

Vaccination leave as compelling reason/short leave

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You have probably heard about the famed vaccination leave. The law providing for this was recently approved by the Federal Parliament. We are now waiting for it to be published in the Belgian Official Gazette.

The vaccination leave is open to private employees employed under a contract of employment and the contractual staff of the public sector. Job students, interim employees and employees who do telework are therefore included.

By taking the vaccination leave, the employee can be absent from work for the necessary time without loss of pay to vaccinate against the coronavirus. The right to short leave applies to the time spent travelling to and from the location where the vaccination takes place and the time spent at the vaccination centre.

The employee who wishes to make use of his/her right to short leave must inform the employer of his/her absence in advance, as soon as the time or schedule of the vaccination is known to him/her.

The right to short leave can only be used for the purpose for which it is allowed, i.e. to be vaccinated against the Covid19 virus. If the employee uses the short leave for another purpose, the hours of absence will be unjustified and considered as unpaid.

The employer may ask the employee to present proof. The employee must then present a confirmation of the appointment with the vaccination centre that specifies a time. If the confirmation does not specify a time when the employee must be present at the vaccination centre, the invitation must be presented. Proof of actual attendance at the vaccination centre cannot be requested.

This information may only be used for the purpose of work organisation or proper payroll administration. No copy of the appointment confirmation may be made. The information may also not be copied. This does not apply to the time of the appointment. Proof can therefore never be requested by e-mail.

The absence may only be registered as a short leave. Due to the protection of privacy, the reason for the short leave may not be registered by the employer. The presence or absence of health problems may also not be registered.

The vaccination leave can be taken from the date of publication in the Belgian Official Gazette until 31 December 2021. This date can still be extended if necessary.

Should you require additional information in connection with the above, the Payroll & HR team of RSM Belgium is at your disposal (interpay@rsmbelgium.be).

RSM InterPay

RSM Belgium wishes, through this document, to provide general information, without the information contained in this document being considered as an opinion. The editorial staff shall endeavour to compose this edition as accurately as possible. However, we cannot guarantee that this information will always be accurate when it is received or that it will always be accurate in the future.



RSM InterTax HR Insights April 2021

Monthly corona teleworking declaration as from 1 April 2021 - Update

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In our HR Insights of 31 March 2021, we informed you that as of 1 April 2021, there will be a mandatory monthly registration of telework within your company.

The obligatory teleworking declaration gave rise to a lot of questions that were answered by the NSSO in the meantime.

As an employer, you must register the following every month via the social security portal:

- The number of people working per unit of establishment on the first working day of the month;
- The number of persons employed per unit of establishment who exercise a function that cannot be teleworked.

The NSSO has clarified that companies where nobody or almost nobody can telework (e.g. hospitals, big stores, etc.) must also submit the mandatory declaration. Only the companies that are completely closed (on the first day of the month) by the government are exempted from the declaration obligation. This concerns, for example, hairdressers or non-medical contact professions.


Furthermore, the NSSO has clarified the notion of 'employee' and replaced it with 'persons working in the company'. This means that non-employees, such as structural temporary workers, students, self-employed persons, partners and collaborating spouse(s) must also be added. Also personnel of another employer working in the establishment unit must be added to the total number of persons employed in the enterprise.

A non-teleworking function is any function that by its nature has to be done on site, e.g. blue-collar workers, technical assistants, reception staff, kitchen staff, cleaning staff, administrative staff who cannot carry out their tasks from home, itinerant posts such as inspectors, couriers, home help, etc. It is the employer who decides which job is teleworkable or not.

Those who are exceptionally present on the work floor - for example to collect materials, print out certain documents or to hold an evaluation interview - can justify this and are not counted as non-teleworkable positions.

The NSSO has also confirmed that the telework declaration is only compulsory for companies with an establishment in Belgium.

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The complete FAQ can be found on the website of the NSSO:

https://www.socialsecurity.be/site_nl/employer/applics/coronavirus/general/faq.htm

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