



1. Context

European, federal and regional parliamentary elections will take place in Belgium on Sunday 9 June 2024. Your company may also be operational on Sundays and therefore some of your employees may also have to work on that day. Below we explain what your rights and obligations as an employer are in this regard.



2. Obligation to vote

In Belgium, voting is a legal obligation. Therefore, as an employer, you are also legally obliged to give your employees the necessary time to fulfill this legal obligation. This also applies to the employees who were already scheduled to work on Sunday 9 June 2024.

Hence, for the employees who are scheduled to work on election date, there are two options:

1) Either they vote by proxy.

Indeed, your employee can appoint any other voter as a proxyholder to vote in his or her place. However, each proxyholder can only have one proxy. Hence, you cannot internally appoint one person who will act as a proxyholder for all employees that are scheduled to work on Sunday 9 June 2024.

Your employee can download the proxy form provided for this purpose on the following website: <https://verkiezingen.fgov.be/kiezers-ik-kan-niet-gaan-stemmen/stemmen-met-een-volmacht> On this proxy form, it is important that as an employer, you confirm that the employee must indeed work on Sunday 9 June 2024. If not, proxy voting is not permitted. You must therefore co-sign this proxy form and also place a company stamp on it.

2) Either the employees vote themselves.

However, you cannot force your employees to vote by proxy. If your employees wish to do so, you must give them the necessary time to fulfill their voting obligation themselves on this (working) day.

The exact timing of their absence and vote on that day must nevertheless be determined by mutual agreement. Hence, your employees cannot simply decide for themselves when they will be absent to vote on that day and you can for instance require your employees to vote at the beginning or end of the workday or, for example, during their lunch break at noon.

In any case, the time your employees are absent to vote on Sunday 9 June 2024, should not be remunerated. If your employees are temporarily absent to fulfill their voting duties on that day, it concerns a legitimate but unpaid absence.

In addition, it can also be agreed with the employees who are scheduled to work on Sunday 9 June 2024, to take a day of vacation or compensation rest for that day if they absolutely want to vote themselves and you want to guarantee the business continuity on that day. In that case, this day's absence will of course be paid. However, you cannot force employees to take vacation or compensation rest.



3. Convocation to participate in the election procedure

In addition, at each election, a number of citizens are drawn by lot who must cooperate on election day to ensure the smooth running of the election. They may, for example, be appointed as chairperson, secretary or assistant chairperson of a polling station.

Hence, some of your employees who were scheduled to work on Sunday 9 June may also have been called to work at a polling station that day.

In that case, you cannot force these employees to come to work and the employees have the right to be absent from work. Whether you still have to pay your employee for this day depends on the exact role he or she will perform on election day:

- If your employee was appointed as an attendant in a main polling station or a single polling station, then he or she will still be entitled to his or her normal salary for this day.

The same applies when the employee has been appointed as an attendant at a main polling station in the election of the European Parliament or as an attendant at a main counting station.

- On the other hand, if your employee was called as chairman or secretary in a polling station, then he or she does have the right to be absent from work but he or she will not be entitled to his normal salary for this day.

If your employee absolutely wants to work on Sunday 9 June, he can ask the president of the polling station for which he was appointed to be excused from his assignment. The fact that he or she is scheduled to work within your company on the election day may be a valid reason for such an exemption. In that case, as an employer, you will have to issue a certificate confirming that the employee in question must indeed work on Sunday 9 June 2024.



4. Conclusion

To ensure the continuity of your business operations on Sunday 9 June 2024, it is important that you inform your employees in a timely manner of the options available to them regarding their voting obligation and possible assignments at the polling station.

If one of the employees who was scheduled to work on Sunday 9 June was also appointed to work in a polling station and does not want to request an exemption, it is important that you ask for a copy of the convocation letter from your employee. That way, you can see what function and type of polling station he was called to in order to determine your obligations as an employer in this respect.

For further questions about this topic, please contact:



Stefanie Tack
stefanie.tack@strelia.com



Marnix De Greve
marnix.degrev@strelia.com