WORKING PAPER

Industrial relations and social dialogue

Belgium: Working life in the COVID-19 pandemic 2021

Author: Dries Van Herreweghe (HIVA KU Leuven)

Research manager: Christine Aumayr-Pintar (Eurofound)

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European Foundation for the Improvement of Living and Working Conditions

Telephone: (+353 1) 204 31 00

Email: information@eurofound.europa.eu

Web: www.eurofound.europa.eu

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Introduction

Despite optimistic perspectives at the start of year, the Belgian economy was still confronted with a significant impact throughout 2021.

Given the strong integration within global value chains, economic slowdowns faced by foreign trade partners have both a direct and indirect effect on the Belgian economy as well. In addition, throughout the year there were several periods with significant sanitary restrictions in place that had a negative economic impact on a wide variety of sectors. Some sectors were confronted with significant limitations throughout the entire year, prime examples being the HORECA and entertainment sector, as well as the events sector.

The government maintained more or less the same strategy as in 2020, in order to prevent significant financial and economic issues for businesses within the country. A heavy reliance on the (simplified) temporary unemployment system for employees, in combination with subsidies and reductions in costs for precarious groups.

However, based on the macro-economic data available, it is clear that the Belgian economy is recovering from the economic hardship it faced in 2020. Whereas throughout the first three quarters of 2020 the turnover of enterprises decreased by 10.3% compared to 2019, in 2021 there was an increase of 5.2% in turnover compared to 2019. The sectors that have been struck the hardest seem to still be faced with reductions in turnover.

Turnover within industry exceeded its pre-crisis level in the first three quarters of 2021 (3.6 % increase compared to 2019), after being hit hard in 2020 (-13.5 % compared to 2019).

With regards to (un)employment rates, based on the EWCS, compared to the third quarter of 2020 there is a strong growth in employment rates in the third quarter of 2021. Concretely in the third quarter of 2020 the employment rate was at 70.2%, which increased to 71.4% in the third quarter of 2021. The unemployment rates stabilised when comparing the third quarters in 2020 with 2021, in both years the unemployment rate was 6.6%.

Despite some regional differences, the vaccination campaign proceeded quite fast, with a third round of vaccinations going on at the time of writing and vaccination rate of 78% (2 doses) and 46% (3 doses) at the time of writing.

As was the case in 2020, measures and restrictions changed throughout 2021. At the end of January non-essential travel to foreign countries was prohibited, together with other restrictions like the prohibition of certain non-medical contact professions and limitation of certain recreational activities, these measures remained mostly in place until mid-March. However, some restrictions were implemented once again soon after (end-March), when infection rates and hospital admissions rose again.

As was general practice, restrictions and easements were implemented based on the current infection rates and hospitalisations. This meant that during summer some significant easements were implemented, leading to more and bigger summer activities and events compared to 2020, but still significantly different from pre-COVID summers. In particular, large events like the main festivals across the country remained heavily limited.

At the end of October and throughout November, the general medical situation deteriorated to a level that required reinstating several stringent measures once again. This mainly involved strong reliance on telework, face masks, vaccination and the COVID-Safe passes. Many activities and cultural events (particularly indoor events) were prohibited once again to prevent large social gatherings. These measures remained mostly in place up to the end of the year, apart from the prohibition of some cultural events that were allowed once again after appeal before the State Council.

Political context

As was the case in 2020, the country was still led at the federal level by the so-called Vivaldi coalition. It consists of several different parties, concretely:

- Socialist parties: PS and Vooruit (respectively Walloon and Flemish)
- Liberal parties: MR and Open VLD (respectively Walloon and Flemish)
- Christian democratic party CD&V (Flemish)
- Green parties: Ecolo & Groen (respectively Walloon and Flemish)

In Flanders:

- N-Va (Flemish Nationalists), CD&V, Open VLD

Walloon:

- PS, MR, Ecolo

There were no elections during 2021.

As was the case in previous years, the federal government took the lead during the crisis to establish and manage the COVID-19 pandemic and its measures. Prime minister De Croo (Open VLD) and federal minister of health Frank Vandenbroucke (Vooruit) were prominent in the decision making and communication.

