

Belgium: Towards a 4-day week without reduction of working time

February 2022

Belgium's coalition government has proposed a reform aimed at, among other things, encouraging new forms of work, better protecting platform workers, strengthening the right to training, and facilitating a better work-life balance. Among its measures is the right for employees to split their working time over four days.

It doesn't appease the unions that the government will consult the social partners after the agreement was reached between the coalition partners. The government still hasn't concealed the concrete text of its proposal. If the government continues to bypass workers' representatives on issues as crucial as flexibility, night work, daily working hours, the right to disconnect, training, etc., while the working world is already suffering from a loss of purchasing power, they should not be surprised to see workers contest these decisions.

The reform's flagship measure is a possibility to distribute working time over 4 days instead of 5. It would also allow for a flexible schedule, working more time in one week so as to free up time the following week. The adjustment of working hours would be a right for workers, with the employer having to give reasons for any refusal.

"While many workers are already unable to keep up with the pace of work already being imposed, extending the working day will not help them in any way whatsoever," responded the CSC in a statement. "The FGTB President, Thierry Bodson states that "Compressing work to 4 days is a murderous stab at the demand for collective work reduction". For many workers this will mean the end of 8-hour day and a return to the 10-hour day on a "voluntary" basis (5 days compressed into 4). We see the trend emerging with ever greater flexibility and more pressure at work. These individual agreements erode negotiation at cross-industry and sectoral levels and reduce it to the "worker - employer" relationship. This is precisely the level where the employee is least able to defend his/her interests.

Furthermore, the government is proposing criteria to determine whether the relationship between a platform and the worker is a business relationship or an employment relationship. The criteria being chosen are those set out in the EC Directive proposal. This would either involve 8 criteria of 5. If 3 out of the 8 criteria are met or 2 out of the 5, there is a presumption of employee status. If an employment relationship exists, then the relevant workers will benefit from an employment contract and all the social rights attached to it. A positive point is that accident insurances must be taken out for platform workers.

There will also be changes to rules for night-time work even if this is to a large extent defined by collective agreements. Night work between 8pm and midnight can be reintroduced in e-commerce, based on an agreement with only one trade union organisation in the company. The employer can even bypass the unions altogether by concluding individual agreements with the workers.

“Now that the process has commenced, it is to be feared that even greater flexibility will soon be imposed. This is not a good idea at all: workers, their family life, and their health must not be the subject of experimentation,” according to CSC.

If adopted, workers will also have the right to five days of training per year from 2024 along with the right to disconnect. These are positive elements together with measures to better protect platform workers. On the flipside, workers in companies with less than 20 employees will be excluded from the right to disconnect and thus discriminate against.

Edited by industriAll Europe