



Belgium: Working life country profile

Observatory: EurWORK | Topic: Health and Safety at work, Pay, Skills and competencies, Work organisation, Working time, Labour market participation, Collective bargaining, Employers' organisations, Trade unions, Equality, |
Published on: 25 November 2015

This profile describes the key characteristics of working life in Belgium. It aims to complement other EurWORK research, by providing the relevant background information on structures, institutions and relevant regulations regarding working life. This includes indicators, data and regulatory systems on the following aspects: actors and institutions, collective and individual employment relations, health and well-being, pay, working time, skills and training, and equality and non-discrimination at work. The profiles are updated annually.

Key Figures

Key figures on working life in Belgium

		Year	Source
Collective bargaining coverage in private sector establishments	89%	2013	ECS 2013
Establishments having any kind of workplace representation in %	54%	2013	ECS 2013
Number of any type of industrial dispute between 2008 and 2013, % of establishments	21%	2013	ECS 2013
Number of total work accidents per 1000 workers	12.8	2012	LFS
Percentage of establishments granting flexitime to their employees	64%	2013	ECS 2013

Background

Economic and labour market context

Due to the international economic crisis, Belgian GDP declined by -0.7% in 2013. During that year, the economic situation in the eurozone started to improve and had a positive effect on the Belgian economy, especially on exports, an important factor in the open economy of the country. Eurostat figures show a strong increase of 2.8% in Belgian GDP in 2014 compared to the previous year. Data from the Federal Planning Bureau points to a continuing positive trend, with a more modest annual increase in the economy of 1.5%.

The economic recession had a negative impact on domestic employment, with the total employment rate decreasing between 2008 (62.4%) and 2014 (61.9%). However, during the same period (2008–2014), the female employment rate increased (56.2% in 2008, 57.9% in 2014) whereas the male employment rate decreased (68.4% in 2008, 65.8% in 2014). In the same way, the total unemployment rate increased between 2008 (7.0%) and 2014 (8.5%). The increase in 2014 was 9.0% for men and 7.9% for women, with the unemployment rate for young people increasing between 2008 (18.6%) and 2014 (23.2%).

Employment rate in full-time employment (15–64 years) 2008–2014

		2008	2009	2010	2011	2012	2013	2014
Belgium	Men	68.4	67.2	67.4	67.1	66.9	66.4	65.8
	Women	56.2	56.0	56.5	56.7	56.8	57.2	57.9
	Total	62.4	61.6	62.0	61.9	61.8	61.8	61.9
EU28	Men		70.6	70.0	69.9	69.6	69.4	70.1
	Women		58.3	58.1	58.4	58.6	58.8	59.6
	Total		64.5	64.0	64.2	64.1	64.1	64.9

Source: Eurostat

More information on the extent of undeclared work, as well as a database on measures to prevent and combat it can be found on Eurofound's website.

Legal context

Social dialogue in Belgium is rooted in the Law of 5 December 1968 related to collective agreements and joint committees (*Loi du 5 décembre 1968 sur les conventions collectives de travail et les commissions paritaires/Wet van 5 december 1968 betreffende de collectieve arbeidsovereenkomsten en de paritaire comites*). While the freedom of assembly and association as

well the right for information, consultation and negotiation are set out in the Belgian Constitution, the Law of the 5 December 1968 defines the representativeness criteria for trade unions and employers' organisations (see section on representativeness). Labour law includes any legislation on working time, rights and duties of employers and employees as well as specific measures related to young workers. Major changes in the labour legislation in 2014 concerned, first, the revision of the Law of 4 August 1996 on workers' wellbeing and the prevention of psychosocial risks. The new law largely defines the psychosocial risks and includes stress and the concept of 'burnout'. It also requires companies to organise collective prevention procedures. Another major change concerns the introduction of unified status for blue and white-collar workers with respect to their notice periods (Law of 26 December 2013).

Industrial relations context

From the late 1990s, the State played a growing role in collective bargaining (Capron, Conter et al. 2013; Reman 2013), with several combined roles. It has directly intervened as in, for example, the proposal of the government taking power in October 2014 to remove the next automatic index-linked increase in wages. It argues that the salary gap between neighbouring countries is too big and making Belgium uncompetitive. State-led control of inflation and labour costs has also generated strong pressure on collective bargaining.

In line with this trend, the institutional and political structure of the country has become more federal, with greater power granted to regions and communities. Because of close interaction between public authorities and employer or trade union confederations, regionalisation in the country has led to greater influence for regional players. On the employers' side, this is particularly the case for VOKA (*Vlaams Netwerk voor Ondernemingen*) and UWE (*Union Wallonne des Entreprises*). On the trade union side, the national structures have remained but internal differences have increased (Arcq 2010).

In 1970, the Belgian State adopted a Federal Structure including regions and communities. This federalisation process strengthened along six major institutional reforms that took place in 1970, 1980, 1988–89, 1993, 2001 and a last reform in 2013. The last institutional reform affected the organisation of the labour market by granting larger power to regions in fields where social partners usually play a major role, such as health and safety or employment policies.

The main development is that cross-industry social partners could not sign an agreement for the periods 2011–2012 and 2013–2014. The government then unilaterally applied wage moderation. The key point here is the fact that wage-setting has become a key and more conflictual issue in the post-2008 period. Both wage-setting mechanisms and wage levels were central issues in the latest rounds of cross-industry bargaining in the Group or Ten, leading to disputes and to unilateral government intervention.

Actors and institutions

Trade unions, employers' organisations and public institutions play a key role in the governance of the employment relationship, working conditions and industrial relations structures. They are interlocking parts in a multilevel system of governance that includes the European, national, sectoral, regional (provincial or local) and company levels. This section looks into the main actors and institutions and their role in Belgium.

