

Newsflash

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Employment, Social Security and Immigration Law

Extension of the obligation to inform the prevention adviser

The Belgian regulation¹ foresees that an employer must inform the prevention adviser of any absence of a worker for more than 4 weeks due to incapacity (illness, accident, childbirth). Until recently, this only concerned workers subject to mandatory health surveillance, namely:

- the workers carrying out security related work;
- workers carrying out activities implying vigilance;
- workers carrying out activities involving perishable goods;
- workers carrying out risk activities.

Since 13 March 2008², this obligation has been extended to all workers absent for more than 4 weeks regardless of their position within the company.

Furthermore, the possibility for workers absent during a period of more than 4 weeks to undergo a medical examination before returning to work has also been extended to all workers. This medical examination must comply with certain conditions, namely:

- a written request has to be submitted by the worker together with his/her agreement to undergo the medical examination;
- the examination must take place within 8 days of the written request;
- the examination allows the prevention adviser to suggest adaptations to the workplace in order to limit strains resulting from the work performed.

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¹ Royal Decree of 8 May 2003.

² Royal Decree of 27 January 2008, B.S./M.B. 3 March 2008

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