

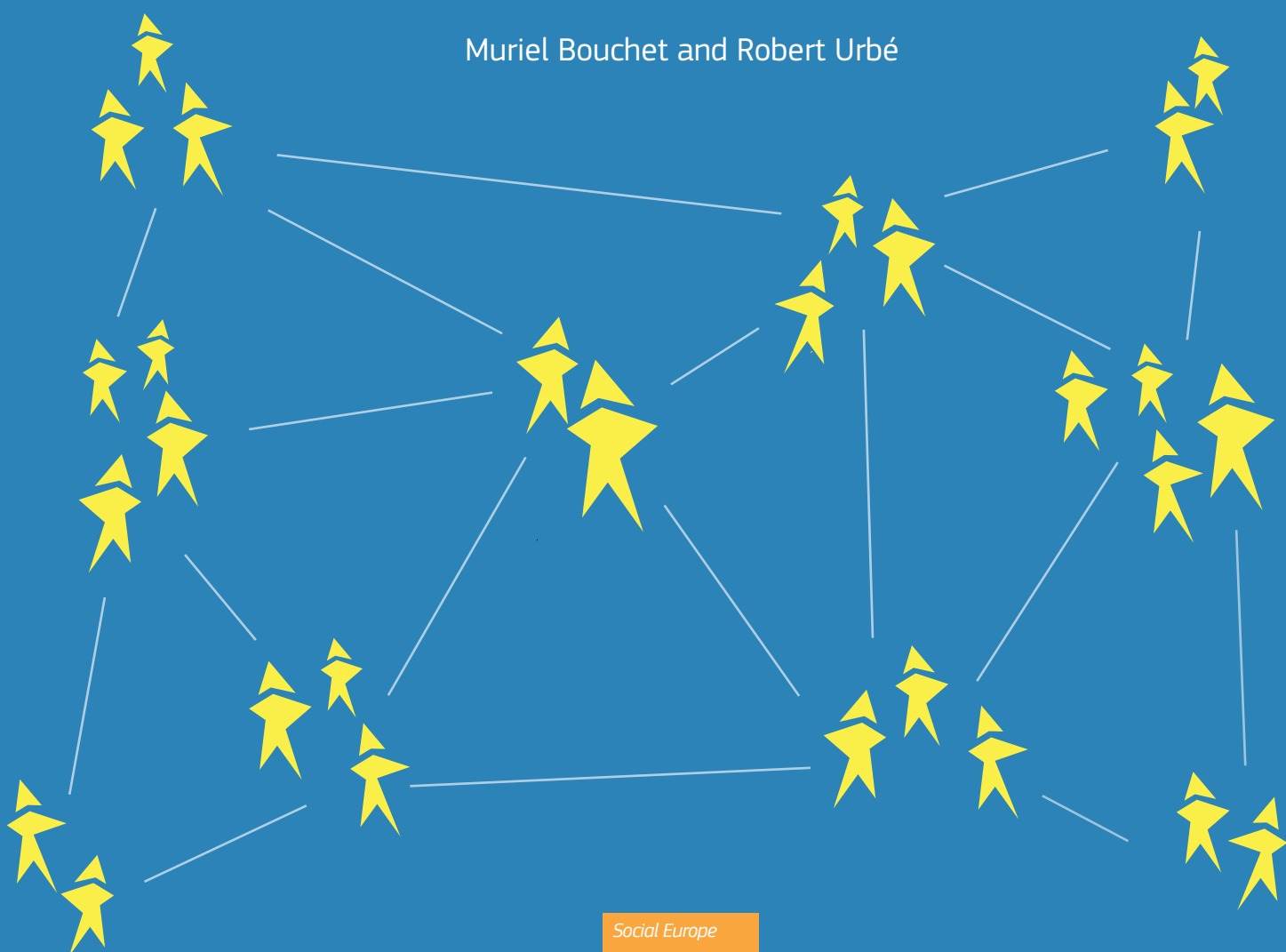


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Making access to social protection for workers and the self-employed more transparent through information and simplification

Luxembourg

Muriel Bouchet and Robert Urbé



EUROPEAN COMMISSION

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European Social Policy Network (ESPN)

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The European Social Policy Network (ESPN) was established in July 2014 on the initiative of the European Commission to provide high-quality and timely independent information, advice, analysis and expertise on social policy issues in the European Union and neighbouring countries.

The ESPN brings together into a single network the work that used to be carried out by the European Network of Independent Experts on Social Inclusion, the Network for the Analytical Support on the Socio-Economic Impact of Social Protection Reforms (ASISP) and the MISSOC (Mutual Information Systems on Social Protection) secretariat.

The ESPN is managed by the Luxembourg Institute of Socio-Economic Research (LISER) and APPLICA, together with the European Social Observatory (OSE).

For more information on the ESPN, see: <http://ec.europa.eusocialmain.jsp?catId=1135&langId=en>

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Summary

The purpose of this report is to identify and analyse policies put in place by the country to improve transparency in access to social protection, considering both access to information and simplification of access. The report focuses on the six social protection branches covered in the 2019 Council Recommendation on Access to social protection for workers and the self-employed (hereafter "2019 Council Recommendation") and covers policies and measures implemented between January 2017 and May 2022.

Luxembourg has a comprehensive system of social protection. The legal basis for it is provided by the social security code and the labour code.

Luxembourg has various sources of information for beneficiaries, potential beneficiaries and the general public: the above-mentioned codes; publications and websites of the General Social Security Inspectorate; and the websites of the different institutions of the social protection system. Information is widespread, well known to most citizens, and quite easy to access and to use.

But first and foremost, we have to mention the common interactive web portal, Guichet.lu (with a personalised part called MyGuichet.lu), which is a transversal internet portal for contacting public administrative bodies, describing in complete transparency the details of administrative procedures. Some pages on Guichet.lu are written in plain language to help people with reading and understanding difficulties. The portal is guided by the national electronic governance strategy. One of the six principles of this strategy is "inclusiveness and accessibility".

The local or regional social offices, the trade unions and a wide range of civil society organisations act as "navigators" for their public, and to some extent also nurses, midwives and doctors.

Two awareness-raising campaigns can be reported in the period 2017-2022. The first addressed women in particular, encouraging them to top up their pension insurance record on a voluntary basis. The second, "VISION ZERO", called for efforts to continuously reduce the number of serious and fatal work accidents.

