



HR Electronic Records – Belgium

Natively Electronic Documents

What is the legal value of native electronic documents (that do not require signature by the parties)?

The majority of legislation generally recognizes the validity and probative value of documents that are natively electronic (i.e., created as electronic originals), subject to compliance requirements.

Natively electronic documents in Belgium (which don't require signatures) are generally allowed in the employment context as long as the form for the record isn't specified by law. Some HR records may require the employee's agreement in order for the document to be sent and stored electronically. For example, there must be a mutual agreement between the employer and employee in order to electronically send and archive:

- the individual account;
- salary and fringe benefits
- by month/quarter/year;
- pay slips;
- transmittal/delivery documentation;
- secondment documents; and,
- termination documents.

The agreement between the employee and employer should specify which documents are

included. After the calendar year in which the agreement is signed, employees (and employers) can request to stop sending and storing these records electronically. In this case, the employer would then need to revert to paper transmission and archiving. Employers, as appropriate, can also store additional employee documents electronically with both the consent of the employee and a collective bargaining agreement (CBA).

The employer's work rules should be provided to employees individually and can be provided electronically as long as the employee agrees.



Note that employers should keep evidence of the employee's receipt. Work rules must be retained at each

workplace and can be stored electronically as long as all employees can easily access the electronic document. A posting of where to locate the work rules should be displayed. In cases where some employees can't easily access the work rules, a hard copy should be retained (ex. Factory workers who don't have computer access at work).

Last updated March 2023.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.