



Laga Newsflash

Notice periods modified and new labour related measures introduced by new Act on economic growth and social cohesion reinforcement

The new Act on economic growth and social cohesion reinforcement was adopted on 22 March 2018 by the Parliament (the Act), and introduces new labour related measures.

What follows is a (selective) overview of the main changes brought by this new Act.

Modified notice periods for the first months of employment

Background – Unified Status Act

The so-called Unified Status Act (2013) established identical notice periods for blue- and white-collar employees that (1) entered service from 1 January 2014, and (2) have already been in service before that date (applicable to the portion of their notice which is calculated based on service length accrued since 1 January 2014).

The same Unified Status Act also repealed the possibility to include probationary period clauses in employment contracts.

Probationary period vs. modified notice periods

After the Unified Status Act, discussions began around the opportunity to reintroduce the probationary period.

With the new Act, Belgian legislature finally opted to modify the notice periods in the event of dismissal during the first months of employment.

The following should be noted with respect to these new notice periods:

- They will not require specific clauses in the employment contract
- They will only apply when dismissal is decided by the employer (i.e. not when the employee resigns)
- They will also apply to employment contracts with definite duration, when these can be terminated with notice (i.e. during the first half of the agreement without exceeding the first six months of employment).

The below table provides an overview of the modified notice periods based on the relevant length of service (notice periods applicable to greater lengths of service have not been modified):

Length of service	New notice periods	Old notice periods
≤ 3 months	1 week	2 weeks
≥ 3 months ≤ 4 months	3 weeks	4 weeks
≥ 4 months ≤ 5 months	4 weeks	4 weeks
≥ 5 months < 6 months	5 weeks	4 weeks

The new notice periods will enter into force on 1 May 2018. .

Notice periods already in effect before the Act' entry into force will continue to run without modification.

Social dialogue on logout and use of digital communication means

Employees' continued use of digital communication means for professional or work related purposes has recently become a matter of concern and public debate, which have led to certain reflexions on the need for a "right to logout". The Act includes first steps in this direction.

Strictly speaking, the new Act does not introduce a right to logout. Instead, the Act obliges private sector employers to organise social dialogue in that respect, to ensure compliance with resting/recovery time obligations, annual vacation and other leave requirements, and to ensure work-life balance as well.

This dialogue must be organised with the Health & Safety Committee (HSC) or, in its absence, the Trade Union Delegation (TUD) or, in its absence the employees themselves. It must take place on a regular basis and upon each request made by employee representatives within the HSC (or in its

absence, the employee representatives within the TUD, or its absence, an employee).

The HSC (or in its absence the TUD, or in its absence the employees) can formulate proposals and give their opinion to the employer on the subject.

If this dialogue leads to agreements, these agreements can be incorporated within the works rules or a collective bargaining agreement concluded at company level.

These new obligations will enter into force on 9 April 2018. Prohibition to “prohibit” the occupation of temporary employees

When the Act enters into force, it will abolish the provisions in collective bargaining agreements made at industry or company level, and that provide for a general prohibition to use temporary workers.

Such a general prohibition only concerned a limited number of sectors (movers, dockworkers, etc.) and will therefore only have a limited practical impact.

This prohibition will enter into force on 9 April 2018.

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