Applicable law and scope

Working time is regulated by several laws and collective labour agreements. Generally speaking, this legislation applies to employers and their employees. Certain categories of employees are excluded from a number of the provisions in the legislation, including, for example, employees working from home, sales representatives and employees holding a position of trust or a management position in the company.

Working time

Working time is defined as “the period during which the employee is at the disposal of the employer”, ie the period of time during which the employee must be ready to follow any instructions that may be given by the employer.

Minimum working time

The following minimum limits apply to working time:

- each period of work must be at least three hours, and
- the weekly working time of a part time employee cannot be less than one third of the weekly working time of a full time employee belonging to the same category.

Maximum working time

Daily working time is, as a general rule, limited to eight hours. In certain circumstances, this maximum can be nine or even 10 hours. Working outside the work schedules provided by the work regulations is prohibited. Weekly working time is subject to a maximum of 40 hours provided that an average of 38 hours per week over a reference period is respected. This maximum may be further reduced by Collective Labour Agreements (CLAs) entered into at the national sector level or at company level, provided that certain conditions are met.

Overtime

Circumstances in which overtime is permitted
Overtime is strictly regulated and, as a general rule, is only allowed in certain specific circumstances. In certain cases, specific formalities will have to be complied with before overtime can be provided.

**Determining whether overtime has been performed**

Overtime is generally allowed provided that the normal weekly working time is respected, on average, over a determined reference period (generally three months) if employees carrying out overtime are given compensatory time off.

**Limits to overtime work**

As a general rule, an employee cannot work for more than 11 hours per day and 50 hours per week. In principle, the number of hours performed over and above the average weekly working time cannot at any stage during the reference period (generally three months) exceed 78 hours (or 91 hours if the reference period is set at one year). If the applicable hour limit is exceeded, the employee must be given immediate compensatory time off. These limits can be increased to 130 hours or 143 hours following a specific collective negotiation process.

**Compensatory time off and overtime pay**

An employee who has worked overtime is generally entitled to compensatory paid time off to be taken within a certain period of time. In certain circumstances an employee will be entitled to overtime pay when he/she has worked overtime. Overtime pay is at least 50% more than the employee’s normal salary and is double their normal salary if the overtime was worked on a Sunday, on a public holiday or on another legally granted day off.

**Weekly rest, daily rest and rest breaks**

Employees may not work for more than six hours without a break. Employees are, in principle, entitled to at least 11 consecutive hours of rest during every 24 hour period between finishing and restarting work. There are exceptions to these rules.

**Night work**

Night work is work carried out between 20:00 and 06:00. Night work is, in principle, prohibited. There are, however, a number of exceptions to this rule.

There are a number of other specific rules that apply if an employer wants employees to carry out night work.

**Shift workers**

Shift work is where a number of workers who perform a specific job are replaced by an equal number of workers who continue the work of the first group. Special working time rules apply to shift work.

**Sundays**

Work on a Sunday is in principle prohibited. There are, however, several exceptions to this rule.

**Young workers**

Young workers are generally defined as those between 15 and 18 who are no longer subject to full time compulsory education. They are subject to specific rules with respect to working time.
Enforcement

An employer who does not comply with the provisions relating to length of work may be liable to administrative or criminal sanction fines.

Further information on working time in Belgium is available from our International Employment Issues microsite here.

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