Public authorities involved in regulating working life

The federal Belgian government is responsible for labour law and social security. The Belgian Federal Public Service Employment, Labour and Social Dialogue (FOW-WASO/SPF-ETCS) is responsible for the federal administrative services on the labour market and the social dialogue, such as regulation of the labour market. The Labour Inspectorate is part of it and supervises the implementation of social law and welfare at work. Allowances, such as unemployment payments or career break premiums, are under the authority of the National Employment Office (RVA/ONE).

Following the Sixth State Reform (2011–2012), responsibilities for vocational training, labour market policies for target groups and the majority of job-activating measures for unemployed people have been transferred to the Belgian regions. The responsible public services are the VDAB for the Flemish Region, the Forem for the Walloon Region and Actiris for the Brussels Region.

The Labour court is the main institution ensuring the enforcement of employees' rights. However, mediation can occur within a company depending on the type of dispute.

The main institution monitoring and promoting health and safety at work is the High Council for Prevention and Protection at Work (*Conseil supérieur pour la prévention et la protection au travail/Hoge Raad voor Preventie en Bescherming op het Werk*).

Representativeness

The Collective Agreements Act of 1968 (modified by the Law of 30 December 2009) lays down the criteria for representativeness. To be representative, a trade union organisation or an employer organisation must have at least 125,000 members; be an inter-occupational organisation (or forming part of an inter-occupational organisation) of workers or employers; and represent an absolute majority of sectors and activities in the private and public sector.

These criteria determine the external representativeness of trade unions. When a trade union meets these criteria, it can conclude collective agreements, apply for representation in a joint committee and be represented on the Central Economic Council (CCE/CRB) and the National Labour Council (CNT/ NAR)

At present, three trade union organisations have representative status: FGTB/ ABVV, ACV/ CSC and CGSLB/ ACLVB, as well as their member federations.

More information on representativeness of the main social partner organisations can be found in Eurofound's representativeness study of the cross-industry social partners or in Eurofound's sectoral representativeness studies.

Trade unions

About trade union representation

All Belgian citizens have the right to be affiliated to a union no matter what their professional status (employees, blue-collar workers, white-collar workers, civil servants, unemployed, retired). Belgian unions cover all workers through many branches organised by sectors, occupations or professional status.

In comparison with most other European countries, Belgium has one of the highest trade union density rates, comparable to rates in the Netherlands, Sweden and Denmark. Over the last 10 years, this rate remained quite stable (between 53% and 56%) with a slight growth trend.

Trade union membership and trade union density

	2010	2011	2012	2013	2014	Source
Trade union density in terms of active employees	54%	55%	55%	n/a	n/a	OECD/Visser (2014)
Trade union membership in 1000s	3,844	3,864	3,875	3,847	n/a	OECD/Visser (2014)

Main trade union confederations and federations

The three main trade union organisations are: the Confederation of Christian Trade Unions (*Confédération des Syndicats Chrétiens/Algemeen Christelijk Vakverbond, CSC/ACV*) (1.7 million members); the Belgian General Federation of Labour (*Fédération Générale du Travail de Belgique/Algemeen Belgisch Vakverbond, FGTB/ABVV*) (1.5 million members); and the Federation of Liberal Trade Unions of Belgium (*Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakbonden van België, CGSLB/ACLVB*) (290,000 members).

Main trade union confederations and federations

Long name	Abbreviation	Members	Involved in collective bargaining?
Confederation of Christian Trade Unions (<i>Confédération des Syndicats Chrétiens/Algemeen Christelijk Vakverbond, CSC/ACV</i>)	ACV/CSC	1.7 million (2014)	Yes
Belgian General Federation of Labour (<i>Fédération Générale du Travail de Belgique/Algemeen Belgisch Vakverbond, FGTB/ABVV</i>)	FGTB/ABVV	1.5 million (2014)	Yes

Federation of Liberal Trade Unions of Belgium (Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakbonden van België, CGSLB/ACLVB)	ACLVB/CGSLB	290,000 (2014)	Yes
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The situation has not fundamentally changed in recent years: there have been no new trade unions, no mergers and no changed balance of power. However, following the 2012 social elections organised to measure the representativeness of the trade unions, for the first time the CGSLB/ACLVB reached the threshold of 10%.

Employers' organisations

About employers' representation

Every company located in Belgium and self-employed people have the right to join employers' associations. Like trade unions, employers' associations have both national and/or sectoral branches. Companies and/or self-employed people are free to join one (or more) of these. According to the main national employer organisation in Belgium (Fédération des Entreprises de Belgique/Verbond van Belgische Ondernemingen, FEB/VBO), they represent 75% of all Belgian companies. However, there is no accurate data on the density of all employers' associations.

Employers' associations involved in collective bargaining at both national and sectoral levels negotiate for the country or the sector. Consequently, all companies in the country or the sector are covered by the collective agreement regardless of affiliation to an employers' association or none.

Employers' organisations – membership and density

	2012	2013	2014	Source
Employers' organisation density in terms of active employees	n.a.	n.a.	75%	FEB/VBO
Employers' organisation density in private sector establishments*	n.a.	60%	n.a.	European Company Survey 2013

* Percentage of employees working in an establishment which is a member of any employer organisation that is involved in collective bargaining.

Main employers' organisations

The Belgian Federation of Employers (Fédération des Entreprises de Belgique/Verbond van Belgische Ondernemingen, FEB/VBO) is the main national employer organisation in Belgium. FEB/VBO represents 33 sectoral employer federations. In total, it represents 50,000 companies including 25,000 small and medium-sized enterprises (SMEs).

Other employer organisations are the Federation of Belgian Farmers (*Fédération des Agriculteurs Belges/Belgische Boerenbond*, BB), and the Confederation of Social Profit Enterprises (UNISOC).

