

Manual to the 2024 Social Elections in Belgium

kpmglaw.be



This manual is aimed at employers:

- with a headcount of around 50 employees; or
- looking for extra staff; or
- planning an acquisition in the near future

or

- considering a restructuring of their company

This manual provides concise and easy-to-use guidance on how to approach the 2024 Social Elections in Belgium. With the election day set between May 13 and May 26, 2024, employers obligated to organize social elections must initiate the procedure to do so at the latest in the period between December 15 and December 28, 2023.

I. Why Social Elections?

In 2024, certain employers must organize social elections amongst their employees. But what does this obligation actually mean?

A. Who must organize social elections?

1. If the average employee headcount in the company from October 1, 2022 until September 30, 2023 is at least fifty (50) the employer is obliged to organize social elections.
2. The threshold of fifty (50) employees is met when it is reached in at least one of the employer's separate Belgian 'Technical Business Units' (hereinafter: 'TBU').
3. A TBU is every legal unit, or a conglomerate of legal units, of the business with a certain degree of social and economic cohesion.

B. Who elects who and what is at stake?

4. The employees elect, amongst their eligible colleagues, who will represent the work force in the social negotiation bodies i.e.:
 - a. the Works Council (social elections as from an average of 100 employees), and/or,
 - b. the Committee for Prevention and Protection at Work (social elections as from an average of 50 employees).

II. What is the issue?

A. Why is it important to prepare for the social elections?

5. Social elections are an obligation that demands the necessary attention, mainly because of four reasons:

- a. The candidates for the election – whether elected or not – benefit from an important protection against dismissal starting at the moment of their candidature. This moment begins 65 days before the names of the candidates are disclosed to the employer.
- b. Should the rules regarding social elections not be complied with, the employees can file a (appeal) petition with the Employment (Appeal) Court that the procedure is started over until it is fully complied with.
- c. Non-compliance with the social elections regulations is sanctionable by law. Additionally, administrative fines may apply.
- d. The employer must initiate social elections after successfully assessing the applicable TBU(s). Furthermore, the headcount must be evaluated per TBU.

B. Can the employer avoid the obligation to organize social elections?

6. If the conditions are met, the employer cannot avoid the obligation to organize social elections.

C. How can KPMG Law help?

7. KPMG Law can help you assess whether or not you need to organize social elections, at what level(s) and for which social negotiation bodies.
8. KPMG Law can help you successfully prepare (for) your social elections in a timely manner, i.e., before December 2023.
9. KPMG Law can draft the required information, take care of posting, and deliver the appropriate documents to act in accordance with Belgian legislation.
10. KPMG Law can assist you during the preparatory, posting, and the election phase and can help you answer questions or concerns employees may have.
11. KPMG Law can represent you before the Employment (Appeal) Court if disputes arise during the social elections or as a result of the social elections.
12. The social election procedure takes place following a statutory procedure which is confirmed or renewed every four (4) years, in accordance with the below steps.

III. Calendar: the election procedure

	First possible Election Day May 13, 2024	Last possible Election Day May 26, 2024	Description	Day
Phase I: preparatory phase	December 15, 2023	December 28, 2023	Start up of the election procedure by the employer. The personnel is informed amongst others of the following elements: <ul style="list-style-type: none"> • The determination of the TBU • The number of employees • The number of white collar employees • The number of blue collar employees • The number of executives 	X-60 (5 months before the election Day)
	December 15, 2023 to January 9, 2024	December 28, 2023 to January 22, 2024	Negotiations regarding the elements that were communicated on day X-60	X-60 to X-35
	January 9, 2024	January 22, 2024	The employer decides on the elements that were negotiated in the previous phase	X-35
	January 14, 2024	January 27, 2024	Start of the protection from dismissal period of the candidates (a.k.a. the 'occult period')	X-30
	February 13, 2024	February 26, 2024	The employer informs the personnel of the following: <ul style="list-style-type: none"> • The date of the elections • The determination of the TBU • The number of mandates in the Works Council and in the Committee for Prevention and Protection at Work • The provisional election lists • The lists with the middle and upper management 	X
Phase II: posting phase	March 19, 2024	April 1, 2024	Final date for filing the lists of candidates	X+35
	March 19, 2024, to May 3, 2024	April 1, 2024 to May 16, 2024	Actual organization of the elections (Installing the voting bureaus, enabling electronic voting, voting by letter...)	X+35 to X+80
Phase III: election phase	May 13, 2024	May 26, 2024	Election day	Y
	May 15, 2024	May 28, 2024	Promulgation of the results of the elections	Y+2
	June 27, 2024	July 10, 2024	Final date that the newly elected Works Council / Committee for Prevention and Protection at Work must hold their first meeting	Y+45

Dates are proposed by the National Labour Council, but must still be confirmed. They might thus still be subject to changes, although it is quite likely that the proposal will be validated.

Contact



Isabelle Timmerman
Senior Counsel

T: +32 (0)2 708 38 45
E: itimmerman@kpmglaw.be



Kirsten Van de Steen
Associate

T: +32 (0)2 708 47 51
E: kvandesteen@kpmglaw.be

[kpmglaw.be](https://www.kpmglaw.be)

