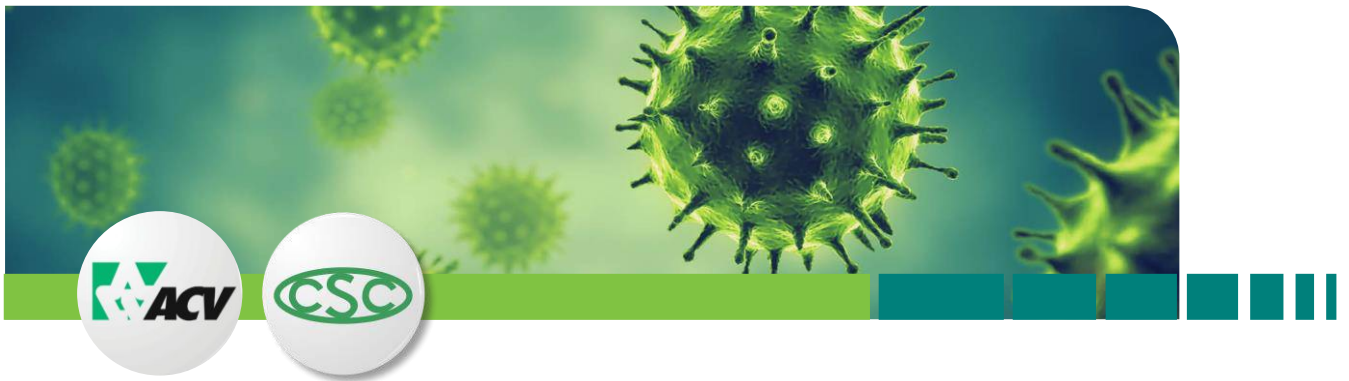


## Questions about working during the coronacrisis?

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**My company has closed. Am I entitled to unemployment benefits?**

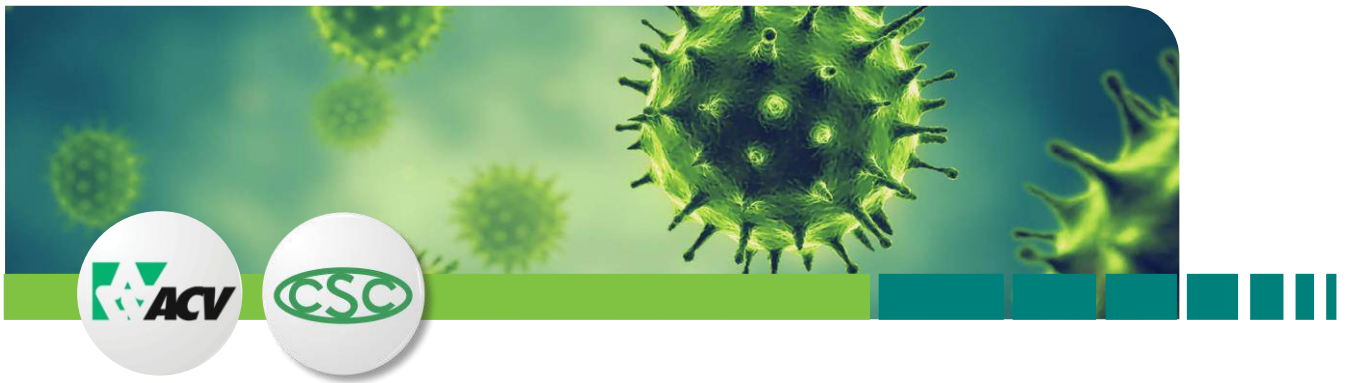
If your company has to close because of the corona virus, you can no longer work. Your employer will then no longer pay you wages. However, he can start the procedure to send all employees with temporary unemployment. You have to make an application for this yourself.

Are you already a member of the ACV and do you want to apply for temporary unemployment? Then you can submit your application via My ACV. Log in with your eID or Itsme on your smartphone. You will then be forwarded to your personal file.

Not yet a member of the ACV? Then register first, then you can apply for temporary unemployment online here.

Instead of wages, if you meet all the conditions, you will receive a benefit that amounts to approximately 70% of the (capped) gross salary. This is not always exactly 70% of your gross salary because RVA works with pay slips. Your daily amount is calculated depending on the salary bracket in which your gross salary falls. You currently receive at least € 55.59 per day, even if 70% of your gross salary is less than that € 55.59 per day. You can receive a maximum of € 74.17 per day, even if 70% of your gross salary is more than that amount.

As of 13/03, this benefit will be increased by € 5.63 per day for a full-time employee. For part-time employees, this compensation is € 2.82 per day.



### **My company has not completely closed. Can my employer implement partial temporary unemployment?**

Yes. If the company does not fully cease their economic activities but reduces them, the employer may choose to lay all employees off **for only a few days per week**.

This also applies, for example, to working in two shifts for the sake of **risk management** (for example, team A works three days in one week, two days in the other week, and team B does the exact opposite).

### **My employer sends everyone home without the government imposing an obligation to close. Am I entitled to benefits?**

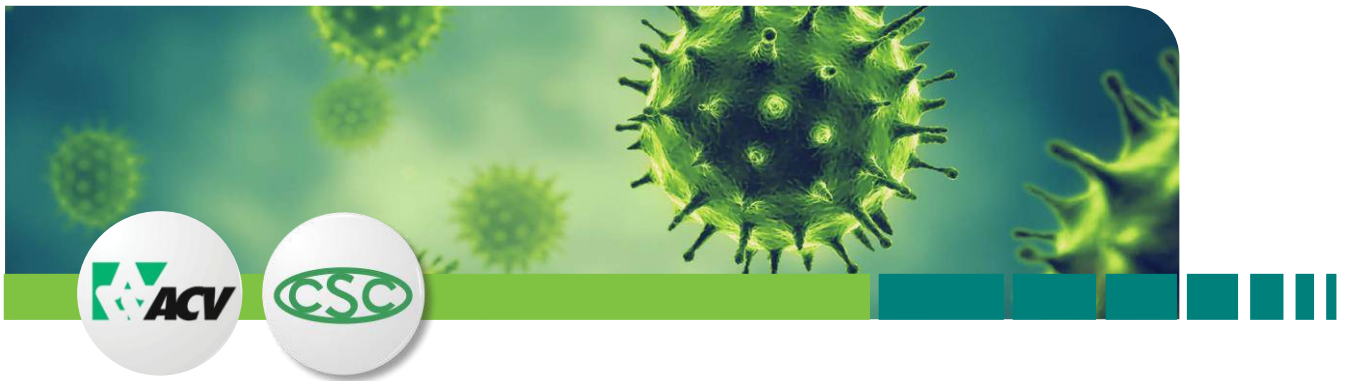
If your employer sent their employees home on their own initiative, i.e. without the government imposing the obligation to close the business and without the occupational physician forbidding the work, **you cannot become temporarily unemployed**.

