

Replacement contract? The CNE supports you!

YOU HAVE BEEN OFFERED A REPLACEMENT CONTRACT OR YOU HAVE ALREADY SIGNED ONE? WHAT ARE YOUR RIGHTS AND OBLIGATIONS? TO MAKE THE MOST OF YOUR CONTRACT, FOLLOW THE CNE'S ADVICE!

A WRITTEN CONTRACT

As the name suggests, a replacement contract is concluded to replace one or more workers who are absent from work for any reason (except temporary unemployment, strike or lock-out). The replaced worker(s) must have completely suspended their work or have partially reduced their working hours as part of a time credit or thematic leave, or have been authorised to return to work partially with the agreement of the Mutual's medical officer (medical part-time).

Furthermore, the contract must be drawn up in writing (paper or electronic with a secure signature) at the latest when you start work and must specify: the duration of the appointment (fixed-term or indefinite), the reason(s) for the replacement, the name of the worker(s) being replaced. In the absence of a written document containing these compulsory details, the rules governing open-ended contracts apply.

DURATION AND SUCCESSIVE CONTRACTS

The duration of the replacement contract is limited to two years. In the case of successive contracts, their total duration is also limited to two years, even if these contracts are separated by interruptions of a few days or weeks (unless these interruptions occurred at your request). If the contract exceeds this two-year period, the rules for open-ended contracts apply. There is one exception: a replacement contract may last longer than two years if it was concluded to replace a worker on time credit or thematic leave.

END OF CONTRACT

The employer may stipulate in the replacement contract that it will be terminated with reduced or no notice in the event of the return or effective termination of the contract of the replaced worker(s). In other cases, the rules for open-ended contracts apply. If nothing is specified in the replacement contract concerning the end of the contract, the rules for open-ended contracts apply.

YOU GET ANOTHER CONTRACT?

The employer who wants to keep you in the company after the replacement contract can only offer you a fixed-term contract if the replacement lasted less than two years. If the replacement lasted two years or more, they can only offer you a permanent contract. Furthermore, your seniority under a replacement contract must be taken into account when calculating your salary and other entitlements (notice period, holidays, bonuses, etc.).

Need to contact us? Call us on 067 88 91 00 on Mondays, Tuesdays and Wednesdays from 9am to 12pm and Thursdays from 1:30pm to 4:30pm.
Need to meet us? Our secretariats are open on Mondays, Tuesdays and Wednesdays from 1.30 to 4.30 pm and Thursdays from 9 am to 12 pm.
Need to write to us? Just one address: cne.info@acv-csc.be

Last update : August 2024

