

Employment of students outside school holidays - UPDATE

A student may be taken on outside the school holidays but not under a student contract. A fixed-term and part-time contract of employment has to be concluded with the student.

ATTENTION : Since the law of 8th April 2018, the working time may not exceed **15 hours** (instead of 10 hours before) a week on average over a period of 4 weeks or a month.

The maximum term of a fixed-term contract is 5 years or 60 months, inclusive of renewals. Such contracts can be renewed more than twice, even for a term exceeding 24 months, without being considered as open-ended contracts.

The student must be 16 years old.

As of 1 January 2017 (index 794.54), the minimum remuneration per student amounts to:

Age	Gross hourly pay	Gross monthly pay
<i>18 and older – skilled</i>	13,8630 €	2.398,30 €
<i>18 and older – unskilled</i>	11,5525 €	1.998,59 €
<i>17 to 18</i>	9,2420 €	1.598,87 €
<i>15 to 17</i>	8,6644 €	1.498,94 €

The student must be affiliated with all the required social security systems. The employer's and personal social security contributions are consequently due in their entirety.

All the legal, contractual or regulatory provisions concerning the working conditions and protection of employees shall apply to students. Like part-time employees, they shall be entitled to proportional paid holidays and legal official holidays.

The exercise of an occupational activity by a student for more than four months, in which s/he earns an income equal to or exceeding the minimum social wage, shall mean loss of the family allowances. The entitlement to family allowances shall be maintained beyond 4 months if the income earned from the occupational activity remains below the minimum social wage.

The income of students under fixed-term contracts shall be taxable and subject to withholding at source. They can file a tax return or draw up an annual statement to recover any tax collected in excess.

The information published in this article is valid only on the date of publication of said article. As social legislation is frequently amended, please contact us concerning any question or intended use based on this article or a previously published article.

Pursuant to Article 2, §2 of the Act of 10 August 1991, as the Legal Department of SECUREX Luxembourg SA is not authorised to practice law, it shall limit its action at all times to disseminating information and documentation.

Such documentation and information thus provided under the legal subscription always constitute typical examples or summaries, are of indicative value, and lay no claim to being exhaustive. The addressee is solely responsible for the use and interpretation of the information or documentation referred to in this article, advice or acts he deduces as well as the results he obtains from them.