At regional level, the most important employer organisations are the Flemish *Unie van Zelfstandige Ondernemers* (UNIZO), the *Vlaams Netwerk van Ondernemingen* (VOKA), the French-speaking *Union des Classes Moyennes* (UCM), the *Union wallonne des Entreprises* (UWE) and the Brussels Enterprises Commerce and Industry (Beci)

Main employers' organisations and confederations

Long name	Abbreviation	Members	Year	Involved in collective bargaining?
Unie van Zelfstandige Ondernemers (UNIZO)	UNIZO	87,500 members	2011	Yes
Union des Classes Moyennes (UCM)	UCM	70,000 members	2013	Yes
Belgian Federation of Employers (Fédération des Entreprises de Belgique/Verbond van Belgische Ondernemingen, FEB/VBO)	FEB/VBO	50,000 members	2014	Yes
Federation of Belgian Farmers (Fédération des Agriculteurs Belges/Belgische Boerenbond, BB)	BB	30,000 members	2013	Yes
Confederation of Social Profit Enterprises (UNISOC).	UNISOC	27,428 members	2013	Yes

Tripartite and bipartite bodies and concertation

Every two years, the three main trade unions and the employers' representatives negotiate an Interprofessional Agreement (IPA) defining for the next two years the measures related to the economic and social areas. If no agreement can be reached, the government must step in. Two national bipartite councils, the Central Economic Council (CCE/CRB) and the National Labour Council (CNT/ NAR) have a consultative task towards the government on economic and social issues concerning labour law, employment relationships and social security. Moreover, the social

partners are entitled to conclude cross-sectoral agreements within the CNT/NAR. In each of the three Belgian regions, there is an equivalent council: *Sociaal Economische Raad van Vlaanderen* (SERV); *Conseil économique et social de Wallonie* (CESW) and *Conseil économique et social de la région de Bruxelles capitale/ Economische and Sociale Raad voor het Brussels Hoofdstedelijk Gewest*. A national tripartite council, the High Council for Prevention and Protection at Work was created to advise the Government on the wellbeing of employees at the workplace.

Main tripartite and bipartite bodies

Name	Type	Level	Issues covered
Interprofessional Agreements (IPA) 'Group of 10'	Bipartite	National	Macro-economic issues
Labour National council (Conseil national du travail/National ArbeidsRaad)	Bipartite	National	Social areas
Central Economic Council (Conseil central de l'économie/Centrale Raad voor het bedrijfsleven)	Bipartite	National	Socio-economic issues
Flemish Social and Economic Council (Sociaal Economische Raad van Vlaanderen)	Bipartite	Regional	Socio-economic issues
Walloon Social and Economic Council (Conseil économique et social de Wallonie)	Bipartite	Regional	Socio-economic issues
Brussels area Social and Economic Council (Conseil économique et social de Bruxelles capitale/ Economische and Sociale Raad voor het Brussels Hoofdstedelijk Gewest)	Bipartite	Regional	Socio-economic issues

High council for prevention and protection at work (Conseil supérieur pour la prévention et la protection au travail/ Hoge Raad voor Preventie en Bescherming op het Werk)	Tripartite	National	Wellbeing, health and safety
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Workplace-level employee representation

A Works Council (*Conseil d'entreprise/ Ondernemingsraad, CE/OR*) is set up as soon as the threshold of 100 employees is reached within a company, composed of employee representatives elected at the social elections, and of employer representatives. It has to be summoned at least once a month by the employer on the company's premises. The CE/OR members are informed by the employer about the company's financial situation, its productivity and future developments in employment and objectives. Within the CE/OR, the employer has to provide information on substantial planned modifications in the organisation of staff, such as restructuring, a plant closure, a merger or the introduction of a night shift, and on training measures.

The Committee for Prevention and Protection at the Workplace (*Comité pour la prévention et protection au travail/Comité voor preventie en bescherming op het werk, CPPT/CPBW*) is made up of employee representatives elected at the social elections, prevention counsellors and members of the company management who are responsible for health and safety. The committee oversees any issue relating to workers' health, the working environment and working conditions.

A trade union delegation (*délégation syndicale/vakbondsafvaardiging*) has the right to be present in any company that has the minimum number of workers defined by sectoral collective agreement). The members of the delegation are nominated by their trade unions or elected by staff. The trade union delegation, in contrast to the two other bodies, represents only unionised workers of the company and not the entire staff. The trade union delegation can negotiate collective agreements in the company and intervene in any conflict the staff might have with the employer. Furthermore, the trade union delegation has the right to be informed about any changes in working conditions. When neither a CE/OR nor CPPT/CPBW is present in the company, the trade union delegation is able to fulfil the role of these two bodies.

Regulation, composition and competences of the bodies

	Regulation	Composition	Competences of the body	Thresholds/rules when they need to be/can be set up
Works Council	Law of 20 September 1948 on works Councils	Elected employee representatives and employer representatives	no	Company employing more than 100 workers

Committee for Prevention and Protection at the Workplace	Law of 4 August 1996 on the wellbeing of employees at workplace	Elected employee representatives, prevention counsellors, company management	no	Company employing more than 50 workers
Trade union delegation	Collective agreement of 5 October 2011	Members nominated by trade unions or elected by staff	yes	Defined by sectoral collective agreement

Employee representation at establishment level

	ECS 2013	ECS 2013
	<i>% employees covered</i>	<i>% of establishments covered</i>
Works Council	49%	25%
Committee for Prevention and Protection at the Workplace	67%	48%
Trade union delegation	62%	27%

Source: ECS 2013. Private sector establishments with more than 10 employees.

Collective employment relations

The central concern of employment relations is the collective governance of work and employment. This section looks into collective bargaining and industrial action and dispute resolution in Belgium.

Collective bargaining

Bargaining system

Collective bargaining in Belgium is highly structured with a central level at the top covering the whole of the private sector. At this level, a national agreement sets the key elements of pay and conditions every two years and this agreement itself is tightly constrained by legislation limits pay increases to keep in line with pay costs forecast in neighbouring countries.

