



## Deloitte Legal Newsflash

### New Labour Deal measures agreed by the Belgian government

Earlier this year, the Belgian government reached agreement on a series of measures to be turned into laws that aim to enhance the flexibility of the labour market, for both employees and employers. These measures fall under 5 categories.

#### 1. Redeployment measures

Notice periods will be adapted to allow people to start work for their new employer during their notice period. Specific rules apply to safeguard all concerned, and include a compensation arrangement between the former and the new employers.

In certain cases, employees may have the right to opt for a.o. additional training, outplacement, or coaching sessions, in which case these will be financed through the employer's social security contributions payable on a third of the employee's salary or compensation in lieu of notice.

#### 2. Flexible working time

Three measures concern day and shift work:

- Employees may request to spread their hours over 4 days in lieu of 5.
- They may request to opt for a variable working pattern, working more hours one week and less the following, which pattern could be of particular relevance to separated/divorced parents with shared custody of their children.

For both of these measures, the employers may refuse but then need to motivate their refusal. Their decision is valid for 6 months.

- In future, employers will normally need to notify shift work schedules 7 days in advance (as opposed to 5 currently).

In Belgium, since evening and night work are forbidden as a matter of principle, any deviations need the approval of all trade unions represented on site or, for smaller companies, the adaptation of the work rules.

- A series of experiments will be trialled over the next 18 months that aim to increase flexibility regarding evening work (20h00 – 24h00).
- Where companies want to introduce evening work in e-commerce, the agreement of just 1 representative trade union will be needed.

### **3. Conditions of platform workers**

8 criteria have been identified to define whether a person should be considered as being self-employed or employed by a company with all the responsibilities that this entails.

In addition, work accident insurance becomes mandatory for all platform workers.

### **4. The right to training**

In companies with 20+ employees, a minimum number of training days has been set, going from 3 days in 2022 to 5 days as of 2024 per full-time equivalent. This measure is accompanied by the obligation to draft an annual training plan.

Different measures apply to companies with fewer employees.

### **5. The right to disconnect**

A framework defined by law will be introduced by 1 January 2023 at the latest which will guarantee - for companies with at least 20 employees - the right to be off-line outside working hours in order to protect employee's rest, holiday and private life.

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## **Contacts**

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