



EMPLOYMENT NEWS

March 2017

Feasible and manageable work – Summary overview

The law on feasible and manageable work of 5 March 2017, also known as the Peeters law, was published in the *Belgian State Gazette* on 15 March 2017. It contains a whole series of measures which modernize and innovate our labour law.

Below is a schematic overview of these provisions:

Measure	In short	Entry into force	Implementation
Annualization of the small flexibility	<p>The reference period for the calculation of the working time is now automatically set at one year (one calendar year or any other period of 12 consecutive months). The derogation from normal working hours of max. 5 hours per week and 2 hours per day remains unchanged.</p> <p>A shorter reference period may be maintained if a collective bargaining agreement (“CBA”) or the working rules provide so before 31/1/2017.</p>	1/2/2017	The introduction procedure remains the same, with the exception of an additional simplification in case of introduction of the small flexibility via CBA. In this case, the provisions can be automatically added to the work regulations without having to follow the modification procedure.
100 voluntary overtime hours	<p>100 voluntary overtime hours may be worked per year with payment of a supplement but without compensatory rest.</p> <p>Possibility at industrial level to increase the quota up to 360 hours.</p>	1/2/2017	Via an individual written agreement with the worker, valid for 6 months (renewable).
Increase of the internal limit of hours within which the worker may work overtime without compensatory rest	<p>The internal limit now rises to 143 hours regardless of the reference period.</p> <p>Possibility of increasing this limit at the industrial level.</p>	1/2/2017	Applies automatically.
“Floating Schedule”	<p>A “floating schedule” can be set up for full-time or part-time workers (with a fixed schedule), <i>i.e.</i> a schedule in which the worker can determine the start and the end of his working day and his breaks, provided that he/she respects</p>	1/2/2017	<p>Implemented by CBA or the working regulations.</p> <p>Existing floating schedules included in a CBA or the working regulations before</p>

	<p>fixed ranges and certain moving ranges.</p> <p><u>Limits:</u></p> <ul style="list-style-type: none"> • Daily: 9 hours • Weekly: 45 hours 		<p>30/6/2017 are maintained and may deviate from the regulations.</p> <p>The employer is obliged to set up a time tracking system and to add an appendix to the working regulations containing all the rules applicable to the floating schedules.</p>
Night work in e-commerce	<p>Introduction of a legal exemption to the prohibition of night work for the performance of all logistical and support services related to e-commerce.</p>	1/2/2017	<p>The specific procedure for the introduction of a working regime with night work (between 24 and 5 hours) must be followed.</p>
Simplification of part-time work	<ul style="list-style-type: none"> - Abolition of the obligation to have all part-time working schedules in the working regulations: <ul style="list-style-type: none"> o fixed hours: mention in the employment contract o variable schedules: mention of a general framework in the work regulations is sufficient - Variable schedules must no longer be displayed physically; - Preservation can be done in both paper and electronic formats; - Possibility of replacing the "derogations register" with a time tracking system; - the credit for overtime hours is raised (42 hours instead of 39 hours). 	1/10/2017	<p>Adaptation of the work regulations within 6 months of the entry into force.</p>
Occasional Telework	<p>Possibility for the worker to ask his employer to telework on an occasional basis for personal reasons or for <i>force majeure</i> reasons, as long as his function and/or his activity allows it.</p> <p>The worker must file his request in advance and within a reasonable time.</p>	1/2/2017	<p>By means of an agreement between the employer and the worker relating to equipment, technical support, accessibility and possible handling of costs.</p> <p>The framework within which occasional telework may be requested may also be regulated by a company-wide CBA or in the work regulations.</p>
Career saving account	<p>The career saving account allows the worker to save time in order to later transform it into a leave during his career.</p> <p>The time that can be saved is:</p> <ul style="list-style-type: none"> - voluntary overtime hours; - the conventional holidays; - the hours worked in addition to the average weekly working time and which may be transferred at the end of the reference period in a floating schedule; - overtime for which the worker has the option to take compensatory rest or not. 	1/8/2017, unless the National Labour Council ("NLC") concludes a CBA	<p>The NLC has 6 months from 1/2/2017 to elaborate the outline of this measure. A Royal Decree may extend this period by 6 months.</p> <p>The law provides for an introduction via a CBA concluded at the industry level or, in the absence of such a CBA, via a CBA concluded at the enterprise level.</p>
Donation of conventional leave	<p>Scheme that allows the workers to offer (on a voluntary, anonymous and disinterested basis) conventional</p>	1/2/2017	<p>The law provides for an introduction via a CBA concluded at the industry level</p>

	<p>holidays to a colleague whose child is seriously ill and has taken all of his holidays.</p> <p>Statutory holidays cannot be donated.</p>		<p>or, in the absence of such a CBA, via a CBA concluded at the enterprise level or, in the absence of a trade union delegation, via the working regulations.</p>
<p>Interim employment contract for an indefinite duration</p>	<p>The framework-contract between the interim agency and the temporary worker in which assignments with one or more users are foreseen can also be concluded for an indefinite period.</p>	1/2/2017	<p>This scheme can only be applied if a CBA is concluded within the Joint Committee of Interim Work.</p>
<p>New interprofessional training objective</p>	<p>The current interprofessional training target of 1.9% of the global wages is converted into an average of 5 training days per FTE per year as part of a growth path.</p>	1/2/2017	<p>The objective must be implemented at industry or enterprise level.</p> <p>A supplementary scheme is foreseen if the training days are not allocated by means of a CBA or an individual training account: as of 1/1/2017 at company level, a right to 2 training days on average per FTE per year.</p>

* * *

For more information or specific support, please contact **Pierre Van Achter** at +32 (0)2 533 17 36 or via email: pierre.vanachter@simontbraun.eu