

## **Belgian Labour Deal | An Overview of the Essential Characteristics**

On 15 February 2022, the Federal Government reached an agreement on Belgium's so-called "labour deal" (the **Labour Deal**) on a series of labour market reforms which are aimed at reaching an employment rate of 80% by 2030.

At this stage, only a political agreement has been reached. This agreement must now be discussed with the social partners and thereafter converted into legislative texts.

The Labour Deal consists of four pillars:

- **Improved work-life balance;**
- **Individual training;**
- **Better protection for platform workers;** and
- **Other measures to increase the employment rate.**

The following overview lists the most important consequences of the new measures for Belgian employers.

### **1. IMPROVED WORK-LIFE BALANCE**

Employees will be able to work full-time spread over **four days** instead of five. In this respect they can increase their daily working time up to 9.5 hours per day or even 10 hours per day for organisations where the weekly working time amounts to 40 hours per week. Moreover, employees can opt for **a variable weekly working time** based on which they can work a little more one week and a little less the next.

Employees should provide their employers with a **written request** detailing their preferred working regime. The employer can refuse this request but should in such an event provide the employee with **the specific reasons for such refusal**.

If the employer and employee agree to this flexibility, their agreement should be confirmed in **an addendum to the employment contract**. This addendum will be valid for six months but can be renewed.

Moreover, employers with at least 20 employees should introduce the **right for employees to disconnect**. This implies that employees are entitled to be offline and should not read or answer e-mails outside working hours. The employer should conclude a **collective labour agreement in consultation with the trade unions** which lays down how this principle will be applied concretely.

Finally, **employees with a variable working schedule** should be notified about their precise working schedule **seven working days in advance** in order to better plan their personal engagements. According to current Belgian legislation, employees with a variable working schedule should be notified of their precise working schedules five working days in advance.

## 2. INDIVIDUAL TRAINING

Each employee will be individually entitled to **three days of training per year as from 2022, which will be increased to four days as from 2023 and to five days as from 2024**, with exceptions for employers with fewer than 10 employees.

Moreover, at least once per year, every employer with at least 20 employees will be required to draw up a **training plan**, which should be submitted to the Works Council for advice. The employer must provide measures for those employees who currently receive little training.

## 3. PLATFORM WORKERS

In line with the European Union's [proposal](#) for a new Directive on improving working conditions in the platform economy, Belgium will introduce **eight specific criteria applicable to the platform economy** (e.g., food delivery) in order to determine whether the individual working in the platform economy should be regarded as an employee or a self-employed contractor. If **three out of eight criteria are met** (e.g., working exclusively for the platform, limiting freedom to accept orders, etc.), **a rebuttable presumption** applies that the individual should be considered as **an employee with an employment contract**. This presumption can still be rebutted on the basis of the general criteria in Belgian legislation regarding labour relations. As a result, platform workers may be able to qualify more often as employees, but it will also remain possible for them to work on a self-employed basis where the facts of the employment relationship justify this.

In addition, Belgian legislation on work accidents will be extended to platform workers as well, which implies that **work accident insurance** should be offered to all platform workers.

## 4. OTHER MEASURES

The rules for **evening work in e-commerce** will become **more flexible**. Currently work between 8 p.m. and 6 a.m. is considered to be night work which can only be introduced into the workplace upon the conclusion of a collective labour agreement executed by all trade unions present within the organisation. The Labour Deal now provides that **only one union's permission obtained through a collective labour agreement** is needed to have employees **work in the evenings between 8 p.m. and 12 a.m.** In such an event, the work rules should no longer be modified and the evening work can be applied without any further formalities. At the same time, pilot projects for an even more flexible arrangement will be introduced. In this respect, **employees can work in the evening on a voluntary basis** without the approval of the trade union(s). This arrangement will remain in place for up to 18 months.

Moreover, if an employee is dismissed but should still perform a notice period, he can ask his employer for a **transition path** to a new job. As part of this transition route, if agreed, the employee can voluntarily start working for a new employer during the notice period, based on a compensation agreement between the former employer and the new employer. The former employer might thus be in a position to receive

**compensation** from the new employer. At the end of the transition period, the new employer **must offer an employment contract** of indefinite duration to the employee concerned.

Finally, for employees who are entitled to a notice period of at least 30 weeks, they can **convert one-third** of their notice period into **outplacement or training**, while maintaining their salary, which will be financed by the social security contributions paid by the employer during this period.

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**How can VBB assist?** VBB would be pleased to assist with:

- a more detailed analysis setting forth which specific measures apply within your specific organisation depending on its size and the number of its employees;
- drafting of all necessary documentation in relation to the implementation of the above measures such as collective labour agreements and communication towards employees; and
- any other queries you may have regarding the above Labour Deal.