

| Relevant changes | What are the minimum legal requirements? | What are the consequences? | TO-DO's for companies | Entering into force and the deadline? |
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| 1. More flexibility at work | | | | |
| <p>➤ <u>4- DAY WORK WEEK:</u></p> | <p>Employers in the private sector (regardless of the number of employees) have the possibility to introduce:</p> <ul style="list-style-type: none"> • Step 1: Introduction of 4 days working week during which the employees perform their full-time weekly working time of 5 days: <ul style="list-style-type: none"> a) In <u>the work rules</u> if the employees have a working week of 38 hours (i.e. 9,5 hours per week); or b) via a <u>company-CBA</u> if the employees have a working week of more than 38 hours with a maximum of 40 hours per week. (i.e. maximum 10 hours per week). • Step 2: <u>Written request</u> of the employee for a maximum period of 6 months (which is renewable). • Step 3: <ul style="list-style-type: none"> a) <u>Refusal</u> of the request by the employer via a written motivation (within 1 month); or b) <u>Written agreement</u> for definite term between the employer and the employee in which the following topics are determined: (i) start and end of the workday; (ii) time and duration of the rest period, (iii) days of regular interruption of work, (iv) start and end period of the flexible working regime (max. 6 months). • Step 4: Storage of (i) the request and (ii) the written agreement for a period of 5 year after the end date of the agreement (sanction: level 2). | <ul style="list-style-type: none"> • No retaliation by the employer towards the employee who filed a request; • No dismissal of the employment contract by the employer due to the request to 4 days work week (no sanction for the employer); • The employee who files the request may not perform voluntary overtime work on his 'free' working day. | <ul style="list-style-type: none"> • Internal discussion in the company if you want to introduce the possibility to this flexible working regime. • Implementation via a company-CBA or a modification of the work rules. | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. |
| <p>➤ <u>ALTERNATING WEEKLY WORKING REGIME:</u></p> | <p>Employers in the private sector (regardless of the number of employees) have the possibility to introduce:</p> <ul style="list-style-type: none"> • Step 1: Introduction of the possibility to participate in an alternating working regime in <u>the work rules</u> mentioning: (i) the average weekly working time to be | <ul style="list-style-type: none"> • The employee can unilaterally terminate the alternating working arrangement at any time with a notice period of 2 weeks before the start of a new cycle. | <ul style="list-style-type: none"> • Internal discussion in the company if you want to introduce the possibility to this alternating weekly working regime (e.g. for parents who are divorced). | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette |

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|--|--|---|---|---|
| | <p>respected within each cycle (i.e. 2 weeks or exceptionally 4 weeks); (ii) the working days per week; the working hours during which the work can be performed; (iii) the minimum and maximum working time per day (max 9h); (iv) the minimum and maximum weekly working time (max 45h).</p> <ul style="list-style-type: none"> • Step 2: <u>Written request</u> of the employee for a maximum period of 6 months (which is renewable). • Step 3: <ol style="list-style-type: none"> a) Refusal of the request by the employer via a written motivation (within 1 month); or b) <u>Written agreement</u> for definite term between the employer and the employee in which the following topics are determined: (i) daily working schedule per day of the cycle (including explicit reference to the start day of the cycle); and (ii) start and end period of the flexible working regime (max. 6 months). • Step 4: Storage of (i) the request and (ii) the written agreement for a period of 5 year after the termination of the agreement (sanction: level 2). | <ul style="list-style-type: none"> • No retaliation by the employer towards the employee who filed a request; • No dismissal of the employment contract by the employer due to the request to 4 days work week (no sanction for the employer); • The employee who files the request may not perform voluntary overtime hours in the week he performs less hours. | <ul style="list-style-type: none"> • Implementation via a company-CBA or a modification of the work rules. | |
| <p>➤ <u>INFORMATION ON PART-TIME VARIABLE WORKING SCHEDULES</u></p> | <p>Applicable to employers in the private sector (regardless of the number of employees) unless specific sector- provisions are determined:</p> <ul style="list-style-type: none"> • Modification of the work rules: Part-time employees must be informed of their variable working schedule 7 (instead of 5) working days in advance. | <ul style="list-style-type: none"> • / | <p>If relevant, modification of the work rules</p> | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. • Modification of the work rules within <u>9 months</u> after entry into force of the legislation. (if applicable). |
| <p>➤ <u>RIGHT TO DE-CONNECT</u></p> | <p>Employers in the private sector who have more than 20 employees should introduce the applicable modalities on the right to de-connect.</p> <ul style="list-style-type: none"> • Introduction on the right to de-connect in the work rules or a company-CBA (unless there is a sector or national CBA) determining: <ul style="list-style-type: none"> ○ practical modalities on the right to be inaccessible outside the working hours; | <ul style="list-style-type: none"> • / | <ul style="list-style-type: none"> • Introduce a company-CBA <u>or</u> modification to the work rules (if there is no sector CBA). • Provide the necessary prevention on the right to de-connect. | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. • No later than 1 January 2023 deposit company CBA / work rules with the authorities. |