You can only claim temporary unemployment if the **company doctor** decides that (a group of) employees must go home.

### **My company remains open. When should I not go to work?**

- **If you have symptoms of disease**, in which case you must call your family doctor (GP) and follow their advice. In most cases, the doctor will issue an incapacity for work certificate, which entitles you to a guaranteed income.
- **If you belong to a risk group**: people over the age of 65, diabetics, people who suffer from heart, lung or kidney disease and those with weakened immune systems. It is best to ask your doctor for an incapacity for work certificate, as these conditions temporarily prevent you from working.

If you are an **informal caregiver** for someone who belongs to a risk group, ask your GP for advice. They will determine if it is safe for you to work.



**If you live with someone who has been confirmed to be infected with coronavirus**, you can continue working as long as you don't have symptoms of infection. Ask your doctor for advice

### **I have been prevented from working**

- **Do you have a doctor's certificate?**

If you catch coronavirus and you have a doctor's certificate, the answer is simple: the regulations for **incapacity for work** apply. You are entitled to guaranteed wages and subsequently also to sickness benefits from your health insurance fund.

- **Are you quarantined in hospital?**

The hospital should give you a quarantine certificate. In this case, you are unable to work due to **force majeure**. You can therefore apply for **temporary unemployment benefits**.

- **Are you quarantined at home?**

If you are quarantined by an administrative decision, you are unable to work due to force majeure. In this case, **temporary unemployment** rules must be applied.

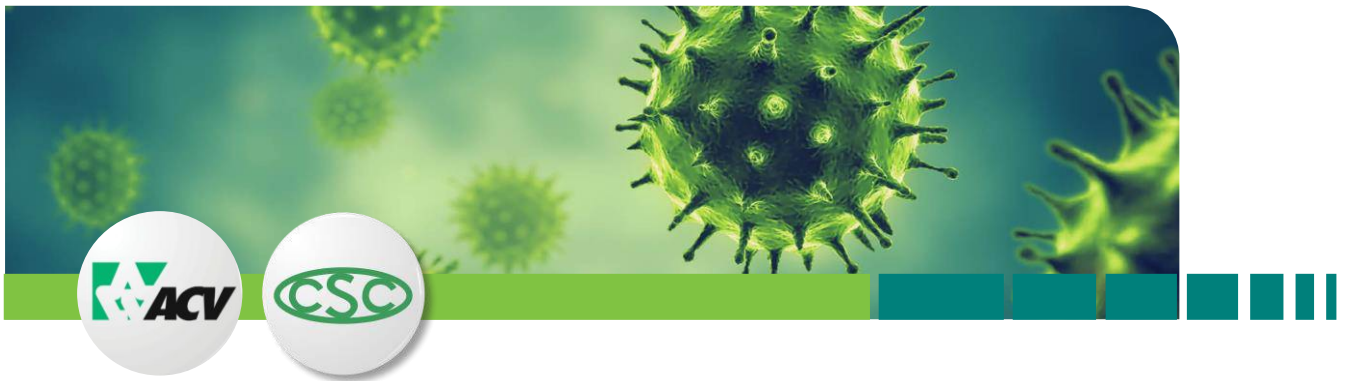
The same rules apply if you are an employee who is quarantined by the authorities for having been in contact with an infected person (for example, one of your children). In this situation, the rules for temporary unemployment also apply.

Even if **you are not ill, your doctor may still decide to quarantine you**. This is the case, for example, if:

- there is a serious risk of infection.
- Someone you live with has coronavirus and there is a risk of infecting co-workers.

In these cases, you will also be temporarily unemployed due to force majeure.

- **Are you hospitalised abroad?**



The ordinary rules of incapacity for work apply.

- **Are you quarantined in a high-risk area?**

Are you quarantined during an assignment abroad? In this case, you are entitled to **temporary unemployment** due to force majeure.

- **Did your employer stop their activities due to coronavirus?**

If you are unable to perform your job because your employer has **shut down activities**, the scheme for **temporary unemployment** due to force majeure applies.

- **Are you unable to perform your job due to a declining activity?**

If you are unable to perform your work due to a declining activity at your company, you can be declared economically unemployed if your employer meets all the conditions. You are also entitled to **temporary unemployment** due to **force majeure** until 5 April 2020.

- **Have you been sent home by your company doctor because you have (symptoms of) coronavirus?**

If the company doctor believes you should be removed from the workplace, you can claim temporary unemployment due to force majeure.