At lower levels, an industrial level covers specific industrial sectors and a company level allows for adjustments in individual firms. Negotiations on pay only take place in some companies. In each case the lower level can only agree improvements on what has been negotiated at the level above and the agreements are binding (working-participation.eu).

In the absence of an agreement at the cross-industry level that would set the norm for all sectors, each sector can negotiate its own agreement. However, since recent government intervention, little space has been left for wage bargaining at sector level. On all other matters, generally, there is a trend towards decentralisation from the national level to the sectoral and regional levels (Arcq, 2010; Vandaele and Hooghe, 2013)

Wage bargaining coverage

There is a large variation in negotiation levels on collective wage bargaining. Indeed, the cross-sectoral level is the most important for setting the wage norm. Within the framework defined at that level, lower levels are free to negotiate collective agreements on wages. The wage norm set at the cross-sectoral level nearly covers all employees in Belgium (96% in 2013) (Eurofound, 2014a).

Collective wage bargaining coverage of employees at different levels

Level		Source
All levels	89%	2013 – ECS
All, excluding national level	86%	2013 – ECS
All levels	100%	2010 – SES
All levels	96%	2014 – SPF Emploi

Sources: Eurofound, European Company Survey 2013 (ECS), private sector companies with establishments >10 employees (NACE B-S) – multiple answers possible; Eurostat, Structure of Earnings survey, companies >10 employees (NACE B-S), single answer: more than 50% of employees covered by such an agreement. More information on methodology, see [here](#). SPF Emploi, Travail et Concertation Sociale/FOD Werkgelegenheid, Arbeid en Sociaal Overleg

Bargaining levels

Every two years, a national-level cross-industry agreement is concluded between social partners. This agreement includes a package of provisions on wages, working time, training, etc. Moreover, social partners conclude national collective agreements on wages and working time within the National Labour Council. Within the framework designed by social partners at the national level, sectors are free to make arrangements on these issues at the sectoral level. The company level is less relevant to wages and working time issues, although some adjustments are possible.

Levels of collective bargaining, 2014

	National level (Intersectoral)		Sectoral level		Company level	
	Wages	Working time	Wages	Working time	Wages	Working time
Principal or dominant level	X	X				
Important but not dominant level			X	X		
Existing level					X	X

Articulation

The national collective agreements concluded set a legal framework in which social partners at sectoral level are free to negotiate. In the same way, the sectoral collective agreements define the legal framework for the negotiation at the company level. In other words, collective agreements concluded at a level cannot be at variance with the collective agreements from a higher level.

Timing of the bargaining rounds

Collective cross-sectoral bargaining rounds (in the private sector) are organised every two years. If there is no agreement between social partners, the government can impose the wage norm. At the sectoral level, the bargaining rounds are more dispersed depending on cross-sectoral agreement, sectoral needs and economic situation.

Bargaining on public sector protocols is much more dispersed and is bound by the political situation.

Coordination

Wage bargaining coordination is marked by a high level of vertical coordination from the national level to the company level. There is no particular coordination mechanism between sectors. Moreover, in the absence of an agreement at the cross-industry level that would set the norm for all sectors, each sector can negotiate its own agreement. However, since the government intervened to set wage norm when no cross-sector agreement could be reached, little space has been left for wage bargaining at sector level.

Extension mechanisms

The obligatory nature of a sectoral collective agreement can be extended by Royal Decree. In this case, the agreement will be binding for all employers covered by the bipartite structure within which the deal has been concluded, and contrary provisions cannot be made in individual employment contracts. This procedure is initiated on request by the sectoral joint committee or by an organisation represented in the committee, and is used relatively often by the signatory parties.

Derogation mechanisms

Opt-outs from collective agreements are rare but not impossible. At company level, standards can only undercut sectorally-defined minimums or absolute standards if the sectoral agreement provides for this type of change.

However, whatever the company deviations allowed by the sectoral agreement, the Interprofessional minimum wage has to be respected (EF1087EN).

Expiry of collective agreements

Duration of collective agreements strongly depends on their content and each agreement contains provisions on its own validity. Social partners are free to define or not the duration of collective agreements in accordance with the issue, the relevance and the dynamic of negotiation at each level.

Other aspects of working life addressed in collective agreements

The collective bargaining agenda differs from one sector to another. However, several topics and challenges influence the development of collective bargaining, as follows.

- Flexibility on working conditions: Despite pressures from the European level, social partners did not reach any major agreements on flexicurity (in French). This remains a major challenge for collective bargaining. Also, there is a greater focus on qualitative issues in collective bargaining such as well-being at work, qualifications, work-life balance, psychosocial risks.
- Ageing workforce: several cross-sectoral and sectoral collective agreements aim to promote, protect and maintain schemes for older workers. Recently, the retirement age has been extended in Belgium. This could lead to the reinforcement or the development of collective bargaining on this issue.
- Wage-setting mechanisms: the main development is that cross-industry social partners could not sign an agreement for the periods 2011–2012 and 2013–2014. The government then took the initiative to apply wage moderation. However, since then there has been little space for wage bargaining at sector level.

Industrial action and disputes

Legal aspects

Strike actions are not explicitly recognised in Belgian law. However, the right to strike is recognised through the European social charter (article 6.4. covers the right to strike) and this has been ratified by Belgium. A law of 1948 related to the continuity of public services in case of strike or lock-out also provides some regulation of this area. Legal precedent also plays a role: the 'Court of Cassation' has recognised the right to stop working because of strike. 'Lock-out' refers to the temporary closure of a company as a strategy in favour of employers' demands. However, what constitutes a lock-out is not strictly defined in Belgian law and rarely happens. When a collective agreement has been reached, the signatories agree to respect the terms of the agreement and to respect social peace. Strike action is considered by trade unions when all other means to find a settlement have been exhausted. Notice has to be given before a strike takes place and the notice period must be respected.

