

# Latest Practical Guidance for Belgian Employers in respect of COVID-19

August 5, 2020

## Latest guidance as the lockdown is being lifted

As of March 18, 2020, the Belgian federal and regional governments imposed a set of reinforced restrictive measures for the entire country to address the COVID-19 crisis. The restrictive measures have been gradually lifted as from May 4 and only a limited number of measures remained in place until July 28. However, the National Security Council decided recently to strengthen the measures as from July 29 until August 31 due to new health information.

## Key measures currently in place

The measures currently in place can be summarized as follows:

1. **Citizens are not obliged to stay at home** and can, amongst others, go to work (subject to the rules on teleworking and social distancing requirements), exercise outdoors, go shopping and hold social gatherings at home or in a restaurant or bar with a limited number of individuals. These measures are subject to frequent reassessment and might be limited or (partly) lifted at a later stage depending on the evolution of the pandemic.

All activities remain subject to social distancing rules (keeping at least 1.5m of distance between individuals). When going outside, wearing a mask that covers nose and mouth is strongly recommended. Wearing a mask is mandatory for everyone above the age of 12 on public transport, in entry areas to train and bus stations, in a store, in a public or religious building as well as at crowded places, at outdoor markets, in bars and restaurants (unless you are seated at your own table), *etc.*

2. **Access to stores remains strictly regulated**, with, *inter alia*, a limitation to a specific number of customers and a requirement to put appropriate preventive measures in place based on the guidelines for the commercial sector (see point 4 below). Outdoor markets are allowed under certain conditions and are subject to prior approval by the municipal authorities.

We have a COVID-19 Task Force within Cleary Gottlieb that is acting as a repository for practical solutions, best practice and issue-spotting to help our clients by sharing market experience, insight and advice from across our global presence.

If you have any questions concerning this memorandum or COVID-19 more broadly, please reach out to us on [Global-Cleary-Covid-19\\_Taskforce@cgsh.com](mailto:Global-Cleary-Covid-19_Taskforce@cgsh.com) or the following author:

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3. **Travel outside Belgium is allowed** to certain countries within the European Union, the Schengen area and the United Kingdom, subject to these other countries reciprocally opening their borders. The Federal Public Service for Foreign Affairs Office maintains a **list of countries divided into red, orange and green zones**. Red zones are cities, regions or countries with a very high risk of infection. A formal travel ban for non-essential travel applies to these zones and people who return from these zones will be treated as high-risk contacts which implies that they will have to be tested and go into quarantine or self-isolate. Orange zones are cities, regions or countries for which a moderately high risk of infection has been identified. There is no formal travel ban to these zones but going into quarantine and undergoing a test is recommended when returning from these zones. Green zones are cities, regions or countries with no or low health risks. No travel restrictions apply when travelling to these zones. These zones are regularly updated by the Federal Public Service for Foreign Affairs Office in light of the continuously evolving situation. Current travel information can be consulted [here](#). All individuals returning to Belgium (or individuals travelling through Belgium and staying at least 48 hours) after a stay abroad must complete a [Public Health Passenger Locator Form](#).
4. **Companies** - irrespective of their size - **are strongly advised to organize teleworking** for every job position where this is possible

For those employees whose job does not allow for teleworking or in case a company chooses not to organize teleworking in spite of the government's recommendation, social distancing rules should be strictly respected (*i.e.*, at least 1.5m of distance between employees at all times). The social distancing rules apply both to the performance of the work and to transport organized by the employer.

More in particular, **companies who cannot or decide not to organize teleworking**, must take appropriate preventive measures to ensure **compliance with social distancing** requirements to the maximum extent possible, including by

**amending their working procedures** based on rules set out in the General Guide ("*generieke gids*" / "*guide générique*") of April 23, 2020, updated on May 4, 2020, approved by representatives of employers and employees at the level of the so-called Group of 10. The guide has been further implemented with specific procedures at sector and industry level. In case those procedures do not guarantee respect of the social distancing rules at all times, for example because that is not physically possible in confined spaces at work, employers should place **collective protective equipment** such as screens or walls to compartmentalize workplaces, and **take organizational measures**, such as spreading working hours and breaks, using a flexible time schedule, working in shifts and adjusting the order of work assignments. The number of employees working in the same space at the same time should be limited to the maximum extent possible. If social distancing between employees cannot be respected, and after exhaustion of the collective protective equipment and organizational measures, employees may need to wear a **mask covering their mouth and nose** (to be provided by the employer), together with **other preventive measures** to be taken by the employer such as disinfecting the workspace (*e.g.*, desks, keyboards), providing hand sanitizers in visible places to ensure the application of good hand hygiene by employees, ensuring the use of paper handkerchiefs in case of coughing and sneezing, proper ventilation of the workspaces, informing employees that they should not come to work when experiencing symptoms and providing instructions in case someone becomes ill. The employer must inform the employees in a timely manner about the preventive measures in force in his undertaking and provide them with appropriate training in that respect.