This dominance of the federal level (often supported by the scientific advisory board GEMS) sometimes led to frictions with other political levels. An important (and ongoing) debate involved education and keeping schools open during infection peaks. Flemish minister Ben Weyts was a strong proponent of keeping schools open and trying to maintain physical attendance as much as possible. This sometimes caused debates between the different levels to properly coordinate policies. Aside from several other topics (including discussions on keeping schools open) on the French speaking side of the country, there were worries about public finances. These worries were increased by another crisis that occurred in the summer of 2021. Extraordinary floods struck several communities in the south of the country and damaged a large amount of infrastructure. The costs of these floods are estimated to mount up to around €2 billion.

Governments and social partners response to cushion the effects

The strategy of the government has remained more or less the same in 2021 as in 2020. It still relied heavily on the extension and simplification of the temporary unemployment scheme for employees.[i] within companies that were struck by the crisis. Both the employer and employee request temporary unemployment and upon approval (which was quasi automatic during the crisis) the employee is no longer paid by the employer but instead receives a form of unemployment benefit from the government of approximately 65-70% of their previous wage. Some additional fixed benefits[ii] also apply as well as some sectoral additional benefits in certain sectors that made an agreement to do so. The system reduces labour costs of companies significantly, as they no longer have to pay their employees. On the other hand, the employee is guaranteed a form of income, which prevents them to be pushed into a financially precarious position. The main downside of the system is the fact that it is very costly for the government and that it keeps businesses afloat that would go bankrupt with or without the crisis. At its peak, the system applied to all employees within the private sector. Within the public sector there is no equivalent, public servants maintain their wage regardless of their activity.

It was (and still is) the intention to phase out the system over time. By once again increasing the prerequisites that are required to be eligible for the scheme, the government wants to ultimately revert it back to its original pre-crisis form. In September for example, only employees within a specific selection of sectors that were deemed to be struck very hard were allowed to continue to rely on temporary unemployment. These were mainly the entertainment- and events sectors, that were still significantly hampered by the crisis and accompanying measures. However, as the COVID-19 situation worsened, and the number of infections increased, the government decided to increase support for employees once more by making the system applicable to all private companies that were faced with economic setbacks because of the crisis.

The role of the social partners also remained the same regarding the temporary unemployment scheme. Trade unions still play an important role in the paying out of unemployment benefits. Belgium has a quasi-Ghent system, which means that trade unions are responsible for paying out unemployment benefits (including temporary ones).

The government launched several measures to support companies, and provide them with additional financial means. On the one hand it undertook efforts to stimulate investors to invest money into business. This was done via measures like the COVID-19 Tax Shelter[iii] which promotes the investment of risk capital into SME's that have been struck significantly by the crisis. Other measures involved the provision of funding for struck companies and sectors. A concrete example was support for the tourism sector which provided funds for event's organisers if they organised events that were COVID-Safe.[iv] Several different types of loans organised by the government are made available, to allow companies to be able to continue despite a lack of income. Examples include the Winwin loan, which allows private entities to act as lenders to companies struck by the crisis.[v] Another example is the restart loan organised by the Flemish government, that provides companies with low-interest loans.[vi] Finally, to promote local companies and support them to remain active in Belgium, new types of funding like the Welfare Fund were created at the end of

2021 and the beginning of 2022. Companies that make use of the Welfare Fund receive funding in return for some governmental participation via for example a seat in the board of directors and/or voting rights as shareholders.[vii]

For self-employed, as was the case in previous years, the bridging right was continued. If the self-employed is hampered severely because of COVID-19 measures and subsequently suffers a significant income loss, they are entitled to a compensation that can vary depending on the extent of the income loss. As was the case with temporary unemployment for employees, the bridging right was adapted as the crisis continued. For example, it was also possible to receive funding in the event of quarantine or care for a child.[viii]

[i] Eurofound (2020), Extension of temporary unemployment due to force majeure, case BE-2020-11/380 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.
[ii] Eurofound (2020), Water and energy premium in case of temporary unemployment , case BE-2020-12/1053 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin,
Eurofound (2020), Additional financial support for people in precarious situations, case BE-2020-23/974 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.

