



ESPN Thematic Report on retirement regimes for workers in arduous or hazardous jobs

Belgium

2016

Jozef Pacolet, Joris Vanormelingen & Annelies De Coninck
May 2016



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate C — Social Affairs
Unit C.2 — Modernisation of social protection systems

Contact: Emanuela TASSA

E-mail: Emanuela.TASSA@ec.europa.eu

*European Commission
B-1049 Brussels*

European Social Policy Network (ESPN)

**ESPN Thematic Report on
Retirement regimes for
workers in arduous or
hazardous jobs**

Belgium

2016

Jozef Pacolet, Joris Vanormelingen & Annelies De Coninck

The European Social Policy Network (ESPN) was established in July 2014 on the initiative of the European Commission to provide high-quality and timely independent information, advice, analysis and expertise on social policy issues in the European Union and neighbouring countries.

The ESPN brings together into a single network the work that used to be carried out by the European Network of Independent Experts on Social Inclusion, the Network for the Analytical Support on the Socio-Economic Impact of Social Protection Reforms (ASISP) and the MISSOC (Mutual Information Systems on Social Protection) secretariat.

The ESPN is managed by LISER and APPLICA, with the support of OSE - European Social Observatory.

For more information on the ESPN, see:

<http://ec.europa.eusocialmain.jsp?catId=1135&langId=en>

***Europe Direct is a service to help you find answers
to your questions about the European Union.***

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

This document has been prepared for the European Commission, however it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

More information on the European Union is available on the Internet (<http://www.europa.eu>).

Contents

- SUMMARY/HIGHLIGHTS 4
- 1 OVERALL DESCRIPTION OF THE POLICY MIX TARGETED AT WORKERS ARDUOUS OR HAZARDOUS JOBS 5
 - 1.1 Pre-pension for arduous jobs in the unemployment regulation (SWT)..... 5
 - 1.2 Other systems to accommodate for heavy jobs: career break, time credit and weekly hours reduction..... 6
- 2 PENSION RULES FOR WORKERS IN ARDUOUS OR HAZARDOUS JOBS..... 7
- 3 RETIREMENT PATTERNS AND RETIREMENT INCOME OF WORKERS IN ARDUOUS OR HAZARDOUS JOBS 9
 - 3.1 Working conditions of older workers (50+) 9
 - 3.2 Numbers of persons in early exit pathways 10
 - 3.3 Benefits 11
 - 3.4 Outcome 12
 - 3.5 Conclusion..... 13
- REFERENCES 15
- ANNEX 17

Summary/Highlights

Belgium has long been characterised by its low level of participation in the labour market by older workers. This was due to the combined effect of high unemployment and numerous generous systems of early retirement and pre-pension (which were partly introduced to cope with this high unemployment). Some of those more generous exit systems, including in the public sector, had a long history. Many of them reflect length of career or more arduous working conditions.

The last two decades have been characterised by incremental reforms to prevent early exit, for example by increasing the legal pensionable age for women between 1997 and 2009, by increasing age requirements for early pension and unemployment for older workers, and finally by the foreseen increase of the legal pensionable age by 2025 and 2030. The reduced early exit possibilities are moderated by sectoral agreements, among others for the public sector, to take into account arduous job conditions. To improve acceptance of the reduction in the more generous early-exit pathways, the debate has focused on improved conditions for arduous work since the 2005 'solidarity pact between generations'. The present pension reform, in force since 2014, announced a more harmonised treatment of arduous job conditions in the pension system.

Other measures were introduced to retain the workforce even when working conditions are more arduous. Systems of time credit, career interruption and thematic leave have been introduced and tripled in the last 15 years. Budgetary austerity required an increase in the age limit, especially for time credit. A remarkable good practice occurred in the health and social care sector. Considered a sector with arduous working conditions, it introduced as a retention measure the reduction of weekly hours for older workers, without income reduction. Meanwhile, there has been a visible but still too low increase in labour market participation for older people. There is a substantial reduction in the use of those early exit paths. There is also a growing concern that the exit pathways are partly 'fungible' (exchangeable). The visible reductions in the traditional pathway of the pre-pension Scheme of unemployment benefit with employer's supplement (SWT) and unemployment for older workers without the need to look for work for the age group 50-65, seem to be raising the number of persons claiming invalidity. However, the provided evidence indicates that the latter increase can be explained by socio-demographic factors such as larger age cohorts but especially by the increase of the legal pensionable age for women and their overall higher labour-market participation.