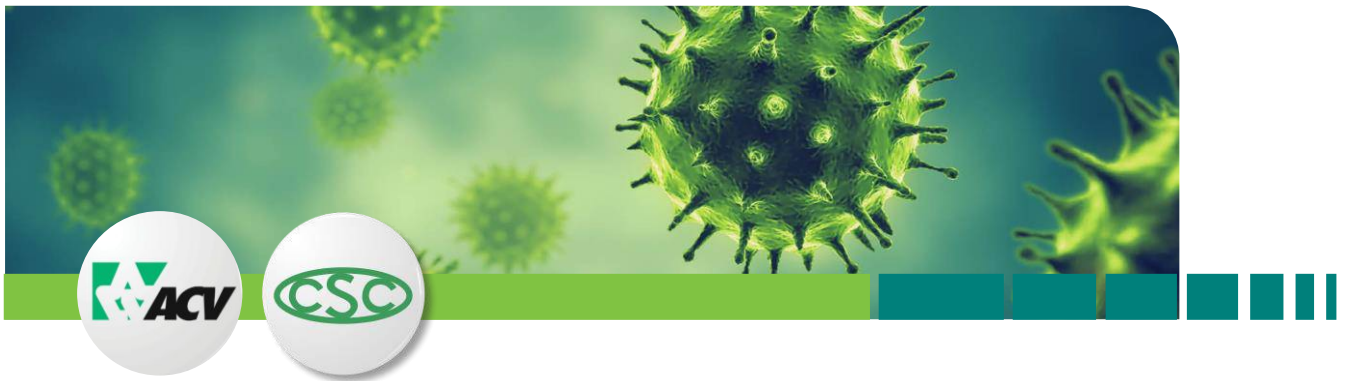
Important: if you are ill and you have a medical certificate, your employer must pay **your guaranteed wages**. Your health insurance will intervene for the subsequent period.

### **Can my employer refuse to let me return to work?**

Your employer cannot refuse to allow you to return to work if, for example, you return from a high-risk zone or if you are likely to have had contact with an infected person. These reasons on their own do not constitute **cases of force majeure**.

The employer must **continue to pay your wages** and take the necessary **preventive measures**. For example, they can have you examined by the company doctor during working hours. These costs are borne by your employer.





Your employer may not require that you see your GP outside working hours.

All measures related to the well-being of workers must be submitted to the **labour health and safety committee (Comité PB/CPPT)** for prior consultation. (Article II.7-3 of the Codex).

Important: if you are ill and you have a medical certificate, your employer must pay **your guaranteed wages**. Your health insurance will intervene for the subsequent period.

### Can I be obliged to work?

What if you are **asked to work in a high-risk zone**? For example, if there is a corona infected person at the workplace? Or if you are asked to clean or to carry out a repair or intervention at a coronavirus patient's residence? How about a house where someone is quarantined?

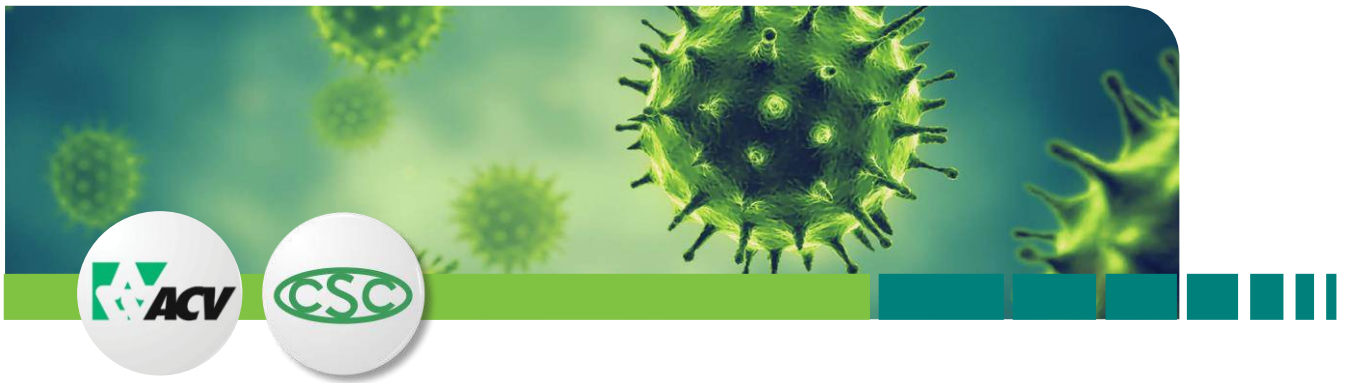
Working in those circumstances is allowed, but there are **very strict protection requirements**. If your employer wants you to work in a workplace where the virus occurs, they need to:

- carry out a risk analysis
- keep a list of the involved employees
- provide collective and individual protection
- provide specific safety signs
- provide adequate and appropriate washing and toilet facilities
- take measures related to work clothes and protective equipment
- provide training and information
- etc.

These and other stricter conditions must be met **prior to employment**.

Your employer must be able to **guarantee your safety**. If they fail to do so, you **legally have the right to leave your workplace** or **to refuse to work** in the high-risk area. In that case, you must immediately notify your superiors and the internal prevention service.

If your employer does not take the necessary measures, the labour inspectorate "Supervision of Well-being at Work" can intervene and order work to be halted.



### What about telework?

Companies are **obliged to organise telework**, regardless of the size of the company and this for every job possible, without exceptions.

**If telework is not possible, social distancing** rules must be strictly respected. These rules apply to both the **execution of work** and the **transport** organised by the employer.

- Companies that are unable to comply with these obligations must close their doors.
- Companies that fail to comply with the guidelines may be severely fined or forced to shut down.

These provisions **do not apply to key sectors** and **essential service providers**. However, they will have to ensure that the rules on social distancing are respected as far as possible.

These measures also apply to non-essential companies that work for essential companies (production, supply, subcontracting or providing services, such as temporary employment agencies). They must do everything possible to respect social distancing, but if it is impossible to fulfill these obligations, they should not close.

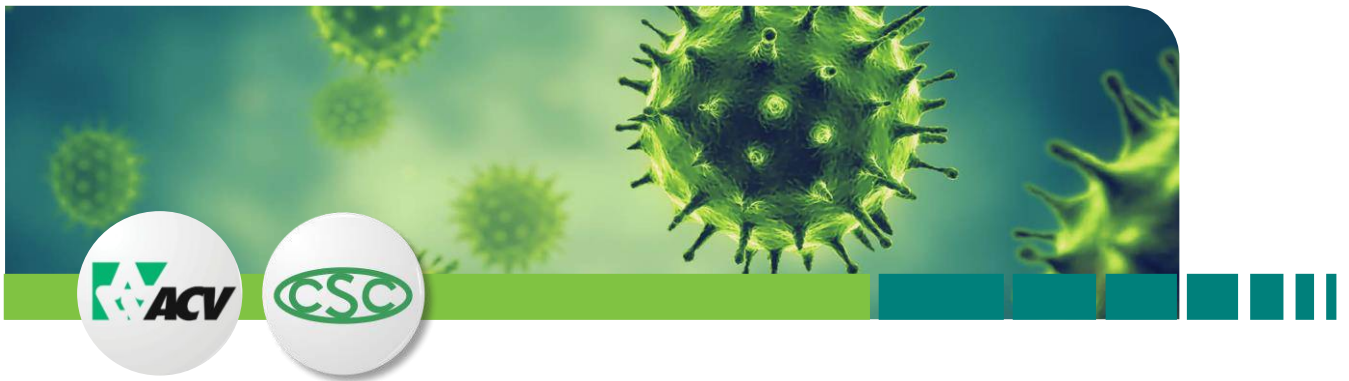
### Can I be obliged to work elsewhere?

