Ius Laboris Belgium Global HR Lawyers
Claeys & Engels

Newsletter: **Workable and Agile Work (WAW)**

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Dear reader,

The now "notorious" draft legislation on agile and workable work, which has often made headlines has been published today, 15 March 2017.

This law is intended to respond to several economic and social evolutions. On the one hand, it meets the employers' request for more flexibility. On the other hand, it is supposed to enable employees to better adapt their professional life to their personal life.

In this newsletter, we provide a comprehensive overview of the changes that this law entails.

We also provide training on this topic, which can be held either at your office or at ours. Please feel free to contact our marketing team or your usual contact person at Claeys & Engels

We hope you enjoy the read!

Introduction

The law on agile and workable work provides a legal framework:

- A **base** applicable to all employees:
  1) changes in the regulations on working time;
  2) additional regime of voluntary overtime;
  3) training of employees
  4) occasional working from home

- a **menu** of possibilities to derogate from the existing legal regulations; each sector can negotiate how these possibilities are to be activated at sector level or at enterprise level. This menu consists of the following measures:
  - regarding agile work
    (i) extension of the plus-minus account to other sectors;
    (ii) agency contracts for an indefinite duration
  - regarding workable work
    (i) career saving;
    (ii) granting of leave.

- A number of general measures:
  1) reform of employers' groups;
  2) simplification of formalities for part-time work
  3) floating work schedules;
  4) expansion of palliative leave and time-credit;
  5) night work in e-commerce.

The majority of these statutory provisions will enter into force retroactively on 1 February 2017.

1 Base

The base consists of four measures which will immediately be applicable to all enterprises.

1.1 Changes regulations on working time

There are several (minor) changes in the regulation on working time.

1.1.1 Annualisation of working time in the context of small flexibility

The modest flexibility regime (Art. 20*bis* Labour Act) allows responding to quiet and busy periods by alternating between alternative work schedules and existing work schedules. The working schedules can foresee in a:

- a daily working duration of two hours more or less than the normal daily working duration (with a maximum of nine hours per day);
- a weekly working duration of five hours more or less than the normal weekly working duration (with a maximum of 45 hours per week).

The aim is that the average weekly working duration is respected over a certain reference period, by sufficiently changing between the different work schedules.

Until now, this reference period was a quarter which could be extended to one year.

From now on, the reference period in the context of modest flexibility has to correspond to a calendar year or with a period of 12 subsequent months. It will thus no longer be possible to have a shorter reference period.

However, the law contains a transitional provision. The CBAs which are deposited at the Registry of the FPS ESLD at the latest on 31 January 2017, or the work rules which existed at the latest on 31 January 2017, continue to be in force unaltered.

1.1.2 Changes in procedures introduction of modest flexibility

The procedure to introduce modest flexibility will be simplified. The cascade system will no longer be applicable.

The modest flexibility can be introduced by CBA or in the work rules.

A sectoral or enterprise CBA containing all the necessary mentions will automatically change the work rules, without the changing procedure for work rules having to be followed. It is no longer required that it is an enterprise-CBA concluded with all the labour unions represented in the trade union delegation.

Moreover, the law provides that an employer can align the work rules with the sectoral CBA on modest flexibility, without compliance to the changing procedure for the work rules, even if the sectoral CBA does not contain all the necessary mentions, but does clearly contain the working duration, the calculation thereof and the difference between the alternative and the regular working schedules.

1.1.3 Increase of the internal threshold

The internal threshold limits the average number of hours that can be performed in excess of the average weekly working time. At no point during the reference period can the internal threshold be exceeded. If the internal threshold is attained, compensatory leave has to be awarded before new additional hours can be performed.

The internal threshold will be increased to 143 hours regardless of the applicable reference period.

This internal threshold can be further increased by sectoral CBA declared generally binding.

“Voluntary overtime” (see 1.2 below) will be partially included to determine whether the internal threshold is met.

1.1.4 Confirmation of the application of European guideline

As a result of a remark by the Council of State, the Labour act confirms that the EU's Working Time Directive 2003/88/EC concerning certain aspects of the organisation of working time is complied with. More specifically, it states that the derogations provided in the Labour Act do not affect this EU directive. This is among others a reference to the principle that the average working time of 48 hours has to be complied with over a reference period of four months.

1.2 Additional regime voluntary overtime

Article 25*bis* is added to the Labour Act to provide a system of voluntary overtime.

