



## **Deloitte Legal Newsflash**

### **Employment, Pensions & Benefits**

## **Corona unemployment suspends notice period**

On 11 June 2020, the House of Representatives passed a bill suspending the notice period of dismissed employees during periods of temporary unemployment due to COVID-19 based force majeure ("Corona unemployment").

Following the Council of State's critical advice, the originally foreseen retroactive effect has been removed from the text.

### **What led to this?**

Initially, it was unclear whether periods of Corona unemployment suspended the notice period.

The Employment Contracts Act explicitly lists the periods of suspension during which the notice period does not run (and does not start running).

Temporary unemployment due to force majeure is not listed in the Employment Contracts Act as grounds for the notice period's suspension, unlike temporary unemployment due to economic reasons.

However, the distinction between the two forms (force majeure vs. economic reasons) disappeared during the COVID-19 crisis, as the National Employment Office - due to the abundance of applications - considers all cases of Corona unemployment to be temporary unemployment for force

majeure (even if it is essentially temporary unemployment for economic reasons).

## Law of 11 June 2020 clarifies the situation

The new law puts an end to the uncertainty and stipulates that the notice period will cease to run during a period of Corona unemployment, to the extent that:

- (1) the notice was given by the employer before or during a period of Corona unemployment, and
- (2) the notice period started running after 1 March 2020.

Corona unemployment will only suspend the notice period from the date of the new law's publication in the Belgian Official Journal. If the notice period has already expired before that date, nothing will change.

The initial proposal to give the law retroactive effect was thus not accepted. Nor was the proposal requiring the employer to pay an additional allowance in certain cases.

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### Contacts

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