

B-Efficient Newsletter – May 2018

Has one of your employees been off sick for over four months?

The professional reintegration path offers a new solution that is worth considering, with the possibility of terminating the contract without prior notice and compensation…”

Since 9 January 2017, in order to be able to terminate an employment contract owing to a case of force majeure further to the permanent incapacity for work of the employee (without prior notice or compensation), a reintegration path must be started and completed.

The aim of this is, with the aid of the prevention counsellor-occupational physician, to reintegrate the worker who can no longer do the agreed job, by giving him an adapted job or another job, on the assumption that he is permanently incapable of doing the agreed job.

**Initiative**

The request to follow a reintegration path may be submitted to the prevention counsellor-occupational physician:

* either by the worker during the period of incapacity for work (or, if he agrees, by his GP),
* or by the employer, at the earliest from four months after the start of the worker’s incapacity for work or from the moment when the worker submits a certificate from his GP indicating a permanent incapacity to carry out the agreed job,
* or by the consulting doctor from the mutual insurance fund, if he believes that the worker is eligible for a reintegration path.

**Reintegration assessment**

The prevention counsellor-occupational physician invites the worker for whom he has received a request for reintegration to a reintegration assessment, after which he notes his decision on the reintegration assessment form. This may consist, in particular, of:

* a permanent incapacity to resume the agreed job and the worker is able to carry out an adapted job or a different job with the employer or
* a permanent incapacity to resume the agreed job and the worker is not able to carry out an adapted job or a different job with the employer.

**When does the reintegration path end?**

For workers who are permanently incapable of carrying out the agreed job, the reintegration path comes to a final end in the following three hypotheses, that is when:

* 1st  hypothesis: the employer has received the reintegration assessment form from the prevention counsellor-occupational physician, in which the latter deems that the worker is permanently unable to carry out the agreed job, that he is not able to carry out an adapted job or do another job and no further options exist;
* 2nd hypothesis: the employer has given the prevention counsellor-occupational physician the report stating that it is technical or objectively impossible to draw up a reintegration plan or this cannot be required for duly justified reasons;
* 3rd hypothesis: the employer has given the prevention counsellor-occupational physician the reintegration plan to which the worker does not agree.

In these three cases, the employment contract may be terminated for reasons of force majeure further to the permanent incapacity of the worker. **This method of termination does not require any prior notice or the payment of any compensation and enables the worker, if necessary, to benefit immediately from unemployment benefit from the day when he is no longer covered by the mutual insurance system.**

For more information or personalised advice, contact us.

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Sources: Royal Decree of 28 October 2016 amending the Royal Decree of 28 May 2003 on the surveillance of workers’ health as regards the reintegration of workers who are incapacitated for work, M.B. (Belgian official journal) 24 November 2016; Royal Decree of 8 November 2016 amending the Royal Decree of 3 July 1996 implementing the law relating to obligatory insurance for health care and allowances, co-ordinated on 14 July 1994 as regards socio-professional reintegration, M.B. (Belgian official journal) 24 November 2016; bill comprising various provisions in labour law linked to the incapacity for work.

This article was written by Olivier Henry, jurist at B-Efficient.

Available newsletters:

* January 2018*: The profit bonus*
* May 2018*: The reintegration path*

About B-Efficient

B-Efficient is a company that provides human resources services and advice. It started up in 2014, focusing on training and coaching. In 2017, Anne-Françoise Peigneux and Philippe Depaepe joined forces to extend the activities so as to offer personalised, flexible and competitive solutions for businesses in every field of human resources management.

With a team of 12 experts (jurists, instructors, lawyer, certified coaches, mediator and human resources consultants), B-Efficient offers you practical and pragmatic solutions to boost commitment among your staff and ensure that your business grows.

B-Efficient positions itself as an alternative to the big consultancy firms, HR groups and self-employed workers.

**Our goals:**

* To help businesses make their human resources management more efficient.
* To help people identify their career drivers to set them on the right career path and ensure that they want to give of their best.
* To develop executives’ leadership skills so that they can set an example for their colleagues and prompt them to want to achieve the same goals.
* The combination of these approaches aims to ensure the lasting future of the business.

**Our values:**

* **P**rofessionalism
* **R**espect
* **I**ntegrity
* **C**onfidence
* **E**ngagement

**Our assets:**

* Personalised, flexible, proactive and competitive approach.
* Pragmatism and efficiency.
* Proven experience of our certified experts.
* Multilingualism.
* Many references.

**Our service range:**



*Traduction des termes français figurant dans le tableau ci-dessus (non accessible) dans chaque colonne :*

Mediation Sales and networking Social audit Other

Burn-out prevention Priorities management Salary optimisation (in partnership)

Legal training courses Legal advice Social secretariat (in

partnership)

Premiums, subsidies and Independent director

regional aid

Talent Management

(job classification,

assessment)

Shared HRM Advisory committee

member

Shared jurist

Recruitment and selection