Between 2017 and 2022 few administrative simplifications were implemented, except for some minor temporary measures taken in response to the COVID-19 pandemic. Similarly, the planned reforms can be counted on one hand. It turns out there is not much debate about these issues and they have not caught political attention. But as was observed in a former ESPN report in 2017, Luxembourg already has a well integrated social protection system. There seems to be not much need to expand or simplify it.

The report concludes with three recommendations. It might be useful to supplement existing websites with simulators enabling all interested people to estimate their future benefits. More pages and forms should be available not only in French and German, but also in Luxembourgish, Portuguese and English. Finally, a study on the non-take-up rates of social benefits could lead to a better understanding of possible gaps in the Luxembourg social protection scheme.

Among the planned actions for the near future, we can mention the establishment of universal healthcare coverage.

1 Current policies and practices to ensure information on, and to simplify access to, social protection for workers and the self-employed

This section analyses and evaluates the policies and practices of access to general and individualised information on social benefits. It also describes general or specific awareness-raising campaigns, and presents the extent to which the simplification processes that have been implemented are adding to the transparency of the social security system.

For quite a long time now, Luxembourg has had a social protection system in which the self-employed pay the same contribution rates as salaried workers and benefit from almost identical rights¹. Moreover, access to information is the same for all categories of workers. It can be found on the same media, even if sometimes there is a separate page or chapter on, for example, the conditions for the self-employed. Throughout this report, therefore, we will not provide separate explanations for employees and the self-employed or for workers under non-standard contracts, unless we find really significant differences.

1.1 Policies and practices to ensure access to information on social protection rights, entitlements and obligations

1.1.1 Policies and practices to ensure access to general and personalised information

Regarding all the six branches under scrutiny for this report, Luxembourg has various common sources of information for beneficiaries, potential beneficiaries and the general public: legal texts, publications and websites of the General Social Security Inspectorate (*Inspection générale de la sécurité sociale* – IGSS), and the websites of the different institutions of the social protection system.

For almost all websites mentioned in this report, there is no indication of how long the sites have been in operation. There are also almost no data on the target groups – either the number of users or the number of times the sites are accessed. Where these websites are explored in more detail in this report, the few exceptions are mentioned.

First and foremost is the **social security code** (*Code de la sécurité sociale* – CSS). An update of this is published every year, taking into account the changes in the law that have taken place since the previous edition². The CSS covers the majority of the aforementioned branches, whilst others are covered by the **labour code** (*Code du travail*)³.

The most comprehensive source of information is the **general report on social security**, published annually around the end of the year by the IGSS. It covers sickness-maternity insurance, long-term care insurance, pension insurance, accident insurance, and family benefits and social inclusion⁴ – thus five of the six branches under scrutiny here. The social security legislation cannot be considered as readily accessible to the average Luxembourger, but an additional significant effort is made in this direction with the regular (if not annual) publication of a somewhat simplified compilation of the relevant legislation by the IGSS⁵.

An internet version of this rich source of information, the information system on social security and health (*Informatiounssystem iwwer Sozial Ofsécherung a Gesondheet* –

¹ See Pacolet & Op de Beeck (2017).

² For the last edition see IGSS (2022b).

³ See GDL (2021b).

⁴ For the last edition see IGSS (2022a).

⁵ See IGSS (2020).

ISOG), is fully accessible by the general public⁶. The format is about the same as the aforementioned general report, as the platform is primarily operated by the IGSS⁷. However, the statistical information provided is even more detailed (including the distribution of pensions according to benefit levels, for instance, as well as data on statutory, public sector pensions; see Section 1.5).

On its internet site⁸, the Joint Centre for Social Security (*Centre commun de la Sécurité sociale* – **CCSS**) also provides accessible information on contributory social protection schemes such as obligations, contributions and administrative procedures, including pages dedicated to self-employed people, a link to the most prominent legal references and to the associated forms – both in French and German⁹. Affiliates (resident or not) can also ask for an appointment with CCSS agents in Luxembourg City (via a specific form), in order to discuss practical problems, and similar questions can be asked by e-mail or by phone.

Guichet.lu¹⁰ is a transversal internet portal for people to contact public administrative bodies. It describes the details of administrative procedures in a transparent way, thanks to clear language and an example of each procedure, regardless of the subject dealt with or the administrative office which published the information online. Some pages of the German part of Guichet.lu are written in plain language, which simplifies the procedures in order to facilitate understanding¹¹. The portal provides each citizen (including standard and non-standard workers and the self-employed) with the information necessary to carry out all procedures independently, without having to understand the more complex language of the legal texts. A principle behind this information is guided by the national electronic governance strategy¹². One of the six principles of this strategy is “inclusiveness and accessibility”: “*Everyone must be able to communicate electronically with the public administration if they want to and regardless of their skills and the tools at their disposal. To achieve this ambitious goal, it is important to improve the skills of citizens, on the one hand, and adapt online services to the specific needs of different users, on the other hand.*” However, no such initiatives to improve the digital skills of citizens have been observed to date.

A 2018 study on the use of ICT by households and individuals aged 16-74 during the previous 12 months, commissioned by the National Office of Statistics (*Institut national de*

⁶ See <https://iqss.gouvernement.lu/fr/statistiques.html>, downloaded on 7 May 2022.

⁷ Another interesting feature of the ISOG is the fact that its structure differs somewhat from ESSPROS (European System of integrated Social PROtection Statistics) in order to reflect better some peculiarities of Luxembourg. In particular, maternity benefits, long-term care, and accident insurance are presented separately, and not as parts of other, larger categories as in ESSPROS. See IGSS (2022a) and Eurostat (2021). ESSPROS is a common framework which enables international comparison of the administrative national data on social protection. It provides a coherent comparison between European countries of social benefits to households and their financing: see <https://ec.europa.eu/eurostat/web/social-protection>, downloaded on 13 May 2022.

⁸ See <https://ccss.public.lu>, downloaded on 13 May 2022.

⁹ See <https://ccss.public.lu/fr/independants/commencer-arreter-activite/affilier.html>, downloaded on 13 May 2022.

¹⁰ See <https://guichet.lu>, downloaded on 7 May 2022. “*Guichet*” means “counter” or “desk” and acts as a one-stop-shop.

