

# HR Compliance Assist - Belgium - HR Record Retention Requirements

BELGIUM			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	<p>Student contracts, student internship agreements and domestic workers: Minimum 5 years after termination of contract</p> <p>Other employee contracts: Minimum 5 years after termination of contract</p>	From termination of employment contract and from last date employee should have been paid	<p>Royal decree of 8 August 1980 concerning the keeping of social documents, Art. 25;</p> <p>Law on employment contracts, July 3, 1978, Art. 15;</p> <p>Act to provide various employment provisions, January 15, 2018, Ch. 5;</p> <p>Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21</p>
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	<p>Minimum 5 years (rules on social documents)</p> <p>Minimum 5 years after termination of contract (individual relationship)</p>	<p>From date associated payments must be declared to the National Social Security Office</p> <p>From termination of employment contract and from last date employee should have been paid</p>	<p>Royal decree of 8 August 1980 concerning the keeping of social documents, Art. 25;</p> <p>Law on employment contracts, July 3, 1978, Art. 15;</p> <p>Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21</p>
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	<p>Law on employment contracts, July 3, 1978, Art. 15;</p> <p>Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21</p>
Data and personnel files	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	<p>Law on employment contracts, July 3, 1978, Art. 15;</p> <p>Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21</p>
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	<p>Law on employment contracts, July 3, 1978, Art. 15;</p> <p>Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21</p>

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS (continued)</b>			
Collective bargaining/union	The period during which it has effect;  in case of incorporation in the individual employment contract, retain for life of employment and minimum 5 years after termination of contract	From the conclusion of collective bargaining agreement;  and from termination of employment contract and from last date employee should have been paid	Law on collective bargaining agreement and on joint committee, December 5, 1968; Law on employment contracts, July 3, 1978 (Art.15); Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
Background checks and drug tests	Minimum 5 years (if check is authorized)	From termination of employment contract and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
Acknowledgements, policy agreements and required notices	Period of validity and minimum 5 years after termination of contract	From termination of employment contract and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Maximum 1 year after termination of contract	From creation of record	Best practice based on GDPR
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Camera recordings: Maximum 1 month (with some exceptions)  Record of camera surveillance activities and visuals of where the cameras are placed: Minimum until surveillance ends	From recording	Camera Surveillance Act, March 2018
Personnel registers, special personnel registers and individual accounts and appendices	Minimum 5 years	From the 7th day after the date of the last employee's retirement	Royal decree of 8 August 1980 concerning the keeping of social documents, Art. 25

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
Benefits (plan documents, enrollment records)	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
Pension records	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21; Statute of limitation of social security (3 years)
Equity records	Period during which the plan is in effect and at least during the life of employment and minimum 5 years after termination of contract	From termination and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Minimum 5 years (rules on social documents)	From date associated records must be declared to the National Social Security Office	Royal decree of 8 August 1980 concerning the keeping of social documents, Art. 25; Law on employment contracts, July 3, 1978, Art. 15;
	Minimum 5 years after termination of contract (individual relationship)	From termination of employment contract and from last date employee should have been paid	Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21
Tax records	Minimum 7 years	From end of tax year to which records relate	Income Tax Code, Art. 354 and 443 bis -statute of limitation
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	Minimum 5 years	From termination of employment contract and from last date employee should have been paid	Law on employment contracts, July 3, 1978, Art. 15; Criminal Statute of Limitation - Preliminary Title of the Code of Criminal Procedure, Art. 21

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>MEDICAL/SAFETY/LEAVE RECORDS (continued)</b>			
Injury and illness incident reports	Minimum 10 years (work accident records)	From date of incident	Section 6 - Measures in the event of an accident at work of Code of well being at work, Book 1, Ch. II, Art. 1.6-12
Medical records	Minimum 15 years (relating to health/safety procedures)	From employee termination	Section 4 - Measures relating to the monitoring of workers' health of Code of well being at work, Book 1, Section 3, Art. 1.4-89 § 2
Hazardous material and other exposure records	List of workers exposed to biological agents: Minimum 10 years (minimum 30 years in cases where exposure is likely to lead to infections)	From last known exposure	Section 1 - General Provisions, Code of well being at work, Book 7 (Biological Agents), Ch. III, Art. VII.1-11

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