

iGlobal Law Annual Alert 2023 : Belgium

Legal Change	Effective Date	Action required
<p>Wage margin and possible bonus</p> <p>The Federal Government has agreed a proposal on the evolution of wages (and certain social security benefits).</p> <p>The automatic indexation of the wages, which exists in many sectors, is kept. It will not be possible to grant wage increases other than by the application of wage scales and indexation as the so-called 'wage margin' will be at zero in 2023 and 2024.</p> <p>However, companies that are doing well and/or with high profits can grant a bonus of up to EUR500 or even EUR750 to their employees.</p>	<p>No Act is adopted yet (in theory, the proposal is to be discussed by the trade unions, but it is assumed that it will be adopted.)</p>	<p>As the topic of the possible bonus of EUR 500 or 750 was broadly covered in the media, it can be expected that employees or their representatives will claim to grant this.</p> <p>The evolution of the wage costs linked to the automatic indexation (which is considerable given the inflation) is to be anticipated and carefully monitored.</p>
<p>Labour Deal</p> <p>This law contains the measures taken under the Labour Deal, for instance on labour flexibility, lifelong learning and the right to disconnection. A number of the measures will have an impact in 2023.</p> <p><u>Labour flexibility</u></p> <p>Employees can request to work full-time in a four-day working week. The application of a four-day working week for full-time employees naturally increases the daily working hours. This requires a modification of the work rules, or a collective bargaining agreement (CBA).</p> <p>Furthermore, full-time employees can ask to work alternately one week less and one week more, in a cycle over two consecutive weeks. Up to 9h per day and up to 45h per week can be worked provided that the performance in the first week is directly compensated by the performance of less hours in the second week, in order to comply with the normal weekly working hours on average.</p> <p>The employee who wants to use any of these rights must make a written request for a period of up to six months. If the employer wants to refuse, he can do so within 1 month. A refusal should be motivated.</p> <p>At this stage, these systems are not well-known yet, but it can be expected that employees will start requesting a four-day working week or an alternating work cycle.</p> <p><u>Lifelong learning</u></p> <p>Employers with more than 20 employees must draw up a training plan for their employees. The training plan must</p>	<p>The labour flexibility chapter entered into force on November 10th 2022.</p> <p>The lifelong learning chapter</p>	<p>Employees can apply for a four-day week or with an alternating week regime. However, for this to be effective, some formalities must also be in place. The modification of the work rules or the negotiating a CBA can already be started by the employers.</p> <p>By March 31st 2023, employers must draw up an annual training</p>

<p>include training for employees belonging to high-risk groups. The training plan is concluded for at least one year.</p> <p>Furthermore, every worker has an individual training right. In a company with at least 20 employees, at least 4 training days per full-time employee should be granted in 2023.</p> <p><u>Right to disconnection</u> Employers employing 20 or more employees must make agreements on the employees' right to disconnection if they are not required to work and the modalities for applying it.</p> <p><u>Employability measures</u> New measures will apply to dismissed employees with a notice period or an indemnity in lieu of notice of at least 30 weeks, to help them to find an alternative employment soon.</p> <p>In case of termination with a notice period, the employee will have the right, as from the beginning of the notice period, to take time off work with continued remuneration and to follow the "employability measures" (e.g. coaching, trainings, etc.). In case of termination subject to the payment of an indemnity in lieu of notice, the employee must be available to follow these employability measures. Such employability measures will be financed by the employer's social contributions due on one part of the notice period. Employability measures do not replace outplacement obligations.</p>	<p>entered into force on September 1st 2022 (training plan) and on November 10th 2022 (individual training).</p> <p>The agreements on the right to disconnection must be entered into no later than April 1st 2023.</p> <p>The employability measures will enter into force on January 1st 2023, for dismissals as of that date.</p>	<p>plan. In addition, employers must bear in mind that in principle 4 training days per full-time employee must already be granted in 2023.</p> <p>The right to disconnection must be included in a CBA or in the work rules. The filing of the CBA or amended labour regulations must be done before April 2023.</p> <p>If an employee dismissed with a notice period is entitled to follow employability measures (training, coaching,...), the necessary time-off must be granted.</p>
<p>Sickness of employees</p> <p>The employee will soon no longer have to submit a <u>sick note</u> ("medical certificate") for the first day of incapacity for work and this up to three times per calendar year. However, derogations to this rule can be made by companies employing less than 50 employees on January 1st of the calendar year in question, via CBA or labour regulations.</p> <p>In addition, the procedure to terminate the employment contract due to <u>medical force majeure</u> will be changed. Unlike before, the employer can only start the procedure at the earliest once the employee has been unable to work during 9 months, and provided that no reintegration process is ongoing for that employee.</p>	<p>This law came into effect on November 28th 2022.</p>	<p>If there are at least 50 employees, the work rules will have to be adapted, so that employees do not have to provide a sick note for the first day of disability, and this up to three times per calendar year.</p> <p>A new procedure will also have to be followed in order to invoke medical force majeure to end the employment of a long-term ill employee.</p>