For the commercial sector (including retail stores, outdoor markets and other sectors with no physical contact) and the hospitality sector, additional rules were laid down in the Guide for the re-opening of the stores ("*Gids voor de heropening van winkels*" / "*Guide concernant l'ouverture des commerces*") of June 8, 2020, and the Guide for a safe re-commencing of the

hospitality sector (“*Gids voor een veilige heropstart van de horeca*”/“*Guide pour un redémarrage sûr de l’horeca*”) of June 5, 2020, respectively.

Employers, employees and third parties must **comply** with the **social distancing and preventive measures in force** in the company. The inspection services of the Control of Wellbeing at Work are in charge of informing employers and their employees, and ensure compliance with the rules in force in the company. Other inspection services (*e.g.*, with the National Social Security Office, the National Employment Office, *etc.*) will monitor compliance with the rules taken in the context of the fight against COVID-19 as part of their regular inspection, but will not carry out targeted inspections in that respect. If a company fails to comply with these measures, **criminal and administrative fines** can be imposed by the authorities (as provided by the Social Criminal Code).

The aforementioned restrictions on companies and the General Guide are not mandatory for certain key sectors and essential services, as exhaustively listed in the relevant governmental regulations, or to the suppliers or contractors whose products or services are strictly necessary for those key sectors and essential services to operate.

As of June 18, the list includes healthcare related sectors, media, key government functions (police, security, justice and crisis management), universities, fuel and food supply (including agriculture), hotels, postal services, the chemical and nuclear industry, the financial sector (banks, payment services, financial services and insurance providers), the packaging industry, producers of personal hygiene products or medical instruments, ports, airports and utilities (energy, gas, water and similar supply, transmission and distribution services). For the non-public sector, the scope of key sectors and essential services is tied to an exhaustive list of applicable joint committees (“*commissions paritaires*”/“*paritaire comités*”).

Companies qualifying as part of a key sector or that provide an essential service will however still need to ensure that the rules on social distancing are complied with as much as possible (for which they can rely on the General Guide as “an inspiration” by analogy with non-essential companies) and, if that is not possible, will need to provide their employees with masks covering their mouth and nose.

Finally, the basic hygiene measures at work remain applicable (*e.g.*, in relation to frequently washing hands, staying home in case of illness, and maintaining a clean work place).

### **Main points of attention for Belgian employers in case of a partial or full closure of a site or when dealing with decreased workloads due to COVID-19**

1. As from March 13, 2020 and for the duration of the restrictive measures imposed by the public authorities, a flexible application of the concept of force majeure is accepted and all situations of temporary unemployment related to COVID-19 are considered as temporary unemployment for reasons of force majeure, even if, for example, it is still possible to work on certain days. In practice, in case of a partial or full closure imposed by the authorities or a decrease in workload for the employees due to COVID-19, the legal regime of **temporary unemployment** which shall apply to the employer is based on **force majeure** only (even if such decrease in workload is due to direct or indirect economic reasons, such as supply chain disruption). The employer who had initially sent a notice of temporary unemployment for economic reasons can switch to the temporary unemployment scheme for force majeure (reason: “coronavirus”) without having to complete any further formalities, even if some employees can still work or if it is still possible to work on certain days. The application of the simplified procedure for temporary unemployment due to force majeure (initially scheduled until April 19, 2020) has in the meantime been extended until August 31, 2020 inclusive.

2. Given the numerous requests for temporary unemployment on grounds of force majeure, the procedures for introducing temporary unemployment have been significantly simplified for both employers and employees. The employer who places the employee on temporary unemployment must make an electronic declaration with the National Employment Office (“NEO”) of the hours of temporary unemployment during the month in question. He can choose between two communication channels: either via a web application on the social security portal site (“DRS Scenario 5”), or by sending a structured batch file (mainly via a payroll agency or a service provider). Employers who made the declaration and are under the temporary unemployment regime for force majeure must no longer pay the salary of the concerned employees. Those employees will instead receive unemployment allowances from the NEO corresponding to 70% their average salary with a ceiling (set at €2,754.76 (gross) per month) increased by €5.63 per day. The National Social Security Office (“NSSO”) has confirmed that it is possible for employers to grant a supplement on top of the unemployment allowance to bridge the gap for employees with their normal salary without social security contributions being due, provided that (i) the supplement cannot exceed the unemployment benefit itself and (ii) the sum of the unemployment allowance and the supplement do not result in the employee receiving a higher net amount than when he or she actually works.