If an infection has been detected at your workplace, your employer may request that you work from **another workplace**.

Generally speaking, your workplace cannot be changed unilaterally. Your employer is **legally obliged** to employ you at the agreed workplace.

However, the workplace can be changed in certain cases. The **circumstances** must be taken into consideration and **discussed** at company level. Your employer must, however, fully reimburse any **additional travel costs and travel time**.

The first alternative is to let you **work from home**. Your employer is obliged to let you work from home, unless this is impossible.



### How does this impact my annual leave (holidays)?

Whether your absence can be assimilated for your annual leave depends on the situation and on whether you are a blue-collar or a white-collar worker.

#### Temporary unemployment

- **Lack of work due to economic reasons**

The situation differs for blue-collar and white-collar workers.

**For blue-collar workers**, days of temporary unemployment are assimilated in this situation.

The National Holiday Allowance Office (RJV-ONVA) can analyse the nature of the economic unemployment. The period of temporary unemployment must be **of an exceptional nature**. If the temporary unemployment is structural, the period of temporary unemployment will not always be treated as days worked for the calculation of your annual leave.

Economic unemployment due to a lack of work resulting from the corona epidemic is considered 'exceptional'. Thus, the days of temporary unemployment for blue-collar workers will be assimilated.

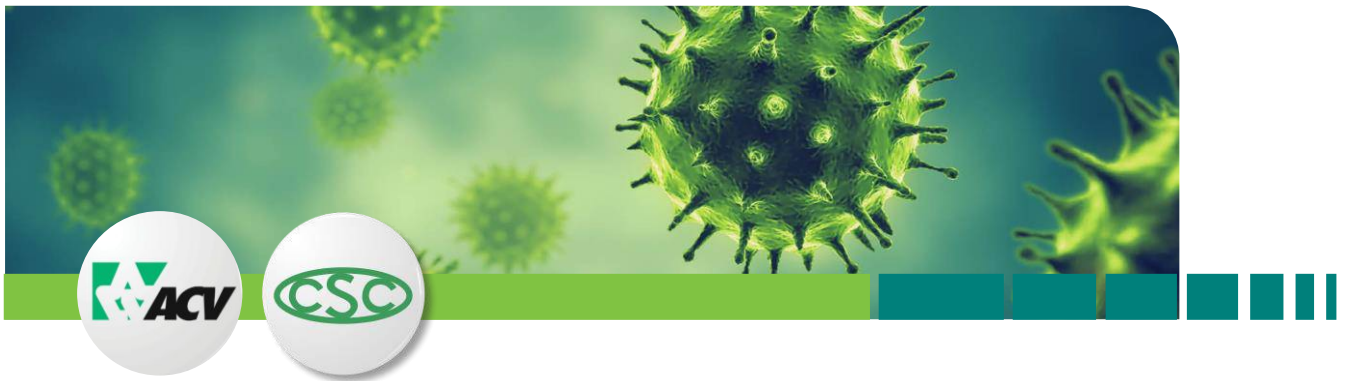
The annual leave of **white-collar workers** will also be assimilated if they are employed by a **company in difficulty**. This concerns the special regulation for temporary unemployment as provided for in Articles 77/1 et seq. of the Employment Contracts Law.

- **Temporary unemployment due to force majeure**

In the context of the corona epidemic, temporary unemployment due to force majeure is recognised.

At the request of ACV-CSC, the government has decided that this type of temporary unemployment will be assimilated with regard to the rights to annual leave. If you become temporarily unemployed, you are **entitled to holiday pay and leave**. This applies to both blue-collar and white-collar workers.





### What if I am incapacitated for work?

Sick leave is assimilated during the first 12 months of the full suspension of the employment contract. This means those days of sick leave will be treated as days worked for the calculation of your **annual leave**.

If you fall ill again within 14 days of the end of the previous period of illness, this new sick leave will be included in the same 12-month period. If you fall ill again after 14 days or more of the previous period of illness, a new period of 12 months will start.

### I have no childcare. Can I invoke temporary unemployment due to force majeure?

Schools remain open and childcare is provided. Crèches also remain open. Therefore, childcare problems do not allow you to invoke temporary unemployment due to force majeure.

Temporary unemployment due to force majeure can only be claimed:

- if you can prove there is **no childcare** provided,
- and if you have **no alternatives**.

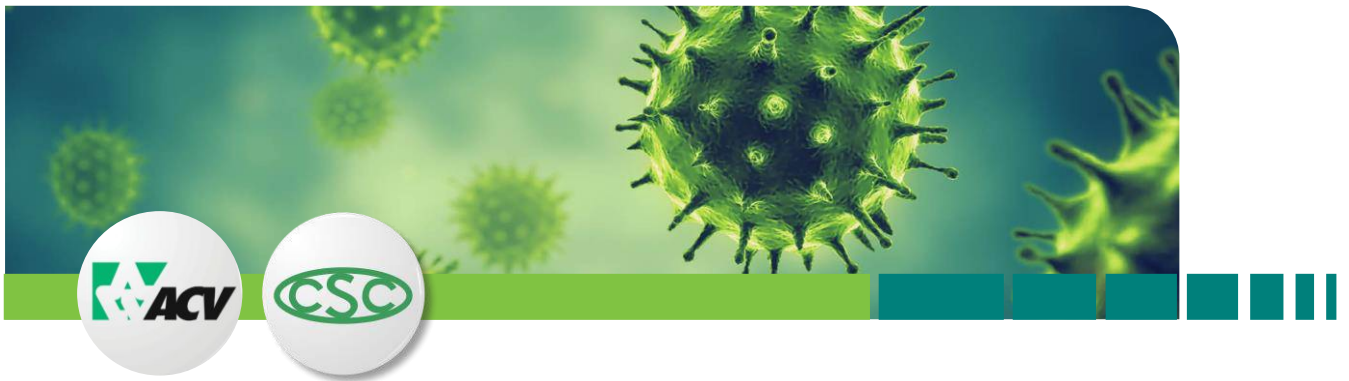
### I receive a guaranteed salary due to incapacity for work; my colleagues are temporary unemployed. Will I continue to receive my guaranteed salary?

