

## **Belgium – “Who You Gonna Call?” — Appointment of a Person of Trust Mandatory as of 1 December**

Article By:

Marga Caproni

---

While some are already hanging up the Christmas decorations and squeezing back into their Christmas jumpers, the Belgian legislator has picked the festive season to introduce a number of new measures relating to well-being in the workplace. We will discuss these measures in a series of blogs.

The first measure holds that the appointment of a person of trust (*‘vertrouwenspersoon’/‘personne de confiance’*) for the purposes of the legislation on preventing psychosocial risks at work becomes mandatory as of today in companies employing 50 or more employees.

The person of trust is not a new concept. It has long been recommended that employers should designate such a person, as they can play an important role as the first point of contact in the informal internal procedure for psychosocial risks (formally known as an informal complaint for harassment). If an employee reaches out to the person of trust instead of the prevention advisor, they can better discuss the employee’s concerns in an informal, proportionate and confidential manner and look for possible solutions without triggering all the requirements and restrictions of

the employer's formal internal grievance procedure.

Until now, employers have only been required to designate a person of trust when all employee representatives in their committee for prevention and protection at work requested it. As of 1st December, however, companies with 50 employees upwards need to have a person of trust, whether that committee requests it or not. Members of the managerial staff, the union delegation, the works council and the committee for prevention and protection at work may be secretly relieved to hear that they cannot be the person designated. The person of trust must receive proper training (paid for by the employer), but is not required to have completed the training at the time of their appointment. The training must, however, be completed within two years following the appointment.

The person of trust is ideally to be appointed with the agreement of all employee representatives within the committee for prevention and protection at work. If no agreement can be reached, the Labour Inspector will step in to mediate.

If the company has less than 50 employees, there is (thus far) no obligation to appoint a person of trust, unless all members of the union delegation (or, in the absence of such a delegation, all employees) request such an appointment.

### **What if you don't?**

As is common for health and safety obligations, non-compliance with the obligation to appoint a person of trust will be punishable, with a criminal fine ranging from EUR 400 to EUR 4,000 (in theory) or an administrative fine somewhere between EUR 200-2,000.

Source URL:<https://natlawreview.com/article/belgium-who-you-gonna-call-appointment-person-trust-mandatory-1-december>