



Deloitte Legal Newsflash

Employment, Pensions and Benefits

New Belgian Labour Deal enters into force: what is the impact?

The law of 3 October 2022 on various provisions relating to work, more commonly known as the “Labour Deal”, was published last week in the Belgian Official Journal ([Dutch](#) | [French](#)).

With this new Labour Deal, the government aims, on the one hand, at offering more flexibility to employers and employees, allowing for a better work-life balance and, on the other hand, at increasing employment rate.

The Labour Deal contains new measures that require drafting new company documents or adapting internal HR procedures.

Below is a brief overview of the main measures:

Flexible part-time working schedules

All companies employing part-time workers with a variable work schedule will have to inform them more rapidly by notifying variable work schedules at least 7 working days in advance (instead of 5), unless exceptions apply.

Companies must update their work rules accordingly, and this by 20 August 2023 at the latest.

Adjustment of working hours at the request of the employee

4-day work week

The 4-day work week introduces the possibility for employees to work their usual weekly working hours over 4 days instead of 5. Depending on the actual weekly working hours applicable in the company, this system is introduced either by amending the company’s work rules or by adopting a collective bargaining agreement (CBA).

Any individual worker can introduce a request, in writing, for a maximum period of 6 months, which is renewable. The employer can, however, reject the request but must motivate its refusal in writing within one month.

Alternating weekly work schedule

In order to make working time more flexible, particularly to meet the needs of separated parents or those with co-parenting responsibilities, the government allows employees to work more one week and less the next. The working time can vary over a two-week cycle or, during the third quarter of the year or in case of unforeseen events on the employee's part, over a period of four consecutive weeks.

The introduction of this system implies the modification of the company's work rules which must contain the mandatory provisions provided for by the law. Once again, the initiative lies with the employee who must introduce a written request, which can also be rejected by the employer by means of a motivated response in writing sent to the employee within one month of the request.

Companies wishing to implement either the 4 day work week and/or the alternating weekly schedule must proceed with the modification of their work rules or the conclusion of a CBA. In addition, an individual agreement template must be provided.

Platform workers

In order to provide them with more protection, platform workers will be presumed to perform their work under the terms of an employment contract (until proven otherwise) when certain criteria are met.

In addition, self-employed platform workers will be able to benefit from an insurance for physical damages to cover occupational accidents.

Transition paths

Employees will have the opportunity to begin working, on a voluntary basis, for another employer ("user") during their notice period. Such work will be organised by temporary employment agencies or by regional employment agencies (VDAB/Forem/Actiris).

In such cases, an agreement must be concluded between these 4 parties: the employee, the original employer, the user and the temporary employment agency or the regional employment agency, regarding the modalities and the duration of this regulated employee lending.

Promotion of employability

A dismissed employee can, during his notice period and under certain conditions, follow additional training courses in addition to his potential outplacement. The value of these trainings corresponds to the amount of the employer's social security contributions on the salary for one third of the notice period or compensation in lieu of notice.

E-commerce

It will be possible for certain companies active in the e-commerce industry to introduce a voluntary system of night work between 8 p.m. and midnight, either through a CBA (applicable for an indefinite term) or on a temporary basis (for maximum 18 months) to offer employees the possibility of experimenting night work, between 8 p.m. and midnight, without having to go through the procedure of modifying work rules.

Right to be "offline"

Employees now benefit from the right to be "offline" outside of their working hours. This right implies the obligation for each company with at least 20

employees to introduce written rules on the modalities of this right to disconnect, either through a company CBA or by modifying the work rules .

The mandatory mentions will have to contain the practical modalities for the application of the right of the employee not to be contacted outside working hours together with instructions and campaigns on the reasonable use of the digital tools.

This measure must be implemented by 1 January 2023 at the latest, which makes it relatively urgent to take the necessary steps in view of filing for a CBA and/or introducing work rules amendments with the competent authorities.

Training plans

In order to encourage training, employers will have to draw up a training plan for their employees once a year.

The employee will also benefit from an individual right to training allowing him/her to benefit from a certain number of training days per year.

Most of the above measures are either already in force or will come into force as of 1 January 2023. It is therefore urgent for companies to take action in order to analyse the concrete measures to be implemented within their organisation and draft the mandatory documents.

Contacts

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