



# GMS Flash Alert

## Immigration Edition

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# Belgium – COVID-19: Pre-Tracing of Foreign Workers

As part of the fight against the spread of the coronavirus and COVID-19, a new measure has been implemented with respect to contact tracing of foreign workers employed in Belgium in the following sectors<sup>1</sup>:

- Construction;
- Cleaning;
- Agriculture and horticulture;
- Meat.

This *GMS Flash Alert* covers an additional measure in order to contain the spread of COVID-19 and to improve contact tracing in Belgium.

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## WHY THIS MATTERS

These policies are intended to help keep the spread of coronavirus under control and instill confidence in the public.

Employers have enhanced information gathering and record-keeping if they are engaging the services of an employee or self-employed person who resides or lives abroad.

Competent authorities in Belgium may request this information.

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# Pre-tracing of Foreign Workers – Coronavirus Measure for Certain Sectors in Belgium

An employer or user<sup>2</sup> who temporarily makes use of the services of an employee or self-employed person who resides or lives abroad and who comes to work in Belgium, is obliged to collect certain information and is responsible for keeping this information updated at all times.

This (temporary) requirement comes in addition to the Limosa notification (if required).

## Application and Exception

The requirements apply since 24 August. Currently no end date to this measure is foreseen.

An exception to this requirement is foreseen for situations where the work is performed for individuals (not companies) for strictly personal purposes (e.g., installation or repair of a cooling system in private homes).

Also for **frontier workers** (returning to their home country on a daily or at least weekly basis) and **workers who stay in Belgium for less than 48 hours**, this measure is not applicable.

## What Information

The following information with respect to the employed or self-employed person must be included in a list, which must be kept available to the agencies or services responsible for containing the spread of the virus and to the agencies or services responsible for monitoring compliance with the imposed measures to prevent it from spreading:

- Personal information:
  - surname and first name(s),
  - date of birth,
  - INSZ-number (national number or BIS-number, to be found on the Limosa notification);
- Place of residence during the period of employment in Belgium;
- Telephone number on which the employee or self-employed person can be reached;
- If applicable, information regarding the people with whom he/she worked whilst carrying out his/her activities in Belgium.

This data may only be used in the context of the fight against COVID-19, such as for the detection and investigation of clusters at the same address.

The updated list must be kept available for the authorities from the start of the activities in Belgium until the 14<sup>th</sup> day after the end of the employment in Belgium. After this period, this data must be destroyed.

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## KPMG NOTE

The employer or user is responsible for providing the requested contact information upon request of the authorities. This (temporary) obligation comes in addition to the Limosa notification obligation.

# Passenger Locator Form

If an employee or self-employed person living or residing abroad is required to complete a 'Passenger Locator Form'<sup>3</sup>, the employer or user must make sure, in the absence of proof that this has been duly completed, that the form is still duly completed by the individual before he/she starts working in Belgium.

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## KPMG NOTE

Employers having activities in the construction, cleaning, agricultural/horticultural, or meat sectors in Belgium must be diligent in respect of pertinent information on employees sent from abroad to temporarily work in Belgium. These sectors are generally perceived as 'risk' sectors (also for other legal requirements) by the authorities and therefore closely monitored. The Limosa notification is (temporarily) no longer sufficient.

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## FOOTNOTES:

1 See Ministerial Decree amending the Ministerial Decree of 30 June 2020 on urgent measures to limit the spread of the coronavirus COVID-19 (Ministerial Decree of 22 August 2020 - BS of 22 August 2020) / *Arrêté ministériel modifiant l'arrêté ministériel du 30 juin 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19* at: [http://www.ejustice.just.fgov.be/cgi\\_loi/loi\\_a.pl](http://www.ejustice.just.fgov.be/cgi_loi/loi_a.pl) .

2 In this context; 'user' means any person who makes use of the services of these employees or self-employed persons, either directly or via subcontracting.

3 More information on the Passenger Locator Form: <https://www.info-coronavirus.be/en/plf/> and weblink to the Passenger Locator Form: <https://travel.info-coronavirus.be/public-health-passenger-locator-form> .

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## Contact us

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**The information contained in this newsletter was submitted by the KPMG International member firm in Belgium.**

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