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Belgium: Employees obligation to undertake training

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Belgium

Phase:

Anticipation

Type:

Employees obligation to undertake training

Last modified: 10 December, 2021

Native name:

9 maart 2006 Koninklijk besluit betreffende het activerend beleid bij herstructureringen/Arrêté royal du 9 mars 2006 relatif à la gestion active des restructurations

English name:

Royal decree of 9 March 2006 regarding the active management of restructuring

Article

5-8

Description

The royal decree of 9 March 2006 introduced the system of 'reconversion cells'. The goal of the cell is to aid employees dismissed because of restructuring in finding a new job. The employee receives coaching by third party providers that can vary from administrative information to psychological counselling to certain trainings. The cells are organised separately for the Flemish, Walloon, Brussels and German speaking regions. Several permanent cells are active on the regional level. There is the possibility to create a new one specifically for the restructuring company or for several companies together as well. In this case at least one employer is involved and at least one trade union, on top of that the regional service for labour mediation participates as well and functions as a manager for the reconversion cell. The costs of these cells are covered by either the former employer or a specific sectoral fund (if present).

The employer is responsible for providing the employees with a reconversion cell. Originally the measure was intended to be used in case of restructuring within a company that wanted to apply the lowered retirement age system. The instrument now concerns all companies announcing a collective redundancy (at least 10% of the workforce in enterprises with 100 employees or more, at least 10 employees in enterprises with more than 20 but fewer than 100 employees, at least 6 employees in enterprises with more than 11 but fewer than 20 employees, at least half of the employees in companies with at the most 11 employees). Employees on fixed-term contracts and temporary workers are also included.

Employees that are being dismissed in the context of collective dismissals are obliged to sign up for the reconversion cell. If they refuse to do so they will be penalised by having their unemployment benefits suspended for a period of four up to 52 weeks. The minimum duration of the programme depends on the age of the employee:

- Employees older than 45 that are being dismissed have to participate in the reconversion cell for at least six months; and
- Employees younger than 45 and facing dismissal are obliged to participate for at least three months.

While employees are enrolled in the cell, they have to actively participate in the programme. This means that they have to accept and enrol in each form of training proposed (in)directly by the reconversion cell. Refusing to do so could imply the loss of their employment benefits.

Comments

According to data by the Flemish Service For Employment Mediation (VDAB), 2,207 Flemish employees older than 50 were assigned to reconversion cells between January and July 2013, 2,139 (97%) of which have followed a form of outplacement, and 29 (1.3%) have followed training.

An example of a (successful) reconversion cell is that of the [Walloon textile workers](#) that were dismissed at Decoweave, Louis De Poortere, Ghyselen and Desseaux-Spinning. In total, 525 Walloon employees were fired, 80% of whom participated in the Walloon reconversion cell (started by the Walloon Unemployment Services [Forem](#), Febeltex and the unions). More than 110 employees undertook training. In total, 397 employees were able to find work due to the reconversion cell, which had a total cost of €420,000.

Within Flanders, [15 permanent reconversion](#) cells are active for different regions, and VDAB (the Flemish Service for Employment Mediation) is responsible for the cells.

Cost covered by

Employer
National government

Involved actors other than national government

Employer organisation
Public employment service
Trade union

Thresholds

Company size by number of employees:
21

Sources

-  Koninklijk besluit betreffende het activerend beleid bij herstructureringen
-  FOD Werkgelegenheid
-  Herstructureringen.be
-  Eurofound, support instruments: Reconversion cells
-  Antwoord op vraag Koen Van Den Heuvel Vlaams Parlement

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Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: information@eurofound.europa.eu

Press: media@eurofound.europa.eu



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