



Global Employer Services Immigration

Flemish Region first to propose regional Work Permit regulation in Belgium

Although the 6th State Reform of 2016 rendered the Belgian regions competent in the field of economic migration, the three regions (i.e. Brussels, Flanders, Wallonia) have until now agreed to apply the same requirements and conditions for the employment of non-EEA nationals.

On 13 July 2018, the Flemish region brought an end to this agreement and announced draft legislation with a specific set of conditions and processes to employ non-EEA nationals in Flanders. The proposals have been published in the ["immigration vision document"](#).

The draft legislation also includes required changes in light of the [Single Permit Directive \(Belgium referred to ECJ for failing to implement Single Permit Directive\)](#), introducing a single application procedure for the issuing of single permits to non-EEA nationals to reside and work in an EU Member State. It also takes into account the guarantee of equal pay for equal work rules based on the [Posted Workers Directive](#).

Key changes proposed by the Flemish Region

- Three year validity period of work permit (instead of 12 months) for certain categories of workers.
- Three month extended exemption period from obtaining a work permit in specific cases.

- Abolishment of one uniform minimum salary level for highly skilled workers. The remuneration must be in line with the function and activities performed, taking into account equal pay for equal work. The Flemish government will create an indicative list of reference remuneration based on different functions.
- Reduced set of requirements to obtain a work permit for employees in occupations experiencing labour shortage. The Flemish government will create a list of these shortage occupations every two years.

Impact of changes

The increased validity period of work permits to three years is certainly a very positive change. The same holds true for finally putting the Single Work Permit and elements of the Posted Workers directive into practice.

However, ending a uniform Belgian approach will overly complicate the employment of non-EEA nationals, and companies with activities in the different regions will face complications when dealing with different rules across said regions.

Future developments and entry into force

The Flemish Region's proposal is now presented to the Council of State for validation.

The new Flemish rules' entry into force is foreseen for January 2019.

Based on input received, the two other regions are currently also working on the creation of legislation to implement the Single Work Permit and Posted Workers directives. It is not yet clear if and to what extent the conditions or process would deviate from the Flemish proposal.

Deloitte's IMSS team is following-up on developments across Belgium's regions and will launch a dedicated website detailing the different upcoming changes.

Contacts

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