

## Employment & Benefits Summer Series

July 2022

Part I : v

Strelia's Summer Series on the Belgian Labour Deal aims to give companies a general overview of the government's measures to reform the labour market. Its goal is to reach an 80% labour force participation rate by 2030. The parliament is expected to cast a final vote on the draft bill by July 21, 2022.

Throughout this summer, Strelia's Summer Series will feature the following topics:

1. **Work-life balance**
2. Transition path and promotion of employability
3. Employee training
4. Part-time workers
5. Platform economy and e-commerce

### *Work-life balance*

#### **A. Four days as normal workweek**

The bill proposes a 4-day workweek for a full-time employee (thus reducing the standard 5-day workweek):

- The maximum number of working hours per day for a full-time employee may be set at 9.5 hours and prescribed in the company rules & regulations.
- But if the actual number of working hours per week exceeds 38 (with a maximum of 40 hours), only a collective bargaining agreement concluded at company level will allow the company to increase the daily limit of working hours.

If an employee wishes to have his/her workweek reduced to a 4-day workweek, he/she must first request for this reduced workweek in writing and must then enter into an agreement with the employer thereon. The request covers a maximum period of 6 months, which is renewable. The employee must submit a new written request for every subsequent 6-month period.

If the employer rejects the request, it has one month to justify its decision in writing.



An employee who submitted a request to his/her employer for a 4-day workweek is protected by law from dismissal. The employer must not terminate the requesting employee's employment contract unilaterally unless the grounds for termination are not linked to the request.


#### **B. Alternating workweek scheme**

The draft bill also introduces a new workweek scheme: a full-time workweek that can be organized over a two-week cycle whereby a full-time employee can work up to 9 hours a day and up to 45 hours a week if the first week's working time is offset by that of the second week to meet, on average, the normal workweek time requirement.

If an employee wishes to work under an alternating workweek scheme, he/she must first request for this scheme in writing and must then enter into an agreement with the employer thereon. The request covers a maximum period of 6 months, which is renewable. The employee must submit a new written request for every subsequent 6-month period.

The company's rules & regulations must provide a framework for how the alternating workweek scheme applies. This framework can be added to the company rules & regulations either before an employee's request for it or as a result thereof. It is therefore not a prerequisite for an employee's request to work under an alternating workweek scheme.

If the employer rejects the request, it has one month to justify its decision in writing.


 An employee who submitted a request to his/her employer for an alternating workweek scheme is protected by law from dismissal. The employer must not terminate the requesting employee's employment contract unilaterally unless the grounds for termination are not linked to the request.

### C. Right to disconnect

For companies employing more than 20 employees, the terms of an employee's right to disconnect and how the company implements the rules on the use of digital devices must be governed by the terms a collective bargaining agreement concluded at company level. If there is no such collective bargaining agreement, then the company's rules & regulations govern this right.

The purpose is to have the practical arrangements guaranteeing the right to disconnect, laid down in the form of guidelines, for example: guidelines for not answering emails or mobile phone calls outside working hours, shutting down servers outside working hours, activating out-of-office messages and mail forwarding, using an automatic reply that emphasizes the non-essential need to have an immediate answer, etc.

Employers should also provide training and awareness on the reasonable use of digital devices to employees and members of management.

 In Opinion no. 2289 of May 17, 2022, organizations representing employers at the National Labour Council have expressed several important comments on these measures. It remains to be seen whether the draft bill will be amended, considering these comments.

Strelia's Employment & Benefits practice group is closely following the legislative developments on this subject matter. We will keep you informed of when these measures will enter into force or if there are any subsequent amendments and clarifications. If you have any questions on this topic or wish to proactively discuss them with us, please contact our team.



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