This system entails that the employee wishing to do so and whom the employer ask to do overtime, can do so for a limited quota of 100 hours of overtime per calendar year. This maximum can be increased to a maximum of 360 hours by sectoral CBA declared generally binding.

From now on, the agreement of the employee is thus a legal ground for working overtime.

1.2.1 Rules regarding voluntary overtime

These overtime hours are limited to a maximum of 11 hours per day and 50 hours per week.

Performing these overtime hours does not grant a right to compensatory leave.

The employees will receive salary and an overtime premium. The possibility to postpone the payment of the salary by including this in career savings is provided (see 2.2.1 below).

Even though the employee cannot take compensatory leave for these overtime hours, these voluntarily performed overtime hours are included in the calculation of the internal threshold of 143 hours, with exception of the first 25 worked hours. These 25 hours can be increased to a maximum of 60 hours by CBA declared generally binding.

1.2.2 Procedure

These "voluntary" overtime hours require the written agreement of the employee for a (renewable) period of six months, concluded prior to this period. These conditions can be departed from by sectoral CBA deposited at the collective labour department, at the latest on 31 January 2017.

Since the system is a voluntary one, an employee cannot be sanctioned for refusing to offer to work these overtime hours.

1.3 Training of employees

1.3.1 Current system

In the currently existing system, the global training of the employers in the private sector should amount to at least 1.9% of the total payroll of all the enterprises combined.

Employers belonging to a sector which did not provide sufficient training had to pay a contribution to the financing of initiatives benefiting risk groups of 0.05%.

However, the Constitutional Court judged that this system is contrary to the principle of equality and non-discrimination. Certain changes therefore had to be made.

1.3.2 New system

The reformed system provides a new interprofessional goal of an average of five training days per year per fulltime equivalent.

It is intended that this reform does not lead to an increase in wage costs.

1.3.2.1 Introduction

1) On the sectoral level

The social partners will implement the goal of 5 training days on average per year per fulltime equivalent by:

- a CBA declared generally binding or;
- an extension of a CBA in force for the periods 2013-2014 or 2015-2016 by a CBA declared generally binding.

These CBAs have to be concluded at the latest on 30 September of the first year of the two-yearly training period. For the period 2017-2018, this date, which should be 30 September 2017, has been postponed to 30 November 2017.

2) At the enterprise level: training account

Absent a sector CBA, the training can be attained by awarding training days to an individual training account. A Royal Decree will determine how employees are to be informed of their training credit.

The balance of the unused training days can be transferred to the next year. This cannot be deducted from the training credit of that year.

3) Content of the training

Regardless of the means used to comply with the training, the content of the training is always the same. There must be:

- training equal to an average of at least two days per year per fulltime equivalent (or in case of an extension of a CBA, the training has to be at least equal to the currently existing training expressed in days);
- a growth path in which the number of training days is increased to attain the average of five training days per year per fulltime equivalent.

1.3.2.2 Supplementary regulation

Absent both a sector CBA and the increase of the training account, a right to two training days on average per year per fulltime equivalent on the level of the enterprise is provided. This for example means that an enterprise with 35 fulltime equivalents has to offer 70 training days per year, which have to be evenly distributed between the employees.

The training can be attended during or after the working hours. If the training is attended after of the regular working hours, the employee will only be entitled to salary, and not to an additional premium.

A Royal Decree will determine the modalities. As from 1 January 2019, the two training days can be increased by RD.

1.3.2.3 Control

No additional formalities are imposed.

The employer solely needs to, as is the case today, justify it in the social balance which shows the training.

1.3.2.4 Divergent system for SMEs

Employers employing less than 10 employees are exempted from this obligation since most of the training in these enterprises are informal.

For SMEs employing between 10 and fewer than 20 employees, a Royal Decree will provide a different system. The following modalities can be different:

- the number of training days to be provided;
- the goals of the training;
- the determination of the current training goal in days;
- the growth path;
- the keeping of a training account;
- the manner in which employees are informed of their training balance.

1.4 Occasional telework

1.4.1 Existing system

Telework in the private sector is currently regulated by CBA no. 85. Telework is defined as a form of organisation of work which could be performed at the employer's premises, but instead is performed on a regular basis and not incidentally outside the employer's premises using information technology and within the framework of an employment contract.

This regulation is thus only applicable to telework "on a regular basis".

1.4.2 New system

Occasional telework can be described as telework which is performed incidentally and not on a regular basis.

