

Electronic Social Documents

The regulations allow to send and store certain social documents electronically. Below is an overview of its practical modalities.

1. *Electronic archiving service: mandatory*

Social documents that are sent and archived electronically must also be sent and archived with an electronic archiving service.

In this context, your social secretariat or service provider works with **DOCCLÉ**: <https://doccle.be/>.

Doccle is the largest and most innovative platform for digital administration in Belgium. Today, almost 2 million Belgians already receive and store documents on Doccle. It enables businesses to reduce their costs and improve their service. With over 100 partnerships and 92 million documents sent per year, Doccle is the market leader in Belgium.

2. *Practical formalities*

Step 1: Information from consultation bodies / workers

The first recommended step is to inform and consult the works council and/or the union delegation in advance about setting up electronic social documents. The same applies to workers where there is not a works council or union delegation.

Step 2: Modification of the employment regulations

The next step is to modify the employment regulations. The procedure to follow to do this is set out in detail in point 3 and a model is available in point 4.

Step 3: Agreement of the worker(s)

Insofar as the introduction of the electronic document system is based on everyone agreeing to it, obtaining the agreement of workers is essential. Any connection established between the worker and the employer via Doccle is valid for agreement. It may be possible (in addition) to provide a written agreement (see model in point 5).

For workers who do not agree to it, the social documents in question must still be provided in paper form.

3. *Modification of the employment regulations – Procedure*

The employment regulations must include the following elements:

- Identity of the electronic archiving service provider;
- The way in which workers access the electronically archived documents with this service is free of charge, both during and after the end of the employment relationship.

To include this new information in the employment regulations, the normal procedure for modifying the employment regulations must be followed.

Procedure -> Companies with a works council

- The draft wording of the adjustment to the employment regulations is sent by the employer to each member of the works council.
- At the same time, the change is notified to staff by way of a notice displayed at a visible and accessible location within the company.

- Through the intermediary of the chairman, the draft is placed on the agenda of the works council meeting that is convened at the earliest 15 days and at the latest 30 days after the notice is put on display.
 - If no agreement can be reached in the works council meeting, a conciliation procedure is started.
 - If there is agreement, the change comes into effect 15 days after the date of the agreement or decision, except if a different date for the change to come into effect is set.

Procedure -> Companies without a works council

- The employer is required to bring the change to the attention of staff by displaying a notice. A copy of the wording of the draft change can also be given to each worker.
- For 15 days from the time the notice is displayed, the employer will keep a register available for workers in which they can state their observations, either individually, or through the staff delegation or union delegation.
- Once this period has expired, the employer will send the register for consultation to the inspectorate (Control of social legislation).
 - If any observations have been made, a conciliation procedure is started.
 - If there are no observations: if no comments have been submitted to the social inspectorate and if there are no observations in the register, the modification to the existing regulations will come into effect on the 15th day following the notice being displayed.

The modification procedures detailed above need not be adhered to if the details were already covered in the employment regulations, but have been modified subsequently.

Below is a model of an appendix to the employment regulations.

You can:

- attach this wording to the employment regulations as a separate appendix;
- add the wording of the appendix to the current version of the employment regulations.

If you have any questions about the introduction procedure, you can always contact your *Payroll Advisor*.

4. **Model – Appendix to the employment regulations**

The employer provides the option of sending and archiving the following social documents electronically:

- Individual account;
- Salary statement (payslip);
- Monthly statement of work carried out where flexible or variable working times apply.
- Tax forms;
- Documents that must be handed over to the employee at the end of the contract (eg employment certificate; vacation certificate).

Electronic archiving service – DOCCLE

Every worker can receive and view the documents indicated above electronically. This option is provided via the **DOCCLÉ** electronic archiving service: <https://doccle.be/>.

The social documents concerned are sent and archived electronically with: Doccle SCRL

(0846.382.408)
Esplanade du Heyzel SN, box 65
1020 Brussels
info@doccle.be

Archiving is free of charge for workers.

Registration with DOCCLÉ

Before being able to receive and view electronic documents, workers must create a **Doccle account** via:

- the Doccle website (<https://secure.doccle.be/doccle-euui/register/index>);
- the mobile application available from the [Apple App Store \(IOS\)](#) and the [Google Play Store \(Android\)](#);
- (optional) via a direct link provided in an e-mail (staff).

Workers can register by completing the details manually, via [itsme](#) or using their [eID](#). Once the account has been created, the worker must establish a **connection** with the employer’s social secretariat or social services provider. By activating the connection, the social documents will be made available electronically to the worker and archived in Doccle.

Unless stated otherwise, the connection via Doccle acts as substitute for an individual agreement, as stated in art. 16, § 2 of the Act of 3rd June 2007.

Cessation and reconnection

The worker may at any time interrupt the connection with the employer’s social secretariat or social services provider via the Doccle platform. Social documents will then be provided again in paper form. If the worker subsequently wishes to receive his/her social documents electronically again, he/she will need to reconnect with the employer’s social secretariat or social services provider on the Doccle platform.

Should the employer plan to stop using Doccle, it must again notify the worker in writing and in advance of its intention to stop sending social documents electronically.

Guarantee

Except in the event of force majeure, Doccle guarantees permanent access (24 hours a day, 7 days a week) to the archived documents.

The worker’s electronic social documents will be kept for a minimum of 5 years after the end of the employment contract. During this period, the archived documents can still be viewed online using the procedure detailed above. Three months before this period of 5 years expires, the worker will receive a message about the forthcoming end of this period and its effects. For example, archived documents may be loaded into the personal archive of Doccle, or else they can be stored and remain available to view in an unlimited manner. The worker may also ask Doccle to send the archived documents in a readable and usable form to ASBL SIGeDIS, which will then provide continued archiving.

Start date

This appendix to the employment regulations comes into effect on

5. Model – Individual agreement

The employer provides for the possibility, within the framework of the employment relationship, to send and store certain documents electronically.

By signing this agreement,

Worker’s name:

employed with

Employer’s name:

agrees for the following documents to be sent to him/her and archived electronically:

- Individual account;
- Salary statement (payslip);
- Monthly statement of work carried out where flexible or variable working times apply.
- Tax forms;
- Documents that must be handed over to the employee at the end of the contract (eg employment certificate; vacation certificate).

The first party mentioned above also declares that he/she agrees that the documents mentioned above be sent and archived with a provider of electronic archiving services. This archiving is free of charge for the worker. The worker's access to archived documents is guaranteed at all times. Details of the electronic archiving services are available in the employment regulations.

Date:

Signature of the worker,