Currently, there is a shift towards prevention and reintegration. Preventing arduous labour conditions and health problems related to them and forced inactivity have become priorities. There is growing attention on 'workable' work, and reintegration for those at risk of continued inactivity: 'back to work'. It is never too late for this, and it is up to policy makers to facilitate reintegration and provide adequate support for those who truly can no longer work.

The requirements for early exit through systems of unemployment, SWT and early pension were substantially tightened. In the ongoing pension reform discussion there is an ambition to have it integrated into a more transparent and uniform system of calculation by the year 2030. A flexible but fair pension calculation is proposed which implies that early retirement should be discouraged with lower pension payments, working longer should be rewarded, and differences in life expectancy that show a clear gradient in relation with socio-economic status, education and arduous professions should be compensated. Each year of active work results in a number of pension points. The point accrual can be faster depending on the job's arduousness. In the past, arduous jobs and working conditions have been compensated in the pension system by a difference in age and career conditions for early pension or pension. By integrating it into the point system, the weight can be more flexibly adapted to changing characteristics of professions and jobs, so that the adaptation of pension entitlements can be gradual.

Meanwhile a debate is ongoing to have arduous jobs included in the pension system also during the transition period. The list of those arduous jobs was expected by Autumn 2016.

1 Overall description of the policy mix targeted at workers arduous or hazardous jobs

Belgium has long been characterised by the low labour market participation of older workers. This was the combined effect of high unemployment, and numerous generous systems of early retirement and pre-pension, among others to cope with this high unemployment. Since then, other systems have been installed to retain the workforce even when working conditions are more arduous. Currently, there is a shift towards prevention and reintegration.

Encouraging the Belgian workforce to work longer has been a slow but permanent reform objective over the last two decades. During the period 1997-2009 the legal pensionable age for women has been raised to match that for men. This was a substantial step forward. The 'Generation pact' (Belgische Regering, 2005) increased the minimum age for pre-pension (*'brugpensioen'*-'bridging pension') while allowing exceptions for workers in industries with arduous working conditions. The 2010-2014 Di Rupo Government increased the age requirement for pre-pension by two years, and the required career length by five years; this was phased in over 2012-2016. The present Michel I Government not only further increased the legal pensionable age to 66 in 2025 and 67 in 2030, but also wanted to increase the pensionable age for arduous jobs but, during negotiations with the social partners, reform proposals have been moderated or postponed.

Several pathways exist for early exit: the pension system; the unemployment system; allowances for part-time work and end of career breaks; a special regime for the health and social care sector; specific regimes for professions in the public sector. They are all under reform or debate.

There is no special reference to arduous jobs in the pension regulation, but special rules apply for long careers which are sometimes related to early career start, lower education, or heavier work, which implicitly allow earlier retirement.

Reference to arduous work can be found however in other systems and regulations. The Federal Public Service Employment, Labour and Social Dialogue identifies high-risk jobs, constraining jobs and heavy and arduous' jobs. These categories are in use in several regulations.

In the law of 28 May 2003 about the health safety of workers, three categories are identified: high risk jobs, security jobs and vigilance jobs.

In the law of 2000 (*Wet van 12 augustus 2000*) heavy and arduous jobs in the public sector are identified as 'constraining jobs', referring to the unsustainability of the job because of the mental or physical consequences for workers over a longer period.

The collective agreements nr. 91 and nr. 103 define the 'heavy and arduous job' concept as changing shift work, night work and interrupted work (Commissie Pensioenhervorming 2020-2040, 2015b). Those concepts have been launched since the 'Generation pact' in 2005. Changing shift work is when the worker works in a consecutive regime of morning, late and eventually night shifts. Interrupted shifts occur when there are at least 11 hours difference between the beginning and the end of a shift, 3 hours of interruption and 7 hours of activity. Night work is between 20.00 and 6.00.

1.1 Pre-pension for arduous jobs in the unemployment regulation (SWT)

In the pre-pension system of the unemployment benefit with employer supplement regulation (*Stelsel van Werkloosheid met bedrijfsToeslag SWT*), special age and career requirements exist for arduous jobs and long careers. Workers may exit the labour market at an earlier age after being laid off on the basis of collective labour agreements via the SWT. From 2015 the general minimum age requirement is 62 in the 'global' SWT and any other agreement struck after 31.12.2011. For people with an arduous job experience the SWT allows entering the scheme from age 58, provided they have 35 contribution years.

