



EMCC

European Monitoring Centre on Change

Belgium: Public authorities information and consultation on dismissals

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Belgium

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 19 July, 2019

Native name:

Loi du 13 février 1998 portant des dispositions en faveur de l'emploi dite loi Renault /Wet van 13 februari 1998 houdende bepalingen tot bevordering van de tewerkstelling (Wet Renault)

English name:

Law of 13 February 1998 regarding measures in favour of employment (so-called 'Renault Law')

Article

Articles 62-70

Description

As soon as unions' representatives have been informed about the intention to proceed to collective dismissals (namely, within 60 days, dismissals of at least 10 workers in firms with 20-99 employees, of at least 10% of the workforce in companies with 100-299 employees or at least 30 workers in firms with 300 or more staff), the employers are required to notify the regional employment office ([VDAB](#) in Flanders, [FOREM](#) in Wallonia and [ACTIRIS](#) in Brussels). From that moment, the information and consultation procedure starts with no time limit with regards to when it should end. As soon as this step is completed, employers are required to notify the regional employment office in writing, providing proofs that the consultation procedure has been respected and providing information related to the affected employees, the activities of the employer, and the characteristics of the consultation (who was consulted when on what) that has taken place with the works council.

A copy of the notification letter must be also sent to the [Federal Public Department for Employment, Labour ans Social Consultation](#). The law does not specify any obligation for the public authority to respond to the notification.

From that moment, union representatives have 30 days to object about the information and consultation process. During this period, the employer cannot proceed to any layoff. If no objections are expressed during this period, at the end of it the employer is allowed to proceed with the collective dismissal. However, if objections are expressed, the regional employment office can extend this period up to 60 days. In this case, the employer has to address the issue raised by the unions by the end of the extended period.

Comments

Based on data from the Federal Public Service for Employment, Labour and Social Dialogue, the following table illustrates the number of companies which started an information and consultation procedure each year, and the number of employees involved.

Time	Companies no.	Employees no.
Jan- Dec 2015	105	5,029
Jan-Dec 2016	118	12,042
Jan-Dec 2017	62	3,829

Jan-Dec 2018	87	6,027
Jan-Jun 2019	43	2,681

Cost covered by

Not applicable

Involved actors other than national government

Public employment service

Thresholds

Company size by number of employees:

20

Number of affected employees:

10

Sources

-  [Wet houdende bepalingen tot bevordering van de tewerkstelling](#)
-  [Federal Public Service Employment, Labour and Social Dialogue \(in French - in Dutch\)](#)
-  [Ius Laboris \(2009\), Collective Redundancies Guide, Brussels](#)
-  [EMCC legal framework of restructuring](#)
-  [Alpha Consulting \(2003\), Anticipating and Managing Change - A dynamic approach to the social aspects of corporate restructuring, Brussels, European Commission](#)
-  [Monitoring Innovative Restructuring in Europe \(documents for Belgium\)](#)
-  [Restructuring in Belgium](#)
-  [Bingen A., Hégaldé M. and Layon E. \(2006\), L'accompagnement des travailleurs licenciés collectivement, Courrier hebdomadaire n° 1943-1944, p. 71](#)
-  [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](#)
-  [Restructuring statistics - Federal Public Service for Employment, Labour and Social Dialogue](#)

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