This article is part of a set of background articles and introduces public employment in Belgium.

Figure 1: Map of Belgium. For more details see http://ec.europa.eu/eurostat/web/products-manuals-and-guidelines/-/KS-GQ-14-006
Regional and administrative organisation

Belgium is a parliamentary constitutional monarchy and was a founding member of the European Union, NATO, Council of Europe and the United Nations.

System of government

Belgium has been a Federal State comprising 6 entities (3 Regions and 3 Communities) since 1993. The country is divided administratively into 10 Provinces and 3 Regions. It has two types of local government: provincial and municipal.

The Federal State has competences in defence, justice and social security. The Communities are competent in cultural matters, education and linguistic policy. The Regions are responsible for transportation, public works and some economic matters. The Provinces are generally competent in matters of local interest.

Legislative Power

The Chamber of Representatives is made up of 150 members elected directly by popular vote. The Senate has 71 members, 40 elected by the population (25 Dutch-speaking and 15 French-speaking), 21 appointed by the Communities (10 from the French Community, 10 from the Flemish Community and 1 from the German-speaking Community) and a further 10 co-opted senators (6 from the Dutch-speaking Community and 4 from the French-speaking Community).

The Federal Parliament (Chamber and Senate) votes on laws. The Senate, in turn, has sole powers to settle conflicts of interest that may arise between the Federal Parliament and the Councils of the Communities and the Regions. Other powers are exercised alternately by the Chamber and the Senate: the introduction of candidates for the Court of Arbitration, the Court of Cassation and the Council of State (the Supreme Administrative Court).

For the most important powers (review of the Constitution, approval of certain laws and ratification of international conventions), both Assemblies act, but it is the Chamber that has the final say. The Senate is a forum for debate, which pronounces on draft laws or proposals.

Executive Power

The Prime Minister is the head of government, chairs the Council of Ministers and the Inner Cabinet. The Council of Ministers consists of 15 members, with the exception of the Prime Minister. It comprises an equal number of Dutch-speaking and French-speaking ministers. Secretaries of State are not members of the Council of Ministers.

Judiciary Power

The Constitution provides for an independent judiciary. The judicial system is organized into 5 territorial levels according to specialization and territorial jurisdiction:

- Canton,
- District,
- Provinces and
- Brussels,
- Courts of Appeal, and Court of Cassation (the highest Court of Appeal in the country whereby judges are appointed for life by the monarch).

These five Courts of Appeal, both criminal and civil, study the matters of the regional legal hearings, whereby twelve jurors decide all cases by majority vote.
Regional organisation

Belgium is organised into three administrative levels:

- the upper level comprises the Federal State, the Communities and the Regions;
- the middle level comprises the Provinces;
- and the lower level is made up of the Communes.

This distribution follows two broad lines: linguistic and cultural, and economic. Belgium has 3 Communities (the Flemish Community, the French Community and the German-speaking Community), based on language, and 3 Regions (the Flemish Region, the Brussels-Capital Region and the Walloon Region) with autonomous economic powers. There are 10 provinces and 189 communes.

The Federal State retains important areas of competence such as foreign affairs or justice. The Regions are competent to deal with territorial matters such as town planning, the environment and employment. The Provinces act within the framework of competencies at the federal, community or regional level, whereby they are also under the tutelage of these various authorities. The Communes are the seats of power that are closest to the citizens. Like the Provinces, they are under the tutelage of the various other authorities.

The employment level in the General Administration is relatively high in comparison with the rest of the OECD countries, and staff management systems are highly regulated. Important efforts are being made to reform these systems, in order to improve their efficiency and governance. Different channels have been followed for this reform.

Since the 1990’s, the federalisation process has involved the granting of greater autonomy to Regions and Communities for the organization of their self-government. Originally, there was a strict career-based system in the Camu Statute (which is still applied at federal level). Today, Regions and Communities are free to organize their management systems in line with the general principles set out in the Royal Decree on General Principles of 22nd December 2000. International influence on New Public Management has led to reform in questions such as the classification of positions, rationalization of levels and grades, pay scales and the new role assigned to public managers.

Generally speaking, the history of reforms in the Belgian administrations is that of a transition from a centralized, strict and highly regulated system to a decentralised system. The main reform measures adopted can be summarised in the following aspects:

- Consistency with the General Management Framework: Assessment of staff management systems in OECD countries has shown that it is one of the essential conditions to achieve significant development and includes regular review of the organizational objectives, delegation of authority and greater citizen orientation as the client. New strategic management tools have been introduced, such as Balanced Scorecards.
- Competence Management as a Strategic Tool: Competence frameworks are mainly used as a support for dialogue between staff and managers.

