

Belgium

Worker Classifications

Workers are generally classified as "white collar" or "blue collar" and different entitlements/requirements apply to each class.

Fixed Term Contracts

Fixed-term contracts are permitted in Belgium. It can be renewed no more than four times provided each contract lasts at least three months and combined does not exceed two years. Fixed-term contracts may be terminated during the first half of the first fixed contract term (capped at six months) with notice as outlined below. After that point, the Worker is entitled to salary and benefits through the end of the fixed term as originally agreed even if the contract is terminated. If work continues after the fixed term ends, the contract will be deemed indefinite.

Probationary Periods

As of 2018, probationary periods are not permitted in Belgium.

Holidays

In Belgium, Workers recognize 10 paid public holidays. If working time rules apply, work on public holidays is prohibited. Work nonetheless performed on a public holiday is payable at 200%.

Vacation

Full-time Workers are entitled to at least twenty days of paid vacation for each 12-month period worked, which is intended to be taken in the year accrued. Part-time Workers are entitled to their pro-rata share. Leave is calculated differently depending on the type of work performed. Unused leave does not automatically roll over from year to year. Accrued but unused leave is payable at the end of employment.

Sick Leave

Most Workers are entitled to paid leave for injury or illness from their employer for up to 30 days provided a medical certificate confirms the injury or illness. After 30 days, Workers are entitled to invalidity pay equal to a percentage of their gross salary depending upon how many continuous months of incapacity have elapsed. Invalidity pay is payable by the Worker's health insurance. Note that sick leave entitlements vary for those performing manual work.

Working Hours

Working time rules do not apply to sales representatives, employees with a leading function, or those in a position of trust. Otherwise, a regular workweek is 38 or 40 hours depending upon the industry. Work at night (8:00 p.m. to 6:00 a.m.) or on Sundays is prohibited. Workers are entitled to at least 11 consecutive hours of rest in each 24-hour period between the termination and recommencement of work. Generally, they are also entitled to a rest period of 35 consecutive hours per week.

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Overtime

If working time rules apply, work overtime is payable at 150% on a regular day and 200% on a Sunday. Employees can work up to 120 overtime hours per year and must sign an agreement authorizing overtime hours.

Mandatory Bonuses

It is customary to pay Workers a "double holiday pay," which for full-time Workers is generally 92% of their gross monthly salary. Most employers pay out the double holiday pay in the month of May

Termination

Contracts can always be ended by agreement or for a serious cause. Otherwise, most Workers are entitled to one notice based on their length of service as outlined, below. (Workers over the age of 45 are entitled to 30 weeks' notice). The parties may negotiate the notice period or agree to payment in lieu of notice. Termination notices and resignations must be sent by certified post to be official.

0 – 3 months of service: 1 week notice
3 – 4 months of service: 3 weeks' notice
4 – 5 months of service: 4 weeks' notice
5 – 6 months of service: 5 weeks' notice
6 – 9 months of service: 6 weeks' notice
9 – 12 months of service: 7 weeks' notice
12 – 15 months of service: 8 weeks' notice
15 – 18 months of service: 9 weeks' notice
18 – 21 months of service: 10 weeks' notice
21 – 24 months of service: 11 weeks' notice

Resignation

Workers must follow notice requirements in order to resign as outlined, below. The parties may negotiate the notice period or agree to payment in lieu of notice.

0 – 3 months of service: 1 week notice
3 – 5 months of service: 2 weeks' notice
5 – 12 months of service: 3 weeks' notice
12 – 18 months of service: 4 weeks' notice
18 – 24 months of service: 5 weeks' notice

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Other End Of Employment Rules

If a Worker or group of Workers are let go through no fault of their own (i.e. "redundancy") additional information and consultation may be required.