

INFORMATION PAYMENT OVERDUE HOLIDAY ALLOWANCE IN CASE OF A DECEASED WORKER

There are “arrears of holiday allowance” if a holiday allowance, to be paid by the NOAV or a special holiday fund, has not been paid to the deceased beneficiary.

Legal basis: the payment to beneficiaries of the holiday allowance of deceased workers and apprentice workers is determined by article 24 of the Royal Decree of 30/03/1967 (Belgian Official Gazette of 05/12/2003). This article was inserted in the Royal Decree of 30/03/1967 and had effect on 01/01/2004.

This article simplifies the settlement of holiday allowance by establishing a different order in legal succession, which deviates from common law. As this is a different system, the holiday allowance is therefore **no longer part of the estate/inheritance**, but is regarded as an arrears.

Below you will find the answers to the most common questions.

1. Who is entitled to the holiday allowance of a deceased worker?

The holiday allowance that was not paid to the deceased beneficiary is payable, in the following order, to:

- 1) the spouse with whom the beneficiary was cohabiting at the time of his death;
- 2) the children with whom the beneficiary was cohabiting at the time of his death;
- 3) any other person who was living with the beneficiary at the time of his death;
- 4) the person who contributed to the nursing costs;
- 5) the person who paid the funeral expenses.

2. In which cases should an application be submitted?

This depends on the category of rightholder to which one belongs (see point 1).

The surviving spouse and children, officially residing at the same address as the deceased beneficiary, do **not** need to submit an application. The available holiday allowances are **officially** affordable.

3. Where should the application be submitted?

The completed form is sent to any competent institution, namely the National Office for Annual Vacation or the Special Vacation Funds. The competent institutions are those to which the employers are affiliated to which the person entitled to holiday allowance worked.

4. When should the application be submitted?

The application document must be submitted **within the period of 1 year**, which starts from 30/06 of the holiday year and 1 year after the creation of the data in the DMFA, if the DMFA is later than 30/06.

5. Which documents must be attached?

The fully paid invoices for the nursing or funeral costs if the application was submitted on that basis (see point 1, categories 4 and 5). You also send the proof of payment of the invoices (eg: a copy of the account statement or document from your financial institution).

6. How can arrears be paid?

By transfer to a financial account.