[iii] Eurofound (2021), Tax Shelter COVID-19, case BE-2021-1/1913 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.

[iv] Eurofound (2021), Support for tourist sector, case BE-2021-14/1915 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.

[v] Eurofound (2021), Winwin loan, case BE-2020-41/1697 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.
[vi] Eurofound (2021), Restart loans, case BE-2020-41/1697 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.
[vii] Eurofound (2021), Welfare Fund, case BE-2020-23/2106 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.
[viii] Eurofound (2021), Replacement income for self-employed (bridging right), case BE-2020-16/458 (measures in Belgium), COVID-19 EU PolicyWatch, Dublin.

Adapting to the pandemic and the return to work: Policies and debates

New occupational health and safety rules

There currently is no obligatory vaccination in place in Belgium. It is unclear if this will be the case in the future.

However, in November 2021, the federal government came to an agreement regarding obligatory vaccination within the care sector. Concretely, a phased procedure will be implemented starting 2022 to allow care personnel additional time to get vaccinated.

On 1 January 2022 a period of 3 months will start for people within the care sector to get vaccinated. When this period is over on 1 April 2022, employees still refusing to do so will face a possible suspension of 6 months or even dismissal. In 2021 it was unclear whether this law would stand judgement by the State Council, however in early 2022, they reported it is considered legal and a proportional response to safeguard the health of both patients and employees within the care sector. In addition, the State Council formulated some remarks and prerequisites. The National Labour Council (the primary bipartite social dialogue organ in Belgium) has to formulate an advice on the matter. Additionally, more information is required on why some categories of care personnel are exempt from this obligation (e.g.: interns, receptionists, volunteers, etc.). As the advice by the State Council has delayed the start of the three-month period, it is probable that the 1 April deadline will be postponed as well.

Trade unions disagreed with the proposed regulations and the possible dismissal of employees within the care sector. They believe that obligatory vaccination is an infringement of the rights of the employees involved. Some trade unions reacted heavily on the matter and even spoke of a “declaration of war” by the government. White collar trade union BBTK-SETCa (part of socialist confederation ABVV-FGTB) stated to be proponents of wide vaccination campaigns but against obligations that enforce people to do so. Trade union ACV Puls (the Christian Democratic counterpart of BBTK-SETCa) stated that the regulation is badly drafted and full of holes. Mainly the fact that some care functions are exempted, whereas others are not is deemed to be problematic. In addition they state their worries regarding the capacity of the care sector if a certain amount of employees would be dismissed or suspended. Trade union CNE announced (and organised) manifestations to fight the decisions. The only possible solutions the trade unions believe in is a general obligatory vaccination for the entire population.

The employers’ associations are strong proponents of obligatory vaccination within the care sector. They even plead for stronger instruments to enforce vaccination amongst care staff. The employers’ associations want this obligatory vaccination as soon as possible, given the possible increase in infections and hospitalisations, in order to reduce personnel becoming sick and unfit to work.

These opinions are reflected in the formal advice formulated by the National Labour Council. The trade union representatives at the national level formulated their hesitance towards a vaccination obligation limited to the care sector. ACV-CSC and ACLVB-CGSLB believe in a priority of sensibilisation, socialist trade union ABVV-FGTB maintains a stronger resistance towards the obligatory nature of the vaccination within the sector. The employers' associations are proponents of an obligation because of the aforementioned reasons.

The government has developed a system to verify the vaccination rate per company. If they want to, employers can request this data from the occupational physician or the external/internal prevention and protection service. The goal of the system is to find out, in companies with a low vaccination rate, how employees can be further encouraged to be vaccinated.

Social partners agreed on several regulations regarding the data. First, the data must be anonymous. To avoid abuse of this data, it can only be consulted by the occupational physician or the internal or external prevention service of the company. For companies where the number of vaccinated employees lies between 20% and 90%, the exact percentages are provided to the occupational physicians. For companies in which the number of vaccinated persons is higher or lower, only this (broader) information is provided.

Finally, the percentages are only provided to larger companies with at least 50 employees. This in order to avoid that indirect information could be derived about whether individual employees have been vaccinated or not.

