



European Monitoring Centre on Change

[Login](#)

Belgium: Staff information and consultation on restructuring plans

[Go to list page](#)

Belgium

Phase:

Anticipation

Type:

Staff information and consultation on restructuring plans

Last modified: 18 June, 2021

Native name:	Arrêté royal du 27 novembre 1973 portant réglementation des informations économiques et financières à fournir aux conseils d'entreprises/Koninklijk besluit houdende reglementering van de economische en financiële inlichtingen te verstrekken aan de ondernemingsraden van 27 November 1973
English name:	Royal decree of 27 November 1973 on employers' obligations to provide economical and financial information within works councils

Article

1-42 and 62-70

Description

The law specifies that employers must consult with workers’ representatives – workers, trade union representatives, or works councils - on decisions likely to lead to substantial changes in the work organisation or in contractual relations as well as in the economic and social context of the firm. Whereas information related to the employment structure, its evolution and forecast are provided on an annual basis and followed-up on a quarterly basis, new management policies which introduce changes in work organisation or in contractual relations are discussed on an ad-hoc basis. In this specific case, the law does not define any timeline, excepted that unions' representatives have to be informed before the implementation of any measures or decisions. Concerning the information and consultation procedure for collective dismissals, the employer provides information immediately after the decision to proceed to collective dismissals (within 60 days, dismissals of at least 10 workers in companies with 20-99 employees, at least 10% of the workforce in companies with 100-299 employees or at least 30 dismissals in firms with 300 or more staff). Unions' representatives have to be the first ones to be informed about this intention. As soon as the unions are informed about the intention to proceed to collective dismissals, the information and consultation procedure starts with no prescribed limit in time.

The Belgian legislation specifies a minimum of 30 days for consultation, which can be extended by an additional 30 days if the employer has not complied with legal procedures. Further time may be allowed in the case of any objections being submitted.

The legislation specifies that the employers must consult with workers’ representatives within the works council if there is one. If not, they must consult the trade union delegation if there is one. If not, they must consult the workers' representative within the health and safety committee. For cross-border collective dismissals, the employer may also have to consult with the European works council if there is one.

The Belgian legislation requires that the employer consults with workers’ representatives on the following issues in writing:

- the reasons for the projected redundancies;
- the number and types of worker to be made redundant;
- the number and types of workers normally employed;
- the period over which the projected redundancies are to be effected;
- the criteria proposed for the selection of the workers to be made redundant; and
- the method to be used for calculating any redundancy payments.

During this procedure, unions' representatives have the possibility to ask questions and make suggestions or comments to the social plans

regarding dismissals and employment within the company. The employer has the obligation to provide the requested information and answer to questions with the aim to avoid or reduce redundancies. At the end of this step, the employer has to send a report to the local employment authorities with proofs that all questions have been responded and all suggestions managed. Although there is no obligation to accept suggestions, the employer has to consider them and justify the refusal, if any.

The unions have the possibility to contest the report or/and the procedure in a 30 days period after the report is sent. The president of the joint sector committee that the company is member of (every company in Belgium is assigned to a joint committee when starting up) can play the role of a mediator in case of any conflict.

There is no provision in the legislation about smaller enterprises. The law is only related to the works council, which is established when the threshold of 100 employees is reached, except in cases of collective dismissals when a minimum of 20 employees is required.

Comments

Several modifications or additions were made throughout the years in order to better comply with the reality of industrial relations. For instance, the cross-sector agreement n°15 (royal decree of 5 September 1974) aims at considering the case of companies which have several plans on these issues. Another example is the cross-sector agreement n° 37 (royal decree of 9 December 1981) which defines more precisely the information about employment issues that the management has to provide to the works council.

Cost covered by

Not applicable

Involved actors other than national government

Trade union
Works council
Other

Involvement others

The president of the joint sector committee

Thresholds

Company size by number of employees:

20

Number of affected employees:

10

Sources

-  [Federal Public Service Employment, Labour and Social Dialogue](#)
-  [Restructuring in Belgium](#)
-  [EMCC actors in restructuring](#)
-  [Collective agreement n°9 - National Work Council \(in French - in Dutch\)](#)
-  Alpha Consulting (2003), Anticipating and Managing Change - A dynamic approach to the social aspects of corporate restructuring, Brussels, European Commission

Useful? Interesting? Tell us what you think. 

Eurofound welcomes feedback and updates on this regulation

Your name *

E-mail *

More information?

Homepage

Subject

Comment *

Save

Preview

European Monitoring Centre on Change - EMCC

About EMCC

European Restructuring Monitor

- > [About the European Restructuring Monitor](#)
- > [Restructuring events database](#)
- > [Restructuring support instruments](#)
- > [Restructuring related legislation](#)
- > [Restructuring case studies](#)
- > [ERM publications](#)

European Jobs Monitor

Labour market research

Case studies

Future of Manufacturing in Europe (FOME)

European Observatory on Quality of Life - EurLIFE

European Observatory of Working Life - EurWORK

Quick links

- Legal information
- Data protection
- Environmental policy
- Cookies
- Subscriptions
- Multilingualism
- Templates for Eurofound reports
- Eurofound style guide
- Management Board extranet
- Map - how to get to Eurofound
- FAQ
- Sitemap



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



MEMBER OF THE NETWORK OF EU AGENCIES



EUROFOUND ACHIEVES EMAS REGISTRATION



EUROFOUND IS AN AGENCY OF THE EUROPEAN UNION



[Access to internal documents](#) | [Financial information](#) | [Archives](#) | [Information centre](#) | [RSS feeds](#)

© EUROFOUND 2023