**If you are a white-collar worker**, you are entitled to guaranteed wages for maximum 30 days.

**If you are a blue-collar worker**, you will be paid by your health insurance fund from now on. Contact your health insurance as soon as possible and provide your medical certificate.

### I fell ill after my employer put me on temporary unemployment. Am I entitled to guaranteed salary?

If you receive unemployment benefits because of temporary unemployment, you are **not entitled** to guaranteed wages in the event of illness. This applies to both blue-collar and white-collar workers.



Contact your health insurance to know if you are entitled to **sickness benefits** instead. Note that sickness benefits **cannot be cumulated** with unemployment benefits.

**I resumed work after illness. What happens to my income if I become temporarily unemployed?  
If you work part-time and receive health insurance benefits, then:**

- your sickness benefits will continue to be calculated in the same way and you will receive approximately the same amount from your health insurance fund
- you are entitled to temporary unemployment benefits if you were working at least 20% of a full-time job before your temporary unemployment.

If this is not the case, you are not allowed temporary unemployment benefits by the current unemployment legislation. We do everything we can to resolve this matter.

**My income has temporarily decreased. How do I pay my mortgage?**

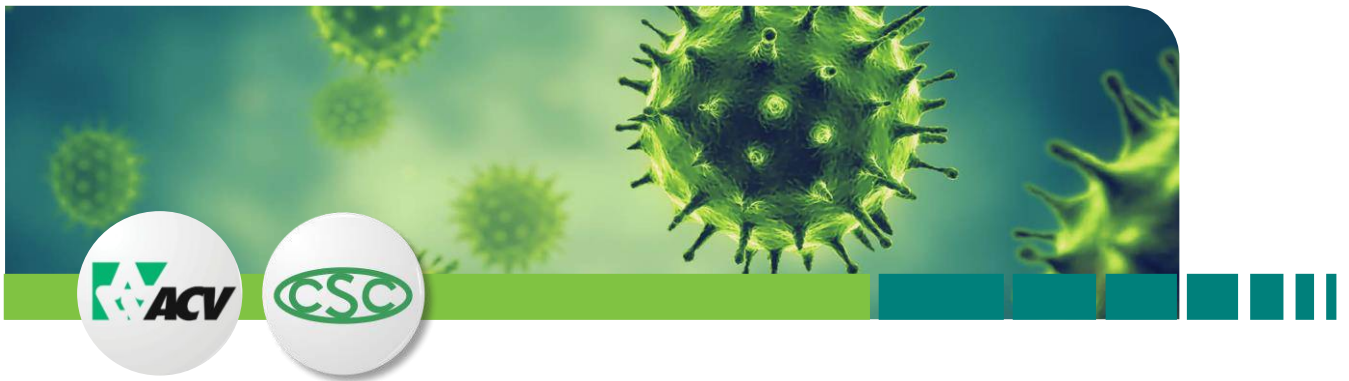
If you experience problems paying your mortgage because your income has temporarily decreased, **please contact your bank as soon as possible** and ask for a temporary solution.

The bank may offer you to reduce your monthly mortgage payments and temporarily **defer capital repayments**. You can get a deferral for 6 months, which can be renewed. Your loan term will be extended by the duration of the mortgage repayment holiday.

For example:

- if you pay 600 euros per month: 400 euros in capital repayments and 200 euros in interest,
- you will now pay 200 euros per month for 6 months.

Consult your **repayment schedule** to find out how much you pay in interest and capital each month. You will find this schedule attached to your loan agreement.



### The Flemish government announced that it will cover water, gas and electricity bills. How does this work?

The Flemish Government recently decided that **employees in temporary unemployment** can receive an allowance towards the costs of water, gas and electricity. At present, only employees in temporary unemployment are eligible for this allowance. You also have to reside officially in Flanders.

If one of your family members is placed in temporary unemployment, they will **automatically** receive a flat-rate allowance of 202.68 euros.

If several family members are temporarily unemployed, the government will pay several allowances.

Please make sure you always **pay your utility bills first!**

[Vlaanderen.be](http://Vlaanderen.be) for more info.

### What happens to my notice period in case of dismissal/resignation?

The answer depends on your situation.

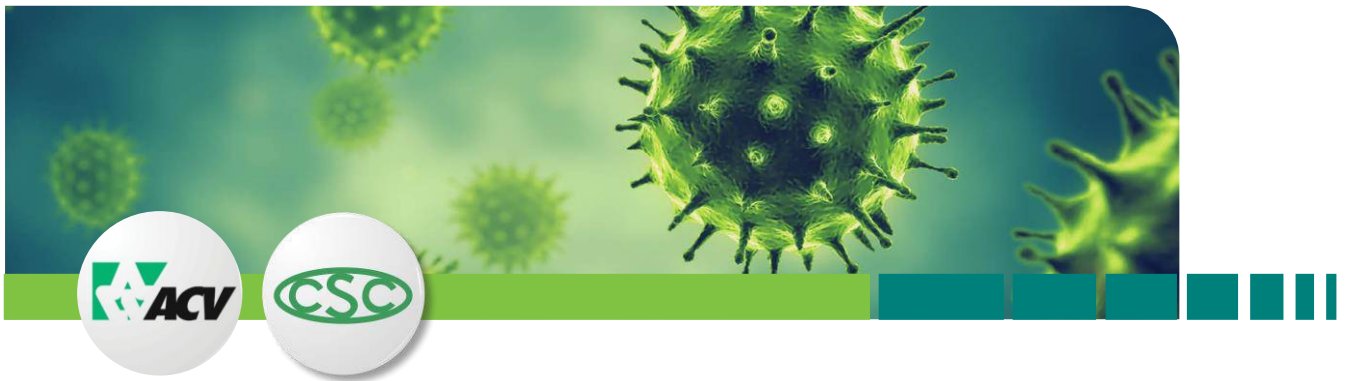
- **Your company is still operating**

If your company **continues operating** (through telework), nothing will change. The ordinary rules for dismissal/resignation apply.

