

Newsletter

Act containing various provisions labour-related

JUNE 2026



Dear reader,

On 30 April, Parliament approved the draft Act containing various provisions labour-related. The Act was published in the Belgian Official Gazette on 1 June. It implements a number of measures from the government agreement, both in relation to individual and collective labour relations.

In this newsletter, we outline the impact of the Act containing various provisions labour-related on your HR policy.

We will also discuss the introduction of the harmonised regime for voluntary overtime.

Enjoy the read!

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1 Working Time

The Government Agreement provided for numerous changes to working time legislation.

This Act implements several of these measures, including:

- Greater flexibility regarding the rules on recording working schedules in the work rules;
- A reduction of the minimum weekly working time;
- The abolition of the prohibition on night work, as well as a simplification of the procedures for introducing night work across all sectors and for introducing a work regime involving night work in the distribution and e-commerce sectors.

These provisions will enter into force on 1 June 2026.

In addition, the current regimes for voluntary overtime and relaunch overtime have been abolished and replaced by a harmonised system of voluntary overtime as from 1 April 2026.

1.1 Greater Flexibility in Relation to Work Rules

1.1.1 Framework for Full-Time Work Schedules

Until now, all full-time work schedules had to be included in the work rules. For part-time work schedules, greater flexibility had already been introduced, making it unnecessary to list every schedule. Fixed part-time schedules that fell within the full-time schedules set out in the work rules no longer had to be included, while for variable part-time schedules, it was sufficient to provide a general framework in the work rules. These measures to eliminate the often lengthy appendices to the work rules listing all applicable schedules.

Going forward, it is also possible to provide a general framework for full-time work schedules. This framework must include the following elements:

- the days of the week on which work may be performed;
- the daily time frame within which work may be performed;
- the minimum and maximum daily working time;
- the normal and maximum weekly working time.

Where such a framework is included in the work rules, the employer and the employee may, by mutual agreement, freely agree on a full-time or part-time work schedule, provided that it falls entirely within that framework.

This does not affect the possibility already provided for in the legislation to establish a framework for part-time employees with a variable work schedule. The work rules may therefore contain two separate frameworks: one for part-time employees with variable schedules and another for full-time employees.

1.1.2 Simplified Procedure for Amending the Work Rules

As part of the procedure for amending the work rules the matter must be referred to the Joint Committee (“JC”) if the parties are unable to reconcile their positions. The JC then decides on the

dispute. In practice, however, this procedure is rarely used, since approval of the work rules requires a 75% majority of both the representative workers' organisations and the employers' organisations represented within the JC.

Going forward, a decision will be valid if it is supported by at least all representatives present of one representative employers' organisation and at least all representatives present of one representative workers' organisation, in the following cases:

- Proposed amendments to existing work rules aimed at extending the framework for normal working time set out in the work rules (through a modification to the defined time bands);
- Proposed amendments to existing work rules which already contain a framework for normal working time, concerning the introduction of a new work schedule that does not fall entirely within this framework;
- Proposed amendments to existing work rules that do not provide for a framework for normal working time, concerning the introduction of a new work schedule.

1.2 Reduction of the Minimum Weekly Working Time

The Government Agreement provided for the abolition of the rule requiring weekly working time to amount to at least one-third of the weekly full-time working time. The Act ultimately does not abolish this rule but rather relaxes. Going forward, the minimum weekly working time must amount to at least one-tenth of the weekly full-time working time. The existing exceptions remain in place, although their practical significance is likely to diminish.

The requirement that each work period must last at least 3 hours remains unchanged. This rule may only be derogated from by means of a collective bargaining agreement (CBA) or a Royal Decree.

1.3 New Rules on Night Work

The existing rules governing night work have been relaxed:

- The prohibition on night work (i.e. work carried out between 8 p.m. and 6 a.m.) has been abolished.
- The procedure for introducing night work has been simplified.
- The procedure for introducing a work regime involving night work (i.e. the habitual performance of work between midnight and 5 a.m.) has been simplified.
- The rules governing premiums payments for hours worked between 8 p.m. and 6 a.m. have been adjusted for employees who enter into service as from 1 April 2026.

1.3.1 Abolition of the Prohibition on Night Work

The prohibition on night work, i.e. work performed between 8 p.m. and 6 a.m., has been abolished. Going forward, night work is therefore permitted, without the employer having to rely on a statutory ground justifying its use. This measure applies across all sectors.

1.3.2 Simplification of the procedures

Although night work is now permitted without restriction, employees must still be assigned work in accordance with a work schedule (or framework) provided for in the work rules. If no such schedule or framework is currently included in the work rules, it must be introduced, in accordance with the applicable procedure.

The procedures have been simplified both for the introduction of night work (i.e. work performance between 8 p.m. and midnight or between 5 a.m. and 6 a.m.) and for the introduction of a work regime involving night work (i.e. the habitual performance of work between midnight and 5 a.m.).

The applicable rules differ depending on whether it concerns the introduction of night work or of a work regime involving night work, and depending on the sector to which the employer belongs.

