

## **Extension of the possibility to apply temporary unemployment due to Covid-19 force majeure**

On 17 July 2020, a Royal Decree was published in the Belgian Official Journal (*Koninklijk besluit tot verlenging van de maatregelen genomen op vlak van werkloosheid in het kader van de strijd tegen de verspreiding van het coronavirus Covid-19 / Arrêté royal prolongeant les mesures prises en matière de chômage dans le cadre de la lutte contre la propagation du coronavirus Covid-19*) in order to extend the possibility to apply temporary unemployment due to Covid-19 force majeure (i) until 31 August 2020 included for all companies and (ii) until 31 December 2020 included for “companies and sectors particularly affected by the corona crisis”, namely:

- companies which during the second quarter of 2020 experienced a number of days of temporary unemployment due to economic reasons and to Covid-19 force majeure of at least 20% of the total number of days reported to the National Social Security Office (*Rijksdienst voor Sociale Zekerheid / Office National de Sécurité Sociale*). The days reported for unpaid leave, sick leave, maternity leave and paternity leave are not taken into account; and
- the sectors whose “economic activity and employment have decreased significantly as a result of emergency measures adopted by the Minister of the Interior to limit the spread of the Covid-19 coronavirus”. The adoption of a decree by the Minister of Employment is expected in order to clarify the sectors concerned.

Prior to the adoption of temporary unemployment due to Covid-19 force majeure, the employer must notify amongst others the employees concerned in accordance with the information obligations laid down in the Emergency Powers Decree No. 37 of 24 June 2020 (*Bijzondere-machtenbesluit nr. 37 tot uitvoering van artikelen 2 en 5 van de wet van 27 maart 2020 die machtiging verleent aan de Koning om maatregelen te nemen in de strijd tegen de verspreiding van het coronavirus Covid-19 tot ondersteuning van de werknemers / Arrêté de pouvoirs spéciaux n°37 pris en exécution des articles 2 et 5 de la loi du 27 mars 2020 accordant des pouvoirs au Roi afin de prendre des mesures dans la lutte contre la propagation du coronavirus Covid-19 visant à soutenir les travailleurs*).

Finally, it also should be noted that pursuant to the Royal Decree No. 46 of 26 June 2020 (*Koninklijk besluit nr. 46 tot uitvoering van artikel 5, § 1, 5° van de wet van 27 maart 2020 die machtiging verleent aan de Koning om maatregelen te nemen in de strijd tegen de verspreiding van het coronavirus Covid-19 tot ondersteuning van de werkgevers en de werknemers / Arrêté royal n°46 pris en exécution de l'article 5, § 1er, 5° de la loi du 27 mars 2020 accordant des pouvoirs au Roi afin de prendre des mesures dans la lutte contre la propagation du coronavirus Covid-19 visant à soutenir les employeurs et les travailleurs*) the procedure to apply for temporary unemployment due to economic reasons has been simplified for employers who no longer meet the requirements to adopt temporary unemployment due to Covid-19 force majeure. This flexible transition regime will be in force as of 1 September 2020 until 31 December 2020 included.