- **You are temporarily unemployed**

If you must work a notice period because you have been dismissed by your employer while being temporarily unemployed, the consequences depend on the **type of temporary unemployment:**

- unemployment due to **force majeure** (e.g. the closure of a restaurant): your notice period will expire on the anticipated end date and will therefore not be extended.
- Unemployment due to **economic reasons** (e.g. a decline of orders, without business closure): your notice period will be **extended** by the duration of the unemployment.



In the event of temporary unemployment, your employer will provide you with the necessary **forms**, which indicate the type of unemployment.

- **You resign from your job**

If you submit your resignation, the notice period **will not be extended**.

- **You are temporarily unemployed due to economic reasons**

If you are temporarily unemployed due to economic reasons, you have the right to immediately terminate your employment contract. In this case, you can **resign without notice**. This applies to both blue-collar and white-collar workers.

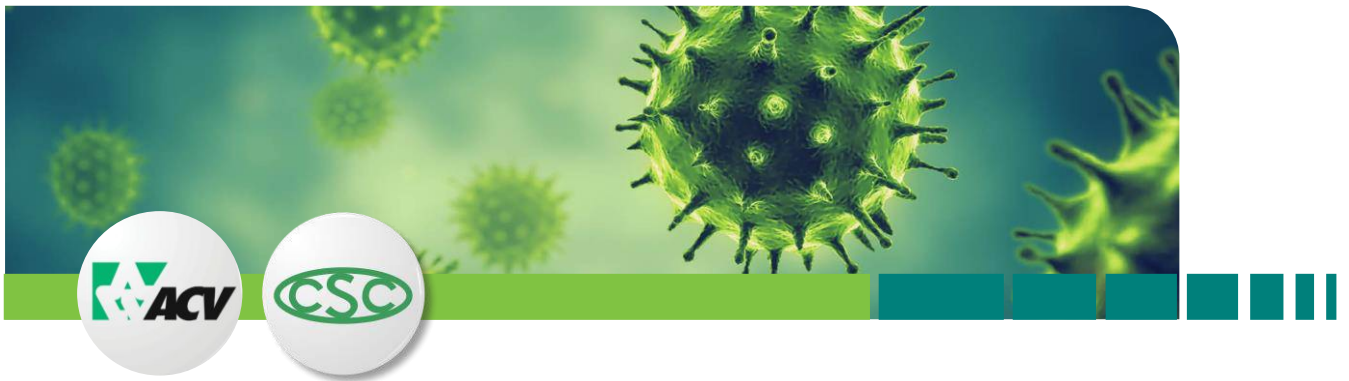
You are by no means obliged to resign, especially if you have no other job in hand. During your notice period, you will simply receive temporary **unemployment benefits**.

### **I follow a course and I'm entitled to VOV (Flemish training leave). What if my classes are cancelled?**

The government is asking all schools to suspend physical classes until 3 April 2020.

The **training centre** can choose to:

- reschedule classes **at a later date**.
- Replace the classes by guided **digital classes**. In this case, the right to VOV continues to apply.
  - You can use this free time to study or follow the classes online.
  - You will receive a certificate from your training provider for the planned hours of VOV.
- **Suspend** the course. The remaining hours will be refunded.



If your **employer** already scheduled the VOV, you can first check whether it can still be withdrawn. If not, you can ask to compensate the hours at some other time.

For more information about the impact of the coronavirus on Flemish training leave (VOV), please visit [www.vlaanderen.be](http://www.vlaanderen.be).

### **I work in the hotel and catering industry, but our business has been closed due to coronavirus. What should I do?**

If your company is forced to close because of coronavirus, you are no longer able to work, and your employer will no longer pay your wages. However, employers may apply for **temporary unemployment** for all their employees.

If you meet all the conditions, you will receive unemployment benefits amounting to 70% of the (capped) gross wage. These benefits must be claimed by the employee.

For all information and to file for temporary unemployment benefits, please visit 'Temporary Unemployment'. For more news, please visit 'sector news hotel and catering industry'.

### **I work in construction. What about my construction control card?**

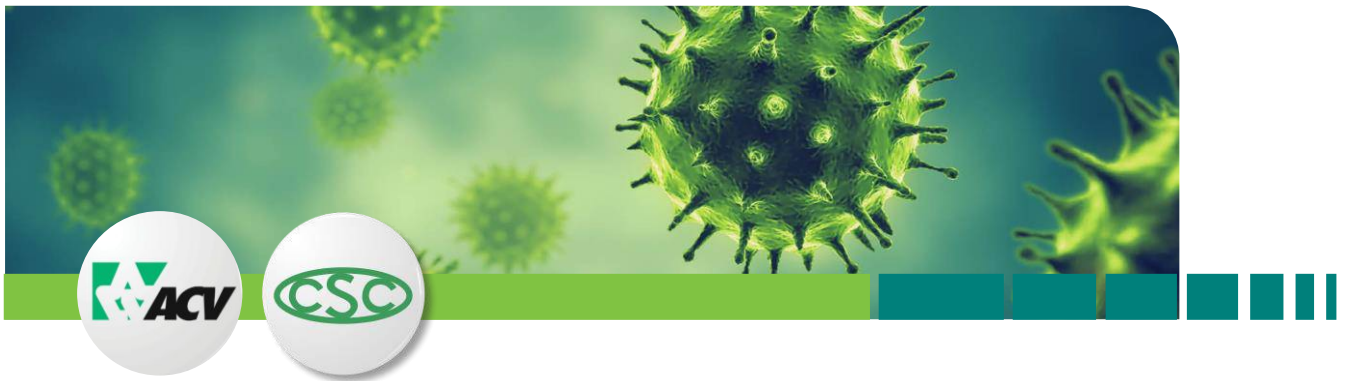
If you work in construction, you have a control card that must be filled out for each day you work.