The plans for further reforms announced by the current government in 2014 continue the gradual increase of minimum eligibility ages for pre-pension and contribution years requirements, while still providing exceptions for long and arduous working careers.

It is difficult to summarise the conditions of unemployment benefit with supplement since they differ by category, gender, and overtime. In annex 1 several categories are provided, including a specific one for arduous jobs. But the category 'long career' and 'very long' (in the regulation the difference is 38 versus 40 years) is even more important for entitlement to the SWT system, although a special category for construction also needs to be mentioned.

In annex 2 we summarise the changes in age and career requirements before and since the last two governmental reforms, illustrating the common increasing path of both requirements, in general as well as for long careers or arduous jobs.

The previous Di Rupo government increased the general age and career requirement in this system from 58 and 38 respectively for men and 58 and 35 respectively for women in 2012 to age 60 for both men and women and 40 years of career as a condition by 2015 for men and by 2017 for women (Pacolet & Vanormelingen, 2014). The new Michel I Government wanted to increase it further but, during negotiations with the social partners, those reforms have been moderated or postponed, taking account of several transition periods and acquired rights. Different conditions persist or emerge for long careers, very long careers, arduous jobs, careers in night shifts and incapacity to work in the construction industry, for firms in difficulties or firms in restructuring. The normal general minimum age became 62 from 2015 on, but several transition exemptions are allowed. The minimum age for firms in difficulties or restructuring of 54,5 and 55 respectively is proposed to increase to 57 by 2017 and 60 from 2020 on. For arduous jobs it was proposed to increase the age requirement of 58 (for night shifts and construction it was still 56) to 60 by 2017, but now it has been referred to further social consultation to define the exact date. For very long careers, transition measures exist for early pensions for persons with a career of 40 years.

In addition, special collective agreements can deviate from the general rule. In the new measures from the latest government, the minimum age was increased to 62, with a lower age limit for long careers of 58. This age limit of 58 and a career length of 35 years has also been maintained for persons with an arduous job. Those arduous jobs are defined as working with disrupted hours, irregular shifts and night work, and this either for 5 of the last 10 years or 7 of the last 15 years.¹ For persons with more than 20 years of work in an arduous job or in the construction sector, pre-pension is even possible at the age of 56 and a career length of 33 years.

1.2 Other systems to accommodate for heavy jobs: career break, time credit and weekly hours reduction

Other strategies exist, namely to make work 'workable' by stimulating part-time work or reduction of working hours for older workers.

From 2000 onwards, a system of working time reduction for older workers was introduced in the health and social care sector (called **AV/VAP**, *ArbeidsduurVermindering voor oudere werknemers/Vrijstelling van ArbeidsPrestatie*) [weekly working hours reduction for older workers/exemption of working for a certain number of hours]. It was gradually introduced and later spread to more and more categories. Originally meant for the nursing profession and other care professions entailing physically and mentally stressful jobs that could lead to early exit, the introduction of this measure was intended to increase labour market

¹ FOD Werkgelegenheid, Arbeid en Sociaal Overleg. Stelsel van Werkloosheid met Bedrijfstoelage. Geraadpleegd [Belgian Federal Public Service Employment, Labour and Social Dialogue, System of Unemployment with Employer supplement], via <http://www.werk.belgie.be/defaultTab.aspx?id=743>

participation by avoiding early exit. The working time reduction was from 38 to 36 hours per week for workers above 45, from 36 to 34 hours per week for workers above 50 and from 34 to 32 hours per week for workers above 55 (M. Lamberts, J. Pacolet, F. Hendrickx, L. Terlinden, J. Vanormelingen, S. De Groof, 2015, p.287-288). At the same time, however, early exit remained possible in the beginning even at the age of 57, later 58 and since 2015 at the age of 60 or still at 58 for long careers or arduous jobs and even 56 at that age was reached before the end of 2015 and with a long career of 40 years, via the collective agreements on pre-pension (ACLVB Liberale vakbond, s.d.). In some caring industries we observed that additional free days were even granted for workers from the age of 35 on, illustrating a kind of demonstration effect: working conditions for older workers are asked already at an earlier age. It simultaneously implies a substantial labour time reduction and a substantial increase of the hourly wages.

