

Working from home is mandatory, don't forget the mandatory certificate/attestation for those who do work at the office!

From today, 2nd of November 2020, it will be compulsory again to work from home (teleworking), unless you cannot do otherwise and your employer has a certificate.

The new Ministerial Decree¹ that enters into force today 2nd of November 2020 brings a new obligation: if you cannot work from home, you must obtain a certificate from your employer.

Article 2, §1. of the Ministerial Decree stipulates that *"teleworking is compulsory in all companies, associations and services for all staff members, unless this is impossible due to the nature, function or continuity of the business, activities or services"*.

Furthermore, article 2 §1. stipulates that if you do work in the office, you must ask your employer for *"a certificate or any other proof confirming the necessity of your presence in the workplace"*.

It seems appropriate to us that a brief but clear motivation should be stated on the attestation. Writing out a standard attestation for all your employees is out of the question. You will have to select the necessary employees and motivate why they cannot work from home.

Although there is no ban on non-essential movements, it is now mandatory to be able to submit an attestation to the inspection services if one does work in the office.

This is in contrast to the measures in place at the previous lockdown in March. At that time it was forbidden to make non-essential movements, but there was no obligation for a certificate if you went to work in the office.

Checks will be carried out and the inspection services will ask employees working in offices for this attestation. If you do not possess it, the inspectors may impose a sanction.

Conclusion:

Be aware it is now compulsory to have an attestation or document explaining why it is not possible to work from home (by your employees).

If you have any questions about this certificate or if you would like a model certificate, do not hesitate to contact us at joost.peeters@studio-legale.be.

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¹ Ministerieel besluit houdende wijziging van het ministerieel besluit van 28 oktober 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken, BS 01.11.2020.