



# GMS Flash Alert

## Immigration Edition

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# Belgium - Walloon Regional Authorities Set New 2021 Minimum Salary Criteria

The Walloon Region has now also communicated the new minimum salary requirements for individuals working in that region, applicable as from 1 January 2021.

The Flemish and Brussels regional authorities already published the new minimum salary requirements for specific categories of employees working in Belgium for whom no prior labour market investigation is required (see [GMS Flash Alert 2020-435](#), 21 October 2020).

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## WHY THIS MATTERS

In order to obtain the appropriate permit allowing employment of non-European Economic Area (EEA) nationals in Belgium, the respective minimum salary requirements must be met.

Employers need to monitor whether salary requirements are met and need to budget for increases in order to help ensure the continued legal employment in Belgium of their workforce.

Non-compliance with these minimum salary requirements may lead to a finding by the authorities of illegal employment by the employer and consequently can lead to the imposition of administrative and/or penal sanctions on the employer.<sup>1</sup>

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## New Minimum Salary Thresholds

Amounts for 2021 (€)	Brussels Region <sup>2</sup>	Walloon Region <sup>3</sup>	Flemish Region <sup>4</sup>
Highly-skilled employees	43,395	43,395**	43,524*
Management personnel	72,399	72,399**	69,638
EU Blue Card	56,111	56,111	52,229
Trainee	Min. salary (sector)	Min. salary (sector)	Sufficient means of existence
Medium-skilled employees in bottleneck professions	N/A	N/A	Min. salary (sector)

\* For employees with a local Belgian contract working in the Flemish Region and under 30 years of age, the amount is €34,819.20. The higher amount needs to be met as soon as the employee turns 30.

\*\* The amounts for the highly-skilled and management personnel will need to be confirmed by a vote of the 2021 Budget Decree.

## Penalties

Employing a non-EEA national without a legal right to work in Belgium can result in a penalty of between €400.00 and €8,000.00 per infraction.

Employing a non-EEA national without a legal right to work nor a legal right to reside in Belgium can result in a penalty of between €2,400.00 and €48,000.00 per infraction. In addition to the fines, in theory, a sentence of imprisonment of six months to three years may be imposed.

## KPMG NOTE

Prior to employing non-EEA nationals in Belgium, companies must obtain a Belgian work permit, or a Single Permit for these employees. The conditions to obtain such a permit are very strict. Except for specific categories of employees above-noted, a labour market investigation is required. Such investigations can be time consuming and can lead to a refusal to grant the permit by Belgium's immigration authorities.

## FOOTNOTES:

1 Article 175 of the Belgian Social Penal Code, "Sociaal Strafwetboek/ Code pénal social":  
[https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2010060607&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2010060607&table_name=wet) .

Federal Public Service Employment, Labour and Social Dialogue, Belgian Immigration Office, "Poursuites pénales" at:  
<https://emploi.belgique.be/fr/propos-du-spf/infractions/cheminement-dun-proces-verbal/poursuites-penales> .

2 Minimum salary thresholds for the Brussels Region: dedicated Single Permit page of the official website of the Brussels government.

3 Minimum salary thresholds for the Walloon Region: dedicated Single Permit page of the official website of the Walloon government will be updated soon.

4 Minimum salary thresholds for the Flemish Region: dedicated Single Permit page of the official website of the Flemish government.

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## Contact us

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*\* Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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

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