

Employers: how to deal with the partial lockdown until 3 April 2020 ?

	Hypothesis	Examples	Consequences	Actions
1.	The State forbids me from operating my business	Restaurants, bars, night clubs, cultural happenings, sport exhibitions or competitions, non-food shops on Saturdays	Employment contracts are suspended and employers are not obligated to pay their employees Temporary unemployment (due to unforeseen circumstances) will be available; employees will be partly compensated by the State	Provide written notice with this information to employees Take administrative steps to apply for temporary unemployment measures
2.	My company is allowed to operate, but is affected by a decline in business	Caterers, wholesalers for restaurants and bars, travel agency, hotels	Employers may be able to apply for total or partial suspensions of their employment contracts (due to economic unemployment); employees will be partly compensated by the State	Take administrative steps to apply for temporary unemployment measures and enter into a new collective bargaining agreement (CBA) or plan for white-collar employees
3.	My business is allowed to operate and it faces an exceptional increase in activities	Shops in the food sector, medical industry, take-out restaurants	Employees continue to work as usual Employees may be asked to work overtime (with overtime pay and compensatory rest to be provided later)	Provide instructions to employees if requesting overtime Take administrative steps with the trade union (if any) and the authorities to allow overtime
4.	My business is allowed to operate but I would like my employees to telework	Consultants, accountants, bailiffs, public notaries	If employees have not worked remotely before, they cannot be forced to do so unless they expressly agree to the arrangement	Provide a letter of explanation to the employees about the telework option Create an addendum to the employment contract if they agree to telework

5.	Business continues as usual	Companies with permanent teleworkers, shops (during the week) not impacted by the virus, factories	The employment contracts continue as before	n/a
6.	What if the government forbids commuting as a next step?	Factories, non-profit associations	<p>If the ban on commuting renders the employees' work impossible, the employment contract is suspended and employers are not obligated to pay their employees.</p> <p>Temporary unemployment will apply; employees will be partly compensated by the State</p> <p>If employees can telework, employees must accept that work arrangement unless they have reasonable grounds to refuse to work from home</p>	<p>Provide notice to employees of this development</p> <p>Take administrative steps to apply for temporary unemployment measures</p> <p>Provide a letter of instruction to the employees regarding telework</p>

Additional information:

- The employer is not allowed to unilaterally require employees to take their holiday;
- The State has announced additional measures to support economic activity, including the ability to postpone payment of social security contributions, VAT or tax withholdings and even a possible exemption from social security contributions for certain businesses (catering). Additional measures may apply depending on the region where the business is located.

For any further practical question or assistance, contact RELIANCE (www.reliancelaw.be – 0032 (0)2 739 46 10)

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