1.3.2.1 Procedure for Introducing Night Work

For the introduction of night work, a distinction must be made between:

- The general rule;
- Employers providing logistics and support services related to the e-commerce of movable goods.

1-

The **general rule** remains that the introduction of night work may still only be achieved through an amendment to the work rules. In companies without a works council, this must be done through the posting procedure, whereas in companies with a works council, the agreement of the works council is required.

The conciliation procedure applicable in this context has, however, been simplified.

Where comments have been recorded in the register of observations or have been submitted to the Labour Inspectorate – Supervision of Social Laws (in companies without works council), or where no agreement can be reached within the works council, the Act on Work Rules provides for a conciliation procedure.

Under this conciliation procedure, the labour inspector first attempts to reconcile the parties. If no agreement is reached, further escalation to the JC is provided for, which makes a further attempt at conciliation. If this attempt is also unsuccessful, the JC must decide, the matter by 75% majority of the votes cast by of both the employers' organisations and the trade union organisations. In practice, this may result in deadlock situations.

The legislator has introduced a “deadlock-breaking” mechanism by simplifying this conciliation procedure for the introduction of night work. If the Labour Inspectorate – Supervision of Social Laws determines that the proposed work schedule complies with the applicable legal requirement, it notifies the employer and, where applicable, the chair of the works council. The amended work rules then enter into force on the 8th day following this notification.

2-

For companies providing **logistics and support services related to the electronic commerce of movable goods, night work may be introduced** in two ways:

- Through an amendment to the work rules via the posting procedure or where a works council exists, with the agreement of the works council, including the newly introduced “deadlock-breaking” mechanism involving the Labour Inspectorate – Supervision of Social Laws (i.e. the general rule); or
- Through a CBA signed by at least one representative employees’ organisation. This CBA automatically amends the work rules upon filing with the registry of the FPS Employment, Labour and Social Dialogue;

This is a rule already provided for in Article 27 of the Act of 3 October 2022. This option is available to companies carrying out e-commerce activities, which is a broader concept than “companies in the distribution sector and related sectors”, a category limited to companies falling within specific JCs (see section 1.3.2.2 of this newsletter below).

1.3.2.2 Procedure for Introducing a Work Schedule Involving Night Work

Previously, the introduction of a working regime involving night work (i.e. regular work performed between midnight and 5 a.m.) required:

- A consultation on the necessary adjustments to working conditions through a cascading consultation process (works council, trade union delegation, employees);
- The submission of the report of this consultation by registered mail to the Joint Committee (JC);
- The introduction of the working regime by a collective bargaining agreement signed by all trade union organisations represented within the trade union delegation; or, in the absence of a trade union delegation, through an amendment to the work rules.

The procedure has now been simplified as follows:

- A consultation on the necessary adjustments to working conditions through a cascading consultation process (works council, trade union delegation, employees);
- The introduction of the working regime, with in the applicable procedure depending on the sector to which the employer belongs.

A distinction is made between:

- The general rule;
- The distribution sector and related sectors, including e-commerce;

This includes companies that (i) fall within certain JCs (namely JCs 100, 119, 125.03, 127, 140.03, 149.01, 149.04, 200, 201, 202, 202.01, 226, 311, 312), and (ii) carry out one of the

following activities: retail trade, wholesale trade, third party logistics or e-commerce. Bpost also falls within this category.

- Companies providing logistics and support services related to e-commerce (but not falling within the scope of the category above).

1-

The **general rule** now provides that a working regime involving night work may be introduced in two ways:

- Through a collective bargaining agreement concluded with all representative employees' organisations represented within the trade union delegation. This CBA automatically amends the work rules upon filing with the registry of the FPS Employment, Labour and Social Dialogue; or
- Through an amendment to the work rules, either through the posting procedure or, where a works council exists, with the agreement of the works council.

Companies with a trade union delegation are therefore no longer required to introduce such a working regime by means of a; they may also do so by amending the work rules.

2-

For **companies in the distribution sector and related sectors, including e-commerce** (see above for the definition of companies concerned), further simplification is provided. The working regime may be introduced:

- Through a collective bargaining agreement signed by at least one representative employees' organisation (whereas previously a CBA signed by all trade union organisations represented within the trade union delegation was required). This CBA automatically amends the work rules upon filing with the registry of the FPS Employment, Labour and Social Dialogue; or
- Through an amendment to the work rules through the posting procedure or, where a works council exists, with the agreement of the works council, as was previously the case.

In addition, a "deadlock-breaking" mechanism has been introduced by simplifying the conciliation procedure applicable to amendments to the work rules. If the Labour Inspectorate – Supervision of Social Laws determines that the proposed working regime complies with the applicable legal requirement, it notifies the employer and, where applicable, the chair of the works council. The amended work rules then enter into force on the 8th day following this notification.

3-

For companies that do not fall within the distribution sector or related sectors, but that nevertheless provide **logistics and support services related to e-commerce**, the introduction is also possible through a CBA signed by at least one representative employees' organisation. This CBA automatically amends the work rules upon filing with the registry of the FPS Employment, Labour and Social Dialogue.