The occasional teleworker organises his work himself within the framework of the working time regulations in force within the enterprise. The explanatory memorandum clarifies that this means that the employee must perform the number of hours mentioned in the working schedule, without thereby being bound by his working schedule. Among others, this entails that an employee who, for example due to a doctor's visit does cannot work during one hour can make up for this hour later that day outside his regular working roster.

1.4.2.1 Reasons

Every employee is entitled to occasional telework in case of force majeure (e.g.: an unexpected train strike or a car breakdown) or for personal reasons (e.g., a doctor's appointment which is hard to schedule outside the regular working time, administrative requirements which require a person to be present, the visit of a plumber).

His function does need to be compatible with the occasional telework.

Such occasional telework will also be possible in case of a strike in the enterprise.

1.4.2.2. Procedure

The worker takes the initiative to ask for occasional telework. This has to be requested to the employer beforehand and within reasonable notice. The reasons also have to be stated. Since no formalities are required, this request can be done orally (for example over the phone) or in writing (e-mail).

In case of force majeure, this could be a requested at very short notice. While for a planned visit to a doctor, the request needs to made longer beforehand.

The employer can refuse the request if, for example, the employee needs to be present at a certain meeting, or if the employee were to abuse the occasional telework.

The employee must be informed of any refusal (electronically or on paper).

The employee and the employer need to have an agreement at least about:

- possible provision of the necessary equipment and technical support by the employer;
- possible availability of the employee during the occasional telework
- possible reimbursement by the employer of the costs related to the occasional telework.

1.4.2.3 Framework

It is recommended to establish a framework for this occasional telework. This framework can be established in a CBA or in the work rules.
The framework must include the following elements:

- the functions and/or activities within the enterprise which are compatible with occasional telework;
- procedure to request and allow occasional telework;

- the possible provision of the necessary equipment and technical support by the employer;
- possible availability of the employee during the occasional telework;
- possible reimbursement by the employer of costs related to the occasional telework.

1.4.2.4 Entry into force

This regulation enters into force on 1 February 2017, except if the social partners conclude a CBA in the National Labour Council before that date which provides an alternative mechanism.

2 Menu to be activated by sectors

In addition, the law contains several provisions which can be "activated" by the sectors, subdivided in measures in the framework of agile work and of workable work.

2.1 Menu Agile Work

2.1.1 Expansion of the plus-minus account

The system of the plus-minus account is expanded from the automobile sector to other sectors, more specifically to sectors facing strong international competition or which have specific needs with regard to working time.

In a nutshell, the plus-minus account entails that:

- employees can work up to 10 hours/day and 48 hours/week;
- the average working time can be complied with over a longer reference period than 1 year, with a maximum of 3 years.

If these regulations are complied with, no premium for overtime will be due.

The application of such a system will have to be activated on the sectoral level with a sector CBA.

2.1.2 Agency contracts for an indefinite duration

From now on the temporary work agency and the temporary agency worker can conclude an employment contract for an indefinite duration to do agency assignments for one or multiple users.

The advantage for the temporary work agencies is that they can form a pool of temporary agency workers who are in high demand in the labour market. The temporary agency worker will benefit from a better statute.

2.1.2.1 Different rules for agency contracts for an indefinite duration

The rules for an employment contract for an indefinite duration apply, with several particularities:

- the employment contract must be signed at the latest at the time that the temporary agency worker enters into the service of the temporary work agency, in accordance with a model to be determined by the Joint Committee (JC) for agency labour. This can also be done in an electronic employment contract.
- the employment contract must contain arrangements on the general terms with regard to the execution of the agency assignments, working duration, the geographic scope and the description of the assignments for which the temporary agency worker will be used (in line with his qualifications).
- different rules on the termination of the agency contract can be provided by a CBA which was declared generally binding.

2.1.2.2 Agency assignment

For every agency assignment, it is required to:

- conclude an agreement between the user and the agency;
- give an assigning letter to the temporary agency worker, at the latest at the start of each assignment, containing the necessary mentions (the name of the user, the reason of the assignment, etc)
- The JC for temporary agency work still has to determine how the temporary agency worker is to be notified of a new agency assignment.
- The temporary agency worker cannot refuse assignments falling within his agency contract.

The temporary agency worker can still only be employed in accordance with one of the statutory motives (replacement of a permanent worker, a temporary increase in work, exceptional work or intake).

2.1.2.3 Period without agency assignment

The employment contract continues to exist during a "period without agency assignments". This is a period of interruption between two agency assignments.

