

Sick and unable to work?

The CNE supports you

ARE YOU UNABLE TO WORK DUE TO ILLNESS OR AN ACCIDENT? THEN YOU ARE "UNABLE TO WORK" AND COVERED BY SOCIAL LEGISLATION. THE TRADE UNIONS HAVE INDEED CONQUERED WHAT IS KNOWN AS THE GUARANTEED SALARY FOR THE SICK: YOU CONTINUE TO RECEIVE YOUR SALARY DURING YOUR CONVALESCENCE, PROVIDED THAT YOU RESPECT CERTAIN RULES. THE CNE TEAM GUIDES YOU THROUGH THE STEPS TO TAKE.

INFORMATION FOR THE EMPLOYER

Inform your employer immediately. The law does not lay down any specific procedures: you can do this by telephone, e-mail, via a colleague or a member of your family. But remember to keep a written record, useful in the event of a possible dispute, by confirming your call by e-mail, for example.

MEDICAL CERTIFICATE

If this is provided for in the employment regulations or if the employer requests it, you must submit a medical certificate to your employer. Keep a record of this. The deadline for submitting this medical certificate may be specified in the employment regulations. If it is not specified, the deadline for sending it is two working days (and receipt may take place after the deadline has passed). The law does not specify how you should do this: you can hand in your certificate in person, via a colleague or family member, or send it by post, email, etc. Keep a written record of this step.



Since November 2022, you are no longer required to produce a medical certificate for the first day of incapacity for work; this applies three times per calendar year, even if the employment regulations stipulate that a medical certificate must be produced from the first day. If you are not staying at your usual address known to the employer, you must inform him of the address at which you are staying (so that he can organise the medical check-up if necessary (see below)). Companies with fewer than 50 employees may opt out of this rule and still stipulate, in their employment regulations, the obligation to submit a medical certificate for the first day of incapacity for work.



Arizona plans to restrict this right to two days per calendar year, instead of three. As with all its attacks on the working class, it is still possible to push back. But to do so, we must organize, fight, and defend a more just and united society together. To learn more and join the fight: click [here](#) or scan this QR code.



MEDICAL EXAMINATION

The employer has the right to have your incapacity for work checked by a medical officer of his choice, either at your home or at his office (the cost of travel is then borne by the employer). The examining doctor only checks whether you are unable to work, the probable duration

of your incapacity and the medical data needed to apply the legislation (existence of a relapse, occupational origin, etc.). All other questions are covered by professional secrecy. The examining doctor is not entitled to communicate the diagnosis to the employer, nor to interfere with the treatment prescribed by your doctor.

If you do not agree with the examining doctor's decision, you can initiate the procedure for appointing an arbitrating doctor. In this case, contact the CNE team in your company or the CNE secretariat in your region.

GUARANTEED SALARY

If you fulfil these obligations, you are entitled to 30 days' guaranteed pay from the first day of your incapacity for work, entirely at the employer's expense. Are you employed on a fixed-term contract of less than 3 months or a workman? If you have been working for less than a month, the mutual insurance company will pay a compensation from the first week. If you have been working for more than one month, your guaranteed salary is weekly: your employer has to pay you 100% of your salary the first week, a little less the following three weeks and the mutual insurance company completes.

If you do not comply with the above obligations, you will not receive your guaranteed salary until you remedy the situation (except in cases of force majeure or for legitimate reasons, which you can invoke before the labour court).

If your incapacity to work lasts longer than one month, you will be covered by the health insurance scheme (www.inami.fgov.be) and paid for by your mutual insurance company.



IN CASE YOU GET SICK DURING YOUR HOLIDAYS

Since January 1st of 2024, if you become unfit for work (due to illness or accident) during your paid holidays, you can carry over the days of holiday that you were unable to take because of your unfitness. This means that days of illness occurring during annual holidays will no longer be deducted from your holidays, as was previously the case. In order to claim the right to carry over these days, you have to (1) immediately inform your employer of your illness or accident and of your place of residence if you are not at home, (2) submit a medical certificate to your employer within 2 working days (unless otherwise specified in the work regulations) and (3) allow a medical assessor sent by your employer to examine you.

Need to mail us ? Please write to : cne.advice@acv-csc.be (English only!)

Need to contact us ? Please call 067 88 91 00 on Mondays, Tuesdays and Wednesdays from 9AM to 12PM and Tuesdays from 1.30PM to 4.30PM (French).

Need to meet us ? Our offices are open on Mondays, Tuesdays and Wednesdays from 1.30PM to 4.30PM and Tuesdays from 9AM to 12PM (French).