

Employment & Benefits Summer Series

August 2022

Part III : The Belgian Labour Deal – Employee training

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 in 2022.

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

1. Work-life balance (see our 8 July 2022 edition)
2. Transition path and promotion of employability
3. **Employee training**
4. Part-time workers
5. Platform economy and e-commerce

Employee training

A. Individual right to training

In companies employing 10 or more employees, an individual right to training is introduced for each employee. Starting 2023, every full-time employee will be entitled to 4 training days per year. And from 1 January 2024 onwards, this will go up to 5 training days per year.

Deviating from this rule, employers with 10 to 20 employees must ensure that each of their full-time employee gets at least 1 training day per year.

For part-time employees or for workers who do not work under an employment contract that covers a full calendar-year term, the number of days under this right to receive training will be prorated.

The right to receive training would be implemented in practice through: a collective bargaining agreement concluded at sectoral level, an individual training account, or company-level introduction and granting of training credit.

If an employee does not reach the yearly training-day quota, the balance will be carried over to the following year, but not continuously from one year to the next. The employee must have reached the yearly 5 training days over a reference period of 5 years starting at the earliest from 1 January 2024 or before the end of the employment contract if it is terminated before the end of the 5-year period. This termination must not be the result of the employee's resignation or a dismissal for serious cause.

Employees can receive the training under this right during or outside their normal working hours. In the latter scenario, the employee will not be entitled to overtime pay.

 If the employee is dismissed for reasons other than a serious cause, then he or she is entitled to redeem training-day balance (or accumulated) before the end of the employment contract. If the employee is paid a severance indemnity in lieu of being given a full or partial termination notice period, any training-day balance will be considered an acquired benefit under the employment contract.

B. Annual training plan

Private sector companies with at least 20 employees must draw up a training plan by 31 March of each calendar year. The company must consult the Works Council or (in absence of one) the trade union delegation or (in absence of this) the employees themselves) about the training plan before 15 March of each year.

The training plan must cover at least one year and should include formal and informal training. It should also explain how the programme contributes to the employee's right to receive training.

The plan should pay particular attention to risk groups, i.e., those older than 50 years of age, to shortage occupations, and to the training evaluation method. It should also have a gender dimension.

 Joint committees and their sub-committees could also set minimum requirements that employers must meet in devising their training plan, depending on their sector. This could be laid down by a collective bargaining agreement.

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 it with us, please contact our team.



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