The statute of the temporary agency worker is improved by treating the period without agency assignments more favourably:

- for the determination of annual leave and for the application of provisions concerning seniority, the periods without agency assignments will be equated to a period of activity;
- during a period without agency assignment, the employment contract cannot be suspended for a lack of work due to economic causes;
- in between two assignments, the temporary agency worker is entitled to a guaranteed minimum hourly salary for every hour he is not put at the disposal of a user. The modalities have to be established by a CBA declared generally binding.

2.1.2.4 Entry into force

This possibility can only be used after the JC for temporary agency work has concluded the necessary CBAs declared generally binding.

2.2 Menu Workable Work

2.2.1 Career Saving

Career saving is a new term. The aim is to give employees the chance to guide their own career and to take a break.

2.2.1.1 Hours to be saved

The hours that can be saved to take later as leave are:

- The credit of voluntarily overtime that does not need to be caught up with based on Article 25bis of the Labour Act (see above under 1.2);
- Conventional days of leave attributed by a CBA and which can be taken freely by the employee. Legal holidays are excluded;
- The number of hours that are worked above the average weekly working hours and that, at the end of the reference period, can be transferred in the framework of a gliding work schedule (see below 3.3);
- The overtime which the employee can choose whether he catches up with or not (in the framework of a quota of overtime due to an exceptional increase of work or unforeseen necessity)

By Royal Decree it is possible to provide that cash premiums (e.g. end-of-year premium) can be saved to take later as leave. The royal decree will determine how the cash premiums will be converted in time and salary and what the arrangement will be regarding social security

An employee can not be obliged to take part in the career saving.

At the end of the employment contract the employee has the right to full payment of his savings.

2.2.1.2 Implementation

The implementation is done through a cascade system.

The framework for the career saving needs to be initially laid down on a sectoral level in a CBA.

If, within a period of six months after the item was put on the agenda of the JC by an employer or employee organisation represented in the JC or by an individual company, no sectoral CBA is concluded, a CBA can be concluded at company level.

The CBA determines:
- Which periods of time can be saved;
- The period during which they can be saved;
- The way the employee can take these days;
- If the savings can be transferred within the sector and under which modalities and conditions (only in a sectoral CBA);
- How the valuation of the savings is done;
- The management and the guarantees for the employee;
- The arrangement in case of liquidation of the company.

When setting out the framework, attention needs to be paid to the gender aspect. It needs to be ensured that women have the same saving possibilities as men.

2.2.1.3 Management

The system of career saving can be managed by:
- The employer himself (who needs to provide payment guarantees); or
- An external institution; or
- The Welfare Fund of the JC concerned.

2.2.1.4 Entry into force

This measurement enters into force on 1 August 2017 (six months after the entry into force of the Act), unless the NLC concludes a CBA about career saving before this date.

By Royal Decree the period of six months can be extended by six months to give the social partners more time to conclude a CBA.

2.2.2 Granting conventional leave

2.2.2.1 System

This system gives an employee the possibility to renounce his conventional leave in favour of a co-worker in the company who:
- Takes care of a child that has not yet reached the age of 21 years old with an illness or handicap, or that has had a serious accident; and
- For whose care it is necessary to be continuously present.

It needs to be conventional leave which the employee can take up freely and is;
- Either supplementary holidays, attributed by a CBA or agreement;
- Or paid working time reduction days.

This grant is done voluntarily, anonymously and without compensation, and the employer needs to agree.

The employee who wants to benefit from these granted holidays needs to have already taken all the holidays and rest days that he can take freely and needs to be able to present a detailed medical certificate.

The employee who receives the holidays can suspend his employment contract with pay.

2.2.2.2 Implementation

The framework for such granting:

- It needs to be initially concluded in a sectoral CBA
- If, within a period of 6 months after the item was put on the agenda of the JC by an employer or employee organisation represented in the JC no sectoral CBA is concluded, a CBA can be concluded at company level with all Trade Union Organisations represented on the Trade Union Delegation or, in the absence of a Trade Union Delegation, by means of the work rules.

2.2.2.3 Procedure

The employee who meets the conditions to be entitled to a grant of holidays by a co-worker needs to submit an application to the employer with an indication of the number of days he will need.

This application is limited to two weeks and is renewable.

The employer then informs all employees about the existence of such an application. Each co-worker who is in possession of conventional holidays can let the employer know that he wishes to renounce them.

3 Other general measures

3.1 Employers' groups

The existing system of employers' groups will be reformed.

