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European Monitoring Centre on Change

Belgium: Obligation to consider alternatives to collective dismissals

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Belgium

Phase:

Management

Type: [Obligation to consider alternatives to collective dismissals](#)

Last modified: 16 May, 2019

Native name:

Loi du 13 février 1998 portant des dispositions en faveur de l'emploi/Wet of 13 februari 1998 houdende bepalingen tot bevordering van de tewerkstelling

English name:

Act of 13 February 1998 measures to promote employment

Article

62-70

Description

The information and consultation process refers to the period of time during which the employer has to provide information about collective dismissals (namely, within 60 days, cases of dismissals of at least 10 workers in companies with 20-99 employees, of at least 10% of the workforce in firms with 100-299 employees or of at least 30 dismissals in firms with 300 or more staff) and unions' representatives may ask questions and make suggestions about the social plan.

During the information and consultation process, the employer has the obligation to inform workers on the intention to proceed to collective layoffs. The employer also has to provide information on the economic and social context of the firm, the reasons why he/she wants to proceed to collective dismissals, the timeline and the workers involved in the collective dismissals.

During the information and consultation process, the employer must consult the workers' representatives (works council/union representative/workers) in order to avoid or reduce the collective redundancy and its consequences. The representatives may ask questions, make suggestions or comments regarding the business transfers and/or collective dismissals, as well as contest the procedure in case of irregularities. The employer has the obligation to provide all information requested (when possible) but is not obliged to take into account the workers' representatives' suggestions.

Comments

The information and consultation process is not limited in time. This means that the process continues until the union representatives receive the answers to their questions. When this process ends, the negotiation process can start.

Although the employer is not obliged to take into account the workers' representatives' suggestions, these are often discussed and bargained.

Cost covered by

Not applicable

Involved actors other than national government

Trade union
Works council

Thresholds

Company size by number of employees:

20

Number of affected employees:

10

Sources

-  [Federal Public Service of Justice \(in French - in Dutch\)](#)
-  [Federal Public Service Employment, Labour and Social Dialogue \(in French - in Dutch\)](#)
-  [Ius Laboris \(2009\), Collective Redundancies Guide, Brussels](#)
-  [EMCC legal framework of restructuring](#)
-  [Monitoring Innovative Restructuring in Europe \(documents for Belgium\)](#)
-  [Restructuring in Belgium](#)
-  [Bingen, A., Hégale, M. and Layon, E. \(2006\), L'accompagnement des travailleurs licenciés collectivement, Courrier hebdomadaire n° 1943-1944](#)
-  [Dorssemont, F. \(2006\), 'The Renault Saga \(revisited\)', European Company Law, Issue 1 \(3\), pp. 5-10](#)
-  [Moulaert, T. \(2013\), L'outplacement des 45 ans et plus en Belgique. Une tentative avortée de gouvernement à distance des fins de carrière ?, Retraite & Société, \(1\) 64](#)

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