



GMS Flash Alert

Immigration Edition

2021-035 | January 21, 2021



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

In the fight against the spread of the coronavirus/COVID-19, the Belgian government implemented a new measure at the end of August last year: the pre-tracing of foreign workers temporary employed in Belgium¹. Whereas this measure was initially limited to the construction, cleaning, agriculture and horticulture, and meat sectors², it has now been modified³ and applies to any employer or user.

WHY THIS MATTERS

These policies are intended to help keep the spread of the coronavirus under control and instil 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 and may impose penalties in case this information cannot be delivered.

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

An employer or user⁴ 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).

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Application and Exception

The additional requirement has applied since 24 August 2020, for the construction, cleaning, agriculture and horticulture, and meat sectors. As from 12 January 2021, this requirement applies to all employers and users who temporarily make use of the services of an employee or self-employed person who resides or lives abroad and who comes to work in Belgium. The measure applies until 1 March 2021, but can be extended.

An exception to this requirement is still applicable 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 the private home).

Moreover, this measure does not apply to 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.

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 agencies⁵ 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 while 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 individual's activities in Belgium until the 14th day after the end of his or her employment in Belgium. After this period, this data must be destroyed.

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'⁶, 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.

As from 4 January 2021, an employee can indicate in the Passenger Locator Form (PLF) that he/she is travelling to Belgium for *business purposes*⁷ by entering a 'Professional travel certificate number.' This number can be obtained by the Belgian employer, the Belgian client, or an international organisation established on Belgian territory by completing the Business Travel Abroad (BTA) form.⁸ Based on the information provided in the PLF, the employee might not be subject to the mandatory quarantine upon arrival in Belgium. In case the BTA form is not completed, the individual will not be able to enter a valid certificate number and therefore will not be able to submit the PLF indicating business travel as the purpose and, thus, will be subject to an obligatory quarantine.

KPMG NOTE

All people travelling to Belgium for a period of more than 48 hours need to be able to present a negative PCR test which is less than 72 hours old upon arrival in Belgium. Self-quarantine is required but may be disregarded if the individual is travelling for business purposes and the PLF is duly completed with the Professional travel certificate number obtained by the employer or user.

FOOTNOTES:

1 For related coverage, see [GMS Flash Alert 2020-383](#), 2 September 2020.

2 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 - *Belgisch Staatsblad/Moniteur Belge* 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*.

3 See Ministerial Decree amending the Ministerial Decree of 28 October 2020 on urgent measures to limit the spread of the coronavirus COVID-19 (Ministerial Decree of 12 January 2021 – *Belgisch Staatsblad/Moniteur Belge* of 12 January 2021) / *12.01.2021 - Arrêté ministériel modifiant l'arrêté ministériel du 28 octobre 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19*. To access, see: [Moniteur Belge - Belgisch Staatsblad \(fgov.be\)](#).

4 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.

5 This means that the information should be available and up-to-date at any time. In case the employer receives a request from the agencies in charge of verifying that companies are compliant with this measure and /or charged with contact tracing, they should be able to deliver this information as soon as possible. It is not specified in which format this should be delivered.

6 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>.

7 Business travel to Belgium is qualified as travel involving limited business contacts related to a specific project or dossier with a maximum duration of 72 hours. This does not include nonresidents travelling for the purpose of temporary or permanent employment in Belgium (not even in essential sectors or critical positions).

8 For more information on the Business Travel Abroad (BTA) form (in English), see: <https://bta.belgium.be/en> .

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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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