



Laga Newsflash

A strike, what to do?

When googling the word "strike", you get 494.000.000 hits. All who read the newspapers these past days, weeks, even months or years, knows that strikes are part of the daily news. This is mostly due to the large impact that strikes may have on companies as well as on suppliers and customers who are not involved in the social conflict. We therefore briefly explain the basic rights and obligations.

Obligated to pay salary?

Employees that are willing to work yet cannot reach their workplace due to a strike, are entitled to guaranteed daily salary, insofar they (i) made reasonable efforts and, (ii) the strike was unforeseeable.

Strikers themselves or employees who are on site, yet cannot start or continue their work due to a strike, are not entitled to (guaranteed) salary.

What are your options if your employees strike?

A strike can cause significant economic damage. Therefore, it will be in the interest of the company to stop the social conflict as soon as possible. If employees simply refuse to work, there is little else to do than to negotiate to reach an agreement, possibly with the intervention of social mediation.

When strikers affect the rights of employees who are willing to work or cause damage to company property, it is possible to try to obtain a 'prohibition order' by forfeiture of a penalty payment through quick interim proceedings. This does not break a strike, but allows the employees who are willing to work to resume their work.

What to do with damages caused to customers or suppliers?

In case of a strike, customers cannot be served or suppliers cannot deliver. They might claim compensation for damages suffered.

A strike does not automatically liberates the company of complying with contractual obligations, as it rarely qualifies as force majeure. It is therefore in the interest of all contracting parties to make clear arrangements in this respect upfront.

Can temporary agency workers be employed?

A company where employees are on strike, cannot employ temporary agency workers. If the company would do so nonetheless, these workers are deemed to be employed by the company directly. It is therefore advisable to inform the agencies proactively and to refuse temporary agency workers to start to work.

Stijn Demeestere, Advocaat-vennoot/Avocat associé, Tel: + 32 2 800 71 42, Email: sdemeestere@laga.be

Julien Hick, Advocaat-vennoot/Avocat associé, Tel: + 32 2 800 70 66, Email: juhick@laga.be

Thomas De Donder, Advocaat/Avocat, Tel: + 32 2 800 70 54; Email: tdedonder@laga.be

Liesbet Vandendriessche, Advocaat/Avocat, Tel: + 32 2 800 70 32, Email: lvandendriessche@laga.be



Laga
Gateway building
Luchthaven Nationaal 1J
1930 Zaventem
Belgium

A top legal practice in Belgium, Laga is a full service business law firm, highly recommended by the most authoritative legal guides. Laga comprises approximately 140 qualified lawyers, based in Brussels (Zaventem and Woluwé), Antwerp, Ghent and Kortrijk. Laga offers expert advice in the fields of banking & finance, commercial, corporate/M&A, employment, IT/IP, public/administrative, insolvency and reorganisations, real estate, tax law, tax and legal services for high-net-worth families and individuals (Greenille by Laga), and litigation. Where appropriate to ensure a seamless and comprehensive high-quality service, Laga lawyers work closely with financial, assurance and advisory, tax and consulting specialists, and with select EU and US law firms.

Laga provides thorough and practical solutions tailored to the needs of clients ranging from multinational companies, national large and medium-sized enterprises, financial institutions, and private clients to government bodies.

More information: www.laga.be

© 2018, Laga, Belgium - The content and layout of this communication are the copyright of the law firm Laga or its contributors, and are protected under copyright and other relevant and intellectual property rights laws and regulations. No reproduction in any form or through any medium is allowed without the explicit consent of Laga or its contributors.

[Subscribe](#) | [Unsubscribe](#)