
The compulsory Covid-Check in companies comes to an end. **UPDATE.**

This Friday 11 February, the Chamber of Deputies will vote on the latest version of the Covid-19 law. Besides further easing of the Covid-19 measures, (abolition of the 2G and 2G+ regimes in favor of the 3G regime only; possibility for HoReCa and night establishments to open beyond 23h00), the new law proposal also provides that the mandatory Covid-Check regime in companies, introduced on 15 January 2022, will come to an end and that Covid-Check will become optional.

The entry into force of these measures is immediate with the publication of the new law as soon as it is voted in the Chamber of Deputies. The new measures will enter into force foreseeably in the evening of February 11, 2022 and at the latest on February 12, 2022.

However, the government did not want to abandon the notion of Covid-Check at the workplace as such, so its bill again provides for a return to the optional Covid-Check.

Nevertheless, at the insistence of the OGBL and the other nationally representative unions, the legal framework and conditions negotiated in December 2021 remain in force. In contrast to the first optional Covid-Check introduced on November 1, the new law will still include two essential guarantees for employees:

- 1) Covid-Check cannot be grounds for termination of contract.
- 2) Social security coverage is maintained.

The trade unions have also insisted **that the optional Covid-Check be carried out in co-decision in every company with a staff delegation - i.e. in every company with at least 15 employees.** Following legal remarks by the Conseil d'Etat, this co-decision has been removed from the bill, but is the subject of a separate tripartite agreement, signed on 11 February 2022 between the OGBL, the LCGB, the UEL and the government.

This agreement only concerns employees under private law. A separate agreement has been concluded for the civil service, which provides that the compulsory Covid-Check remains in place for all civil servants and employees of the State. The OGBL has not been involved in these discussions.

The company manager must therefore contact his staff delegation as soon as possible if he wishes to continue the Covid-Check scheme beyond 11 February 2022. Otherwise, or in case of a negative opinion of the delegation, the Covid-Check comes to an end in this company.

The OGBL does not instruct the staff delegations to agree or disagree to the optional Covid-Check in their company. The OGBL believes that the staff delegates are closest to the field and that they are best equipped to assess whether the Covid-Check in their company has worked or not, whether the extension of the measure corresponds to the wishes of the staff or not, whether the Covid-Check is appropriate to the company's activity or not.

But of course, **all delegations can contact their responsible central secretary if they have any questions about the new provisions or if they encounter difficulties in the discussions with their management.**

Update 11/02: An additional period of up to 15 days from 11 February may be provided for employers and staff delegations to reach an agreement (or not). The mandatory CovidCheck will end as soon as the decision is taken and at the latest at the end of this transitional period.