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European Monitoring Centre on Change

Belgium: Employers obligation to support redundant employees

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Belgium

Phase:

Management

Type:

Employers obligation to support redundant employees

Last modified: 10 December, 2021

Native name:

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

English name:

Royal decree of 9 March 2006 regarding 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. The cells are organised separately for the Flemish, Walloon, Brussels and German speaking regions. Several permanent cells are active, there is a possibility to create a new one specifically for the restructuring company.

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 but, since 2009, all companies with more than 20 employees are obliged to start or participate in a cell from the moment collective dismissals are announced.

All employees that are being dismissed in the context of collective dismissals are obliged to sign up for the reconversion cell, with exception of those older than 58 or have worked for more than 38 years. If they refuse to do so they will be penalised by having their unemployment benefits reduced.

The minimum duration of the programme depends on the age of the employee:

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

While the employees are enrolled in the cell, they have to accept each outplacement offer and participate in the programme. The costs of the outplacement accompaniment are for the (former) employer or the appropriate sectoral fund (if present). The employer has the possibility to recuperate some of the costs from the unemployment services.

The final goal of the cell is to provide each dismissed employee with at least one outplacement offer.

Comments

According to Federgon (a Belgian employers' federation) 16,267 outplacement accompaniments took place in 2020, which is a increase of 16,3% compared to 2019.

Cost covered by

Companies





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: actief beheer herstructurering
-  Herstructureringen.be
-  Federgon: Data

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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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