2014 was a record year for strike action because of the general strikes in protest at government policy.

Incidence of different forms of Industrial action, 2010–2013

Work-to-rule or refusal to do overtime	8
Work stoppage or strike for less than a day	10
Strike of a day or more	14
Blockade or occupation	4

Percentage of private sector establishments reporting any form of industrial action during the indicated period.

Source: European Company Survey

Industrial action developments, 2012–2014

	2012	2013	2014	Source
Working days lost per 1000 employees	345,795	205,974	760,297	National social security office*
Number of strikes	n.a	n.a	n.a	n.a

**Only one source of data for working days lost (the employer can indicate in the monthly social security registration for an employee the days they have not worked because of strike/lock out and so were not paid). The social security administration publishes these statistics quarterly and yearly. However, the data do not include the staff of local and regional administration and other social security statuses (about 360,000 people).*

Dispute resolution mechanisms**Collective dispute resolution mechanisms**

Conciliation is organised within the joint committees to prevent any conflict between employers and trade unions. A civil servant from the employment ministry is appointed as a social conciliator and has the duty to improve relationships between both parties.

Individual dispute resolution mechanisms

Individual labour disputes are resolved by a labour court composed of three judges (one legal judge, one judge chosen from the employers and one judge chosen from the workers). Before any trial the judge may propose conciliation or mediation procedures, or both parties may decide voluntarily to use alternative methods to settle the dispute. Conciliation takes place in the labour court, and mediation is carried out by an external person.

Use of dispute resolution mechanisms

	2012	2013	2014
Labour court	85,865	88,394	n.a
Conciliation	n.a	n.a	n.a
Mediation	n.a	n.a	n.a

Source: SPF Justice, *Chiffres clés de l'activité judiciaire 2000-2013*.

Individual employment relations

Individual employment relations are the relationship between the individual worker and their employer. This relationship is shaped by legal regulation and by the outcomes of social partner negotiations over the terms and conditions governing the employment relationship. This section looks into the start and termination of the employment relationship and entitlements and obligations in Belgium.

Start and termination of the employment relationship

Requirements regarding an employment contract

An employment contract requires: the consent of both parties and their agreement on the object of the contract, the wage and the nature of the work. The worker has to be 18 or the contract must be authorised by parents/custodians. The minimum working age is 15. Both parties are free to agree on the wage provided it is not less than the minimum wage fixed by sectoral collective agreements. The employment contract also has to respect the statutory working time.

Open-ended contracts do not require a written contract, while fixed-term contracts require a written contract that specifies the date for the end of the contract.

The collective agreement No. 38 of 6 December 1983 includes several requirements for the recruitment and selection of workers such as the absence of any discrimination and rules related to how private or confidential information may be handled.

Dismissal and termination procedures

There are three unilateral termination procedures:

- the contract can be terminated by the employer or the employee with notice;
- the contract can be terminated by both parties without notice on grounds of major importance;
- the contract can be terminated by both parties without notice and without grounds of major importance but on payment of a compensatory indemnity.

Dismissals are also limited in some cases.

- During the first six months of sick leave.
- During pregnancy; protection against dismissal for pregnant women becomes valid as soon as the employer is informed about the pregnancy and until the end of the first month following the end of maternity leave; dismissals are authorised when the dismissal is motivated by other causes than the pregnancy.
- Representatives of employees cannot be dismissed unless on grounds of major importance, or for economic or technical reasons.

See also information on unemployment benefits provisions in the EU and in Belgium.

Entitlements and obligations

Parental, maternity and paternity leave

Belgian laws set out provisions for parental, maternity and paternity leave. Paternity leave remained unchanged and considerably less important than maternity leave.

Statutory leave arrangements

	Maximum duration	Reimbursement	Who pays?	Legal basis
Maternity leave	Maternity leave can begin a maximum six weeks before the birth of the child (this is the prenatal leave, which can be extended to eight weeks in case of multiple birth). Five of these six weeks are optional and can be carried over to the postnatal leave. Only the week before the expected birth date is regarded as mandatory leave. After the birth, postnatal leave is a minimum of nine weeks and a maximum of 15 weeks (prenatal leave recovery). This postnatal leave can be extended to 17 weeks in case of multiple birth. Other extension mechanisms exist for particular cases. No specific periods that can be taken by fathers	During the maternity leave, the employee's income is paid by the mutual fund. For the first 30 days, the amount is based on 82% of the gross salary with no threshold. Afterwards, the amount cannot exceed the threshold of 75% of the gross salary. In the public sector, the full salary is paid for the entire duration of maternity leave.	The Insurance committee of the National Sickness and Disability Insurance Institute (<i>Institut national d'assurance maladie-invalidité</i> - INAMI / <i>Rijksinstituut voor ziekte- en invaliditeitsverzekering</i> - RIZIV) is responsible for paying maternity leave allowance. In many cases, mutual funds play an intermediary role in the payment of maternity leave allowance.	Articles 111 through 117 of the Consolidated Act of 14 July 1994 concerning the Healthcare and Sickness Insurance Scheme

Parental leave	The parental leave is a temporary reduction of working time by a fifth, a half, or to completely stop working for four months.	- Reduction of working time by a half: 393.38 € under 50 and 667.27 € for 50+ - Reduction of working time by a fifth: 133.45 € under 50 and 266.91 € for 50+ - Temporary break of work (4 months): 786.78 €	The salary is replaced by benefits from the National Office of Employment (<i>Office national de l'Emploi</i> – ONEm / <i>Rijksdienst voor Arbeidsvoorziening</i> - RVA)	Royal decree of 29 October 1997 on parental leave modified by several royal decrees in 1998, 1999, 2002, 2005 and 2012
Paternity leave	Paternity leave is 10 days during the first four months after the birth.	The first three days, there is no change in salary. For the remaining seven days the mutual fund pays 82% of the usual gross salary.	The Insurance committee of the National Sickness and Disability Insurance Institute (<i>Institut national d'assurance maladie-invalidité</i> - INAMI / <i>Rijksinstituut voor zieke- en invaliditeitsverzekering</i> - RIZIV) is in charge of maternity leave allowance. In many cases, mutual funds play an intermediary role by paying maternity leave allowance	Article 30 of law of 3 July 1978

Sick leave

All workers or unemployed people, no matter what their age, who are temporarily sick or disabled, have the right to receive sickness benefits or disability benefits. The amount of sickness benefits varies according to usual wage, the length of sickness and whether the employee has any dependants. For self-employed people, this is a fixed amount.

