

# LABOR & EMPLOYMENT

Our labor and employment lawyers assist clients in meeting the challenges of the modern workplace. We handle individual employment litigation and provide advice on routine employment law issues, but also assist clients with complicated collective labor, social security and privacy problems. We are best known for our work in the telecom, pharmaceutical and biotech sectors, as well as in the airlines, retail and consultancy services industries.

## Individual L&E Law

We advise, assist and defend our clients on all aspects of Belgian individual labor and employment law including: day-to-day advice, employment (related) agreements, termination agreements and negotiations, company policies, bonus plans, work time regulations, harassment, discrimination, workplace privacy, pre-retirement schemes, pay and social security aspects.

## Collective L&E Law

We also advise, assist and defend clients in a wide range of collective issues, including the conclusion of collective bargaining agreements, trade union and work council issues, social elections and protected workers' termination issues. We provide our clients with assistance in case of collective conflicts involving strikes, the blocking of plant entrances and general labor unrest.

## Restructuring

We are well known for our pro-active and flexible assistance to clients that are restructuring either at a national or international level: *e.g.*, transfer of undertakings (outsourcing), collective dismissals, closures of all or part of an undertaking, and related social conflicts. We often work in conjunction with our Corporate and IP teams.

## Compliance & Regulatory

We help our clients comply with regulatory obligations, not only via day-to-day counseling and

contractual work, but also through regular audits. We analyze our clients' existing practices and recommend appropriate changes. We also help clients to comply with Belgian social security requirements.

## HR Privacy

Since the mid-nineties, we have been closely monitoring both EU and Belgian developments in the data protection and privacy field and have advised both national and multi-national clients on related matters. We also have extensive experience in performing and coordinating global or EU-wide privacy audits and compliance projects, helping clients better understand their data processing, map the location and flow of the data and identify potential threats and compliance issues. We implement tailor-made privacy programs, which may include the drafting of privacy policies and procedures, standard contractual terms, notices, data transfer agreements and advice on security measures. An important part of our practice consists of advising clients on internet and e-mail monitoring, the use of cameras (in or outside the workplace) as well as on the use of social media in the work place.

## International

As an international law firm, we regularly deal with cross-border labor law issues. We help foreign clients to set-up operations in Belgium (affiliates, branch offices, both for profit and non-profit), *inter alia* in the HR field. We provide assistance on the application of work permits and professional cards, visas, residence permits and LIMOSA. We help our clients comply with EU and international employment and social security regulations and practices, including multiple employment schemes and secondments. While we focus on Belgian labor and employment law, we also work closely with a network of other EU law firms on trans-border and foreign matters, and with our Crowell & Moring

colleagues in London and the U.S. In this way we provide our clients with a one-stop shop for their activities in Europe and the U.S.

## Litigation Proficiency

Although our main aim is to avoid litigation and solve matters amicably to the benefit of all parties, litigation cannot always be avoided. Our lawyers are experienced litigators before the Belgian Labor courts.

## A Personalized Approach

We favor a pragmatic and personalized approach. We take the time to get to know our clients and their needs. Our services are customized and goal-oriented. We regularly organize seminars on topical issues in the labor and employment field. We also publish FAQ brochures, newsflashes and newsletters with information on labor and employment-related developments, such as new regulations or collective bargaining agreements and notable case law.

## Our Team

Our practice is led by Emmanuel Plasschaert who has over 20 years' experience, and includes Frederik Van Remoortel, who focuses on privacy, and our team generalists, associates Evelien Jamaels and Alex Franchimont.

*"Emmanuel Plasschaert, who heads the corporate and labour practice groups, is 'responsive and pragmatic'."* Legal 500 EMEA, 2016

*"Senior counsel Frederik Van Remoortel is 'reliable like a Swiss watch'"* Legal 500 EMEA, 2016

*"Emmanuel Plasschaert [...] provides day-to-day as well as restructuring-related labour law advice to a number of large international corporations with Belgian operations. Other key areas of activity include hiring, individual and collective dismissals and employment privacy matters."* Chambers Europe, 2015

## Representative Matters

- Provided day-to-day advice to several Belgian and multinational companies regarding a wide range of issues (drafting of all types of employment and related agreements; termination issues; enforcement of non-compete undertakings; introduction of new work time schemes; analysis and proposals for improvement of current car policy; liability assessment of the company/management in case of abuse of alcohol at the workplace).
- Assisted several multinational groups in the restructuring of their Belgian businesses, including transfer of undertakings, outsourcing of business, collective dismissals and closure of business.
- Defended a major U.S. company in court regarding a social elections dispute.
- Advised a European airline company on a restructuring (progressive reduction of the number of employees in Brussels) and assisted the client with the transfer of an undertaking and the HR integration of the transferred workers.
- Filed (and renewed) work permit applications for employees of U.S. or multinational companies working in Belgian subsidiaries.
- Defended a high-voltage transmission system operator before the Brussels Labor Court with respect to a claim filed by a former employee whose contract was terminated for cause.
- Defended a subsidiary of a U.S. multinational before the Brussels Labor Court in connection with a claim filed by the family of a former employee who was the victim of a work accident.
- Provided HR privacy advice regarding data transfer issues, to U.S. multinationals.

## CONTACTS



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