¹¹ Regarding the question whether all the websites cited in this report are accessible to people with disabilities (deafness, blindness etc.), according to the Luxembourg law of 28 May 2019 (GDL, 2019a), all Luxembourg public sites and mobile applications must be accessible. The governmental Information and Press Service (SIP, see <https://sip.gouvernement.lu/en.html>) is in charge of evaluating their accessibility. All the sites used in this report have an accessibility declaration, in which they are declared to be “*in partial compliance with the European standard EN 301 549 (see https://www.etsi.org/deliver/etsi_en/301500_301599/301549/02.01.02_60/en_301549v020102p.pdf) as well as the general reference for improving accessibility (RGAA v4, see <https://accessibilite.public.lu/fr/rgaa4.1/index.html>) who implements it*”. It was not possible for the authors to assess the level of accessibility of these sites, with the notable exception of www.adem.lu, the PES site, where there is a certificate stating a 87% compliance level.

¹² See <https://ctie.gouvernement.lu/fr/publications/2021/strategie-gouvernance-electronique-2021-2025/strategie-gouvernance-electronique-2021-2025-fr.html>, downloaded on 7 May 2022.

la statistique et des études économiques du Grand-Duché de Luxembourg – STATEC), found that 83% of internet-users knew the Guichet.lu site, and 40% had used it. The privatised version, MyGuichet.lu¹³, was used by 46%. 94% of respondents said they found useful and relevant information on these two portals, and that they were easy to use¹⁴. The popularity of these two sites was higher among people with a high level of education (94%) than among those with a low level of education (65%). Apart from those aged 16-24 (73%), popularity fell with age (from 91% to 72%). There were very few differences according to gender, and there was no substantial difference either between Luxembourgers and foreigners – except for Portuguese fellow citizens and non-EU nationals, who were much less likely to be aware of these sites. In 2021, 3.8 million procedures were transmitted through Guichet.lu and MyGuichet.lu¹⁵. However, as these portals give access to public administration in general, it is difficult to say to what extent these assessments also apply to the part concerning social protection.

In addition, with respect to the six branches under scrutiny here, three kinds of “navigators”¹⁶ have been identified, as follows.

- The 30 local or regional social offices must “ensure that people in need and their families have access to goods and services adapted to their particular situation”¹⁷. According to the annual report of the Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l’Intégration et à la Grande Région – MFAMIGR*)¹⁸, financial assistance only constitutes a minor part of their tasks, with the majority of their interventions being non-monetary services, such as advice, information and socio-educational guidance.
- Most trade unions, or at least the larger ones¹⁹, operate a kind of social protection helpdesk, where they advise their members on how to cope with the sometimes difficult administrative requirements (nationally representative trade unions are also present on most governing bodies of social protection institutions, as is the rule in countries with a “Bismarckian” social protection system²⁰).
- Civil society organisations (CSOs) active in the field of social inclusion, under contract to the MFAMIGR (or other ministries), offer a very large and very diverse range of social services²¹, consulting their clients on matters of social protection and helping them in their administrative procedures amongst other things. Even if not all of them always know all the details of the relevant legislation, they still know where to refer their customers to receive the right information and the right advice.

In the following sections branch-specific supplementary elements are described, if any.

¹³ Since July 2021, citizens have been able access their private space on MyGuichet.lu using their smartphone or tablet.

¹⁴ See STATEC (2020).

¹⁵ See https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2022/03-mars/15-zesumme-vereinfachen.html, downloaded on 10 May 2022.

¹⁶ In this context, navigators (also referred to as advisors, stewards or assistants) are people whose task it is to help others understand the social protection system and to help them claim the benefits that they are entitled to.

¹⁷ See Article 2 of the 2009 law organising social aid and establishing the social offices (GDL, 2009).

¹⁸ See MFAMIGR (2022).

¹⁹ See for example <http://www.ogbl.lu/services-aux-membres/services-individuels/> or <https://lcqb.lu/fr/un-aperçu-de-vos-droits/>, downloaded on 7 May 2022.

²⁰ The Bismarckian model may also be referred to as “continental social protection model”. See for example Esping-Andersen (1990), Urbé (2012) or Kautto and Kuitto (2021), cited in Eurofound (2022).

²¹ See MFAMIGR (2022).

1.1.1.1 Unemployment benefits

Unemployment benefits are not followed by the IGSS and are therefore neither included in its annual report nor in the ISOG system. However, unemployment benefits, defined in the labour code, are covered by Guichet.lu²².

On its web portal²³, the Public Employment Service – PES (*Agence pour le développement de l'emploi – Adem*) presents news for employers and the employed, as well as statistics, information on the job market and a virtual job exchange²⁴, registration with the PES, and other features. In addition, it also contains all the information a person needs to exercise their rights in case of unemployment, including the initiation of administrative procedures. The information contained on these webpages concerns residents and cross-border workers, employed and self-employed people, and non-standard workers, who must fulfil all eligibility criteria, namely to have been employed under one or more work contracts for at least 26 weeks (at a rate of at least 16 hours/week) during the 12 months (or more depending on the case) preceding their registration as a job-seeker with the PES.

The PES web portal was created in December 2015 and it is regularly updated.

The PES also publishes about a dozen flyers and brochures annually, as well as some videos on a variety of topics that fall within its competence, for example in 2018 a guide for job-seekers.

1.1.1.2 Sickness and healthcare benefits

General information about sickness and healthcare benefits can be found, in addition to the two codes (CSS and labour code), on the website of the National Health Fund (*Caisse Nationale de Santé – CNS*) a special page of which is devoted to the insured²⁵, where they can find access to all the information, including a FAQ section.

According to the above-mentioned study by STATEC, the CNS website is known by 72% of internet-users, which puts it in second place behind the Guichet.lu site (see above). The popularity of the CNS site is greater among people with a high level of education (74%) than among those with a low level of education (63%). However, its popularity is highest among those with an average level of education (77%). Apart from those aged 16-24 (66%), popularity decreases with age (from 83% to 55%).

1.1.1.3 Maternity and equivalent paternity benefits

General information about these benefits (allowances for maternity and paternity leave) can be found, in addition to the two codes (CSS and labour code), on the website of the CNS²⁶, which is in charge of disbursing the maternity leave allowances. It indicates for instance that the self-employed are not entitled to paternity leave. Same-sex couples are also practically not entitled, since the right to paternity leave expressly belongs to the "father of the child"²⁷.

Additional navigators who can facilitate access to these benefits are nurses (or midwives) who counsel parents at the time of childbirth, whether this occurs in hospitals or at the parents' homes. To a certain extent, doctors could also be seen as additional navigators,

²² See <https://guichet.public.lu/fr/citoyens/travail-emploi.html>, downloaded on 9 May 2022.

²³ Available in French and German and since 2017 also in English, see <https://adem.public.lu/en.html>, downloaded on 9 May 2022.

