

April 2018

Occupation of students outside school holidays

It is possible under certain conditions to hire students outside school holidays ... however some rules have to be considered.

1. Minimum age

- 16 years old
(the duration of compulsory schooling in Luxembourg is 12 years, i.e. 4 to 16 years)

(whereas an employer can hire a student during school holidays as of 15 years)

2. Employment contract

Each employer, who wants to hire a student outside school holidays has to conclude a fixed-term employment contract with the student.

This fixed-term employment contract may be renewed more than twice, for a total period up to 60 month (5 years), including renewals, without being requalified to an indefinite contract.

This contract has to be signed:

- at the latest when the student starts to work.
- in 2 copies (employer, employee) in writing, and signed by the employer and by the pupil/student (and his legitimate if he is minor)
- Total hours per week: maximum average of 15 hours per week (calculated on a monthly or 4-weeks-period)

- Mandatory information :
 - Name, first name, birthdate and address of the student
 - Name and address of the employer
 - Date of beginning and end of the contract
 - Nature / object of the contract
 - Daily and weekly working hours
 - Agreed salary and payment frequency
- between 16 and 18 years old :
 - No Sunday work
 - No work on Luxembourg legal holidays
 - No overtime
 - No night work(Exception: ministerial authorisation, which may allow work until 10 pm)

3. Social insurance

The employer has to declare the student to the Luxembourg Social Security Department (CCSS - *Centre Commun de la Sécurité Sociale*).

The student will be affiliated to all the Luxembourg regimes of the social insurance (health care, pension, care, and accident insurance), and all the social security contributions will have to be paid.

4. Income taxes

Income tax is due on the complete salary paid.

5. Remuneration

The remuneration corresponds to the social minimum salary paid to a non-qualified employee (cost of living index 794,54, valid on 01.01.2017):

	Hourly wage	Monthly wage
18 years old and older :	11.5525	1998.59
between 17 and 18 years old :	9.2420	1598.87
between 16 and 17 years old :	8.6644	1498.94

6. Holidays, illness, legal holiday, Sunday work, overtime

- Holidays :
 - Normal holiday is due (pro rata of legal holiday)
 - Extraordinary holiday is due
- Illness :

The “student employee” is paid according to the principle of salary continuation in case of incapacity to work
- Legal holiday :

The adolescent (between 16 and 18 years old) is not allowed to work on a statutory holiday (except in case of ministerial authorisation *)
- Sunday work:

The adolescent (between 16 and 18 years old) is not allowed to work on a Sunday (except in case of ministerial authorisation *)

**In case of force majeure, a ministerial authorisation has to be introduced*

- Weekly rest:

For each 7-day period, the adolescent (between 16 and 18 years old) must benefit from a rest period of 2 consecutive days, including essentially Sunday.

7. Termination of the employment contract

Generally, a fix-term employment contract cannot be terminated, but expires on term.

A termination by mutual agreement and termination for serious misconduct are however possible.

8. Steps

- Establish a fix-term employment contract (in 2 copies: employee and employer)
- Affiliate the employee to the Luxembourg Social Security Department

9. Legal references

Luxembourg Labour Law
Art. L.122-1 – L.122-5
Art. L.151-1 – L.151-9
Art. L.341-1 – L.341-3
Art. L.344-1 – L.344-1

Do not hesitate to contact us for further information's on this subject

Fisogest S.A. publishes this article for informational purposes only, and cannot be held responsible for errors or omissions.