

1.1 FOCUS ON COMBINATION WORK AND PRIVATE LIFE

1. Four-day working week

Four-day working week	<p>Possibility to perform the same working time on 4 days (instead of 5)</p>
Formalities	<ul style="list-style-type: none"> - Introduction via work rules (38h → maximum of 9.5h per day) or company collective labour agreement (between 38h and 40h → maximum of 10h per day) - Initiative lies with the employee: written request and for max. 6 months (renewable). - Employer can refuse, subject to written justification within 1 month. - Written agreement, containing certain mandatory mentions (start and end of workday; time and duration of the rest periods; days of regular interruption of work; start and end of period of application). - Request and agreement must be kept for 5 years after period of application (sanction: level 2). - Evaluation by National Labour Council (NLC) after two years.
Consequences	<ul style="list-style-type: none"> - No voluntary overtime on “5th” day of the week. - No dismissal because of the request, but no specific sanction.
Entry into force	<p>10th day after publication in the Belgian Official Gazette.</p>
To do's	<ul style="list-style-type: none"> - Check whether you wish to introduce a four-day working week. - If yes, negotiate with the trade unions. - Enter into a CBA or amend the work rules + template individual agreement. - Consider arguments to refuse a request.

2. Variable working week

Variable working week	Possibility to make the working time more flexible, by working more during one week and less during the next. Mainly intended for divorced parents and co-parenting employees.
Formalities	<ul style="list-style-type: none">- Modification of work rules with mandatory mentions (average weekly working time; days on which services can be performed; daily period during which services can be performed; daily period during which services can be performed; min. and max. daily working time (max. 9h); min. and max. weekly working time (max. 45h)).- Initiative lies with the employee: written request and for max. 6 months (renewable).- Employer can refuse, subject to written justification within 1 month.- Written agreement, containing certain mandatory mentions (defined cycle; start and end of application period).- Request and agreement must be kept for 5 years after the application period (sanction: level 2).- Evaluation by NLC after two years.
Consequences	<ul style="list-style-type: none">- No voluntary overtime during the week in which less work is performed.- No dismissal because of the request, but no specific sanction.- Employee always has the right to stop the system unilaterally, provided the employer is informed 2 weeks before the start of a new cycle.
Entry into force	10 th day after publication in the Belgian Official Gazette.
To do's	<ul style="list-style-type: none">- Amend the work rules + individual agreement.- Consider arguments to refuse a request.

3. Right to disconnect or to be offline

Right to disconnection or to be offline	<ul style="list-style-type: none">- Obligation to introduce written rules on modalities of the right to disconnect, thus going beyond the previous obligation to consult on disconnect.- For employers in the private sector with 20 employees or more.
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Formalities	<ul style="list-style-type: none"> - CBA or amendment of work rules, unless sectoral CBA or NLC-CBA. - Mandatory dispositions: <ul style="list-style-type: none"> • practical modalities of the employee's right not to be reachable outside his work schedule (e.g. guidelines not to answer e-mails or mobile calls, switching off servers outside working hours, activating absence messages, use of an e-mail signature emphasizing the non-necessity of an immediate response) • guidelines for use of digital tools; • training and awareness-raising actions for employees and managers on the reasonable use of digital tools. - Evaluation by the NLC before 30 June 2024.
Entry into force	<ul style="list-style-type: none"> - 10th day after publication in the Belgian Official Gazette. - No later than 1 January 2023 deposit CBA / work rules with FPS Employment (respectively General Directorate for the Collective Labour Relations and General Directorate for the Supervision of Social Laws).
To do's	<ul style="list-style-type: none"> - Discuss this with the trade unions. - Check for industrial initiatives. If there are none, conclude a CBA or amend the work rules. - Prepare training and awareness-raising actions.

4. Faster information about part-time variable work schedules

Faster information about part-time variable work schedules	<p>Employees must be informed of their work schedule 7 (instead of 5) working days in advance.</p>
Formalities	<ul style="list-style-type: none"> - amendment of work rules within 9 months after entry into force of the legislation. - Possibility of modifying the minimum publication term by a CBA declared universally binding by Royal Decree remains, but the term is increased to 3 working days (instead of 1 working day in advance).

	- Industrial CBAs that provide for a term of less than 3 working days in principle remain applicable until 31 December 2022 at the latest (some exceptions for specific industries apply).
Entry into force	10 th day after publication in the Belgian Official Gazette.
To do's	Amend the work rules.

1.2 COMMITMENT TO TRAINING AND SMOOTHER JOB CHANGING

5. Training plans

Training plan	<ul style="list-style-type: none"> - Mandatory plan (by 31 March of each year), including an overview of formal and informal trainings and the target group of employees for whom they are intended. - Specific attention to risk groups, bottleneck occupations, workers of foreign origin and disabled people. - Only applicable to employer in the private sector with 20 employees or more.
Formalities	<ul style="list-style-type: none"> - prior advice of consultative bodies (works council, in the absence thereof the trade union, in the absence thereof the employees), no later than 15 March of each year. - Evaluation by the NLC before 30 June 2024.
Entry into force	1 September 2022 (retroactively).
To do's	<ul style="list-style-type: none"> - Schedule timely consultations with the consultative bodies or employees. - Draw up a plan before 31 March 2023.

