

SCHOUPS

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A look ahead to the 2020 social elections

In 2020 it will once again be time for the social elections, which have to be organised every four years in companies having an average workforce of 50 or more employees. The employees then choose the members of the workplace prevention and protection committee. In companies with an average workforce of 100 or more employees, the members of the works council are also chosen.

For the social elections of 2020, the National Labour Council [NLC] in the meantime has issued its opinion no. 2103, dated 23 October 2018. From this we can already deduce a number of important points, of which it is virtually certain that they will be adopted by the government:

- Date of the social elections: the NLC proposes that these elections be held **between 11 and 24 May 2020**. The companies that will have to organise social elections will thus have to choose an election date within this period. The chosen date will determine the electoral calendar, which specifies the various stages of the social elections procedure and the corresponding dates.

- Reference period: the NLC wants to push the 1-year reference period for counting the average number of employees back by one quarter. Specifically, the reference period for the social elections of 2020 would run from **1 October 2018 through 30 September 2019**. This would mean that the procedure for the social elections was actually already set into motion since this past October 1st. This will be especially important for companies that fluctuate right around the level of 50 or 100 employees.

- Temporary agency workers: for calculating the average employment, account must be taken of the number of temporary agency workers during the *third* quarter (no longer the final quarter) of the reference period. So if you as a company are right on the line of 50 or 100 employees, the number of temporary agency workers during the period from 1 April through 30 June 2019 will be very important. Moreover, under certain conditions temporary agency workers will also get the right to vote in 2020.

- Electronic procedure: digitisation of the social elections procedure continues, amongst other things via the online tool of the FPS Employment, Labour and Social Consultation. The voting itself, however, will still have to be done in a polling station with a specific voting computer (so it still cannot be done e.g. via an employee's own computer).

For the construction sector it remains uncertain for the moment whether social elections will in fact have to be organised this time around. In prior social elections it was always agreed between the social partners within the construction sector *not* to submit any candidate lists. It was obligatory to initiate the election procedure, but it could then be discontinued early in the absence of candidates. The quid pro quo for this was adoption of a collective labour agreement with extensive powers and a protection against dismissal for the union delegation. It is not yet clear whether a similar arrangement will apply for the 2020 elections.

To be continued...

For more information on this subject you can contact Sara Cockx and Evi Dieltiens (authors).

De Burburestraat, 6-8 bus 5 2000 Antwerpen
Regentschapsstraat 58, bus 8 B-1000 Brussel
t. +32 3 260 98 60 f. +32 3 260 98 61 info@schoups.be www.schoups.be