New working arrangement policies

The National Labour Council concluded an interprofessional collective agreement on teleworking (CA149). With the agreement the social partner provide a framework with some minimum arrangements that must be made on the company level. The collective agreement endorses existing telework rules that were introduced to combat the pandemic and obliges workers to telework if so required by the government (as was the case during some periods throughout 2021). This collective agreement is important as it also applies to companies where there were no pre-existing agreements. Companies are obliged to follow these minimal directives but can negotiate and elaborate them further if agreed upon by the social partners. The CA concerns equal treatment, the provision of equipment, possible allowances (incl. internet use), clear agreements on working hours and monitoring possibilities. In addition, much emphasis is placed on the well-being of the teleworker.

On several occasions during 2021 telework became obligatory again because of an increase in COVID-19 infections and hospitalisations. For example, at the end of 2021 such an obligation was implemented via royal decree. This obligation applied to all companies, organisations and services. Only if the nature of the work is impossible to be performed via telework, the employee is allowed to continue to be physically present. Employers are obliged to provide the necessary documentation and proof that the employee in question is obliged to be present at the workplace. In addition, they must register the number of employees that are unable to telework.

During this period, it is allowed to organise moments to return to the office, albeit according to several rules. The first one is that a return of maximum 1 day per week per person is allowed and only 20% of teleworkers are allowed to be present at one time. The goal of these return moments is to improve and maintain psychosocial wellbeing and team spirit. These return moments cannot be of an obligatory nature and local social partners must be consulted. Finally, necessary precautions must be taken to maintain a safe and healthy working environment for all employees.

In order to facilitate teleworking the government allowed an increased teleworking premium, this premium can be paid out by employers to their employees and is free from taxes and social benefits for the employer. This measure was already implemented in 2020 but the size of the premium has been increased in 2021.

General teleworking arrangements are still discussed and agreed upon by social partners at either the sectoral or company level. This has remained unchanged.

The right to disconnect is increasingly being discussed and considered. An important example has been established at the beginning of 2022 by federal minister Petra De Sutter (Groen), who is responsible for public servants. Concretely, starting 1 February 2022 only under specific conditions public servants can be contacted for work related matters. Either if conditions are extraordinary in nature or unforeseen they can be contacted for work related matters. Another measure stipulates that the public servant cannot experience any disadvantages if they do not answer or see messages outside of working hours. In total the regulation applies to 65,000 public servants.

Trade unions are proponents of the measure yet somewhat critical of the clause that allows contact because of “extraordinary circumstances”. They believe the term “extraordinary” to be open to interpretation and possible misuse.

Labour shortages

Labour shortages are a significant topic in Belgium. According to labour market specialists from “Steunpunt Werk” the level of labour shortages is at its highest level since long. Moreso, they expect that the ageing of the working population will make these labour shortages structural for years to come. The amount of people aged 55 and over that will leave the labour market has doubled in comparison to 20 years ago. In Flanders approximately 400,000 people aged 55 and over will leave the labour market between 2023 and 2028. In Wallonia (which is less populated), this will be approximately 160,000 and in Brussels 50,000. Even if the economy slows down, these shortages will continue to exist.

In addition, given the recovery of the economy during 2021 (compared to 2020). The amount of vacancies increased as well. In June 2021 there were approximately 33,000 vacancies in Flanders, a record number (in the same period in 2019 there were approximately 21,414). Many companies refrained from hiring new people during the most critical phases of the pandemic, which postponed a lot of hiring. The issue leads to worries that because of a lack of employees to fill vacancies, the economic could be hampered. There have been reports of increasing forms of remuneration to attract additional employees (from abroad if needed). Some restaurants are forced to adapt their menu and/or opening hours in order to cope with a lack of staff.

Some experts see additional reasons behind the acute labour market shortages and a connection with the pandemic and accompanying measures. One being the moratorium on bankruptcies during the pandemic. This measure was implemented in order to prevent large waves of bankruptcies and the subsequent loss of employment because of it. However, because of this ‘lack’ of bankruptcies, the amount of unemployed that became available to find other jobs was low as well. This adds to the lack of appropriate candidates. Some also believe that the system of temporary unemployment has had a similar effect and prevented a lot of bankruptcies, including unhealthy companies that would have been unable to continue regardless of the pandemic as well.

