

Belgium

Selection of employees for (collective) dismissals

Phase	Omnibus Act of 29 March 2012 containing various provisions (Title 9 - Chapter 4: Population pyramid in case of collective dismissal)
Native name	Loi du 29 Mars 2012 portant des dispositions diverses/Wet of 29 Maart 2012 houdende diverse bepalingen (Titre 9 - Chapitre 4: Pyramide des âges en cas de licenciement collectif/Titel 9 - Hoofdstuk 4: Leeftijdspiramide bij collectief ontslag)
Type	Selection of employees for (collective) dismissals
Added to database	08 May 2015
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Article

62, 63 and 65

Description

In case of collective redundancies (within 60 days, at least 10 dismissals in companies with 20-99 employees, 10% of the workforce in companies with 100-299 employees, at least 30 dismissals in companies with 300 or more employees), companies must spread redundancies proportionally with regards to the age of their employees in order to maintain the age pyramid in the workplace as it was before the collective redundancies. A deviation of 10% is accepted for redundancies spread across the different age categories (namely: younger than 30; 30-50; 50 and older). Employees with fixed-term contracts and those hired for a specific project can be excluded from this scheme. Employees in key roles in the company may also be excluded. Unions' representatives have a particular protection against layoffs which can be removed only by the relevant joint committee or the labour court.

Commentary

The obligation to respect the age pyramid does not create special protection or rights for individual employees but it is an important condition for companies wishing to maintain their entitlement to a reduction in social security contributions. The goal of this obligation is to prevent the targeting of specific age groups within the company in case of dismissals. In some cases employers would want to dismiss older employees in favour of younger ones, since they are more expensive because of their seniority years.

Additional metadata

Cost covered by	None
Involved actors other than national government	National government
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

- [Wet houdende diverse bepalingen](#)~~~ Clauwaert, S. and Schömann, I. (2013), The crisis and national labour law reforms: a mapping exercise. Country report: Belgium, ETUI~~~ [National Labour Council discussions](#)~~~ [Kluwer Easy Web](#)~~~

Citation

Eurofound (2015), Belgium: Selection of employees for (collective) dismissals, Restructuring legislation database, Dublin