditions and limits, be eligible for re-employment support.

This support guarantees them, for the first 48 consecutive months following their start in this new job, an income equivalent to a maximum of 90% of their former salary, not exceeding a ceiling of 3,5 times the social minimum wage. The initial application must be submitted by the employee to the Employment Development Agency (ADEM).

Eligible persons

Re-employment support may be granted to employees (residents or cross-border workers) who find themselves in one of the following situations:

- voluntary departure from a company facing economic difficulties, whether structural or cyclical;
- dismissal, or risk of dismissal, for economic reasons;
- dismissal as part of measures to recover, reorganise or restructure the company;
- loss of employment due to the employer's bankruptcy or compulsory liquidation;
- loss of employment following the physical incapacity or death of their employer;
- temporary secondment as part of a job retention scheme approved by the Minister for Labour.

Furthermore, the original employer must have been recognised as eligible for this support by the Minister, following a request from any interested party.

Finally, a jobseeker receiving benefits may also, under certain conditions, be eligible for re-employment support.



Conditions

The employment contract must be:

- a permanent employment contract (CDI) or
- a fixed-term contract (CDD) with an initial duration of at least 18 months or to cover parental leave.

An unemployed person receiving benefits must:

- be aged 45 or over (i.e. from the day after their 45th birthday);
- have been registered with ADEM for at least one month;
- have worked legally and continuously as an employee in Luxembourg during the 24 months preceding their registration with ADEM;
- be registered as an employee with the Luxembourg social security system;
- be declared fit for work by the occupational health service.

The open position must have been previously reported to ADEM by the employer.

Demand and deadlines

The demand must be submitted by the employee within 3 months of being hired by the new employer. The re-employment support is not awarded retrospectively.

They must complete and return the application form for re-employment support (see adem.lu). The decision to grant the support will be taken by the Director of ADEM.

Required documents

The demand for re-employment support must be accompanied by various forms of proof, the nature of which varies depending on the circumstances of the newly hired employee.



New job following economic dismissal

The following documents must be provided:

- a copy of payslips for the past 12 months;
- if applicable, a copy of the payslip for the 13th month pay and/or bonus;
- a copy of the dismissal letter stating the notice period;
- bank account identification document (RIB);
- a copy of the new employment contract;
- a certificate of fitness for work issued by the relevant occupational health doctor or, failing that, confirmation of an appointment;
- for non-residents only: proof of non-registration or non-receipt of unemployment benefits.

New job following a period of unemployment, receiving unemployment benefits

The supporting documents to be submitted are as follows:

- a copy of the new employment contract;
- a certificate of fitness for work issued by the relevant occupational health doctor or, failing that, confirmation of an appointment;
- bank account identification document (RIB);
- For non-residents only:
 - a copy of the UI certificate;
 - a copy of the last 3 monthly payslips (full months) from the former employer;
 - a payment certificate issued by the body paying the unemployment benefits, covering the entire period of unemployment;
 - proof of deregistration from unemployment in the country of residence.

Amount of support

The support is intended to guarantee a maximum annual salary equal to 90% of the employee's previous compensation, up to a maximum of 350% of the minimum wage, or 9.463,09 € (index 968,04). Under no circumstances may the amount of re-employment support exceed 50% of the gross salary paid by the new employer.

If the employee finds a job with fewer weekly working hours than those worked in the previous position, the support is reduced proportionally.

Determination of previous remuneration

For an unemployed person receiving benefits, the remuneration received prior to the new job is calculated based on the gross remuneration used to calculate their gross full unemployment benefit.

For other employees, the compensation received prior to the new employment is calculated based on the gross monthly compensation received by the employee during the 12 months immediately preceding their termination or new employment.

Included in the calculation	Excluded from the calculation
Sick pay	Overtime pay
Regular bonuses and supplements	Variable pay
Bonus & 13 th month (<i>calculated at a rate of 1/12 per month</i>)	Reimbursements for incidental expenses
	Contributory benefits in kind

In addition, income from other employment or self-employment is deducted when calculating the support.

Determining the new remuneration

The new remuneration is taken into account in its entirety (overtime pay, salary increases, etc.).

Period of benefit entitlement

Re-employment support may be paid for up to 48 months following the date the individual first began working in the new position. The support may not be granted for a period exceeding the duration of the employment relationship with the previous employer (at least 24 months).

However, its payment is limited to the duration of the employment relationship with the company under which it was granted.

It is paid monthly and on a continuous basis, without the possibility of interruption.

Payments of the re-employment support cease:

- when earnings reach or exceed 90% of the previous salary (including bonuses, overtime, and other payments);
- during full-time parental leave;
- during unpaid leave;
- in the event of job loss.

In the event of unemployment that entitles to compensation, the amount of the support is taken into account when calculating unemployment benefits, in the same way as the last salary (for residents only).

If payments are suspended, any missed monthly installments are permanently forfeited.

If the employee returns to paid employment with a salary less than 90% of their previous salary, payment of the support may restart.

Finally, if the employee changes employers, they may continue to receive re-employment assistance.

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Consultation without an appointment!

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