The level of benefits payable is different for blue-collar workers, white-collar workers and unemployed people. For blue-collar workers, the first fourteen days are paid by the employer (at their salary level). From the 15th day, the mutual insurance system takes charge of the sickness benefits. For white-collar workers, the employer pays the first month of sickness benefits (based on their regular salary). After a month, the mutual fund takes over the payment of the benefits. Finally, unemployed people receive an amount of sickness benefits equal to the unemployment benefits they usually receive.

From the second month to the sixth month, blue and white-collar workers receive 60% of their usual wage up to a maximum of €2,052.96 per month. From the seventh to the 12th month, the distribution of sickness benefits depends on the type of work contract as well as the familial situation. The table below shows the minimum sickness benefits.

Minimum sickness benefits

	Full-time job (per month)	Part-time jobs (per month)
Head of household	€1,403.74	€1,089.92
Living alone	€1,123.46	€817.44
Cohabitant	€963.30	€817.44

Retirement age

In Belgium, the legal retirement age is 65 with exceptions for miners, sailors or pilots (55 or 60 depending on the degree of arduousness and the number of years worked). Also, many provisions set early retirement minimum ages that depend on how many years someone has worked. There is no gender difference.

Year	Minimum age	Number of years worked	Exceptions for long careers
2012	60	35	n/a
2013	60.5	38	Age 60 for those who have worked 40 years
2014	61	39	Age 60 for those who have worked 41 years
2015	61.5	40	Age 60 for those who have worked 40 years
From 2016	62	40	Age 60 for those who have worked 42 years Age 61 for those who have worked 41 years

Nevertheless, through the governmental agreement (2014), the new government plans to extent the legal retirement age to 67 years old in the future.

Pay

Minimum wages

In Belgium, a minimum wage (*Gewaarborgd Gemiddeld Minimum Maand Inkomen-GGMMI / Revenu Minimum Mensuel Garanti-RMMG / Guaranteed Average Minimum Monthly Income*) is set by collective agreement negotiated at the Conseil National du Travail (CNE-NAR).

The GGMMI follows the general rise in cost of living and is index-linked. Since 1 December 2012 the GGMMI has been €1,501.82.

Sectoral collective agreements can set the minimum wage at a higher level.

A different scale applies to minors and young people (FPS Employment, Labour and Social Dialogue). Pay scales for the federal GGMMI are as follows: At the age of 22 and 12 months seniority: 104% of the GGMMI

At the age of 21.5 and 6 months seniority: 103%

- At the age of 21: 100%
- At the age of 20: 94%
- At the age of 19: 88%
- At the age of 18: 82%
- At the age of 17: 76%
- At the age of 16 and younger: 70%.

Sectoral figures may be different in line with collective agreements.

In January 2013, the Belgian social partners agreed to gradually upgrade the lower minimum wages for youth, in order to eliminate the age-based difference in 2015.

For more information regarding the level and development of minimum wages, please see Eurofound's annual update on developments in collectively agreed pay or visit Eurostat.

Collectively agreed pay outcomes

For more detailed information further information on the most recent outcomes in terms of collectively agreed pay, please consult Eurofound's collective wage bargaining portal or Eurofound's most recent annual update on developments in collectively agreed pay.

Working time

This section briefly summarises regulation and issues regarding working time, overtime, part-time work as well as working time flexibility in Belgium.

Working time regulation

The law of 16 March 1971 and its amendments comprise the legal framework defining the limits of working time in Belgium. Starting from these regulations, sectors and companies are the most relevant levels where collective agreements related to working time are concluded. Working time standards are sometimes argued at the cross-sectoral level, in the National Labour Council. However, no agreement was concluded at such a level. Finally, individual bargaining on working time issues is rare.

The determination of working time standards in Belgium works as a domino system, where levels of bargaining have to consider the regulations and agreements applicable at the higher levels before negotiating.

For more detailed information on working time (including annual leave, statutory and collectively agreed working time), please consult Eurofound's most recent annual update on working time.

Overtime regulation

Overtime work entitles the worker to extra compensation of 50% during weekdays and 100% on Sundays and public holidays. However, most sectors are divided into several joint committees, and sometimes between blue and white-collar workers and/or regions. Therefore compensation can vary widely from one company to another and, in some cases, overtime is compensated by time off rather than enhanced pay.

Working time standards are set by the law of 16th March 1971. Maximum working hours are 8 hours a day and 38 hours a week for full-time equivalent workers. However, in many cases, the weekly working time is 40 hours and the two additional hours are calculated as part of annual working time. These limits are different for part-time workers or workers who receive reductions of working time such as credit-time schemes.

The Belgian law allows two major dispensations of these limits, for structural reasons or to meet temporary and unpredictable needs. Most of these dispensations are defined at the sectoral and/or the company level.

Part-time work

In Belgium, part-time work is defined as normal working hours, calculated on a weekly basis or on average over a reference period which is less than full-time work in a comparable situation.