Public employment structure

Legal Basis

Civil service regulations take the form of Royal Decrees. Unlike other countries, there is no General Act that covers all aspects related to the Civil Service. The Belgian civil service is ruled by the Camu Statute, a Royal Decree from 1937, which has been modified on several occasions and contains detailed provisions about recruitment, staff evaluation and promotion.

The Camu Statute, applied in Regions and Communities, and renewed in the Federal Government, underpins the civil service on a career-based system (acquisition of grades or categories for promotion and accredited training). Relations between the State and its employees are built on a neutral and apolitical administration and competition-based recruitment. One of their pillars is the principle of equality: equality between French and Flemish speaking employees, equal opportunity to join the civil service, equal chances of promotion, etc.

The general standard is the statutory relationship between employees and the Administration, or in other words, by their appointment as civil servants. In recent years, the administration has increasingly called upon
the services of employees with contracts.

Types of public employees

The status of public employees was established in Royal Decree of 2nd October 1937, and has been modified on several occasions (most significantly in 2004). There are three types of public employees.

- Civil servants (statutory employees): with a permanent position and a grade or category.
- Non-civil service employees (with an employment contract): majority of public employees (21% at federal level). They can only occupy positions that are not regulated by specific law.
- Senior Managers: management.

Civil Servants

The territorial administrations select their own staff. In career-based systems, the majority of employees are selected at entry level and the professional experience of the candidates is highly regarded. For specialised recruitment (experts or senior civil servants) their influence is relative and is verified by a thorough analysis of Curriculum Vitae. There are recruitment systems with examinations, the contents of which are based on the functions that correspond to the position to be filled.

The Flemish and Federal Governments have opened the recruitment systems for some of their Level A posts to external applicants (in the Federal Government: Levels A3 and A4 are open to external applicants only when there are no suitable internal candidates) which represents a shift towards human resource management systems based on the position and specific functions of the job.

Non-civil service employees

Recruitment has also evolved towards the use of competence criteria.

Senior Managers

Their recruitment is currently through the implementation of the fixed-term system, particularly in the governments that are more advanced in terms of strategic organizational management.

Rights, obligations, principles and values

Public employees have the right to join a trade union and to strike. The number of women in the administration has increased and today women are a majority in many ministries (Employment, Social Affairs, Health and Environment, etc.). However, they are still under-represented in others (Justice, Traffic and Infrastructure, Agriculture).

By group, the majority of women are contractual staff, whereas the opposite occurs with male civil servants. In general, men still predominate in positions of responsibility, although changes are now taking place, as women now represent 50% of university students and, therefore, the number of women occupying Level 1 positions is on the rise.

A Diversity Plan 2005-2007 was introduced into Public Administration and a national campaign for equal opportunities was launched in 2007 as positive discrimination measures, to adapt federal administration to the social reality in this respect. In terms of regional equality, there is parity in terms of representation between Flemish speakers and Franco-phones in most Ministries. A 1966 law formalised this system.

The first Federal Code of Conduct was approved in 1994. The Federal Public Department (Ministry) for Budget and Management Control Authority safeguards the integrity of public employees and assists all Ministries to draw up and implement codes of conduct. The Anti-Corruption Act, approved on 10th February 1999, has increased the penalties for civil servants found guilty of corruption. The Court of Audit makes observations following audits, which are forwarded to Parliament in annual reports.
Career-based system and training

Civil Servants: Promotion

There are different levels:

- Promotion to a Higher Level: This requires selection examinations to be passed via the SELOR procedure. This examination replaces the educational qualification that is required to enter another level. This system has had limited success and on occasions, a post on the same level as that previously carried out is obtained.

- Functional Promotion: Promotion through salary bands is based on seniority, although increasingly on success in competence examinations (Federal Government) or the evaluation of previous professional development (Flemish Government). Negative professional development evaluations prevent functional promotion. The Flemish Community has introduced the payment of bonuses related to good performance, which was in place in the Brussels Region until 2005. The Federal Government has done so through accredited training.

For promotion, the Minister decides on the suitability of a candidate, following the recommendations of a Committee. The Flemish government has a promotion system that combines performance appraisal and career development. The Walloon Region is introducing a similar promotion system.