**From 01 March 2020 to 30 June 2020, you no longer have to fill out this card.**

If you worked for the same employer under the same employment regime for the last 3 years, and if you already have been temporarily unemployed with that employer in the past, **you do not have to submit a new application for temporary unemployment benefits**. If you do not meet this condition, an application must be submitted.

For all information and to file for temporary unemployment benefits, please visit 'Temporary Unemployment'. For more news, please visit 'sector news construction'.





### **My company remains open. Is that allowed?**

Yes, it is. Not all sectors were ordered to close by the government.

Shops that do not sell food for example had to close their doors. Pharmacies remain open, but drugstores don't. All restaurants, pubs, discos and other hospitality businesses are closed, and the same holds true for all organisations offering recreational activities (e.g. sports clubs, fitness clubs, museums, cultural centres, etc.).

If you work in a sector that is allowed to remain open, your employer is obliged to implement telework as a standard.

If telework is not possible, your employer is required to guarantee that you can do your work under safe conditions.

### **My employer would like me to work less hours now and more hours in summer. Is that allowed?**

If you work on the basis of a fixed time schedule or staggered working hours, this is not allowed. The employer can nevertheless ask you to work overtime and offer compensation at a later time. Only in this order. Preventive compensatory leave is not possible.

In a flexible system it is possible to temporarily work less hours. In such a system the decrease in working hours at a particular time is compensated by an increase in working hours at another time or the other way around. This depends on the arrangements within your company (or sector). The stipulations can be found in the employment contract or collective labour agreement.

Please note: This does not apply to the Plus Minus Conto system. This system is only possible in companies with production or development cycles lasting several years (e.g. the car industry). If this system is applicable in your situation, please contact your ACV representative for more information about the relevant arrangements in the CLA.

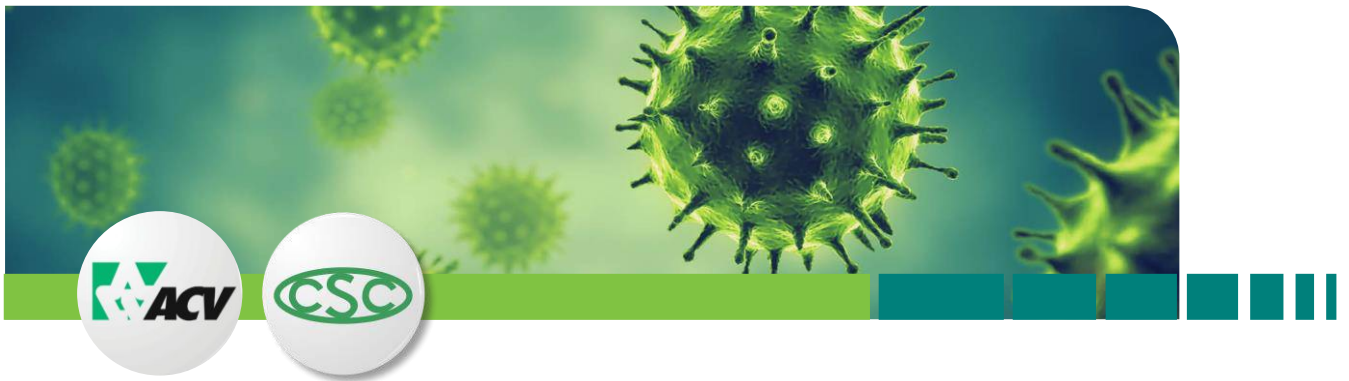
### **My GP orders me to preventively stay at home, but my employer does not accept the medical certificate because I'm not ill. Is that allowed?**

No, the certificate clearly indicates you are not allowed to work. This may for instance be the case because:

There are clear indications of an infection risk.

A family member living in your house has been infected and there is an infection risk for other employees.

In this case you can be put on temporary unemployment on account of force majeure. More information on temporary unemployment and how to apply for benefits.



Important note: If you actually are ill (medical certificate of your physician), your employer must pay the guaranteed salary and the health insurance fund will pay the rest.

**My GP has forbidden me from going to work because I live together with a high-risk patient. What should I do?**

Your GP has preventively quarantined you. This administrative measure prevents you from going to work. You are therefore not entitled to your pay. Virologist Marc Van Ranst says you should continue to work except if you are an informal caregiver. The opinions of experts clearly diverge.

At the moment the social partners, the National Institute for Health and Disability Insurance and the National Employment Office are discussing what needs to be done in this specific scenario. Most likely a new type of certificate will be introduced for use by the GPs.

**I suspect I have come into contact with an infected person. Do I have to remain at home and what happens to my pay if I do?**

Virologist Marc Van Ranst says you should continue to work except if you are an informal caregiver. The opinions of experts clearly diverge.

The question is what your GP chooses to do in this specific case. If he issues a certificate stating you have to remain at home but does not in fact find any symptoms, you are not entitled to guaranteed pay since you are not ill. You can nevertheless apply for temporary unemployment on account of force majeure.

