

Report to the federal Parliament: health-related retirement in the public sector

The Court of Audit transmitted a report to the federal Parliament concerning the health-related retirement of statutory staff members in the public sector. Retirement for physical unfitness is a specific occupational pension scheme provided in the public sector, which implies that staff members are getting retired as soon as their disability is established by a medical examination service. In the same case, salaried workers in the private sector get social security allowances from the sickness and disability branch until the normal retirement age.

The regulatory provisions pertaining to the certification of physical unfitness of the statutory civil servants lay down different rules according to the sectors: in some cases, the employer is bound to require the consultation of the medical examination service within specified time limits; in other cases, this request remains optional. Moreover, de facto, the related rules are not always strictly applied. These observations account for the wide discrepancies that the Court of Audit recorded between the staff of the different public employers as well as within the staff of the same employer in matters of sickness duration or disability period before retirement for physical unfitness. This situation is such that it may break the principle of equal treatment between statutory civil servants.

This observation must also be analyzed within the particular context of the financing of public pensions. As public employers (including the Regions and Communities) are entitled to decide about the deadline by which the appearance before the medical examination service will be required, they can influence the date on which the retirement for physical unfitness chargeable to the federal Treasury will take place as well as its amount.

The Court of Audit considers it necessary to remind public employers of their legal or regulatory obligations in this field. Moreover, further thought needs to be given to how regulations relating to the appearance before a medical examination service could be harmonized.

The Minister for Pensions committed himself to lending his support to any initiative aiming at carrying out a reflection process, within working groups linked to the common committee in which all public services are represented, in cooperation with the various public employers concerning the lack of regulatory details as regards the deadline of appearance before the medical examination service.

Other regulatory amendments should be envisaged. For instance, the current 30-day deadline within which a medical examination service has to take its decision should be extended since it is practically impossible to keep, and it should become compulsory to communicate the medical examination service's decision simultaneously to the employer and the staff member. In the same way, the administrative rules regarding reassignment should be relaxed when it results from a decision by a medical examination service. At present, when such a reassignment proves to be impossible, the staff member concerned may not get definitively retired until twelve months. This deadline could be shortened.

The Court of Audit finally noted that the procedures implemented by the Federal Office for Public Sector Pensions (Saps/PDOS/PDOS) make it possible to avoid an excessively long time between the last salary paid by the employer and the first monthly instalment following retirement on grounds of physical unfitness.