

Newsflash

26 December 2007

Employment, Social Security and Immigration Law

More responsibilities for the Committee for Prevention and Protection at Work

For many years, the manner with which the European Directive¹ on the information and consultation of employees in undertakings has to be transposed into Belgian legislation has been a topic of much debate in Belgium.

Eventually, the Group of 10, the assembly of all the leading figures of the trade unions and the employers' associations, reached an agreement on 23 November 2007.

In undertakings with a workforce of between 50 and 100, where no works council or trade union delegation is established, a number of financial and economic competencies of the work councils will be awarded to the Committee for Prevention and Protection at Work (CPPW). This means that the CPPW will have to be informed on the status, the competitiveness, the production, the productivity, the work program and the general expectations for the future of the company. Each year, the CPPW will receive the balance sheet and the profits and losses account. Finally, the CPPW will take the role that is normally played by the trade union delegation in the event that no works council is established. For example, the CPPW will have to be consulted before any important structural decision that has an impact on employment or work organisation within the company can be taken. Despite this increase in responsibility, the number of members of the CPPW will not expand, and neither shall the number of protected employees.

For a workforce of between 20 and 50, a distinction has to be made between undertakings with or without a trade union delegation. Not much is set to change in sectors where a regulation on trade union delegation already exists for small and middle-sized undertakings. Only the balance sheet will have to be provided to the trade union delegation as additional information. In sectors where no arrangements have been made regarding a trade union delegation, the Group of 10 made an appeal to come to an agreement on the supply of financial and economical information by the end of 2010. However, the sectors are not obliged to do so.

Undertakings with a workforce of less than 20 are not concerned with such agreements.

The competencies of the CPPW will have to be increased by amending the law. The Council of Ministers already approved the draft bill on 7 December 2007, so this bill is expected to be passed soon.

Lieven Monserez, Advocaat/Avocat, Tel: +32 2 800 71 41, Email: lmonserez@laga.be

¹ Directive 2002/14/EC of 11 March 2002.