Perhaps the most acute and prominent labour market shortage is the one in the care sector. This lack of sufficient personnel has been an issue for several years but has increased because of the COVID-19 crisis. For example, nurses have been one of the highest-ranking bottleneck professions for several years and will probably continue to be for a significant amount of time. Concretely, there are currently 8,000 vacancies within the entire care sector open for application. The acuteness of the situation leads ministers to explore alternative routes in order to find additional employees. In the past, efforts have been undertaken to allow people from other sectors, students, and people in retirement to work in the care sector. A new possibility that is explored is looking at asylum seekers with experience in the care sector in their country of origin. Currently, there is often an issue regarding homologation of diplomas. Different ways to facilitate employment of these profiles and train them to function within the Belgium care system are now being explored.

The tech sector is another sector that is currently lacking sufficient qualified personnel to fill in vacancies. According to Bart Steukers (CEO of employers' association Agoria (tech sector)), the labour market scarcity within the tech sector currently poses a bigger economic threat than the COVID-19 pandemic. In addition, he states that a total of 15,860 vacancies are currently unfilled within the sector, which constitutes a record amount. Despite the pandemic and its economic impact, the amount of vacancies has increased by 3,750. The total loss in turnover is estimated to be approximately €1.5 billion euro.

Wages and wage-setting

Another important topic that indirectly relates to the pandemic situation is the ongoing minimum wage discussions between the social partners. After negotiations that started in 2020, social partners ultimately failed to come to an agreement on the maximum wage increase that is negotiated and stipulated every 2 years within the interprofessional agreement.

Trade unions disagreed with the 0.4% maximum increase that was calculated by the CRB-CCERB (ENG: National Economic Council), they believed the increase to be too small, as costs for employees (and people in general) have increased directly and indirectly due to the pandemic (e.g.: extraordinary increases in energy and petrol prices).

Employers' associations agreed with the proposed 0.4% margin. As they believe it is necessary to be more cautious with wage increases, given the current economic situation. They believe that high (and increasing) wages pose a risk for the international competitiveness of the Belgian economy and increase costs for Belgian companies (which are still struggling because of the pandemic).

Since social partners failed to come to an agreement on the wage margin, the government took over the responsibility and decided to maintain the 0.4% wage increase as calculated and proposed by the CRB-CCERB.

It seems that the COVID-19 pandemic has influenced relatively little regarding things like opt-out clauses, fewer extensions of agreements, etc. Most of these aspects have been rare in the past and continue to be. At the local and sectoral levels the ways in which social dialogue takes place have changed somewhat, with the possibility to meet and negotiate remotely, as well as signing agreements digitally and submitting them to be formalized.

As part of the wage agreement, the government has implemented a COVID-19 premium for companies that they can pay out to their employees. This premium can amount up to €500 and are paid out in so called ‘consumption cheques’. It is paid out on top of the 0.4% wage increase as well as any indexations. There are no fixed criteria in place to establish which companies are allowed/eligible to pay out the premium, this must be established and negotiated upon at the company level.

Impacts on the social dialogue and collective bargaining

No social elections were held in 2021. These were postponed on several occasions during 2020, but they took place at the end of the year.

For the most part, social dialogue seemed to continue as was the case in 2020. It remained important, structured and heavily institutionalised as is common practice in Belgium. The National Labour Council (the highest social dialogue organ in Belgium) was requested to provide advice on some important work-related topics and negotiated on some important nationwide agreements, like the aforementioned CA 149 on compulsory telework.

Labour disputes in the context of the pandemic

Because of the (at times) improved medical situation within the country compared to 2020, more strikes and manifestations occurred. This happened for several reasons, some COVID-19 related, others not.

In December 2021 a national strike took place to address and dispute the issues related to the wage norm and Wage Norm law. Strikes took place across the country, including in public transport, which had a significant and visible impact. According to the unions, the wage norm limits the possible increase in wage that can be negotiated. This is one of the reasons why the wage increase in the last national Interprofessional Agreement remained limited to 0.4%.

