



## Context

With a national demonstration scheduled for 14 October 2025, employers across Belgium should anticipate potential workplace disruptions. Here's a practical guide to the key legal issues that may arise.



## 1. REMUNERATION RIGHTS: WHO GETS PAID AND WHEN?

### 1.1 Workers participating in the demonstration

Participation in a strike suspends the employment contract. Consequently, striking workers are not entitled to remuneration for that strike day. That said, under certain conditions, striking workers may receive compensation from their union.

### 1.2 Workers NOT Participating in the Demonstration

Workers who do not participate in the strike are entitled to their usual remuneration. However, certain circumstances may prevent them from reaching the workplace to perform their duties.

#### 1.2.1 Transport Disruptions

It is generally accepted that when a worker encounters an unforeseen circumstance preventing them from reaching the workplace, they maintain their right to remuneration. However, an announced strike does not have an unforeseen character. Consequently, non-striking workers will not be entitled to remuneration for unworked hours.

#### 1.2.2 Workplace Blockages

When a non-striking worker arrives on time but cannot begin or continue work due to a workplace blockage, the Employment Contracts Act explicitly states that workers are not entitled to their remuneration.

## 2. DISMISSAL PROTECTION: CAN WORKERS BE DISMISSED FOR PARTICIPATING IN A STRIKE?

The short answer is NO.

It is prohibited to dismiss a worker solely because of their participation in a strike, as it could constitute discrimination based on trade union conviction. In that case, the employee could be entitled to an indemnity equal to 6 months' remuneration.

Please note however that if the employee commits serious misconduct in the framework of the strike, the employer could terminate their employment contract, sometimes for serious cause depending on the situation.

### 3. NOTICE PERIODS: ARE THEY SUSPENDED DURING STRIKES?

Belgian law does not have a clear position on this. Even if strikes are generally considered not to postpone the start date of notice periods nor suspend the notice period, some case law has already considered the opposite.

Do not hesitate to seek legal counsel if you're dealing with notice periods during strike action, as the legal position remains uncertain.

### 4. CAN YOU REPLACE WORKERS DEMONSTRATING FOR THE SAKE OF CONTINUITY OF THE BUSINESS?

Employers are prohibited from using temporary workers or replacing a worker when a strike is ongoing in their company.

On the other hand, it is allowed to hire students and flexi-jobbers. However, this shall not be done through a temporary work agency given the prohibition of employment of temporary workers.

#### **PRACTICAL CHECKLIST FOR 14 OCTOBER**

- Review your workforce planning and anticipate any organizational impact - Consider telework where possible if you fear too great an organizational impact.
- Communicate clearly with employees about expectations and rights
- Respect the right to strike whilst not applying abusive sanctions
- Document any incidents that may affect workplace access as well as any misconduct committed by employees
- Seek legal advice for complex situations involving for instance dismissals or notice periods



### 5. KEY TAKEAWAY

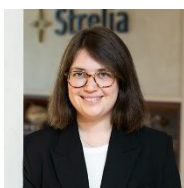
The 14 October demonstration will test your organization's preparedness and legal compliance. Remember: workers have the right to strike, and employers cannot prohibit their workers from striking. Focus on maintaining operations within legal boundaries whilst respecting workers' fundamental rights.

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**Need specific legal advice?** Do not hesitate to contact us to ensure your response is both legally compliant and operationally effective.



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