



## **Laga Newsflash**

### National strike in Belgium: occasional telework is an option for employees that aim to work

The joint trade union front announced a national strike for Friday 14 December 2018. Since strikes often bring blockades and traffic problems, employees that aim to work on such days encounter difficulties in reaching their workplace.

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

Since the strike of 14 December 2018 is a foreseeable one, a possible solution could be occasional telework. Occasional telework allows employees, who can fully operate through information technology equipment, to work remotely from home or another location of their choice while maintaining the same working conditions, workload and performance standards.

Occasional telework is only allowed for personal reasons or force majeure, such as a medical visit, housing maintenance, transportation issues (e.g. a train strike) or adverse weather conditions.

In order to perform occasional telework, employees must submit a justified request to their employers, in advance and within a reasonable time.

Employers can either refuse or accept such employee requests. Refusal must be done in writing and with sufficient justification. Reasons for refusal could comprise company operational requirements or an excessive number of submitted occasional telework requests.

If a request is accepted, the employer and employee must agree on specific arrangements for occasional telework, such as equipment and technical support, the employee's accessibility and potential cost allowances.

Employers can anticipate requests for occasional telework by providing a framework (eligible functions, procedure to follow, etc.) within a collective bargaining agreement or the work rules.

The Employment, pensions and benefits team is readily available to assist companies in setting up a compliant framework for occasional telework.

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