Several laws (23 July 1981, 22 December 1989 – articles 152 to 187- and 5 March 2002) and royal decrees (12 August 1981, 21 September 1981, 18 June 1990, 25 June 1990, 21 December 1992) set the rules and provisions for part-time work. Within the legal framework, sectoral and/or company collective agreements and/or individual contracts define the rules and provisions of part-time work (work schedules, overtime compensation, etc.). Generally, rights of part-time workers are similar to those of full-time workers, but they are based on the number of working hours in comparison with the full-time work.

The number of part-time workers in Belgium slightly increased between 2002 (19.1%) and 2011 (25.1%). The percentage remained stable in 2011 and 2012, and then there was a slight decrease in 2013 (24.7%).

Working time flexibility

The Law of 16 March 1971 and its amendments compose the main legal framework defining limits of working time in Belgium. Starting from these regulations, sectors and companies are the most relevant levels where collective agreements related to working time flexibility are concluded.

Belgian social partners are strongly involved in negotiations affecting working time flexibility. As observed by Valenduc and Vendramin (2013), collective agreements often precede the legislative developments that aim to formalise them at the national level. This was particularly the case when the Law of 1 January 2003, based on the work-life balance regulation, was published. Its aim was to reduce weekly working time from 40 hours to 38 hours per week. However, this was already applicable in many sectors. In addition, the Labour Act of 29 March 2012 allows the daily eight-hour working time limit to be exceeded in response to extraordinary workload.

Despite pressures from the European level, social partners did not reach any major agreements on flexicurity. This remains a major issue for the future. As a result, fixed working hours remain more important than flexible working hours. Nevertheless, over the past decade, a whole range of laws and collective agreements have attempted to reconcile and shorten individual working hours and lengthen total operating time for companies.

Proportion of establishments reporting that some employees have the possibility to adapt the start and end of their working day according to their personal needs

Establishment size	None or fewer than 20% in the establishment	Between 20 and 80% in the establishment	More than 80% in the establishment
10–49	48%	19%	33%
250+	35%	35%	29%
50–249	40%	25%	35%
Total	47%	21%	33%

Source: European Company Survey 2013

Health and well-being

Maintaining health and well-being should be high-priority for workers and employers alike. Health is an asset closely associated with a person's quality of life and longevity, as well as their ability to work. A healthy economy depends on a healthy workforce; organisations lose productivity through ill-health of their workers. This section looks into psychosocial risks and health and safety in Belgium.

Psychosocial risks

The Well-being law of 28 February 2014 supplements the Well-being law of 4 August 1996 on the well-being of employees, addressing in particular issues of violence, harassment and sexual harassment at work. The Law of 28 March 2014 amends the Judicial Code, and the Royal Decree of 10 April 2014 covers the prevention of psychosocial risks at work. The new legislation is the basis of the current Belgian regulation in the field of health and safety at the workplace and of well-being at work.

The concept of a 'psychosocial risk at work' is defined as the probability of one or more workers being at risk of or exposed to some aspect of environment or behaviour that creates an objective danger over which the employer has some control. These aspects include: psychological hazards and/or physical injuries; an element of work organisation (management style, collaboration, procedures, structure, allocation of tasks); an element of work content (nature of work, complexity, hardness and variation of tasks, emotional and mental charge); working and living conditions at the workplace (evaluation procedures, career management, types of contracts, training plans, workplace facilities, environmental factors, substances used, ergonomic factors), or interpersonal relationships at work (communication, colleagues, intergroup relationships).

This definition also covers sexual harassment, violence at the workplace and psychological harassment.

The new definition leads to better identification and reinforcement of stakeholders' roles in the prevention of risks at work. These stakeholders include the employer, line managers, the workplace prevention and protection committee, technical experts in psychosocial prevention, and the 'trustworthy person' (*personne de confiance*). The status of the 'trustworthy person' in particular has been developed through the new laws. For instance, the presence of such a person in the company is not compulsory but it is strongly recommended by public authorities. It could be a worker in the firm (such as the internal health and safety adviser) or someone from the external service for prevention and protection at work (part of the Belgian Federal Public Service Employment, Labour and Social Dialogue).

Moreover, this law outlines several provisions at both collective and individual levels to protect victims against reprisals so that they are not discouraged from reporting psychosocial injuries.

The other main regulation is the national collective agreement No. 72 of 30 March 1999 (Royal Decree of 21 June 1999) on work-related stress prevention and management. This agreement assigns a role to the works council on that matter.

Selected working conditions indicators affecting psychosocial risks

	2000	2005	2010
Work intensity: Working to tight deadlines at least a quarter of the time	51.3%	62.3%	59.4%
Long working hours: Working more than 10 hours once or more per month	32.8%	35.8%	28.4%

Discrimination: having been subjected to discrimination at work over the past 12 months	n/a	6.1%	11.0%
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Source: Eurofound's European Working Conditions Survey

More detailed figures are available from Eurofound's European Working conditions survey

Working conditions indicators affecting psychosocial risks show an increase of both work intensity and discrimination between 2000 and 2010. By contrast, the number of long working hours decreased between 2005 and 2010 and increased between 2000 and 2005.

Health and safety at work

Statistics about work-related accidents and work-related diseases can be found at the Funds for work-related accidents (Het Fonds voor arbeidsongevallen/ le fonds des accidents du travail) and the Funds for work-related diseases.

The table below shows a steady decrease in the number of accidents at work since 2008.

Accidents at work, with four days' absence or more – working days lost

	2008	2009	2010	2011	2012
All accidents	64,752	54,707	55,931	55,315	49,546
% change on previous year	n/a	-15.5	2.2	-1.1	-10.4
Per 1,000 employees	17.0	14.6	14.6	14.4	12.8

Source: Eurostat, [hsw_mi01] and [lfsa_eegaed]

Skills, learning and employability

National system for ensuring skills and employability

In Belgium, adult education was regionalised during the institutional reform of the State. The regions were given economical competences and the Communities received competencies linked to the language of the citizen (such as education and culture). As a consequence, vocational training as a tool to foster employment depends on the three regions (Brussels, Flanders and Wallonia) while initial training depends on the three linguistic communities (Dutch, French and German-speaking). Moreover, the social partners at all levels (cross-industry, sectors, companies) play a prominent role in devising, organising and managing the Belgian CVT system.