Other systems for making work 'workable' are the allowances for part-time work (1/5 or 1/2 working time reduction), career breaks, and other thematic leaves (leave for care for children or sick persons). They are financed most of the time by unemployment insurance or employment policies. They are more generously available for older workers or for workers in jobs confronted with early exit and shortages. Arduous professions with shortages ('*knelpuntberoep*') already make use of a 1/2 time credit at the age of 50 (instead of 55 years as is the general rule). A popular 1/5 part-time time credit was allowed for older workers from 50 on, but this was increased to 55 in 2015. It remains however at 50 for the so called 'heavy jobs' and the three categories mentioned above (flexible shifts, interrupted work hours and night shift for 5 of the last 10 years or 7 for the last 15 years). But the right to time credit is not the same as the right to a time credit allowance. To be entitled to this benefit, the age limit is 60 in general but remains 55 for heavy jobs, for persons with 20 years of night work, and for workers in the construction industry. For the latter category however, the age condition is planned to increase from 56 in 2016 to 60 in 2019.

While time credit is especially targeted to the private sector, similar systems of career break or end of career leave exist in the public sector. In 2000 the notion of demanding functions (see above) was introduced, but never further materialised in the public sector. The same categories as in the private sector apply: flexible shifts, interrupted hours and night shift. For those categories, end-of-career 20% working time reduction is possible. For those categories where there are also shortages in the labour market, higher reduction of working time is possible (1/4, 1/3 or 1/2). For the moment the regulation is only applicable for nursing and caring personnel in hospitals and old-age homes (Brys, 2016, p. 7). This seems contradictory since it implies more favourable exit conditions in professions with shortages, but the reasoning is that it prevents complete exit. It is meant to be a 'retention' measure.

2 Pension rules for workers in arduous or hazardous jobs

There are pension rules covering all workers. In the pension system early retirement is possible from a certain age and length of career. The statutory pensionable age for men and women is 65. In June 2015, a law was voted to raise the legal pensionable age from 65 to 66 by 2025 and to 67 by 2030, contributing to a large extent to the future sustainability of the public pension schemes. The Federal Planning Bureau (2015) in its update of the Belgian Report for the Ageing Report 2015 for the European Commission, estimated that the public cost will be reduced by more than 2 percentage points of GDP compared to not implementing such a reform.

The equivalent of 45 years of seniority is normally required for eligibility to a full pension. Early retirement is possible for those that began working at an early age and have completed a high number of contributing years. Minimum ages and contributory requirements are gradually being increased and the current government has proposed further increases, but in 2015 employees could still retire at 61½ with 40 years of seniority. For long careers or for workers who entered the labour market at very young ages, it is

possible to retire at age 60, conditional on 42 seniority years or at the age of 61 with 41 seniority years. In the pension system early retirement is possible from a certain age and length of career. The former Di Rupo I Government launched a strategy to gradually increase the minimum age and career requirements. The minimum age increases from 60 to 62 and the career length increases from 35 to 40 years.

There is no special reference to arduous jobs in the pension regulation, but special rules apply for long careers which are sometimes related with early onset of the career, lower education and heavier work and so implicitly allows for earlier retirement.

Special conditions apply in the pension regime for miners, sailors, journalists and air crew (Brys, 2016).

In the public sector, in addition, for special categories such as police and defence forces, there are special pension regimes with eligibility at a substantially lower age, but at the same time there are plans to increase the minimum age for these as well, in line with the general ambition to eliminate the early exit pathways.

The regimes in the public sector go back to the law of 21 July 1844 where more preferential 'accrual rates' ('*loopbaanbreuk*') are guaranteed for certain categories for each year of 'active service' (Brys, 2016, p. 2). The pension service of the public sector (PDOS) prepared for the Commission on Pension Reform an analysis of no less than 1,000 statutes in the public sector and identified more than 50 regimes of early retirement due to difficult labour conditions². The regimes varied from large sectors and professional groups - such as education, local municipalities, telecom, police, defence - to small agreements for even individual services at local level. The conditions vary on age (from 55 on), sometimes on minimum career period, sometimes followed by early pension from 60 on, most of the time with a benefit of 70 to 75% up to 86% of previous income in a local public hospital, sometimes combined (as in a traditional unemployment system) with an unemployment benefit topped up with a remuneration from the employer. The intention of this overview was to prepare the conditions of transition into an integrated and harmonised system. Some of the regimes also came to an end.

