

15 June 2020

This summer, one hot and one cold measure for employers: extension of unemployment for COVID-19 *force majeure* and suspension of the notice period

HR-Law Focus Newsletter

Our "HR Law Focus" newsletter is released each time we see new legislation or case law that we believe might be important for your business.

Unemployment due to COVID-19 *force majeure* extended, until 31 August 2020...and beyond?

Whereas the special temporary unemployment scheme for *force majeure* COVID-19 was until now planned until 30 June 2020, it is extended until 31 August 2020. Specifically, employers can continue to apply economic unemployment for "*force majeure*" COVID-19 and benefit from the simplified procedure and conditions, while the real cause of temporary unemployment is economic and not caused by *force majeure* as such.

For the hotel, restaurant and café sector, subject to legislative confirmation, this specific unemployment scheme should be extended until 31 December 2020. In addition, discussions are already under way to consider a similar extension for other sectors in difficulty, or possibly a further general extension.

Notice periods following a dismissal by the employer during temporary unemployment for COVID-19 *force majeure* will be suspended

A new Act, which has been voted by Parliament but not yet published in the Official Gazette, and as such not yet applicable but imminent, provides for the suspension of all notice periods started after 1 March 2020 for employees who are temporarily unemployed due to a *force majeure* resulting from government measures to combat the COVID-19 health crisis. This suspension therefore applies both to (i) notice periods starting after the moment of publication of the new Act in the Official Gazette (the date of entry into force of the Act) and to (ii) notice periods which have started between 1 March and the moment of publication of the new Act in the Official Gazette. It does not apply, however, to notice periods which started before 1 March, 2020.

In practice, since the notice period is suspended, the notice period will start running again when the employee is no longer in temporary unemployment. This might entail a termination cost re-assessment by the employer. The aim of the authorities is to prevent periods of temporary unemployment resulting from government COVID-19 measures, paid for by the social security system, being used to reduce the cost of a dismissal with notice periods partly being paid for by the State (via the unemployment benefits).

➤ **HR Management Tip:** reconsider the cost for termination in case you did dismiss an employee during COVID-19 *force majeure* temporary employment

If you want to learn more about this subject, please join our webinar series on 30 June and 16 July - contact us for information on sv1@fieldfisher.com

OUR CONTACTS



Stefan Nerinckx
Partner Employment
+32 2 742 70 57
+32 477 61 81 71
snx@fieldfisher.com



Anne Kamp
Partner Employment
+32 2 742 70 32
+32 477 31 34 11
ak2@fieldfisher.com



Tim Perdieu
Senior Associate
+32 2 742 70 56
+32 496 43 11 27
[tzip@fieldfisher.com](mailto:tzp@fieldfisher.com)



Davit Unusyan
Associate
+32 2 742 70 94
dun@fieldfisher.com

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Stefan NERINCKX and Tim PERDEU – Fieldfisher Brussels
Many countries including Belgium have started winding down their emergency measures imposed in COVID times. What are the most important measures taken for multinational companies?

The Belgian EXIT strategy

The exit strategy from Belgium's current COVID-19 measures was presented by the government on 24 April 2020. The general concept for phasing out the measures was industry-led and the applicable measures for each phase needed to be reached by appropriate legal instruments.

By Ministerial Decree published 30 April 2020, and as of 4 May 2020, a first step in this direction has been taken. More information to be published by the government.

COVID-EXIT!

Expat news N°5, May 2020

SOCIAL – PRACTICE

COVID-19 and international employment

Stefan NERINCKX – Fieldfisher Brussels
On 31 March, the European Commission published guidelines concerning the exercise of the free movement of workers outline measures Member States should take to ensure that mobile workers, in particular those in critical occupations to fight the coronavirus pandemic, can reach their workplaces.

The Commission urges Member States to establish specific border free and fast procedures for border crossing to ensure a smooth passage and invite Member States to take specific measures ensuring a coordinated approach at EU level. Please find below a summary of the text published by the European Commission.

COVID-19 and international employment

Expat news N°4, April 2020