The NSSO states in its instructions to employers that it is preferable to use the respective gross taxable amounts as the starting point for this calculation. The NSSO also specifies that the employer must treat all workers in the same category equally (either by compensating up to a certain percentage of the net remuneration or by paying each of them a lump sum).

3. Temporary unemployment for force majeure is also available for employees who are not sick but are ordered into quarantine by foreign or Belgian authorities. This applies, for example, in the event that an employee returns to Belgium after a stay abroad in one of the red or orange travel zones (as

determined by the Federal Public Service for Foreign Affairs Office) and is ordered into quarantine. In such case, employees should notify their employer immediately and provide him, at his request, with a medical certificate confirming the order into quarantine. The medical certificate should be drawn up in accordance with the legal formalities. The employer is not obliged to pay the employee in quarantine if the latter cannot perform his work by using teleworking. It is the NEO which shall indemnify the employee unless he travelled to a region which was already included in the red zone for non-essential travel (same unemployment allowance in case of temporary unemployment for force majeure).

4. Employers should **refrain from having the work that should normally have been done by the employee during the period of suspension of performance of the employment agreement due to temporary force majeure, performed by third parties or students**. However, employers can have the work carried out by third parties or students, if the performance of the employment contract is suspended as a result of the employee being ordered into quarantine. Employers failing to comply with the prohibition are obliged to **pay the normal wage** to their employee for the days during which the work was carried out by a third party or student.
5. Employers who wish to invoke the temporary suspension of employment agreements due to force majeure, should comply with a number of formalities. **Each employee should be notified individually** of the partial or full suspension of the employment agreement, at the latest on the day preceding the effective date of the temporary suspension and prior to the transfer of the employee to the work place. The notification should mention the period of suspension and the (number of) days during which the employee is temporarily unemployed (and the days on which he or she is expected to come to work in case of partial suspension). The decision to increase the number of days of temporary unemployment or to convert a partial suspension into a full suspension should be notified in the same manner. Employers can notify their employees **collectively if the temporary suspension applies to more than**

**one employee at the same time**, provided that it is clear for each employee individually to which arrangements he or she is subject. Employers failing to comply with these formalities, are held to pay the employee's normal wages to be paid for the period prior to the completion of these formalities. Employers who invoke the temporary suspension must inform the works council, or in the absence thereof, the trade union delegation in their company. In addition, employers are responsible for informing their temporary unemployed employees about the formalities they must complete to receive an allowance.

6. A temporary regime was put in place to support the **transition** from the current regime of temporary unemployment due to force majeure **to the traditional regime of unemployment due to economic reasons** for blue- and white collar employees. The transitional regime will apply after the period of temporary unemployment due to force majeure caused by the COVID-19 outbreak. That period runs until August 31, 2020 in most sectors and until December 31, 2020 in sectors in difficulty. The transitional system of unemployment due to economic reasons includes a few deviations from the traditional regime. For example, for white-collar workers, the employer will have to demonstrate a decrease in turnover or production of at least 10% during the quarter preceding the introduction of temporary unemployment and he must offer two training days per month of unemployment. Workers will receive an allowance equal to 70% of their capped gross wages. The transitional regime will be applicable as from September 1, 2020 until December 31, 2020.
7. Companies in difficulty or under restructuring may **temporarily reduce the working time** until they can resume their normal activities in order to compensate the decrease in workload and to avoid dismissals. The working time can be reduced by means of a collective reduction in working time by one quarter or one fifth (possibly to be combined with the introduction of a four-day work week). The collective reduction of working time can be imposed for a maximum period of one year. Companies may apply a **corona time credit** with payment of allowances to employees who reduce their working time for a period of up to six months, in order to partially compensate for the loss of income. Companies may also introduce an **end of career time credit** for older employees (with benefits for employees at the age of or over 55) through a part-time or one-fifth time credit regime, with a minimum duration reduced to one month and with payment of an allocation. For the purposes of applying the aforementioned measures, **a company can be recognized as facing difficulty or undergoing restructuring without the mandatory conclusion of a collective labour agreement** in the context of unemployment with company top-up.
8. On June 12, 2020, the federal government announced that the **costs incurred by teleworkers** will be **reimbursed** more easily, up to a maximum of 127 euros. This measure will also have to be further elaborated by the government.
9. In order to alleviate labour shortages, employees working in critical sectors can resume their work during a career break, time credit or thematic leave, while retaining 75% of their allowance. This measure will apply until August 31, 2020.
10. **Suspension of notice period.** On June 22, 2020, a law suspending the notice period for dismissals given before or during the temporary suspension period of the employment agreement due to force majeure as a result of the COVID-19 outbreak, was published in the Belgian Official Gazette. If a notice is given by an employee, then the notice period shall continue to run during the period of temporary unemployment. On the contrary, if a notice is given by an employer, then the notice period will be suspended during the period of temporary unemployment, save for the situation where the notice period had commenced to run before March 1, 2020. The law entered into force on the day of its publication. This implies that the notice period will only be suspended for the days of temporary unemployment for reasons of force majeure as from the publication of the law. If the notice period commenced on or at a date later than March 1 and ended before June 22, there is no suspension and the employment agreement has irrevocably terminated. However, if such notice