According to the group of experts of the Commission on Pension Reform (2014)³ more drastic reforms will be needed in the future to maintain sustainability and increase adequacy. Their proposals are included in the reform plan of the Federal Government Agreement of October 2014⁴. The whole pension system will be reformed and based on a kind of notional account of *credit points earned* instead of years worked or age. This would also imply a linking of the legal pension age to increased longevity, and take into account differences in life expectancy. The system also compensates for periods of arduous work, either through early retirement, or by awarding a higher pension. The social partners are invited to discuss the provisions, within a fixed budget however. This reform proposal is also aimed at public sector pensions, where different regimes exist for special categories with arduous jobs, and which could be integrated into a similar system,

At the same time other proposals have emerged such as the introduction of a part-time pension, and a combination of a partially-prolonged career and partial retirement.

In April 2015, at the request of the Government, The Commission on Pension Reform delivered a separate advice on how to integrate arduous jobs in the pension reform. They

² The analysis was used by the previous Di Rupo I government for the Royal Decree (RD) of 20 September 2012 to implement art. 88 of the law of 28 December 2011. This art 88 allowed for transitional rules to apply for a number of categories in the public sector during changes to early retirement regulations, and gave the Government the possibility to define the list of categories. This list was finally published by the RD of 20 September 2012. No less than 53 categories were listed.

³ Voorstellen van de Commissie Pensioenhervorming 2020-2040 voor een structurele hervorming van de pensioenstelsels, Rapport (Proposals of the Commission Pension Reform 2020-2040 for a structural reform of the pension systems, Report).

⁴ Federale Regering België, Regeerakkoord 11 oktober 2014,

http://www.belgium.be/nl/over_belgie/overheid/federale_overheid/federale_regering/beleid/regeerakkoord

did not recommend a part-time pension. They theoretically proposed a system compatible with the general reform by 2030. In short they proposed a flexible but fair pension calculation which discourages early retirement with lower pension payments, rewards working longer, and takes into account differences in life expectancy what show a clear gradient in relation with socio-economic status, education and arduous professions ("*zware beroepen*"). They prefer to develop the concept of flexibility announced in the system of notional pension rights that should be installed by 2030. Each year of active work results in a number of pension points. Point accrual can be faster if the job is arduous. In the past, arduous jobs and working conditions were compensated in the pension system by differences in age and career requirements for early pension or pension. By integrating it into the point system, the weight can be more flexibly adapted to the changing characteristics of professions and jobs, so the adaptation of pension entitlements can be made gradual.

The point system has advantages with regards to managing arduous job pensions. The weighting of the points can be based on the duration and the intensity of the job. By aggregating the individual entitlements of additional points, the budgetary impact can also be more easily estimated. Finally they concluded that defining arduous jobs and how to treat them should be done by the social partners. For the moment the Michel I Federal Government is asking the social partners, since 2015 present in a newly created National Pension Committee⁵, to come up with a proposal to define arduous jobs and how to include them in the pension reform in a transition period. The advice was expected by June 2016 but is now postponed to autumn 2016 (D'hoore J., 14 July 2016). The list will concern both the private and the public sector. The intention is to give special weight to careers in arduous jobs by allowing early retirement.

3 Retirement patterns and retirement income of workers in arduous or hazardous jobs

3.1 Working conditions of older workers (50+)

In addition to the existing policy for workers in arduous or hazardous jobs, it is interesting to know what the overall working conditions for older workers are, and how they compare to the EU average. After all, these working conditions can be a trigger for early exit and therefore be an indication of hazardous or arduous work. We have listed some of these indicators.

Based on the Fifth European Working Conditions Survey (5th EWCS), carried out by the European Foundation for the Improvement of Living and Working Conditions (Eurofound) in 2010, the following conclusions, summarised in Table 1, can be drawn with regard to the self-reported working conditions of older workers (aged 50 years and above) in Belgium. Some statistics concern hazardous or arduous work. The Sixth version will be available in 2017, which contains data about 2015. For now, these statistics of 2010 are the best available. Overall, older workers (50+) in Belgium have slightly better working conditions than the EU-average, when most of the indications of hazardous or arduous work as mentioned above are taken into consideration.

⁵ The National Pension Committee was created in 2015 as and advisory body with a tripartite composition of representatives of employers, trade unions and government.

Table 1: Results EWCS survey on working conditions, response of older workers (50+), 2010.