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|---|---|---|--|---|
| | <ul style="list-style-type: none"> o instructions on the use of electronic devices during private time; o training and awareness-raising actions as prevention to excessive use of IT-tools. | | | |
| 2. Stimulating individual training and monitoring innovation | | | | |
| ➤ <u>TRAINING PLAN</u> | <p>Employers in the private sector who have more than 20 employees should:</p> <ul style="list-style-type: none"> • Set up a <u>yearly training plan</u> by 31 March for their employees after <u>consulting</u> the works council or in absence thereof the union delegation, or in absence thereof the employees, at the latest by 15 March. • The employer should take into account (i) formal and informal trainings, (ii) specific attention to risk groups, bottleneck occupations, workers of foreign origin and disabled people, in the training plan, (iii) an explanation on the applicable investments in trainings within the company and (iv) a minimum duration of one year. • The plan should be kept within the company. | • / | <ul style="list-style-type: none"> • Consult the work council, or in absence thereof the trade union delegation or in absence thereof the employees on the suggested training plan by 15 March every year. • Set up a yearly training plan by 31 March every year. | <ul style="list-style-type: none"> • Retroactively as from 1 September 2022 • Draw up a plan before <u>31 March 2023</u>. |
| ➤ <u>INVESTMENTS IN TRAININGS</u> | <p>Employers in the private sector who have 10 employees should:</p> <ul style="list-style-type: none"> • <u>Provide</u> 4 paid training days per year from 2023 and 5 paid training days as from 2024 for full-time employees (employers with 10-20 employees can limit the right to training to 1 day per year for full time employees). • Employer has a yearly <u>information</u> obligation towards the employees (i) on their training credit and (ii) on the possibility to consult their individual training account in order to make corrections. • Training can be followed in- and outside the normal working time hours. Normal salary will be due (no entitlement to overtime salary). | <ul style="list-style-type: none"> • Unused training days are carried over to the following year. After 5 years, the balance is reset to 0. • Upon termination of the employment contract by the employee or for serious cause by the employer the unused training days are lost and have no impact on the applicable notice period/indemnity in lieu of notice. • Upon termination of the employment contract by the employer the unused training days can be taken by the employee during his notice period. In case of termination of the employment contract on the spot with the pay-out of a indemnity in lieu of notice the unused training days will be added as a benefit to the calculation of this indemnity. | <ul style="list-style-type: none"> • Implementation of training days and individual training account. <p>The implementation can be introduced via a sector-CBA (deadline 30 September 2023) <u>or</u> in absence thereof, the employer has the possibility to implement the training days via an individual training account per employee.</p> <p>In absence of the above, every employee will be entitled to 4 paid training days per year from 2023 and 5 days from 2024 (for full-time employees).</p> | <ul style="list-style-type: none"> • Day of publication in the Belgian Official Gazette. |
| 3. More dynamics in changing jobs | | | | |