For these companies, the general rule therefore also remains applicable. They may accordingly also introduce such a working regime by amending the work rules.

1.3.3 Premiums

For “companies in the distribution sector and related sectors, including e-commerce” (see the definition in section 1.3.2.2), a new definition of night work is introduced, solely for the purpose of determining the rules relating to the night premium.

In this context, night work refers to work performed between 11 p.m. and 6 a.m. This definition determines entitlement to the night premium, with a distinction still being made between employees depending on whether their start date of employment is before 1 June 2026 or not.

For employees who enter into service **as from 1 June 2026**, the premiums and benefits linked to the hours worked between 8 p.m. and 6 a.m. will henceforth only be due for work performed between 11 p.m. and 6 a.m. This rule may be deviated from by contractual or regulatory provisions or by the work rules, provided that such deviation only takes effect after 1 June 2026. Employees must in any case receive at least the amounts provided for under CBA No. 49, which currently amount to EUR 1.51 gross per hour (for employees under 50 years of age) and EUR 1.82 gross per hour (for employees aged 50 or over).

For employees who entered into service **before 1 June 2026**, nothing changes in the first instance. They retain their entitlement to the existing premiums and benefits. However, the employer may introduce changes to existing premiums and benefits for economic reasons. In such case, the JC must be first consulted in order to assess the proposed changes against sectoral agreements and to allow it to issue recommendations in support of social dialogue within the company.

Only an employee whose employment relationship takes effect as from 1 June 2026 falls within the scope of these new rules (even if no actual work has yet been performed).

If the employee was employed, in whole or in part, by the employer during the period from 1 June 2025 to 31 May 2026 as an employee or temporary agency worker under a different employment relationship, they are not considered to be an employee entering into service as from 1 June 2026. Such employee retains entitlement to premiums and benefits linked to the hours worked between 8 p.m. and 6 a.m.

1.4 Voluntary Overtime

Under the new regime applicable since 1 April 2026, there is now a single system of voluntary overtime, thereby abolishing the distinction between voluntary overtime and “relaunch” overtime.

From now on, voluntary overtime may only be performed by full-time employees or by part-time employees who have been employed for at least 3 years under a part-time employment contract, and provided that there is a temporary increase in workload. These conditions do not apply to part-time employees who were already bound by an agreement on voluntary overtime. The law further confirms that employees who reduce their working time in the context of time credit or thematic leave schemes may not perform voluntary overtime.

The annual quota of voluntary overtime is increased to 360 hours (450 hours in the hospitality (HoReCa) sector). Of these 360 hours, 240 hours (360 hours in the hospitality (HoReCa) sector) are exempt from social security contributions and withholding tax (gross = net). For these hours, the employer is also not

required to pay an overtime premium. Voluntary overtime is not taken into account for the internal limit and does not give rise to compensatory rest.

The performance of voluntary overtime remains subject to a prior and explicit written agreement. This agreement is valid for a period of one year and is tacitly renewed for successive one-year periods. It may be terminated by either party subject to a one-month notice period, which starts the day after notice is given.

The new regime enters into force (with retroactive effect) on 1 April 2026. Agreements concluded before 1 April 2026 and continuing beyond that date remain valid. However, as from 1 April 2026, they are subject to the new rules. Agreements concluded between 1 April 2026 and the day preceding the publication of the Act also remain valid until their expiry and are subject to the application of the new rules.

2 Duration of the Notice Period

In implementation of the Government Agreement, the Act limits the maximum duration of the notice period in the event of termination by the employer, with the aim of achieving a better balance between an adequate level of social protection and an attractive investment climate.

Specifically, the notice period in the event of termination by the employer is capped at 52 weeks once the employee reaches 17 years of seniority. This limitation applies only to employment contracts whose performance commenced on or after 1 June 2026. It therefore does not apply to employment contracts concluded before 1 June 2026.

In this regard, we note for the sake of completeness that Parliament adopted, on 21 May, a draft Act dated 23 February 2026. This Act implements the “return of the probation period” as announced in the Government Agreement. This is a separate text from the Act containing various labour-related provisions, which needs to be published in the Belgian Official Gazette. In any event, both the employer and the employee will once again be able to terminate the employment contract subject to a one-week notice period during the first 6 months of employment. These provisions will enter into force on the first day of the second month following the publication of this Act in the Belgian Official Gazette. The exact date of entry into force is therefore not yet known.

3 Filing of Act of Accession – CLA No. 90

The system of non-recurring results-related benefits allows for the granting of a tax-free bonus, provided that over a defined reference period, collective results are achieved by one or more companies or by a group of employees.

Where the initiative originates from the employer, the bonus plan must be implemented through a company-level CBA or—where no trade union delegation is appointed the group of employees benefiting from the bonus plan—through an act of accession.

Previously, an act of accession could be filed either physically with the registry of the General Directorate for Collective Labour Relations of the FPS Employment, Labour and Social Dialogue, or digitally via www.bonusplannen.be.

The new Act now only allows the latter method. As from 1 June 2026, all bonus plans introduced within the company via an act of accession act must therefore be filed electronically.

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