

# COUNTRY BACKGROUND: BELGIUM

## > National Context

### > Legal and Industrial Relations Context

Social dialogue in Belgium is anchored in the Law of 5 December 1968, which pertains to collective agreements and joint committees. Starting from the late 1990s, the State has assumed an increasingly prominent role in collective bargaining, resulting in a more federal institutional and political structure. This restructuring has granted greater powers to regions and communities. The most recent reform of the federal structure has affected the organization of the labour market, with regions gaining more authority in areas traditionally governed by social partners, such as health and safety regulations and employment policies. Following the 2008 financial crisis, wage setting has emerged as a crucial and contentious issue. Both the mechanisms for determining wages and the wage levels themselves have been central points of contention in recent rounds of cross-industry bargaining. This situation has led to disputes and unilateral interventions by the government. In 2017, representatives of national social partners and the National Labour Council reached an agreement known as the "Interprofessional Agreement 2017-2018." This agreement encompasses the wage norm, improvements in welfare benefits, the extension and adaptation of agreements on early retirement, and an agenda for further consultation and negotiation.

### > Legal Acts

Minimum wage	yes
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Contr. requirements	yes
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Working time	yes
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Leave provisions	yes
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Health & welfare	yes
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Pensions/ Old-age	yes
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### > National Legislation

The rights to freedom of assembly, freedom of association, and the right to information, consultation, and negotiation are enshrined in the Belgian Constitution. The criteria for representativeness of trade unions and employers' organizations are outlined in the Collective Agreements Act of 1968, which was later amended by the Law of 5 December 1968. The Belgian Federal Public Service Employment, Labour and Social Dialogue (FOW-WASO/SPF-ETCS) is responsible for the federal administrative services related to the labour market and social dialogue, including the regulation of the labour market. The Labour Inspectorate operates under its purview and oversees the enforcement of social laws and occupational welfare. Following the Sixth State Reform in 2012, the regions have assumed responsibility for vocational training and labour market policies targeted at specific groups.

Maternity, paternity	yes
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Sick leave	yes
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Vocational training	yes
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# COUNTRY BACKGROUND: BELGIUM

## > Actors

### > Trade Unions

- > Every Belgian citizen, regardless of their professional status, has the right to join a union. Unions in Belgium cover workers from various sectors, occupations, and professional statuses. The rights to freedom of assembly, freedom of association, and information, consultation, and negotiation are protected by the Belgian Constitution. The representativeness criteria for trade unions and employers' organizations are defined in the Collective Agreements Act of 1968, which was amended by the Law of 5 December 1968.
- > To be considered representative, a trade union or employer organization must meet certain criteria. These criteria include having a minimum of 125,000 members, being an inter-occupational organization or part of one, and representing a majority of sectors and activities in both the private and public sectors. Once a trade union fulfils these criteria, it can engage in collective bargaining, seek representation in joint committees, and have a voice in the Central Economic Council (CCE/CRB) and the National Labour Council (CNT/NAR).

- > There are three main trade union confederations in Belgium, all actively involved in collective bargaining: the Confederation of Christian Trade Unions (CSC/ACV), the Belgian General Federation of Labour (FGTB/ABVV), and the Federation of Liberal Trade Unions of Belgium (ACLB/CGLB). The CGLB/ACLB is the most representative confederation, with a membership level of 10% as of 2012.

### > Coverage

Number of members  
(in 1000s)

2034 (2019)

Density  
(%)

49.1 (2019)

# COUNTRY BACKGROUND: BELGIUM

## > Actors

### > Employer Organizations

- > Every company in Belgium, as well as self-employed individuals, has the right to join employers' associations. These associations actively participate in collective bargaining at both national and sectoral levels, negotiating on behalf of the entire country or specific sectors. Consequently, all companies within the country or sector are bound by the collective bargaining agreement (CBA), regardless of whether or not they are affiliated with the organization.
- > The primary national employers' organization in Belgium is the Belgian Federation of Employers (FEB/VBO), which represents 50 sectoral employer federations and 50,000 companies. The FEB/VBO claims to represent approximately 75% of all Belgian companies. In addition to the FEB/VBO, there are numerous other employer organizations operating at both the national and regional levels.