An employers' group allows its members to employ one or more employees with different companies and to lease them to the other members. This is an exception to the prohibition of lease of personnel. For companies that do not need full-time employees this can be a solution because the employees can be leased to the members (except in case of a strike or lock-out at a member)

The most important points of the reform are the following:

3.1.1 procedure

The Minister of Labour grants permission and has the possibility (but no longer the obligation) to ask the NLC for a prior opinion.

The duration of the authorisation procedure has been shortened. From now on, authorisation shall be granted within 40 days when no advice is requested from the NLC. The period is 100 days when the NLC is asked for advice.

3.1.2 Period of validity of the authorisation

From now on, the authorisation applies for an indefinite duration.

3.1.3 Number of employees

The employers' group can have a maximum of 50 employees. This limit can be increased by Royal Decree, on the advice of the NLC.

3.1.4 Formalities

In addition, some formalities need to be gone through: the employers' group needs to draw up internal rules and an annual activity report and deliver it to the President of the Management Board of the Federal Public Service for employment, labour and social dialogue.

3.1.5 Transitional measures

Permissions that were already granted under the previous legislation and that exist on the date of entry into force of the new rules shall continue to apply.

3.2 Simplification of part-time work

The judicial framework of part-time work will be simplified and made more flexible, to ease the administrative burdens.

The following will change:

- Adjustment of the obligatory declarations in the employment contract;
- No obligation to include all part-time working schedules in the work rules;
- The announcement formalities can also be fulfilled electronically from now on;
- Modernisation of the supervision of the derogations.

3.2.1 Part-time employment contract

From now on it will be sufficient to mention the agreed part-time labour regime in the part-time employment contract with a flexible working schedule and to refer to the work rules. It is thus not necessary to mention all applicable working schedules.

3.2.2 Work rules

Today every part-time working schedule needs to be included in the work rules. In practice, this often leads to lengthy annexes to the work rules.

To put an end to this, it suffices from now on to merely provide a framework in the work rules for the flexible working schedules, with the following specifications:

- The daily time period during which performances can be foreseen;
- The days of the week on which performances can be foreseen;
- The minimal and maximum daily working time; when the working time is flexible, the minimum and maximum weekly working times are as well;
- The way and the notice for informing part-time employees about their part-time working schedules. Every employee needs to be informed about his working schedule.

3.2.3 Announcement formalities

For part-time employees strict formalities to announce the working schedule apply. In case of derogation of the foreseen working schedule there are also registration formalities. Today they are often cumbersome.

That is about to change.

(i) Copy of the part-time employment contract

The copy of the part-time employment contract (or an extract thereof) that needs to be kept at the same place as the work rules can from now on be kept electronically. It remains of course possible to keep a paper copy.

(ii) Notification of the flexible working schedule

Today a double announcement needs to be made for the flexible part-time working schedules:

- notification of the applicable working schedule to the concerned employee;
- and
- displaying the applicable working schedule before the beginning of the working day for inspection purposes.

From now on, the notification of the flexible working schedule to each employee concerned must in principle take place at least 5 working days in advance, but this can be shortened by a declared binding sector-level CBA to (minimum) one working day. The CBAs concluded prior to the entry into force of the law remain applicable, on condition that the minimum period of one working day is respected.

The notification can take place individually or collectively, provided that the working schedules are determined for each employee

individually. However, it is required that this notification be in writing and that the part-time employees be notified in a reliable, appropriate and accessible manner.

What is new is that the notification of the flexible working schedule can also be delivered electronically.

For example, it will be possible to notify the employees of the working schedules via the company's intranet, provided that all employees concerned have access to the intranet.

As soon as the working schedule is applicable, the message with notification of the working schedule must be located on the same place as where the work rules are kept and it must be kept for one year. This can also be done electronically.

From now on, it is no longer necessary to post the applicable working schedule prior to the beginning of the working day. It is thus possible to make one single notification.

3.2.4 Deviations from the timetable

The rule continues to be that deviations from the timetable must be registered. What is new is that from now on this can also be done with a reliable system of time registration.
Such a system of time registration must register the following:

- the identity of the employee;
- the beginning and the end of the working day and the breaks;
- the period which is covered by this information.

There is no obligation any more to print out this information on a weekly basis.

The trade union delegation and the social inspection must be able to consult the registered information, and this information must be easy accessible.

Moreover, the information must be kept for a period of five years.

