



KINGDOM OF BELGIUM
Federal Public Service
**Foreign Affairs,
Foreign Trade and
Development Cooperation**

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The Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation presents its compliments to the diplomatic missions, consular posts and international organizations established in Belgium and has the honour to draw their attention to the newly updated informations on the [Protocol Directorate's specific webpage](#) regarding the measures related to the COVID-19 pandemic.

Important new features include the digital COVID vaccination certificate, the organization of meetings and events, travel conditions and measures before or after traveling abroad.

The Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation thanks the diplomatic missions, consular posts and international organizations established in Belgium for their co-operation, and avails itself of the opportunity to renew them the assurances of its highest consideration.

Done in Brussels on June 30th 2021.



To the diplomatic missions, consular posts
and international organizations established in Belgium

TELEWORKING: Reminder of federal measures

The Protocol Directorate of the FPS Foreign Affairs recalls that without prejudice to their privileges and immunities, all persons enjoying these privileges and immunities are required to respect the laws and regulations of the receiving State, in particular the measures taken by the authorities to limit the spread of COVID-19.

The Protocol Directorate was informed that some diplomatic missions do not comply with the federal measures concerning compulsory teleworking.

We are, of course, aware that diplomatic missions do perform essential tasks and have constraints which do not allow imposing teleworking to all their staff. However, the Head of Mission must ensure that people who are unable to work at home can benefit from measures that do not endanger public health.

Teleworking from home is **compulsory** in all companies, organizations and services for all staff members, unless this is impossible due to the nature of the function, the continuity of the management of the company, its activities or its services.

If home teleworking cannot be applied, companies, organizations and services are taking measures to ensure maximum compliance with social distancing rules, in particular maintaining a distance of 1.5 meters between each person. They provide staff members who cannot telework from home with a certificate or other evidence confirming the need for their presence at the workplace.

Companies, organizations and services adopt appropriate preventive measures in due time, in order to guarantee the rules of social distancing and to offer a maximum level of protection.

What preventive measures should the employer take?

The World Health Organization is calling attention to a number of preventive measures that are best taken in the workplace to minimize the spread of the coronavirus.

These include the following measures:

- ensure clean and hygienic workplaces (such as office surfaces, keyboards) by regularly disinfecting them;
- ensure that workers apply good hand hygiene by providing disinfectants in visible places;
- ensure good respiratory hygiene in the workplace by using paper tissues in case of coughing or sneezing;
- inform workers that it is best not to come to the office if they have symptoms of illness such as fever and / or cough;
- provide for homework;
- provide instructions in case someone becomes ill with signs of coronavirus infection.

What should people at risk do?

People at risk must demonstrate through a medical certificate that they are part of a risk group. If this is the case, the employer should not force these people to physically come to work, unless they wish to do so.

What is the situation of a worker who is sick due to the coronavirus?

The situation is different when a worker is prevented from returning to work due to illness from the coronavirus. In this case, the inability to return to work is due to incapacity for work and the ordinary incapacity rules apply. In principle, the incapacitated worker will be entitled to guaranteed remuneration payable by his employer for a certain period.

What is the situation of an employer who, following the coronavirus, can no longer carry out his activity temporarily?



In such a case, the employer is prevented from providing work to his workers due to a situation of force majeure, namely a sudden, unforeseeable circumstance, beyond the control of the parties and making the execution of the contract momentarily and totally impossible. The execution of the contract is therefore suspended due to force majeure as envisaged by article 26 of the law of July 3, 1978 relating to employment contracts.

If, for reasons of force majeure, an employer is unable to employ his staff, he can put them on temporary unemployment due to force majeure, subject to compliance with certain formalities. This measure can be introduced for employees as well as for workmen. During this period, workers can in principle benefit from an allowance from the ONEM, provided that they are declared to the Belgian social security.

For more information, see the ONEM website: www.onem.be

What is the situation of an employer who, due to the coronavirus, is faced with a temporary shortage of work?

An employer hit by a temporary lack of employment because of coronavirus, may, under certain conditions, benefit from temporary unemployment system for economic reasons. In this case, the execution of the employment contract is entirely suspended or a reduced-time working regime is introduced. This measure can be introduced, under certain conditions, both for workmen (article 51 of the law of 3 July 1978 on the employment contract) and for employees (article 77 of the same law).

During a period of economic unemployment, workers can, in principle, benefit from an allowance from the ONEM, provided they are declared to the Belgian social security.

For more information, see the ONEM website: www.onem.be

Compensation for work at home

According to the collective labor agreement n° 85 of November 9, 2005 which regulates teleworking, the employer must provide the equipment necessary for teleworking, install and maintain it. It must bear the cost of communications and connections related to teleworking.

In the event that the teleworker uses his own equipment, the employer bears the costs of installing computer programs, operating costs and the cost of depreciation and maintenance.

Said "office allowance" which covers heating, electricity, small office equipment, etc., can be granted without social security contributions to all employees who work at home, even to those who did not work at home before the Covid-19 measures and with whom the employer had not formally concluded a teleworking agreement.

These provisions also apply to members of the local staff employed by embassies and diplomatic missions.

For more explanations of this office allowance, see the administrative instructions of the ONSS <https://www.socialsecurity.be/employer/instructions/dmfa/fr/latest/instructions/salary/particularcases/expensesreimbursement.html>