period was still running on June 22, then it will be suspended as of that day and for the remaining part of the notice. For a notice given by an employer as from June 22 until the end of the period of temporary unemployment due to force majeure as a result of the COVID-19 outbreak, the notice period will not run.

11. The hospitality sector, the sectors of recreational, cultural, festive and sports activities, as well as shops and businesses that are affected by a compulsory closure are automatically entitled to **postpone the payment of the social security contribution** due to the NSSO for the first and second quarter, until December 15, 2020. Businesses which are closed because they are unable to comply with the health measures will also be able to benefit from this deferral on the basis of a self-declaration. This measure has been extended to (i) companies that have decided themselves to close down completely (cessation of production and sales) and (ii) companies that are not closed down completely but see their economic activity sharply reduced (reduction of at least 65% in turnover or in salary mass declared to the NSSO in the 2<sup>nd</sup> quarter of 2020). Here, too, the deferral takes place after a prior (and tailor-made) self-declaration to be introduced on the NSSO website.

The payment deferral concerns all payments to be made since 20 March 2020. It therefore includes :

- adjustments of contributions still to be paid;
- the monthly installments of current out-of-court payment plans;
- the 3<sup>rd</sup> provision of the 1<sup>st</sup> quarter;
- the balance of the 1<sup>st</sup> quarter;
- the annual holiday debit notice;
- the provisions for the 2<sup>nd</sup> quarter;
- the balance of the 2<sup>nd</sup> quarter.

12. In addition, employers experiencing social security payment difficulties due to the COVID-19 crisis can request a clearance plan for the first and second quarters of 2020. This type of plan will allow them to spread monthly payments over a period of up to 24 months.

For their part, the tax authorities have agreed to automatically defer payment of the withholding tax for February and March by two months.

### **Main points of attention for Belgian employers who are not (or no longer) in lockdown and who keep personnel on site**

1. As from May 4, although teleworking is still recommended for every job position where this is possible, companies have been allowed to reopen. However, the number of employees working in the same space at the same time should be limited to the maximum extent possible. Companies should **amend their working procedures** based on guidelines set out in the **General Guide** ("*generieke gids*" / "*guide générique*") at the national level, implemented in more detail at sector and industry level. These sectoral guides or protocols drawn up by the joint committees are published on the website of the Federal Public Service Employment, Labour and Social Dialogue.

For employers for whom the organization of teleworking is not possible for all personnel or who choose to allow a limited number of employees to come to work again, and who thus keep personnel on site, the **social distancing obligations** apply both to the performance of the work and to transport organized by the employer. A prevention advisor or occupational physician can assist to determine the best way to achieve that result. If constituted, the Committee for Prevention and Protection at Work should be involved in this assessment (by telephone conference to the extent possible). In the absence of a formal employee representative body, clear and transparent communication to employees about the guidance and requirements is key. Employers should organize the workspace in such a way that social distancing is respected to the maximum extent for those present. Sufficient distance between workstations should be created. If this is not possible, the workstation should be placed in such a way that sufficient distance can be kept, for example by using only certain desks in open-plan offices. Employers should place **collective protective equipment** such as screens or walls to compartmentalize workplaces, place

markings, ribbons or physical barriers to delineate zones or places.

