

Financing adult learning database

Name of the instrument - Local language	Scholingsbeding (NL) / Clause d'écolage (FR)
Name of the instrument - English translation	Payback clause
Scheme ID	236
Country	 Belgium
Reporting year	2020
Type of instrument	Payback clause
Sub-type of instrument	Payback clauses are possible within set limits
Type of entry	Single instrument

Short description	Employers and employees can agree on a payback clause. In compensation for employer-provided/financed training, employees commit themselves to stay in the company for an agreed period or (partially) pay back the costs of training. The payback clause must be agreed on in an individual agreement and must not be part of the general working contract or the collective agreement. The duration of the payback clause must not exceed 3 years (from the moment of completion of training). Maximum 80% of training costs can be reimbursed by the employee to the employer. The amount to be reimbursed cannot exceed 30% of the employee's annual salary and must decrease progressively over time.
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Level of operation	National
Name of a part of the country	Not applicable
Name of the region (for regional instruments)	Not applicable
Name of the sector (for sectoral instruments)	Not applicable
Relevance	Further instrument
Legal basis	Artikel 22bis van de wet van 3 juli 1978 betreffende de arbeidsovereenkomsten

Objective(s) and target(s)	Artikel 22bis, the specific regulation regulating this instrument, does not mention any goals, just the procedure and requirements for the agreement to be legal.
Year of implementation	1978
Year of latest amendment	2018
Operation/management	The payback clause needs to be concluded in writing, at the latest at the start of the education and training the payback clause refers to. The payback clause must be agreed on in an individual agreement and must not be part of the general working contract or the collective agreement. The agreement must contain: - a description of the education and training, its duration and the location where it takes place - the costs of this education and training or an estimation thereof, excluding travel and accommodation costs. - the beginning and the duration of validity of the payback clause. - the amount to be paid back. The duration of the payback clause must not exceed 3 years (from completion of the education and training). The amount to be reimbursed cannot exceed 30% of the employee's annual salary. FOD WASO / SPF Emploi, the Belgian Federal (i.e. national) Ministry of Employment and Work is not very actively involved with this clause, since it's an (individual) clause/agreement between employer and employee.
Eligible group(s)	All employers
Group(s) with preferential treatment	No preferential treatment
Education and training eligible	The education or training must allow the employee to develop skills which can be used in other firms (non-firm specific skills). The education or training must also not be part of the requirements for exercising the profession for which the employee was recruited. All types of learning could be included (formal and non-formal qualification, general and occupational courses...).
Source of financing and collection mechanism	Employer funds training, whereas employee provides (partial) repayment eligible training costs in case of premature departure from the company. The law, binding collective agreements, and court rulings provide specific conditions/limitations for the payback clause.
Financing formula and allocation mechanisms	Maximum 80% of training costs can be reimbursed by the employee to the employer. The amount to be reimbursed cannot exceed 30% of the employee's annual salary and must decrease progressively over time (maximum of 80% if less than 1/3 of the agreed duration, 50% if between 1/3 and 2/3 of agreed duration, 20% if more than 2/3 of agreed duration). Only employees on a permanent contract and earning more than EUR 36 201 per year are subject to a payback clause.
Eligible costs	Cost of training has to be recorded in writing (at latest at the start of training). It can only comprise the actual cost, excluding travel and accommodation costs.

Beneficiaries/take up	Not applicable
Organisation responsible for monitoring/evaluation	Not applicable
Most relevant webpage - in English	Not available
Recent changes	<p>10-10-2018. New threshold annual salary is EUR 35.761 (except for so-called bottleneck jobs). Probably, the rationale for the amendment is to keep up with more relevant (increased) salary threshold.</p> <p>Recent changes in response to COVID-19</p> <p>No changes</p>
Sources	<p>Artikel 22bis van de wet van 3 juli 1978 betreffende de arbeidsovereenkomsten</p> <p>https://werk.belgie.be/nl/themas/arbeitsovereenkommen/uitvoering-van-d...</p> <p>https://www.voka.be/en/node/16099</p>