²⁴ The "JobBoard" launched on 9 March 2016, see <https://adem.public.lu/en/demandeurs-demploi/consulter-offres-demploi/adem-jobboard.html>, downloaded on 9 May 2022.

²⁵ See <https://cns.public.lu/fr/assure.html>, downloaded on 6 June 2022.

²⁶ See <https://cns.public.lu/fr/assure/vie-privee/enfant-maternite/attendre-un-enfant.html>, downloaded on 13 May 2022.

²⁷ See Article L. 233-16 of the labour code, GDL (2021).

as they must certify the pregnancy and the expected date of delivery for prenatal leave, as well as the date of delivery for postnatal leave.

1.1.1.4 Invalidity benefits

On its website, the National Pension Fund (*Caisse Nationale d'Assurance Pension* – CNAP) presents a number of brochures giving detailed explanations of invalidity pensions²⁸. The points presented in the following Section (1.1.1.5) for old-age and survivors' pensions are also valid for invalidity pensions, the invalidity pensions being moreover regulated together with the old-age and survivors' pensions under the same book (III) of the CSS.

Those who have lost the ability to work in their previous position, as a result of an accident, prolonged illness or degeneration, and who are entitled to a professional redeployment procedure²⁹ are especially addressed by targeted information. As part of the PES reform, information workshops for people in the professional redeployment procedure have been organised since 3 August 2017. Anyone entering the professional redeployment procedure by the social security medical control is invited to these workshops. According to the 2020 report of the competent ministry, a presentation of general information on this professional redeployment procedure in video format has been prepared and will also be made available to the public soon in order to guarantee the transmission of good-quality information, on a continuous basis, to replace the information workshops.

The PES also published about a dozen flyers and brochures annually, as well as some videos on a variety of topics that fall within its competence. Regarding invalidity benefits, for example, two brochures were published in 2017, one on professional redeployment and one on professional integration for people with disabilities.

As for maternity and paternity benefits, nurses and doctors may also play the role of navigator for those receiving out-patient or in-patient medical treatment. These healthcare workers may inform their patients about the possibilities of long-term care and guide them to a provider (for homecare or residential care) and more importantly to the Administration for Evaluation and Control of Dependency Insurance, whose mission is to ascertain the state of dependency and to establish a care plan incorporating the help and care required by the dependant.

1.1.1.5 Old-age benefits and survivors' benefits

The CNAP and IGSS provide a complete set of general information on legal aspects, the way pension benefits should be calculated and the different insurance periods taken into account, via dedicated internet sites, leaflets and campaigns or public reports and technical assessments of the pension system. On its internet site, the CNAP also provides information on the calculation of pensions (with concrete examples), for old-age, survivors' (and invalidity) pensions³⁰. Application forms and other official documents are also available inter alia on the CNAP internet site³¹. Furthermore, interested individuals can gain access to CNAP experts directly via public counters or special events – such as International Information Day (*Journée internationale de l'information*) (see Section 1.1.2.5), and from age 55 they can ask for a precise calculation of their pension rights, namely the retirement age and the level of their future pensions. There is no official, publicly sponsored calculator for the moment – although a couple of private financial institutions provide indicative calculators³². But such an official tool could be difficult to put in place in Luxembourg due to the particularly large proportion of piecemeal, diversified careers, which reflects inter

²⁸ See <https://www.cnap.lu/brochures/>, downloaded on 7 May 2022.

²⁹ For more details, see Urbé (2022).

³⁰ See <https://www.cnap.lu/brochures/>, downloaded on 7 May 2022.

³¹ <https://www.cnap.lu/>

³² See for instance <https://www.baloise.lu/fr/particuliers/Assurance-vie-Epargne-Prevoyance/retraite-luxembourg.html#:~:text=iPension.lu%2C%20le%201er%20outil,des%20fameux%20%22trois%20piliers%22,> downloaded on 9 June 2022.

alia the high number of cross-border workers (with potentially long careers in foreign countries).

More practical aspects are also addressed on the CNAP internet site, for instance the forms to complete in order to make voluntary pension contributions or to buy back past periods of pension insurance (e.g. for those with careers in international organisations or in case of divorce procedures). Many forms are available on the CNAP internet site, for future or present pensioners. Most forms (and many pieces of general information) are translated into several languages. Texts may be available in up to five languages in some cases, namely Luxembourgish, French, German, English and Portuguese³³. According to the IGSS, approximately 55% of total pensions paid in 2060 will be transferred to pensioners established in foreign countries³⁴. A fully multilingual communication on pensions is therefore of paramount importance in Luxembourg.

“Contact forms” are also provided on the site, in order to induce future or present pensioners to meet or contact CNAP professionals. In 2020, 26,500 requests for information were made via such forms and were treated by the CNAP. In the same year, in order to deal with the emergency COVID-19 situation, a hotline was created, which received about 7,000 calls. All in all, 518,400 visits to the CNAP internet site were recorded in 2020 – arguably a significant number given the size of the Luxembourg population – even if the large number of cross-border workers (who are also entitled to future pensions) is included³⁵.

The CNAP can also be contacted via traditional mail (269,735 postal messages were sent to the CNAP in 2020) or by phone (hotline and call centre; with a total of 67,000 calls to the CNAP in 2020)³⁶.

Furthermore, an International Information Day used to be organised each year by the CNAP. On these occasions, free information was provided on pension rights in cases where a person’s career was split between several countries (a frequent occurrence in Luxembourg) and on the calculation of the related pensions. Because of the COVID-19 pandemic, the organisation of these days was interrupted, and there are currently no dates scheduled for the next International Information Days.

The IGSS also publishes general information on pension systems, but mostly from a “macro” perspective. The technical report (*Bilan technique*) of the general pension regime published by the IGSS at the end of April 2022 is a good illustration of this focus on macro issues (with for instance projections on the financial situation of the regime); but on the other hand it provides quite accessible explanations of the way the pension system is funded, on the different insurance periods (or assimilated periods) and on the way pensions are calculated (although in quite broad terms). This report is available on the internet³⁷. In line with the government's desire “to involve the social partners in fundamental discussions that concern the whole of society”³⁸, the technical report will be discussed with all stakeholders, including the social partners in the Economic and Social Council (*Conseil Economique et Social*), in order to draw conclusions.

³³ Since the Portuguese community represents about 14.5% of the resident population in Luxembourg, see STATEC (2022).

³⁴ See IGSS (2022c).