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|--|--|--|--|--|
| <p>➤ <u>TRANSITION PATH</u></p> | <p>Employers who dismiss an employee on the basis of Employment Contracts Act d.d. 1978 can:</p> <ul style="list-style-type: none"> • Provide a transition path via which the employee can <u>be lend</u> to a possible future employer-user during the performance of the notice period via an agency. • Terms and conditions should be determined via a written agreement between all the parties (<i>i.e.</i> employer, employee, employer-user and agency). The salary is paid by the employer and is partially compensated by the employer-user. • After the transition path the employer-user hires the employee with an employment contract of indefinite term or, pays an indemnity to the employee equal to salary of half of the duration of the transition path. • The transition path can also be terminated before the end of the notice period by the employer-user and by the employee taking into account the normal statutory notice periods. | <ul style="list-style-type: none"> • When the employee enters into service with the employer-user the seniority build up during the transition path will be taken into account upon termination of the employment contract. • When the employee enters into service with the new employer-user the seniority build up during the previous employment contract is taken into account for career break and time credit, including other forms of thematic leave. | <ul style="list-style-type: none"> • Possibility to provide a transition path which can be offered by the employer or requested by the employees. | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. |
| <p>➤ <u>EMPLOYABILITY MEASURES UPON TERMINATION OF THE EMPLOYER</u></p> | <p>Employers who dismisses an employee with a notice period of at least 30 weeks' on the basis of the Employment Contracts Act d.d. 1978 should:</p> <ul style="list-style-type: none"> • provide "employability measures" equal to the value of 1/3th of the employer contributions of the notice period. • Non-applicability of the "employability measures" in case of a transition path after dismissal. | <ul style="list-style-type: none"> • This new measure has no impact on the possibility to deduct 4 weeks of the indemnity in lieu of notice (as from 30 weeks' notice period) upon termination of the employment contract by the employer, in order to finance the outplacement offer. | <ul style="list-style-type: none"> • Provide "employability measures" upon termination of an employment contracts with a notice period of 30 weeks and more. | <ul style="list-style-type: none"> • Entering into force: Dismissals as from 1 January 2023. |
| 4. Platform economy | | | | |
| <p>➤ <u>PRESUMPTION OF THE EXISTENCE OF AN EMPLOYMENT CONTRACT</u></p> | <p>The introduction of (rebuttable) presumption for digital platform providers of the existence of an employment contract based on the assessment of the relationship of authority through <u>8 criteria</u>:</p> <ol style="list-style-type: none"> 1. The platform operator claims exclusivity with respect to its field of activity; | <ul style="list-style-type: none"> • The employment relationship is presumed to be an employment contract, when it appears that at least three of the eight criteria or two of the last five criteria are met. • Possible requalification of the service agreement into an employment contract. | <ul style="list-style-type: none"> • Assess whether the platform workers should be employees and self-employed and take the necessary measures to ensure that the status corresponds to the legal criteria. | <ul style="list-style-type: none"> • Entering into force: 1 January 2023. |

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|-----------------------------|---|--|--|--|
| | <ol style="list-style-type: none"> 2. The platform operator uses a mechanism of geolocation for purposes other than the proper functioning of its basic services; 3. The platform operator restricts the freedom of the platform worker in the way the work is performed; 4. The platform operator limits the income level of a platform worker; 5. The platform operator requires a platform worker to comply with mandatory rules on prevent behaviour towards the recipient of the service; 6. The platform operator determines the prioritisation of future offers of work; 7. The platform operator restricts the freedom of organisation of work; 8. The platform operator restricts the possibility for the platform worker to build up a customer base outside the platform. | | | |
| ➤ ACCIDENT INSURANCE | The introduction of an occupational accident insurance for all platform workers, including self-employed workers. | • / | <ul style="list-style-type: none"> • Provide an occupational accident insurance for all platform workers. | <ul style="list-style-type: none"> • Entering into force: TBD by Royal Decree. |
| 5. E-commerce | | | | |
| ➤ NIGHT WORK | <p>The introduction of :</p> <ul style="list-style-type: none"> • Voluntary night work between 8 p.m. and midnight and this to the extent justified by the nature of the works or activity. | • / | <ul style="list-style-type: none"> • Introduction via a company-CBA without the modification of the work rules. | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. |
| | <p>Alternatively, deviating rules could be applicable in regard to an “<i>experiment of voluntary night work</i>” within the company:</p> <ul style="list-style-type: none"> • The introduction of night work between 8 p.m. and midnight is introduced for a one time period of maximum 18 months in which the employees can participate on a voluntary basis. • After termination of the experiment - Evaluation by the employee representative bodies of the company. | <ul style="list-style-type: none"> • No dismissal of the employment due to the fact that employees wish or wish not to participate in the experiment. | <ul style="list-style-type: none"> • Involvement of employee representative bodies of the company on the introduction of the “experiment of voluntary night work”; • Information obligation on the reason and duration of the introduction of the “experiment of voluntary night work” towards the Belgian authorities. • Filing the participation request of the employees to participate in the regime. • Implementation of the work schedules in the work rules without following any mandatory | <ul style="list-style-type: none"> • Entering into force: 10th day after publication in the Belgian Official Gazette. |

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|------------------|--|----------------------------|-------------------------------------|---------------------------------------|
| | | | procedure to modify the work rules. | |