

Social elections 2020



2020 SOCIAL ELECTIONS

In **2020** it will be time once again to **elect employee representatives** to the Works Councils and the Committees for prevention and protection at work (CPPW).

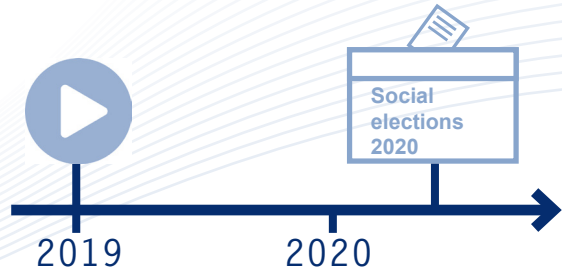
Quite a **challenge for companies!**

The preparations for the 2020 social elections already begin in **2019**.

ABOUT EUBELIUS

Eubelius is Belgium's largest independent law firm, with offices in Brussels, Kortrijk and Antwerp. Our 20 partners, 18 (senior) counsels and more than 100 associates offer counselling and representation on Belgian and European law.

We have privileged working relationships with outstanding independent law firms in many foreign jurisdictions. Our practice has a strong national and international focus, and a significant proportion of our work is cross-border (both inbound and outbound). We serve a very diverse client base, ranging from Fortune 500 multinationals to local entrepreneurs, a large number of companies with public law status, and numerous Belgian companies which are part of large international groups. We represent all Belgian language communities and handle matters in English, Dutch, French and German.



Social elections raise questions for employers about:

technical operating units
employment rate thresholds

managerial staff
executives
electors

candidates
dismissal protection
the occult period

consultations
discussions and claims
labour court litigation

the voting process

constitution, powers and
functioning of the Works
Council and the CPPW

(...)

SPOTLIGHT ON THE TECHNICAL OPERATING UNIT

The social elections are organised at the level of the technical operating unit (TOU). It is also at this level that the Works Council and CPPW are subsequently set up.

It is the employer who defines the TOU(s) at the start of the electoral procedure. The decision is crucial and must be well-substantiated.

The TOUs are not necessarily defined the same way as they were at the time of the previous social elections. Their demarcation must be specifically reconsidered in connection with each new electoral procedure.

The demarcation of the TOU(s) can be different for the Works Council and the CPPW.

Informed anticipation ...

... to avoid surprises during the electoral procedure.

Criteria for the TOU

A technical operating unit is an economically and socially autonomous unit.

The TOU is demarcated based on economic and social criteria and with a specific concern for the interests of the employees.

It should be emphasised that no economic or social criterion is decisive on its own. The **overall picture** counts. In the event of doubt, the **social criteria** will prevail.

Some examples:

Economic criteria

- shareholders
- participations
- board, directors and management
- activities, services and organisation
- logo and marketing
- (...)

Social criteria

- human resources policy
- personnel and payroll administration
- function classification
- employment agreements and work regulations
- announcements to staff
- training
- appraisal system
- company-level collective labour agreements
- contact person for job applications
- who decides on recruitment and dismissals?
- who handles the communications in the social elections procedure?
- sense of belonging to a group
- (...)

▶ HOW WE CAN HELP YOU

Eubelius has the expertise and experience to help you through the 2020 social elections with:

- ▶ legal **advice**
- ▶ support in **negotiations**
- ▶ assistance, as well as representation in the **event of litigation**

Our newsletter, *Eubelius Spotlights*, will keep you informed about legal news, including in relation to the social elections.

To subscribe, please surf to

www.eubelius.com/en/eubelius-spotlights.

You can follow our initiatives on:

- LinkedIn
- www.eubelius.com

▶ OUR COMBINED EXPERTISE AT YOUR SERVICE

For the practical organisation of the 2020 social elections within your company, Eubelius has also renewed its collaboration with HR service provider **Acerta**.

Acerta can provide support for your company including software, primary advice and all the necessary documents for the social elections: more information can be found on www.acerta.be/socialverkiezingen or www.acerta.be/electionssociales.

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