³⁵ See the CNAP 2020 annual report, https://www.cnap.lu/fileadmin/file/cnap/publications/Publications_CNAP/Rapport_annuel/CNAP_Rapport_Annuel_2020.pdf#pageMode=bookmarks, downloaded on 12 May 2022.

³⁶ Ibidem.

³⁷ See IGSS (2022c).

³⁸ See GL (2021) p.29.

The information system can be considered to be quite developed in Luxembourg. In spite of this and according to a survey conducted in 2019 by the ING bank³⁹ (at European level, with 500 respondents from Luxembourg), 57% of Luxembourg residents fear that they will not have enough money when they retire. This seems surprisingly high given the generally high level of pensions in Luxembourg, including a pension-replacement rate equal to 67% in 2019, compared with 46% in the EU⁴⁰.

Given the international character of the Luxembourg society and the large number of non-resident pensioners in the future, many languages are used in most processes, although there is still some room for improvement (with the translations being quite often limited to only two languages, namely French and German). This issue is not really new in Luxembourg, but has come to the fore in recent years.

General but accessible information on the management of the reserve of the general pension regime is also published by the "Fonds de compensation" (FDC⁴¹), most notably in its annual report⁴² – with, amongst others, explanations of the way pension reserves are invested and the annual return is recorded by the fund. This aspect is also of paramount importance to the general public in Luxembourg, as the corresponding reserves amounted to no less than 37.5% of the Luxembourg GDP at the end of 2020, according to the update of the Luxembourg stability programme⁴³ published in April 2022. In addition, the FDC internet site provides updated information on the investment strategy of the fund, including some real estate projects.

1.1.1.6 Benefits in respect of accidents at work and occupational diseases

The Accident Insurance Association (*Association d'Assurance Accident* – AAA) to which all employers have to contribute according to the number of their employees, their salaries and the degree of risk that their sector of activity entails, publishes all information on accidents at work and occupational diseases on its website, including downloadable forms for reporting the event to the AAA and requesting the corresponding assistance⁴⁴.

As for maternity and paternity benefits, doctors may also play the role of navigator for those employees who pay a visit to the doctor after an accident or to get an occupational disease treated. Doctors will fill out a form, known as a "yellow form" because of its colour, whose purpose is to inform the AAA about the accident or the occupational disease.

1.1.2 General awareness-raising campaigns

Regarding planned campaigns and awareness-raising, a general campaign informing people of their existing rights should be mentioned, of which the campaign referred to in Section 1.1.2.5 is an example.

1.1.2.1 Unemployment benefits

To the best of our knowledge, no general awareness-raising campaigns specifically devoted to unemployment benefits took place between 2017 and May 2022.

³⁹ See <https://www.ing.lu/webimg/content/dam/ing/newsroom/old/pdf/2019/ing-international-survey-savings-2019-en.pdf>, downloaded on 12 May 2022.

⁴⁰ See EC/EPC (2021). The average amount of the monthly gross old-age pension was equal to €3,700 in 2019 for resident men.

⁴¹ See the internet site <https://fdc.public.lu/fr.html>, downloaded on 13 May 2022.

⁴² For the latest available version, see <https://fdc.public.lu/fr/publications/rapports-financiers-fdc/rapport-annuel-2020-fdc.html>, downloaded on 13 May 2022.

⁴³ See GL (2022).

⁴⁴ See <https://aaa.public.lu/fr.html>, downloaded on 10 May 2022.

1.1.2.2 Sickness and healthcare benefits

The government's coalition agreement 2018-2023⁴⁵ contains a reference to universal healthcare coverage (*Couverture Universelle des Soins de Santé – CUSS*) which was announced⁴⁶ in October 2021. The objective of the project is to offer everyone access to good-quality healthcare who has stayed for a minimum time on Luxembourg territory. Close co-operation with the aforementioned CSOs is a key element in implementing this project. “*It is about reaching out to people and not the other way around,*” said the Minister of Health during the announcement. This means that information will be provided in such a way as to offer real access to healthcare for everyone who needs it. An upcoming campaign planned for the implementation period will be aimed at increasing awareness of this new tool. So far, no details of this campaign are known.

Furthermore, another awareness-raising campaign will focus on self-employed people, encouraging them to join the Employers’ Mutuality (*Mutualité des Employeurs – MdE*), as affiliation to the MdE to date has only been done on a voluntary basis. This is one of the very few examples where the self-employed do not have exactly the same rights as employees.

1.1.2.3 Maternity and equivalent paternity benefits

No general awareness-raising campaigns specifically devoted to maternity and equivalent paternity benefits took place between 2017 and May 2022. This said, it is worth noting that a press conference⁴⁷ was held by the Minister for Family and Integration and the Minister of Labour, Employment and the Social and Solidarity Economy on 19 May 2022. They presented two new draft laws⁴⁸ that will bring some improvements in work-life balance. Of particular note is the extension of the right to paid paternity leave to the self-employed and to same-sex married couples (until now the self-employed have not been entitled to paid paternity leave, one of the rare examples where the self-employed do not have exactly the same rights as employees).

1.1.2.4 Invalidation benefits

With respect to invalidity benefits, namely those for people with disabilities, in 2019 the government adopted a national action plan for the implementation of the Convention on the Rights of People with Disabilities 2019-2024⁴⁹. This plan includes 29 priorities, 55 objectives and 97 concrete actions⁵⁰. Under the chapter on “awareness-raising” it envisaged the production of a brochure on the rights of people with disabilities and training sessions for people with disabilities to inform them of their rights. None of these actions has been implemented to date.

Furthermore, awareness-raising campaigns on old-age benefits and survivors’ benefits described in Section 1.1.2.5 also concerned invalidity benefits.

⁴⁵ See GL (2018).

⁴⁶ See https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/10-octobre/27-cuss.html, downloaded on 7 May 2022.

⁴⁷ See https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2022/05-mai/19-cahen-engel-equilibre.html, downloaded on 19 May 2022.

⁴⁸ See draft laws Nos 8016 and 8017, downloadable on the parliament website www.chd.lu, downloaded on 3 June 2022.

⁴⁹ See <https://mfamigr.gouvernement.lu/fr/publications/plan-strategie/handicap.html>, downloaded on 10 May 2022. For the UN Convention on the Rights of People with Disabilities, see <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>, downloaded on 10 May 2022.

⁵⁰ The plan was presented at a press conference on 15 January 2020: https://gouvernement.lu/fr/actualites/toutes_actualites/gouv_mfamigr%2Bfr%2Bactualites%2B2020%2Bjanvier%2B15-janvier%2Bpresentation-plan-handicap.html, downloaded on 10 May 2022.