### > Coverage

Number of members (in 1000s)	unavailable
Density (%)	unavailable

### > Workplace-Level Employee Representation

- > Once a company reaches a workforce of 100 employees, it is required to establish a works council (CE/OR). The council consists of elected representatives from both the employer and the employees, and it must be convened by the employer at least once a month on the company's premises. The works council members receive information from the employer regarding the company's financial situation, productivity, future employment developments, and objectives. Within the works council, the employer is obligated to provide details about significant planned changes in staff organization, such as restructuring, plant closures, mergers, or the introduction of night shifts, as well as training measures.
- > The Committee for Prevention and Protection at the Workplace (CPPT/CPBW) comprises employee representatives from the works council, prevention counsellors, and relevant members of company management responsible for health and safety matters.
- > In companies that meet the minimum employee threshold defined by sectoral collective agreements, a trade union delegation has the right to be present. The members of the delegation are either nominated by their trade unions or elected by the staff. Unlike the works council and CPPT/CPBW, the trade union delegation represents only unionised workers within the company and not the entire workforce. The trade union delegation is empowered to negotiate collective bargaining agreements within the company, intervene in conflicts between the staff and the employer, and has the right to be informed about any changes in working conditions. In cases where neither a works council nor a CPPT/CPBW is present in the company, the trade union delegation can assume the roles and responsibilities of both bodies.

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## > Collective Bargaining

### > Nature of Collective Bargaining Laws

The collective bargaining system in Belgium is governed by the Law of 5 December 1968. It operates through a structured framework consisting of three interconnected levels:

1. The highest level involves centralized cross-sectoral agreements that cover the entire economy. These agreements are negotiated bi-annually by the Group of Ten, which comprises key representatives from organizations recognized by the Central Economic Council and National Labour Council as key national social partners.
2. The intermediate level focuses on specific sectors and is characterized by sectoral bargaining. There are 100 joint committees and 65 joint subcommittees responsible for determining pay levels, classification schemes, working time arrangements, training, and other related matters. The sectoral collective agreement applies to all employers and employees covered by the relevant joint committees or subcommittees.
3. The company-level negotiations complement or substitute the sector-level bargaining. Companies have the flexibility to engage in negotiations at their own level to address specific needs or complement the sectoral agreements.

### > Levels of Collective Bargaining

National	Yes, dominant
Sectoral	Yes, important
Company	Yes, existing

### > Involved Parties

Bipartite

### > Coverage

Density (%)	96 (2019)
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### > Duration

- > In Belgium, there is no specific law that governs the duration of a collective bargaining agreement (CBA). The duration of a CBA is typically determined by the content of the agreement itself and may vary depending on the specific provisions agreed upon by the parties involved. Each CBA includes provisions regarding its own validity and duration, and the parties have the freedom to define the duration based on factors such as the nature of the issue being addressed, its relevance, and the dynamics of the negotiation process at each level (sector, company, etc.). The general principle is that CBAs have an indefinite character, meaning they remain in force until one of the parties requests its termination. In such cases, a "warning" period is usually required to allow for a resolution of any conflicts that may arise during the termination process.



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## > Data Sources

Eurofound, 2023, Living and Working in Belgium. Retrieved on: 07.06.2023, from: <https://www.eurofound.europa.eu/country/belgium>

ILO, 2011, TRAVAIL Legal Databases – Conditions of Work and Employment Programme. Retrieved on: 07.06.2023, from: [https://www.ilo.org/dyn/travail/travmain.sectionReport1?p\\_lang=en&p\\_structure=2&p\\_sc\\_id=1368&p\\_sc\\_id=1694&p\\_sc\\_id=1390&p\\_sc\\_id=1717&p\\_countries=REG4&p\\_start=1&p\\_increment=10](https://www.ilo.org/dyn/travail/travmain.sectionReport1?p_lang=en&p_structure=2&p_sc_id=1368&p_sc_id=1694&p_sc_id=1390&p_sc_id=1717&p_countries=REG4&p_start=1&p_increment=10)