In March 2021 another related strike took place when the national wage negotiations between the social partners stalled. Trade unions ACV-CSC and ABVV-FGTB organised national strikes, ACLVB-CGSLB supported the strikes but did not participate in the organisation. Employers' associations were displeased with the strikes and remained convinced of their viewpoint that increasing wages with a higher amount is risky given economic climate and the ongoing pandemic. Some political parties (most prominently the French speaking socialist party PS) supported the actions of the unions and agreed with their viewpoints.

Another remarkable action was the participation of some trade union federations in manifestations regarding the possible implementation of a vaccination obligation within the care sector. Some trade unions were displeased with the possibility of a vaccination obligation within the care sector (see above). The strikes were not nationwide and mostly organised by trade union federations in the care sector from the French speaking regions of Belgium. The protesters mainly dispute the possible discrimination that might be an effect of the obligation, the possible reduction of personnel (which is already limited) because of it, as well as the fact that the obligation would only apply to the care sector.

In addition, some significant company specific strikes occurred. In December 2021 there were strikes and actions at Brussels Airlines to contest the growing work pressure and lack of solutions. These issues have been ongoing for a significant amount of time have led to other actions in the past.

Large strikes occurred at AG Insurance for the first time since 2012. The issues between trade unions and the company management have been ongoing since 2018. According to the unions that organised the strike, the company decided in 2018 to choose profits over employment conditions. This led to growing work pressure and issues related to telework. In addition, previous 'softer' actions led to intimidation by the company management of those involved in these actions, in addition the trade unions stated that their working was hampered within the company.

Commentary and outlook

As was the case in 2020, the economic situation and working life in Belgium continued to be heavily affected by the pandemic. This will probably continue to be the case in 2022. However, perspectives seem to be carefully optimistic and the general belief is that the situation will continue to normalize throughout the year. It is to be expected that restrictive measures will be reduced and support measures diminished as the medical situation settles back to normal. In this regard a difficult balancing act is ahead for the government(s) with regards to loosening certain restrictions while keeping the medical situation under control.

When the medical situation eventually improves, it will be interesting to see what kind of policy will take preference to ‘relance’ (ENG: relaunch) the economy. In general, there have been signals of social partners feeling sidelined in some work-related topics during the pandemic, given the dominance of the federal Ministerial council. As social partners are traditionally strongly involved in all work-related subjects, it will be important for them to maintain their position and regain ground from the political level on work related subject. It seems that in some cases this has happened already, with the National Labour Council advice specifically required by the State Council judgement in the vaccination obligation case in the care sector.

At the time of writing, it seems unlikely that enough political support will be found to implement a national vaccination obligation. In turn, it will be interesting to see how the vaccination obligation in the care sector will ultimately be implemented and what the impact will be (if any dismissals will occur, etc.).

General dissatisfaction because of work pressure, understaffing and lacking employment conditions within the care sector might also lead to actions once the pandemic situation evens out. These issues were present before the pandemic and have increased further because of it. The general ageing of the population increases the need for qualified personnel even more, creating a difficult situation for the sector and the competent ministers. Both will need to continue to find ways to find enough qualified personnel to guarantee qualitative care, as well improve working conditions for those active within the sector.

This relates directly to the general issue of labour market shortages within Belgium. Unfilled vacancies are at an all-time high and the ageing of the workforce makes it even harder to find sufficient employees.

The precarious conditions of those sectors that have been affected the most by COVID-19 (and the accompanying restrictive measures) might also lead to further issues and actions. Large parts of these sectors (e.g.: HORECA, entertainment and events sectors) have been unable to function fully within the past few years and many companies are at a significant risk of bankruptcy. Once the governmental support diminishes, it is to be seen how many companies will be able to restart and how many will ultimately go bankrupt.

This is a general issue and big unknown in times to come for Belgium. Given the significant degree of governmental support to companies (and subsequently employees via measures like temporary unemployment), several experts have stated that the main economic impact of the pandemic is yet to be seen. Some believe a wave of bankruptcies might follow, given that the support measures also have supported inherently unhealthy companies. This context creates significant challenges for policymakers and social partners alike. Whereas in previous years the bulk of attention went towards managing the medical side of the pandemic while keeping the economy afloat, it seems that 2022 will increasingly focus on the economic side and long term consequences of the pandemic.

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