1.1.2.5 Old-age benefits and survivors' benefits

At the beginning of 2020, a campaign was launched by the Ministry for Social Security (*Ministère de la Sécurité sociale* – MSS) in conjunction with the CNAP, CCSS and the National Council of Women of Luxembourg (*Conseil National des Femmes du Luxembourg*⁵¹). This campaign was organised to raise awareness on the way pensions could be topped up with, inter alia, voluntary contributions or with insurance period buy-backs in specific cases (e.g. divorces or careers in international institutions), in order to improve the uptake of these schemes⁵². The campaign was partly a consequence of the 2018 law on, among other things, divorce reform⁵³. As for many campaigns in Luxembourg and due to the large number of different nationalities present in the country, an accessible brochure ("Right now! Complete your pension insurance career!") was published in no less than five languages, namely Luxembourgish, French, German, Portuguese and English. This is a clear illustration of the willingness of the Luxembourg authorities to convey relevant information to the multiple layers of the Luxembourg society in an efficient manner. The leaflet is available on different internet sites, including the CNAP website⁵⁴. The target group was in principle all citizens, as they are likely to be concerned by the issues raised in the leaflet. The impact of the campaign is difficult to assess, since statistics on the number of voluntary insured people are not available for the period since 2020⁵⁵.

1.1.2.6 Benefits in respect of accidents at work and occupational diseases

The national "VISION ZERO" strategy was launched in 2016 by six ministries, including the MSS, and the three national unions, in a joint effort to continuously reduce the number of serious and fatal work accidents⁵⁶. Many companies have since made a commitment to improve health and safety at work. To date, 225 companies have joined VISION ZERO⁵⁷.

1.2 Policies and practices to simplify access to social protection

1.2.1 Simplification objective embedded in reforms of social protection schemes

1.2.1.1 Unemployment benefits

There was no simplification objective embedded in reforms of unemployment benefits during the period 2017-2022.

1.2.1.2 Sickness and healthcare benefits

There was no simplification objective embedded in reforms of sickness and healthcare benefits during the period 2017-2022.

⁵¹ This brings together 12 associations, including the women's branches of several political parties or religious organisations, see <https://www.cnfl.lu/>, downloaded on 13 May 2022.

⁵² See

https://mss.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2020%2B02-fevrier%2B26-brochure-pension.html, downloaded on 13 May 2022.

⁵³ See GDL (2018).

⁵⁴ See

https://www.cnap.lu/fileadmin/file/cnap/publications/Ministere_MSS/09428_MSS_AssurancePension_web_depli_A5_en.pdf#pageMode=bookmarks, downloaded on 10 May 2022.

⁵⁵ As of 11 May 2022.

⁵⁶ See <https://visionzero.lu/fr/>, downloaded on 10 May 2022.

⁵⁷ See <https://visionzero.lu/fr/adhesion/liste-des-adherents/>, downloaded on 10 May 2022.

1.2.1.3 Maternity and equivalent paternity benefits

In 2017 a law was introduced that reformed a range of elements in relation to maternity⁵⁸. Inter alia, postnatal leave, which had previously been eight weeks, increased by four weeks for breastfeeding mothers, was extended to 12 weeks for all mothers, whether breastfeeding or not. This was a simplification in the sense that mothers needed no longer to present a doctor's certificate attesting to the fact that the mother was breastfeeding.

The same law also increased paternity leave from two to 10 days, but this was rather the opposite of a simplification: as the payment for this paternity leave from the third day onwards is no longer the responsibility of the employer, but of the state, employers who advance the funds need to claim reimbursement from the state.

1.2.1.4 Invalidity benefits

Simplification measures on old-age benefits and survivors' benefits described in Section 1.2.1.5 also concerned invalidity benefits.

Regarding the professional redeployment procedure (see Section 1.1.1.4), a new law was introduced in 2020 concerning the internal and external redeployment system⁵⁹. The new law firstly modified and standardised the conditions for enabling external professional reclassification in the event of referral by the competent occupational physician. Other provisions of this law have contributed to the simplification of procedures.

An important reform to dependency insurance⁶⁰ came into effect in January 2018. It consisted of better personalisation of the different services, general improvements in quality and clearer criteria with appropriate controls. In addition, procedures were simplified⁶¹.

With the 2017 (and 2018) reform, as well as changes in the organisation, greater flexibility was put in place with regards to basic activities of daily living, through the introduction of flat-rate billing instead of the former fee-for-service billing. According to the statement of reasons (*Exposé des motifs*) of the draft law, one of its goals was the development of a transparent and effective quality policy and control⁶². To implement this law and the quality system, the government issued a range of regulations⁶³. One of these regulations⁶⁴ defines the required qualifications and staffing standards to guarantee input quality. Another regulation⁶⁵ defines the quality indicators to measure the results. The precise criteria for the accreditation, and hence the authorisation that providers must have, are laid down in a third regulation⁶⁶.

⁵⁸ See GDL (2017e).

⁵⁹ See GDL (2020).

⁶⁰ See GDL (2017a).

⁶¹ A 2019 Eurofound study reported that the "lowest percentage (less than 35%) of home care users finding it difficult – to a great, moderate or some extent – to afford services was found in the Nordic countries and Luxembourg". See Eurofound (2019).

⁶² See CHD (2016).

⁶³ See Urbé (2020).

⁶⁴ See GDL (2017b).

⁶⁵ See GDL (2017c).

⁶⁶ See GDL (2017d). Nine different accreditations are listed in this regulation; each of these is based on requirements regarding qualifications and staffing standards, criteria for infrastructures, documentation requirements, opening schedules, the existence of a provider's action concept (*projet d'établissement*) etc.

1.2.1.5 Old-age benefits and survivors' benefits

The pension system in Luxembourg was last reformed in 2012⁶⁷. Although the stated objective of the reform was not to simplify access to the pension system, it should be briefly mentioned as it had an impact on access. The reform introduced a more complex calculation formula, with (inter alia) time-varying parameters – in particular the fixed and variable (i.e. depending on contributions paid during the insurance career) components – which were previously stable (and therefore much easier to capture in individual pension calculations). The 2012 law also introduced other innovations with an adverse impact on simplified access, including a less regular and predictable link to real wage developments and the fact that the end-of-year pension allowance (about 2% of total pensions) was made conditional on the global contribution rate⁶⁸.