Non-civil service employees

This type of staff is recruited for a specific job. For this reason, mobility to higher levels is difficult. Salary increases are based mainly on seniority although positive performance appraisals are also taken into account. The Flemish Government is developing professional career paths for this type of staff.

There is inter-federal mobility for civil servants and a replacement system for temporary absenteeism, under which civil servants can be released for periods of time to work in political cabinets or in international organizations.

The Federal Administration Training Institute is in charge of continuous training for federal employees. Independent bodies also offer courses tailored to employees’ needs.

Remuneration

Royal Decree of 29th June 1973 establishes the basic salary system for public employees (salary calculation procedures, seniority conditions, etc.). Pension allowances, bonuses or compensation may be added to this basic salary. Salary scales at local, regional and federal level are not equivalent.

Social dialogue and system of representation

Public employees’ right to collective bargaining is recognised (Law of 19th December 1974). Negotiation and consultation procedures in the public sector are not the same as in the private sector. Only the most representative trade unions can take part in negotiations with public authorities. Between 40 % and 55 % of public sector employees are members of trade unions. Collective bargaining agreements are not legally binding, and are only recognised as a political agreement.

Union representation is exercised by the following trade unions:

- Public Service General Confederation,
- Federation of Christian Public Service Unions and the Civil Servant Free Union,
trade unions with civil servant backing.

The following issues are subject to negotiation, among others: pay, pensions, working hours, organization of work, etc. There is another form of social dialogue, such as consultation with employee organizations, prior to deciding on issues such as well-being in the workplace. Negotiations take place at various levels. The centralization element “Committee A”, handles matters related to all public services, whilst the decentralization elements (20 sectorial committees) act at federal, community and regional level.

Senior civil servants

Their specific status is laid out in the Civil Service Law.

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Figure 2: Senior civil servants

Recruitment and Appointment: The Belgian civil service is a career-based employment system. Recruitment is based on performance assessment. Selection examinations are organised by the Federal Selection and Recruitment Office (SELOR). The average age upon entering the senior civil service group is between 40 and 50 years old. SCS mandate holders are appointed for a period of six years by a decentralised authority. After six years they need to reapply, unless their performance is evaluated as excellent.

The actual management of federal high level civil servants is carried out by the administration to which the senior civil servant is appointed. Remuneration, regulation and activities are handled by the Federal Public Service of Personnel and Organisation.

The assessment process began operating in 2005. The broad principles of the system are as follows:

- Assessment every two years and a final assessment six months before the end of the term of office.
- Assessment based on goal achievement, or, where agreed, on the areas included in the management plan and the operational plan. Job Assessments are carried out every six years.

At federal level, the Administrative Training Institute (ATI) is responsible for training and offers modules in various fields: languages, administration, management, etc. Senior civil servants may take external courses at universities or private training organisations.

The Government decides on the pay for senior civil servants, via the Minister for Civil Service. Base salary levels vary by band (1-7). All senior civil servants are allocated to Band 7, as they only receive base salary without merit-based bonuses or variable salary.

Senior civil servants regularly work full time and overtime is unpaid. The making-up time policy for civil servants is not always available for senior civil servants. Tele-work and flexible-working times are available to senior civil servants but part-time work is not an option.

Maternity/Parental Leave: Some Departments organize summer childcare programmes, which is open to senior civil servants, who can also opt for career interruption to care for a child up to the age of six.
Recent reforms and prospects

The Civil Service Ministry has adopted a strategy for the period 2007-2011 based on three principles:

• Viewing the citizen as a customer.
• Creating accountable, efficient and results-oriented government.
• Having a public administration that is seen as an innovative, dynamic and attractive employer.

In 2008, an initial series of measures to reform the State was adopted as a result of a compromise between the Flemish population (60% of the population), which would like to see more autonomy granted to the regions, and the French-speaking population, which advocates centralization. Hence, various legislative competences were transferred to the regions, and other measures are under way for the transfer of competences in areas such as employment, family, healthcare policies, etc.

The 1999 Copernicus Plan, which aims to place the citizen at the heart of the administrative system using private sector techniques is also worthy of mention. This reform is based on three points:

1 - Reorganisation of Federal Administrations: Ministry activities, called “federal public services” have been refocused and restructured. Consequently, ministerial cabinets have disappeared and been replaced by smaller policy units.

2 - Modernization of human resources management: The remuneration system has been modified and a new senior civil service has been created.

3 - Establishment of new working methods: Data transfer between federal departments has been improved.

Further Eurostat information

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• Labour market

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• Institut National de Statistique