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# EMCC

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: 18 June, 2021

Native name:

Loi 23 decembre 2005 relative au Pacte de solidarité entre les generations/Wet betreffende het generatiepact; Wet van 23 december 2005 tot de verbetering van de werkgelegenheidsgraad van de werknemers; Convention collective de travail n° 82 du 10 juillet 2002 relative au droit au reclassement professionnel pour les travailleurs de quarante-cinq ans et plus qui sont licenciés/Collectieve arbeidsovereenkomst nr. 82 van 10 juli 2002 betreffende het recht op outplacement voor werknemers van 45 jaar en ouder die worden ontslagen; Collectieve arbeidsovereenkomst nr. 82 bis van 17 juli 2007 tot wijziging van CAO 82

English name:

Law 23 December 2005 with regard to inter-generational solidarity pact; Collective agreement n°82 of 10 July 2002 on the redeployment of dismissed workers aged 45 and older; Collective agreement nr. 82 bis of 17 July 2007 changing collective agreement 82

### Article

Law 23 December 2005: 31-41; Collective agreement of 10 July 2002: 1-13

### Description

The Belgian law differentiates between companies with fewer and more than 20 workers regarding collective dismissals (within 60 days, at least 10 dismissals in companies with 20-99 employees, at least 10% in companies with 100-299 employees or at least 30 dismissals in companies with 300 or more employees).

The measure described in the legislation is compulsory for companies with 20 or more workers, while the scheme is voluntary for those that employ fewer employees.

Companies which employ at least 20 workers (except those with an interim contract or those that have reached pension age) are obliged to contribute to a special reemployment unit or a regional reemployment unit of a 'reconversion cell' type, so-called 'outplacement units'.

The outplacement is a set of services and advice provided on behalf of the employer for the benefit of the workers to help them find a new job with another employer as quickly as possible or to become self-employed. These services are provided by an outplacement office that is specialised in the outplacement of employees.

Moreover, companies which employ at least 20 workers are obliged to pay a reclassification allowance, for a period of three months for workers younger than 45 years or for six months for those aged over 45 years. For workers aged 45 or older, additional mandatory regulations are in place, following CA 82bis. For instance, beyond the mandatory severance pay, the social plan that is agreed upon should include measures such as early retirement plans, supplements to social security benefits, conditions to guarantee the employment security for those employees who remain in service and outplacement services. All dismissed workers have access to accompanying advice, guidance and training measures that take account of their skills and experience and the jobs they could potentially do. The measures include organising job interviews with potential new employees, preparation for the interviews and training to extend or update skills. These services are usually paid by the employer. In some cases, the joint committees composed by sectoral social partners may decide to support outplacement costs through sectoral social/training funds. The regional public employment offices and/or private companies specialised in outplacement services are responsible for providing the services throughout the process.

### Comments

Outplacement units are central to the management of restructuring. This concept of active management, established by the [Generation Pact](#), reflects the need to better manage restructuring by helping laid-off workers to remain in the labour market.

The issue of outplacement units related to collective dismissal is often discussed in relation to the issue of keeping older workers at work, as confirmed by many researches that have been published on this topic.

#### Cost covered by

Employer  
National government

#### Involved actors other than national government

Public employment service  
Other

#### Involvement others

Sectoral funds Private companges officially recognised to conduct the outplacement services

#### 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](#)
- [ERM database on restructuring support instruments](#)
- [EMCC support of restructuring](#)
- [Federal Public Service of Justice \(in French - in Dutch\)](#)
- [National Work Council, Collective agreement n°82 \(in French - in Dutch\)](#)
- [Federation of Liberal Trade Unions of Belgium \(CGSLB/ACLBV\), Organisation for independent entrepreneurs and SMEs \(UCM\), Federation of temporary work enterprises \(FEDERGON\) Publications](#)
- [Ius Laboris \(2009\), Collective Redundancies Guide, Brussels](#)
- [Léonard, D. \(2013\), L'emploi des séniors en Belgique, Revue Européenne de Droit social, 2, 19](#)
- [Moulaert, T. \(2013\), L'outplacement des 45 ans et plus en Belgique. Une tentative avortée de gouvernement à distance des fins de carrière ?, Retraite et société, 1, 64, p. 240](#)
- [Naedenoen, F., Lisein, O. and Pichault, F. \(2010\), National background paper Belgium. Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report. Brussels, European Commission](#)
- [Eurofound \(2013\), Belgium: The role of governments and social partners in keeping older workers in the labour market, European Industrial Relations Observatory Online](#)
- [Léonard, D. \(2012\), Le maintien de l'emploi des seniors :injonctions publiques et pratiques d'entreprise, L'observatoire, n°75](#)
- [Watson Wyatt \(2006\), Employment Terms and Conditions Report Europe, Volume I, Brussels, Belgium](#)
- [Collective agreement 82 bis](#)
- [Overview of legislation with regards to outplacement](#)

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