The whole package made understanding the pension formula more complicated and markedly more difficult to explain to the average citizen⁶⁹. This increased complexity prevails in all segments of the pension system (namely old-age, survivors' and invalidity pensions). In order to alleviate this problem, the CNAP has updated its internet links and publications directed at the general public in line with the new legislation and its impact (which is due to last until 2052).

1.2.1.6 Benefits in respect of accidents at work and occupational diseases

There was no simplification objective embedded in reforms of benefits in respect of accidents at work and occupational diseases during the period 2017-2022.

1.2.2 Simplification of the application process for accessing benefits

1.2.2.1 Unemployment benefits

In 2018, the PES fundamentally changed its job-seeker registration process⁷⁰. People wishing to register as job-seekers and thus benefit from PES services no longer have to physically present themselves to one of the seven regional agencies. They only need to call the PES contact centre or fill out an online form to request a registration appointment. Candidates are informed by e-mail or letter of the place, date and time of the meeting as well what documents to bring with them.

To improve the functioning of the labour market, Luxembourg has invested, and continues to invest, in the improvement of accompanying services through the 2012 reform of the PES⁷¹ and more personalised accompaniment of the unemployed by their employment counsellor. A personalised path (*parcours personnalisé*) for job-seekers has been fully deployed since 2020⁷², and allows the PES to tailor the monitoring of job-seekers in order to integrate them as quickly as possible and sustainably into the job market.

1.2.2.2 Sickness and healthcare benefits

The implementation of the CUSS presented in Section 1.1.2.2 is aimed at providing access to healthcare benefits and services, as well as affordable medicines and vaccines for all residents over 18 and their family members. This may also be considered a measure simplifying the application process to access these benefits.

⁶⁷ See GDL (2012b). Although the reform was implemented in January 2013 (i.e. before 1 January 2017), it continued to have a direct impact on pension benefits through 2017 to the present day and will continue to do so until 2052.

⁶⁸ If the contribution rate exceeded its current 24% level, the end-of-year pension allowance would disappear.

⁶⁹ Albeit with a positive impact on the future financing of the system.

⁷⁰ See MTEESS (2021).

⁷¹ See GDL (2012a).

⁷² See MTEESS (2021).

1.2.2.3 Maternity and equivalent paternity benefits

There was no simplification of the application process for accessing maternity and equivalent paternity benefits during the period 2017-2022.

1.2.2.4 Invalidity benefits

Simplification of the application process for accessing old-age benefits and survivors' benefits described in Section 1.2.2.5 also concerned invalidity benefits.

1.2.2.5 Old-age benefits and survivors' benefits

As explained above, the CNAP, amongst other bodies, makes it easier for the general public to access many pieces of information on the pension system and understand the way it works and how pensions are calculated. This is a continuous process (for instance, explanations of the impact of the 2012 pension reform). In addition, the most relevant application forms are available on the CNAP internet site (including, for pensions, the forms for affiliation to voluntary insurance or retroactive buy-backs) and on Guichet.lu.

In addition, any person considering that the CNAP has not processed their pension files in line with its mission or the legal framework may ask an Ombudsman to monitor the issue. There were seven such referrals in 2020.

1.2.2.6 Benefits in respect of accidents at work and occupational diseases

There was no simplification of the application process for accessing benefits in respect of accidents at work and occupational diseases during the period 2017-2022.

1.2.3 Simplification of the structures within the social protection administration

1.2.3.1 Unemployment benefits

There was no simplification objective regarding the structures within the social protection administration concerning unemployment benefits during the period 2017-2022.

1.2.3.2 Sickness and healthcare benefits

There was no simplification objective regarding the structures within the social protection administration concerning sickness and healthcare benefits during the period 2017-2022.

The major reform of the system⁷³, including the merger of the six previous autonomous sickness funds into one single system, the CNS, had already occurred in 2008.

1.2.3.3 Maternity and equivalent paternity benefits

There was no simplification objective regarding the structures within the social protection administration concerning maternity and equivalent paternity benefits during the period 2017-2022.

1.2.3.4 Invalidity benefits

Simplification reforms on old-age benefits and survivors' benefits described in Section 1.2.3.5 also concerned invalidity benefits.

⁷³ See GDL (2008).

1.2.3.5 Old-age benefits and survivors' benefits

The administrative organisation of the general pension system has not undergone any major changes in Luxembourg since 2017⁷⁴. It is fairly straightforward, with a single institution, the CNAP, providing detailed and accessible pieces of information on the pension system, and the possibility of accessing personal information from age 55 on the level and duration of pension benefits. The IGSS also contributes actively to the diffusion of information on the pension system (although usually from a more macro-economic point of view). The situation has not changed in a significant way since 2017.

1.2.3.6 Benefits in respect of accidents at work and occupational diseases

There was no simplification objective regarding the structures within the social protection administration concerning benefits in respect of accidents at work and occupational diseases during the period 2017-2022.

2 Issues, debates and ongoing or planned reforms to ensure information on, and to simplify access to, social protection for workers and the self-employed

This section analyses some of the issues, debates and reforms that currently arise in Luxembourg regarding the improvement of information on social benefits to citizens and simplification processes, both aimed at adding to the transparency of the system.

An ESPN report from 2017⁷⁵ concluded: *"As Luxembourg already has a very integrated social security system in which the self-employed pay the same contribution rates as the salaried workers and benefit from almost identical rights, there seems to be no need for a further improvement of it and there is not a political demand for it either, nor any estimate on how it would need to be improved."* This conclusion is all the more true today, even five years later, so there is not much to report on the issues, debates and planned or ongoing reforms.

Furthermore, in June 2022, Luxembourg has not yet submitted the country's 2021 National Plan on Access to Social Protection, which was due by 15 May 2021, as recommended in Article 19 of the 2019 Council Recommendation⁷⁶. This national plan could have been a source for possible improvements and reforms planned by the Luxembourg government. Unfortunately, this information was not available in time for the present ESPN report.

According to the MSS, time constraints due to the COVID-19 pandemic are the reason for the national plan not having been delivered yet. However, a provisional plan will be produced in the coming weeks. Afterwards, the plan will be subject to consultation with social partners and other key stakeholders before approval by the government. Some planned governmental measures relating to better information and greater simplification regarding access to social protection are mentioned in the following Sections 2.1.3 and 2.2.3. Other elements in these sections rely on what is already publicly known and where evidence is given.

⁷⁴ A major reform took place in 2008, with the merger into CNAP of four previous institutions – thus well before the reference period January 2017 to 15 April 2022.

⁷⁵ See Pacolet & Op de Beeck (2017).

⁷⁶ See Council of the EU (2019).