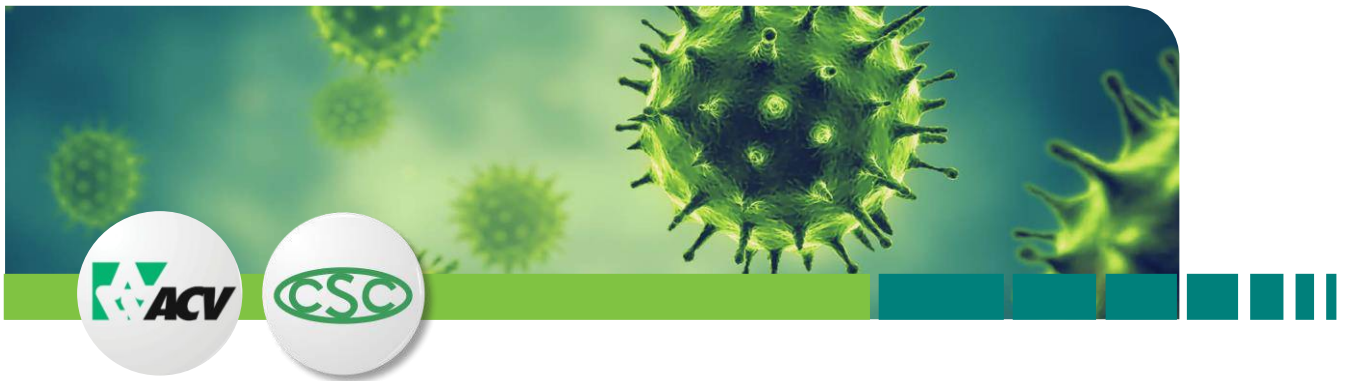
Please note: if you become ill yourself at a later point in time, you should apply for benefits with your health insurance fund within 48 hours.

On 11 March it seemed as if GPs would issue a special certificate in these cases, but at the moment this is still unclear. ACV puts pressure on the different actors to sort this out as soon as possible.

**A family member has been infected by the coronavirus. Do I have to remain at home and what happens to my pay if I do?**

Minister Muyle confirmed in a press release on 20/03/2020 that an employee living together with someone who has been infected by coronavirus can be put on temporary unemployment. The physician in question can issue a certificate to that end.

At the moment it is still not clear what the application procedure looks like.



Please note: you can only be put on temporary unemployment if you are healthy yourself. If you become ill yourself at a later point in time, you should apply for benefits with your health insurance fund within 48 hours.

### **Can your employer force you to keep working?**

If your sector was not closed by the government, you are required to meet your obligations as an employee. If your company remains open, you need to keep working. However, your employer is required to respect the following rules:

- Telework should be the standard.
- If telework is not possible, your employer is required to guarantee that you can do your work under safe conditions.

### **I'm forced to telework. Who is responsible for the additional costs?**

If you suddenly have to work from home on a daily basis, you may incur additional costs related to your internet connection, ergonomics, electricity, phone charges, heating, etc.

It is therefore only logical that the employer contributes to these costs. The employer definitely has to pay part of the cost of the tools you need to do your job. If the employer does not do so spontaneously, you will have to ask for it. Discuss this with your ACV representative and/or your colleagues.

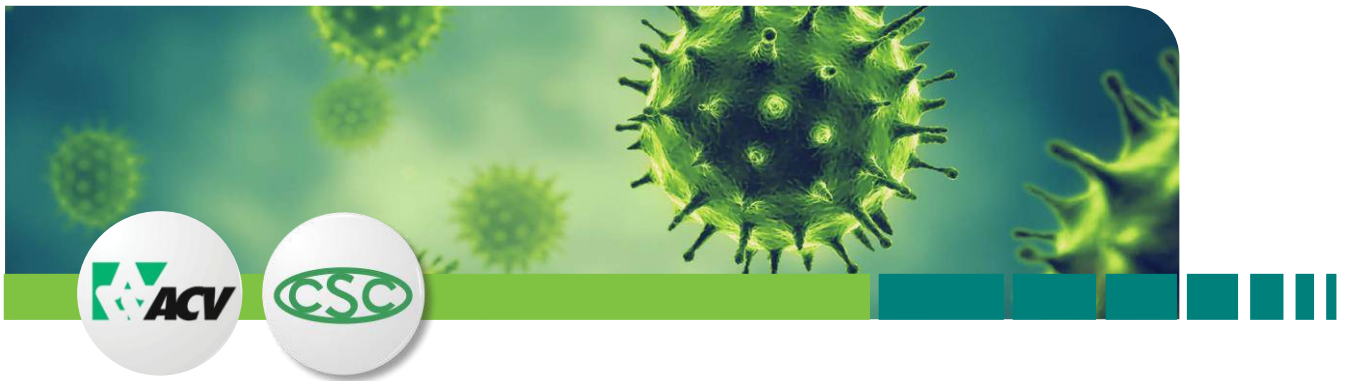
Employees can receive an allowance of up to € 126.94 for these office at home costs in the form of a net benefit that is exempt from social security contributions and taxes. This benefit applies to employees who did not work from home before as well as to employees who did.

The allowance covers the costs and the use of an office space in the employee's private residence, small office supplies, maintenance and cleaning of the office space, electricity, water and heating, insurance, real estate taxes, etc.

Additionally, the employer may also pay his employees a maximum monthly allowance of € 40 towards the costs of:

- a private internet connection: maximum € 20
- a private computer: maximum € 20

Altogether this comes down to a monthly allowance of € 146.94 if you use a computer that belongs to your company or € 166.94 if you use your own computer. Please note: if the allowance for office at home costs exceeds these amounts during the coronavirus crisis, social security contributions and taxes will be charged.



If you already worked from home systematically before the coronavirus crisis on the basis of a telework agreement, your allowance is exempt from taxes and social security contributions as long as it amounts to maximum of 10% of your gross wage for the days you work from home. If this amount is lower, your employer can temporarily pay the maximum which is applicable during the coronavirus crisis.

**I have to remain at home to take care of my child. Will I still be paid?**

No specific measures apply if you must remain at home to take care of your child. You are nevertheless entitled to family leave. Please contact the ACV representative in your company for more information on possible special arrangements within the company.

As a general principle; all schools remain open and provide childcare. Day care facilities remain open as well. Children who cannot be kept at home because their parents are unable to work from home are welcome in these institutions. Because minimum childcare is ensured, it is not possible to apply for temporary unemployment on account of force majeure.

The ACV is currently putting pressure on the government to entitle employees to compensation on account of temporary unemployment in these cases. The Council of Ministers will take a decision in this matter in the coming days. At the moment, however, you should take leave for personal reasons, compensatory leave or annual holiday leave.