3.2.5 Additional hours

The regulation of the additional hours for part-time employees is likely to be amended. This is not recorded in the law and requires an adaptation of the Royal Decree of 25 June 1990.

Additional hours are hours performed by part-time employees outside their provided timetable or on top of the agreed average working time, but without exceeding the full-time working time limits. These additional hours give an entitlement to overtime remuneration, with the exception of a "credit" that is exempted from overtime remuneration.

The credit for a part-time employee with a variable timetable would be raised from maximum 39 hours to maximum 42 hours/quarter or 168 hours/year.

Moreover, rearrangements or adaptations to the timetable would not be considered as additional hours, at the request of the employee.

3.2.6 Entry into force

These adaptations will enter into force on 1 October 2017.

Employers who already use variable part-time timetables receive an additional period of six months to adapt the work rules to the new regulations.

3.3 Gliding timetables

Although gliding timetables are often used in practice, only now are they legally regulated. Until now gliding timetables were tolerated by the social inspection under certain conditions. A legal framework was necessary.

3.3.1 Content gliding timetables

From now on a gliding timetable can be introduced by means of a CBA or the work rules. Such a gliding timetable contains fixed periods during which the employee must be present ("core period") and variable periods during which the employee chooses the beginning and the end of the working day and the breaks ("gliding period").

The CBA or the work rules mention at least:

- the average weekly working time that must be respected within the reference period of three calendar months (to be extended to a year);
- the core period (the hours of mandatory presence at the company);
- the gliding period (the variable periods during which the employee determines his/her arrival, departure and breaks). The daily working time must be limited to nine hours;
- the number of hours that can be performed under or above the limit of the average weekly working time (maximum 45 hours/week);
- the number of hours that were performed under or above the average weekly working time and that can be subject to a transfer at the end of the reference period (maximum 12 hours, to be raised by CBA).

3.3.2 Respect average working time

From now on it will thus be possible to exceed the normal working time limits with a gliding timetable, but this is limited to nine hours per day and to 45 hours per week. However, it remains possible to exceed these limits with regard to overtime, but in that case overtime remuneration will be due.

Recuperating the hours performed too much or too little, because the employee has not been able to work during the reference period because of force majeure, can still take place within the three months following the reference period.

3.3.3 Transfer

A limited transfer of hours that the employee has performed under or above the limit of the average weekly working time is possible. This transfer is limited to 12 hours (to be raised by CBA).

3.3.4 Time registration

A time registration system must be introduced (not necessarily electronic) that can be consulted by the employee and by the social inspection. The time registration must contain information on:

- the identity of the employee;
- per day the duration of his/her work performance;
- and if it is a part-time employee with a fixed timetable: the beginning and the end of the working day and of the breaks.

This information must be kept for five years.

The employee must be able to follow up on the number of hours he/she has performed under or above the average working time during the reference period.

3.3.5 Remuneration based on average working time

An employee employed on a gliding timetable is entitled to remuneration based on the average daily working time. For an employee with an actual full-time working time of 38 hours per week, this means that he/she is entitled to a remuneration of 7 hours 36 minutes per day.

If at the end of the reference period (or in case of force majeure, after the period of three months following the reference period) it turns out that the employee has worked too little, the excess remuneration can be deducted.

On the other hand, if the employee has worked too much and has not taken enough breaks, he/she will not be entitled to extra remuneration.

3.3.6 Procedure

The work rules must be adapted to introduce the gliding timetable and an appendix must be inserted into the rules that are applicable regarding the gliding timetable.

If the gliding timetable is introduced by CBA, the work rules will be adapted automatically from the point at which the CBA is deposited at the registry of the FPS ELSD, provided that the CBA contains all the necessary information.

3.3.7 Transitional measure

There is a transitional measure. If a system of gliding timetables already exists in the company on the date of the entry into force and this is confirmed in the work rules or in a CBA that is deposited at the registry of the FPS ELSD on 30 June 2017 at the latest, then it is possible to deviate from this new legal framework.

However, this does not affect the normal legal procedure that must still be followed to introduce a timetable with night work or to introduce a working regime with night work.

3.4 Expansion of palliative leave and time credit

Palliative leave is extended to in total three months. This can be used per month and thus can be extended twice.

More information on the expansion of the time credit can be found in this *newsflash*.

3.5 Night work e-commerce

A new legal exception to the prohibition of night work is stipulated. From now on, night work is permitted for *"the execution of all logistic and supporting services connected to the e-commerce"*.

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