Employers should also **take organizational measures**, such as spreading working hours and breaks, using a flexible time schedule, working in shifts and adjusting the order of work assignments.

If social distancing rules between employees cannot be respected, and after exhaustion of the collective protective equipment and organizational measures, employees may need to wear a **mask covering their mouth and nose** (to be provided by the employer), together with **other preventive measures** to be taken by the employer such as disinfecting the workspace (*e.g.*, desks, keyboards), providing hand sanitizers in visible places to ensure the application of good hand hygiene by employees, ensuring the use of paper handkerchiefs in case of coughing and sneezing, proper ventilation of the workspaces, informing employees that they should not come to work when experiencing symptoms and providing instructions in case someone becomes ill. The employer must inform the employees in a timely manner about the preventive measures in force in his undertaking and provide them with appropriate training in that respect.

2. The Workplace Welfare Code provides for the possibility for a worker to move away from his or her workstation in the event of “serious and immediate danger” that cannot be avoided. The same Code prohibits the employer, except in duly substantiated exceptions, from asking workers to come to work if he is unable to put an end to the situation of serious and immediate danger. Can the risk of contamination by COVID-19 be considered a serious and immediate danger that cannot be avoided? This will not be the case if the employer has put in place adequate preventive measures.
3. Employers should also continue to promote the World Health Organization’s more specific guidelines for measures at the work place to the extent applicable. Between May 1<sup>st</sup> and June 30, 2020, workers will be able to take “COVID-19” parental leave if they have children under 12 years of age. This parental leave may be taken in the

form of a reduction in benefits of 1/2 or 1/5th, subject to the employer's agreement. These workers will receive an allowance from the NEO. The employer and his employee can agree to terminate this parental leave early. The early termination does not entail an obligation to reimburse the allowances already received from the NEO. The “coronavirus version” of parental leave was due to expire at the end of June 2020. In the meantime, the government has decided to extend it until the end of September 2020. Some extensions have also been planned for single parents and parents of a disabled child. These adjustments made to the coronavirus parental leave have not yet been cast into final legislation.

4. Under Belgian law, employers are under a continuing **obligation to safeguard the health and safety in the work place** at all times and take preventive measures if appropriate. The employees have a duty to cooperate in that respect and should therefore be encouraged to report their potential or actual exposure to COVID-19.

However, due to applicable privacy laws, absent a specific legal obligation or government order, **the employer cannot require employees to complete health-questionnaires or submit employees to mandatory testing for COVID-19.**

Instead, employees should be made aware of the risks posed by COVID-19 and should be strongly encouraged to voluntarily self-report any symptoms/diagnosis or any high-risk travel, other activities or contact with other people who develop symptoms or are diagnosed.

On June 5, 2020, the Belgian data protection authority issued guidance on the topic and clarified that it is allowed to measure temperatures of all individuals who want to enter a workplace, provided that the results are not stored or otherwise processed in combination with any personal data. In other words, it would be allowed for an employer to refuse individuals access to premises based on a temperature measurement using a **conventional thermometer** (no digital scanners, camera systems or other sophisticated means) indicating a (severe) fever (other than the employees

themselves, see point 7 below). However, an employer cannot keep a log of individuals whose temperature has been measured and cannot inform others of the fact that a certain individual has a fever (except, under certain circumstances, the occupational physician, see the next point below).

5. **Strictly speaking, employers cannot order an employee to stay at home** without their consent simply because they exhibit symptoms without a confirmed diagnosis. **Yet, if the employee exhibits clear symptoms of COVID-19** (coughing, sneezing, fever, muscle pain) and, in the opinion of the employer, thereby creates a clear and imminent health risk to other employees, the **employer must contact the relevant occupational physician**, who will decide whether or not the employee must be tested. If the occupational physician decides that testing is required, the employee must report to the physician for testing and, in case they refuse and the occupational physician deems it necessary, can be required to stay at home in order to protect other employees.
6. **Voluntary self-reporting procedures put in place by the employer should ensure strict confidential treatment of the employee's health information.** Self-reporting should be directed to a designated person (or small group) in the HR department who treat the information as strictly confidential.

If an employee self-reports, the **employer may therefore not disclose the identity of the employee** to the other employees. This is also simply not necessary in most circumstances in order to properly address the risk and the employer may still notify the occupational physician of the identity of the self-reporting employee.