6. Individual right to training

Individual right to training	<ul style="list-style-type: none"> - Entitlement to 4 paid training days per year from 2023, 5 days from 2024 for full-time employees. - Applicable only to private sector employers with at least 10 employees. Employers with 10-20 employees can limit the right to training to 1 day per year.
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Formalities	<ul style="list-style-type: none"> - Via universally binding CBA or allocation of training days on individual training account, with specific entries for individual training account (identity of employee; work regime; competent JLC; training credit; number of training days taken and remaining; growth path). - Inform each new employee of existence of individual training account.
Consequences	<ul style="list-style-type: none"> - no overtime salary if outside normal working hours. - unused training days are carried over to the following year. After 5 years, the balance is set to 0. - in case of dismissal by employer not attributable to employee: right to take training credit during notice period; benefit acquired under employment contract as part of severance indemnity (calculation method to be determined by Royal Decree).
Entry into force	Day of publication in the Belgian Official Gazette.
To do's	Template training account – monitor industrial initiatives.

7. Better employability after dismissal

Employability after dismissal	<ul style="list-style-type: none"> - Reinstates an earlier measure from the Unified Statute that was never implemented in practice. - Possibility for employees with notice period of at least 30 weeks to take employability-enhancing measures (e.g. outplacement or training) during notice periods with a value equal to the employer contributions for 1/3 of the notice period. - Not clear how this relates to outplacement system.
Formalities	- Evaluation by the NLC before 30 June 2024.
Entry into force	<ul style="list-style-type: none"> - 1 January 2023. - Applicable to dismissals from 1 January 2023 (i.e. not to already ongoing notice periods).
To do	Include in dismissal checklist.

8. Transition path after dismissal

Transition path after dismissal	<ul style="list-style-type: none">- Possibility to transfer to new employer after dismissal with notice via transition path during the notice period.- Can be offered by employer as well as requested by employee.
Formalities	<ul style="list-style-type: none">- 4-party agreement required (employer, employee, employer-user and employment agency/regional public employment service).- Evaluation by the NLC before 30 June 2024.
Consequences	<ul style="list-style-type: none">- Employer pays salary; employer-user partially compensates (not determined how much).- Early termination always possible at the initiative of employee or employer-user.- Employer-user hires employee with open-ended employment contract after end of transition path.<ul style="list-style-type: none">• If not, payment by employer-user of indemnity to the employee equal to salary of half of the duration of the transition path.- Seniority accrued during transition path counts for employer-user's notice period.- Seniority accrued with employer counts for career break and time credit (including thematic leave) with employer-user.
Entry into force	10 th day after publication in the Belgian Official Gazette.
To do	Include in dismissal checklist.

1.3 WORKERS IN PLATFORM ECONOMY – E-COMMERCE

9. Platform economy:

What	<ul style="list-style-type: none">- Introduction of (rebuttable) presumption of the existence of an employment contract based on the assessment of the relationship of authority through 8 criteria (e.g. exclusivity with the platform).- Occupational accident insurance for all platform workers (including self-employed workers).
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	<ul style="list-style-type: none"> Sanction: level 2 (Code Economic Law)
Formalities	- Interim evaluation after one year and final evaluation after two years.
Entry into force	<ul style="list-style-type: none"> 1 January 2023 (rebuttable presumption). To be determined by Royal Decree (insurance).

10. E-commerce:

What	Introduction of voluntary system of night work (between 8pm and midnight) in e-commerce through two systems.
Formalities	<ol style="list-style-type: none"> Via CBA Experiment over max. 18 months where employees can voluntarily work between 8pm and midnight. <ul style="list-style-type: none"> Consultative bodies must be involved (work council, or CPPW, or TUD, or employees). FPS Employment and competent JLC must be informed in writing. <ul style="list-style-type: none"> Employees who have (not) requested to participate enjoy dismissal protection.
Entry into force	10th day after publication in the Belgian Official Gazette.
To do	Possible debate on night work.

1.4 DIVERSITY AT WORK

What	<ul style="list-style-type: none"> Monitoring by FPS Employment of diversity per industry through industrial fiches regarding the structure of employment per business industry. After receiving the industrial fiches, each industry has to report on this and possibly also draw up an action plan to eliminate the differences.
Entry into force	Day of publication in the Belgian Official Gazette.

To do

Nothing for individual employers.

1.5 BOTTLENECK PROFESSIONS

What

Industries must draw up a list of bottleneck occupations every two years, a report on the reasons thereof and an opinion with measures to be taken.

Entry into force

10th day after publication in the Belgian Official Gazette. First time before 1 January 2023.

To do

Nothing for individual employers.