2.1 Issues, debates and reforms related to information

2.1.1 Issues

After the last significant pension reform following the law enacted in December 2012 and applied from January 2013, the IGSS was mandated to deliver a technical report on the general pension regime every five years. The last report, published at the end of April 2022, analysed some projections on the financial situation of the regime⁷⁷. However, it did not contain any suggestions for improving information on the pension scheme. The technical report will be discussed with the social partners in the Economic and Social Council, in order to draw conclusions. This discussion has yet to take place.

The issue of low rates of uptake is frequently mentioned in the policy debate, but generally in relation to the minimum income (the "Revis"). There are no recent figures on the failure of people to claim the minimum income. Generally speaking, the non-take-up rate seems to be very high in Luxembourg⁷⁸. However, there is no evidence on uptake issues regarding the six branches of social protection under scrutiny for this report.

2.1.2 Debates

There are currently no prevalent debates in Luxembourg about issues related to information. The 2019 Council Recommendation is not the subject of any public debate.

2.1.3 Ongoing or planned reforms

The CUSS described in Section 1.1.2.2 was announced by the government in October 2021, and is currently being implemented. An upcoming campaign planned for the implementation period will be aimed at increasing awareness of this new tool. So far, no details of this campaign are known.

It will be easier to flag ongoing or planned reforms, once the Luxembourg National Plan on Access to Social Protection, as envisaged by the 2019 Council Recommendation, is available. In addition, current debates are dominated by other socio-economic issues, such as energy prices, housing and the general cost of living.

2.2 Issues, debates and reforms related to simplification

2.2.1 Issues

The Luxembourg system is not overly complicated, and many efforts have also been made in the past to improve the accessibility of social protection schemes. This issue is therefore not very prominent in 2022, in view of the more disruptive debate around the sustainability of social protection in Luxembourg (the impact of ageing on social protection expenditure will indeed be quite sizeable in Luxembourg, according to the Ageing Working Group⁷⁹).

See also Section 2.1.1 regarding the technical report of the general pension regime published by the IGSS at the end of April 2022, which also does not contain any suggestions related to simplifying access to the pension scheme.

⁷⁷ See IGSS (2022c).

⁷⁸ The only two studies on this were published in 2010 (using data from 2005 and 2007) by the Socio-economic Research Institute (*Centre d'Etudes de Populations, de Pauvreté et de Politiques Socio-économiques / International Network for Studies in Technology, Environment, Alternatives, Development – CEPS/INSTEAD*) (nowadays trading under the Luxembourg Institute of Socio-Economic Research – LISER) (2010) and Amétépé (2010). They found that the non-take-up rate in Luxembourg was as high as 54.3% or 65.1% in the two years concerned. Amétépé has announced that he will undertake an update of his 2010 study in the near future.

⁷⁹ See EC/EPC (2021).

2.2.2 Debates

There are currently no prevalent debates in Luxembourg about issues related to simplification. The 2019 Council Recommendation is not the subject of any public debate.

2.2.3 Ongoing or planned reforms

The same remarks made in Section 2.1.3 on the CUSS apply here. This reform not only improves information but also simplifies the access to social protection, namely to healthcare benefits.

Another planned reform in the health sector has been in preparation for years. This is the generalised third-party payer system in healthcare offered by doctors (*tiers payant généralisé* – TPG), which in the meantime has been renamed “direct immediate payment” (*paiement immédiat direct* – PID). Whereas most health services are already being taken in charge through a third-payer system (e.g. in hospitals and pharmacies), it is not yet the case for the care offered by doctors. Currently, a patient pays their doctor’s fees in full and is reimbursed afterwards by the health insurance scheme. In some cases, for social reasons only, the “third-party payer” principle applies: in 2013 a “social third-party payer” (*tiers payant social* – TPS) arrangement for doctors’ costs was introduced. This means that the costs are paid directly by the health insurance scheme, if a person cannot afford to pay – a fact that must be certified by the competent social office. After a successful petition to the parliament, calling for a generalised third-party payer principle, the social security minister announced a technical solution on 30 January 2019: the doctor will be paid immediately via a smart card, and the patient will also be immediately reimbursed for the part covered by the health insurance. The government is currently working on this new scheme⁸⁰. It is planned to be in operation in 2023, if not at the beginning then towards the middle of the year. Such a PID system supposes a vast information campaign during its implementation, in order to increase general knowledge about healthcare benefits.

The announced reform of paternity leave mentioned in Section 1.1.2.3, entitling self-employed people and same-sex married couples to this benefit, can be considered a simplification insofar one of the very few situations where self-employed people do not have the same rights as employees will be removed.

Regarding invalidity benefits, the national action plan for implementing the Convention on the Rights of People with Disabilities 2019-2024 (described in Section 2.1.3) envisaged, under the chapter on “labour and employment” in objective D, a campaign to promote the 2019 law⁸¹ creating an activity of assistance for inclusion in employment; this would be aimed at facilitating the integration, and above all the continued employment, of employees with disabilities⁸². In the same objective D, the reform of the 2003 law relating to people with disabilities, including a simplification of procedures, is also mentioned. None of these measures has been started to date.

It will be easier to flag ongoing or planned reforms once the Luxembourg National Plan on Access to Social Protection mentioned in the 2019 Council Recommendation is available. In addition, current debates are dominated by other socio-economic issues, such as energy prices, housing and the general cost of living.

⁸⁰ See https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/02-fevrier/23-lenert-schneider-gesondheetsdesch.html, as well as https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/10-octobre/21-schneider-lenert-assurance.html, downloaded on 15 May 2022.

⁸¹ See GDL (2019b).

⁸² See Urbé (2022).

2.3 Suggestions for improvements

Pensions can be calculated on a fully personalised basis by the CNAP from age 55 and, in addition, illustrative and quite accessible examples are provided as general sources of information in order to facilitate the calculation of pensions by individuals under 55. However, this could be complemented by official IT tools (simulators) enabling all interested people to estimate their future pensions (in a rigorous way using precise inputs such as the insurance periods, which may arguably be difficult in Luxembourg due to the large number of piecemeal national careers).

Such simulators could be also provided for other branches of the social protection system to allow interested parties to calculate their expected benefits.

In addition, many information pages and forms are translated into only two languages (French and German) on the websites. Pages and forms should also be available directly in Luxembourgish, Portuguese and English, and this should become the new standard.

A better view on the performance of the Luxembourg social protection scheme could be offered by a multi-branches study of the non-take-up rates of social benefits.

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