In order to be able to inform others (in light of the aforementioned obligation to take preventive measures), the employer may ask (but cannot order) the affected employee to provide a list of other personnel with whom the employee has come in contact for a specified period of time before having self-reported (*e.g.*, 7-14 days). In that case, the employer should also let the affected

employee know that this is the purpose of asking for the list. If a list is provided, the employer may reach out (individually, not as a group, in order to guarantee confidentiality) to the individuals on this list and, if applicable, individuals who the employer should assume may also have been in contact with the affected employee during the relevant period of time by virtue of their role or the location of their working station, to inform them that they may have come into contact with a person who developed symptoms, was diagnosed or has other risk factors applying to them (travel, contact with symptomatic or diagnosed individuals), as applicable, but without divulging the identity of the affected employee.

As to those contacted employees, the employer may strongly encourage them to stay at home or agree with them to put in place other appropriate preventive measures (such as teleworking).

Finally, once information collected (including self-reported) about an employee's health-status is no longer needed for the purposes mentioned above, the information should be deleted and may no longer be used by the employer.

### **Specific socio-economic measures to support key sectors and companies providing essential services**

The federal government has implemented several new measures specifically tailored to provide economic relief and flexibility to companies active in a key sector or that provide essential services (as exhaustively listed in the aforementioned government regulations).

The measures include an exemption from social security contributions and tax withholding for up to 220 hours of overtime between April 1<sup>st</sup> and June 30, 2020 (and without overtime extra pay), additional flexibility for the posting or secondment of employees, and exceptions to allow consecutive short-term employment contracts (without requalification in indefinite term contracts) and the non-inclusion of hours worked by a student in the second quarter of 2020 in the annual quota of 475 hours (with the aim of encouraging students to work in critical sectors).



## Key employment related incentives and measures taken at the level of the Regions

1. In the **Flanders Region**, pursuant to the Flemish Government Decree of March 18, 2020, the scope of the existing **incentive premium program** (“aanmoedigingspremie”) has been expanded specifically in light of the COVID-19 crisis. Any employee who is currently employed by a company with its operational seat in the Flemish Region that is suffering a decrease of at least 20% of turnover, production or orders (compared to same month previous year) due to the COVID-19 crisis, can apply for an incentive premium. In order to be eligible, the relevant employees must maintain at least a half-time working schedule (50% of full time job working time). The premium cannot be combined with certain other incentive measures provided by the Flemish Region. The employer must submit a specific plan to the Department of Work of the Flemish Government. Incentive premiums because of the COVID-19 crisis can be awarded for the period from April 1, 2020 (including retroactively if needed) until June 30, 2020.

The amount of the premium per employee is calculated as follows:

Minimum working time during preceding year	Expected average working time during the crisis	Gross monthly premium	Net monthly premium
75%	50%	€171.6	€152.72
70%	At least a 20% reduction	€102.96	€91.63
60%	At least a 10% reduction	€68.64	€61.09

The Flemish Government grants a **compensation premium** for companies that are obliged to remain closed and a **support premium** was announced for companies that experience a

decrease in turnover of more than 60% compared to 2019.

2. In the **Walloon Region**, the government has also taken several decisions concerning educational leave and certain measures in favor of employment to limit the negative impact of the coronavirus crisis.

The measures relate *inter alia* to:

- support for the promotion of employment through the suspension of certain obligations related to unemployed job seekers for employers in the commercial and the non-commercial sector (A.P.E.; SESAM regime);
- support for integration enterprises;
- paid educational leave;
- service vouchers; and
- vocational training contracts and individual professional training.

3. The government of the **Brussels-Capital Region** has also announced a number of sector-specific measures. Amongst others, these measures relate to the following:

- paid educational leave; and
- support of service voucher workers.

## Temporary suspension of the social elections procedure 2020

1. The social partners represented in the National Labour Council called for the procedure for the social elections in May 2020 to be temporarily suspended from day X+36. In the meantime, a legislative and regulatory framework was put in place as a matter of urgency and with retroactive effect in order to provide the necessary legal certainty to all parties concerned. The electoral procedure will be resumed in the autumn, between 16 and 29 November 2020.
2. In order to guarantee legal certainty for workers and employers, the lists of candidates could still be introduced until day X+35, *i.e.* between 17 March and 30 March 2020 (depending on the date chosen by companies to hold the elections).

3. On the basis of the new electoral period, the companies will set their own new day Y (new election date, to be between 16 and 29 November 2020) and they will establish a new electoral calendar. This new day Y then results in a new electoral calendar as from day X+36. The electoral procedure will automatically resume as from this new day X+36.

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