The social partners develop the framework of the training system at national level in the interprofessional agreements negotiated every two years. Guidelines regarding funding are defined in interprofessional agreements and sectoral agreements. They define objectives in terms of financial contribution from the employers but also in terms of participation rate to the training programs. The partners from each sector with the collaboration of public employment services develop training programmes specific to the needs of the professional sector and that fit the needs of the labour market. In some professional sectors (in 128 joint committees), the social partners organise and manage joint sectoral funds for vocational training (Law 7 January 1958, Collective agreement No. 66). To implement the training programs, they cooperate with the regional public employment bodies. Social partners at sectoral level are involved in the certifications and the validation of competencies. The validation is recognised by the public employment services and the training bodies collaborate with the social partners. Interprofessional and sectoral levels are the most important bargaining levels for vocational issues. However, these issues also concern the companies and the training plans are generally discussed at the company level within the works council.

Training

Training for low-skilled people or unemployed people is organised by the regional public employment and training services:

- the Regional Vocational Training and Employment Office (Office communautaire et régional de la formation professionnelle et de l'emploi, FOREM) in the Walloon region
- the Flemish Public Employment Service (Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding, VDAB) in the Flemish region
- Brussels Region Employment Office (Office Régional Bruxellois de l'Emploi/Brusselse Gewestelijke Dienst voor Arbeidsbemiddeling, ORBEM/BGDA) in Brussels
- the German-Speaking Community Employment Office (Arbeitsamt der Deutschsprachige Gemeinschaft, ADG) for the German-Speaking Community.

In small and medium sized companies, employee representation seems to have a light impact on the proportion of employees receiving paid time off for training. On the other hand, in companies employing more than 250 employees, employee representation at establishment does not coincide with higher degrees of training.

Proportion of employees receiving paid time off for training, by existence of a workplace employee representation and establishment size

Establishment size	Employee representation at establishment or company	None or fewer than 20% in establishment	Between 20-80%	More than 80%
10-49	Yes	53	29	17
	No	62	24	14

50-249	Yes	33	36	31
	No	43	40	17
250+	Yes	38	38	24
	No	0	33	67

Source: European Company Survey 2013

Work organisation

Work organisation underpins economic and business development and has important consequences for productivity, innovation and working conditions. Eurofound research finds that some types of work organisation are associated with a better quality of work and employment. Therefore, developing or introducing different forms of work organisation are of particular interest because of the expected effect on productivity, efficiency and competitiveness of companies, as well as on workers' working conditions. Ongoing research by Eurofound, based on EurWORK, the European Working Conditions Survey and the European Company Survey, monitors developments in work organisation,

For Belgium the European Company Survey 2013 shows that between 2010 and 2013, 39.1% of establishments with 10 or more employees reported changes in the use of technology, 38.6% introduced changes in ways to coordinate and allocate the work to workers and another 19.3% saw changes in their working time arrangements.

The Louvain School of Management (UCL) and SDWorx conducted a study among 481 companies located in Belgium with the aim to understand how companies manage sustainable innovative workplace practices. The results show to what extent the following practices are implemented in companies: teleworking practices (51.8%), knowledge management (57%), flexible desks (41.4%), open-space (57.8%), virtual teams (21.4%), participative management (45.7%), (semi-) autonomous teams (47.2%), management by objectives (59.9%).

Figures also show that employees are a bit involved in the implementation of such practices (43% on average). (Taskin and Ajzen, 2015)

Equality and non-discrimination at work

Three laws prevent discrimination at work:

- Law of 10 May 2007 preventing discrimination. The law prohibits any discrimination because of age, sexual orientation, civil status, religion, health, handicap, social origin,... and includes some specific rules related to discrimination at work.

- Law of 10 May 2007 preventing discrimination between men and women.
- Law of 30 July 1981 prohibiting racism and xenophobia

The collective agreement No. 38 of 6 December 1983 includes several requirements in terms of recruitment and selection of workers and relates specifically to discrimination at work.

Workers can contact the social inspectorate: the case will be resolved through conciliation or in the labour court. Moreover, the Institute for the equality of men and women and the Interfederal centre for equal opportunities can bring help to discrimination victims (mediation, lodge a complaint).

Equal pay and gender pay gap

The Law of 12 July 2013 which revised the Law of 22 April 2012) aims to fight the pay gap between men and women. This law includes binding measures for the social partners and the companies: the report of the Central Economic Council (CCE/CRB) will have to include data about the gender pay gap. This information will be available to the social partners when they are about to negotiate wages in the framework of the interprofessional agreement (IPA). At sectoral level, the joint committees are now obliged to negotiate measures to address the gender pay gap and to take account of gender-neutral measures in job-grading systems. Companies are now obliged to transmit their report about their wage structure to the works council.

In Belgium, the unadjusted gender pay gap has remained constant in recent decades. It will be interesting in the future to look at the impacts of the new law.

Gender pay gap, 2006–2012

2006	2007	2008	2009	2010	2011	2012
9.5	10.1	10.2	10.1	10.2	10.2	10.00

Source: Eurostat

The last major national study (12 MB PDF) related to gender pay gap was published in 2012 by the Institute for the Equality between men and women.

Quota regulations

Since 2013, at least one-third of managers in federal public services must be women (Royal Decree 2 June 2012). The law of 28 July 2011 obliges company boards of publicly listed companies to ensure that 30% of their members are women.

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Source URL (modified on 2016-01-08 09:41):
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13 January 2016