

Careful with long-term student contracts

The start of the academic school year entails the employment of students. In this newsletter, we highlight an important aspect of a student contract and an important attention point regarding long-term student contracts.



Duration of a student contract

Maximum duration

An important aspect of concluding a student contract is that the contract between the employer and the student can only be concluded for an uninterrupted period of maximum 12 months.

The current interpretation and reasoning behind this is that after working a period of 12 uninterrupted months with the same employer, a student has gained a sufficient level of experience in the employment field. Thus, for them, a special protection is no longer necessary.

Uninterrupted

Uninterrupted means without an actual interruption (not for example a weekend or public holiday) during the employment with the same employer.

Moreover, an uninterrupted period of 12 months is not limited to a calendar nor a school year.

Impact

After an uninterrupted employment of 12 months with the same employer, a student is considered as a regular employee and no longer meets the conditions of the legal provisions concerning student contracts.

Hence, from that moment they will be subjected to the regular, and consequently much higher, social security contributions.

Implications

A student contract which is still concluded after that uninterrupted period will be converted to a standard employment contract.

Additionally, the National Social Security Office can retroactively¹ claim all social security contributions that were due on that employee's wage.

Legal assistance

Our labour law team is happy to assist you in concluding a student contract in accordance with the Belgian legislation and to guide you with a more appropriate solution for long-term engagements.

¹ This does not include the period before 12 uninterrupted months have passed.

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