

iGlobal Law 2024 Annual Alert: Belgium

Legal Change	Effective Date	Action required
<p>Person of trust within a Company</p> <p>For a long time, there was no legal obligation to appoint a "Person of Trust" within the company, next to the internal prevention advisor (whose appointment is mandatory). However, a law published on November 23rd 2023 (the <u>Law</u>) states that a company with at least 50 employees must appoint at least one person of trust.</p> <p>This Person of Trust must be part of the employer's staff. Their role is to listen, advise and mediate in an informal and confidential way in the event of undesirable situations in the workplace. For example, in cases of behaviour that crosses certain boundaries (including harassment, violence, unwanted sexual behaviour), conflicts or excessive work pressure.</p>	<p>This Law enters into force on December 1st 2023.</p>	<p>If there are at least 50 employees in your company, you must appoint at least one Person of Trust. This should be done in consultation with the committee for prevention and protection at work.</p>
<p>'Relance' overtime hours</p> <p>The 'relance' overtime hours are reintroduced for the period from July 1st 2023 to June 30th 2025. As a result, employees can perform 220 voluntary overtime hours. These 220 voluntary overtime hours are divided into 100 voluntary overtime hours and 120 relance overtime hours.</p> <p>The 220 voluntary overtime hours can be performed in any of the following periods:</p> <ul style="list-style-type: none"> – from July 1st 2023 to December 31st 2023; – from January 1st 2024 to December 31st 2024; and – from January 1st 2025 to June 30th 2025. <p>No overtime pay or compensatory rest is due for the relance overtime hours. In addition, they are exempt from social contributions and employment tax withholdings to the extent they were performed in the period from July 1st 2023 to June 30th 2025 and no conventional overtime pay was paid.</p>	<p>This came into effect on July 1st 2023.</p>	<p>If the scheme is used, employers should be careful not to pay conventional overtime pay for relance overtime hours.</p>
<p>Annual leave</p> <p>If an employee becomes unfit to work during a period of annual leave, the days he/she is unfit to work may no longer be 'charged' as annual leave days. The employee will be entitled to take the "lost" annual leave days at a later date, if certain conditions are met.</p>	<p>This will enter into force on January 1st 2024.</p>	<p>The work rules must be amended in line with these rules. The amendment of the work rules can be done without complying with the normal procedure for amending the work rules.</p>

<p>Furthermore, the employee who, at the end of the holiday year, is unable to take his/her annual leave days due to certain work interruptions (including illness or other reasons listed in the Royal Decree of 7 February 2023) will be given the option to transfer and take these annual leave days up to 24 months after the end of the holiday year.</p>		
<p>Social elections</p> <p>The next social elections will take place in 2024. These social elections are in full preparation.</p>	<p>The social elections will take place from May 13th to 26th 2024.</p>	<p>If you employ at least 50 employees, it is time to prepare for the upcoming social elections.</p>