

1 July 2020

Suspension of the notice period during temporary unemployment due to Covid-19 force majeure

On 22 June 2020, the law aiming to suspend notice periods notified by the employer before or during temporary unemployment due to Covid-19 force majeure (*Wet tot opschorting van de opzeggingstermijn voor ontslagen gegeven voor of tijdens de periode van tijdelijke schorsing van de uitvoering van de arbeidsovereenkomst omwille van overmacht ingevolge de COVID-19-crisis / Loi visant à suspendre les délais de préavis des congés donnés avant ou durant la période de suspension temporaire de l'exécution du contrat de travail pour cause de force majeure en raison de la crise du COVID-19*) was published in the Belgian Official Journal (the **Law**).

Pursuant to the current applicable legal framework, notice periods – when served by the employer – are suspended (extended) by periods of absence such as sick leave, temporary unemployment for economical reasons, etc. Notice periods are, however, not suspended in case of temporary unemployment due to force majeure.

The Law now modifies this rule for periods of temporary unemployment due to Covid-19 force majeure (provisionally in force until 31 August 2020) and three scenarios must be distinguished accordingly:

Notice period	Impact of the Law
Ended prior to 22 June 2020	No impact
Started prior to 1 March 2020 and still running on 22 June 2020	No impact
Started on or after 1 March 2020 and still running on 22 June 2020	The days of temporary unemployment due to Covid-19 force majeure suspend (extend) notice periods as from 22 June 2020

Note that notice periods – when served by the employees – are not suspended (extended) by temporary unemployment due to Covid-19 force majeure (or any other grounds for suspension).