Item EWCS 2010	Belgium	EU-average
Share of older workers (50+) having to carry heavy loads for at least a quarter of their working time	27%	32%
Share of older workers indicating that their job involves tiring and painful positions (almost) all of the time	14%	16%
Share of older workers who are exposed to shift work during their working time	10%	14%
Share of older workers who are exposed to night work during their working time	16%	16%
Share of older workers in Belgium who think that their work negatively affects their health	22%	27%
Share of older workers who think that their health and safety is at risk because of their job	22%	26%
Share of older workers who think they will be able to do the same job at the age of 60	67%	71%

Source: EWCS, 2010.

3.2 Numbers of persons in early exit pathways

There have been permanent and incremental reforms in the various systems that could favour early exit from the labour market, including the eligibility for persons working in arduous jobs.

The most important early exit scheme, SWT, is reported in annex 3. The number remains stable while the work force in the eligible age categories (see annex 6) is increasing, illustrating the success of the strategy in containing those numbers. From 2008, certain categories must also remain available for the labour market⁶.

In annex 4 we provide evidence on the part-time early exit or end of career part-time work, including some thematic leaves. The total number of those categories has tripled over the last 15 years.

The regime of 'older unemployed not looking for work' (see annex 5) was already reformed from 2002 to 2004, when the minimum age was gradually increased from 50 to 58 (*Studiecommissie Vergrijzing*, [Belgian Study Commission Ageing], May 2003, p.31).

According to the National Employment Office (RVA, Jaarverslag 2015, Volume II) the persons accepted into SWT yearly decreased from 14,471 in 2011 to 12,746 in 2014 and 11,905 in 2015, of which a large share still because collective dismissal and the general SWT system (in 2015 the SWT exit age was 62, in 2014 60, and for both years 58 in case of a long career). In 2011 this last category accounted for 1/3 of new entitlements. This can also be seen in the total number of entitled persons in 2014 (annex 1). So career length has been an important criteria, but arduous jobs in general have less of an impact, except perhaps in the construction industry.

In the pension system for civil servants, the Study Commission on pensions had already highlighted the substantially high rate of early pensions (between 2006 and 2013 some 67% of the new pensions) and a relatively high level of even earlier pensions due to health reasons (in the same period some 14%). Only 10% of civil servants retire because they have reached the statutory age limit (Commissie Pensioenhervorming 2020 -2040, 2014

⁶ Their availability has been described in a kind of compromise as 'adapted availability' ('aangepaste beschikbaarheid')

b, p. 107). For both Federal and local civil servants, the difference between the normal early retirement age and earlier retirement due to health problems is 1 year. It was around 60 for this category in the period 2008-2013, and not changing much (Ibidem p. 110-111). On the first of July 2013, for instance, there were some 80,949 health pensions ('*ziektepensioen*'), of which 43,195 were in the administration, 4,697 in the army, some 30,637 in education and 2,417 in police work (Ibidem p. 116). This is completely different from contractual personnel and the private sector where ill persons remain in the system under invalidity or unemployment schemes. In the private sector there is the advantage that periods of illness continue to accrue pension rights. So a young civil servant forced to enter into the 'sick pension' might be worse off (Ibidem, p. 117). For that reason, recently there has once again been the possibility of combining such pensions with other income (Minister Bacquelaine, 2016).

3.3 Benefits

Whatever the exit pathway, early exit is most of the time not without income loss.

It is impossible to summarise the benefits and conditionalities in place in each of these systems. A detailed overview can be found in the MISSOC tables⁷ on old age, invalidity benefit and unemployment insurance.

In the case of unemployment, the benefit is calculated on a capped last salary and the unemployed person receives a progressively declining percentage of this salary, dependent on the family situation. It starts at 65% but decreases to 60% after just 3 months, and then further diminishes to arrive at flat rates after 48 months of unemployment (MISSOC table, 1 July 2015). For older unemployed persons, starting at age 55, there are seniority supplements. For those unemployed with an incapacity to work this reduction is not applicable. For the unemployment benefit with employers supplement, the 'supplementary allowance is added to unemployment benefits equal to half the difference between the net earnings and the unemployment benefit' (MISSOC, 1 July 2015, unemployment table).

The invalidity pension (after one year of primary incapacity) is 65% of the lost income (subject to ceilings) if there are dependents, 55 % if single without dependents and 40% if cohabiting without dependents (MISSOC, 1 July 2015, invalidity table).

The old age benefit is calculated on the basis of the reference salary calculated over the complete career, the number of completed years and a replacement rate of 60% for single or married without dependent spouse and 75% for married with dependent spouse (MISSOC, 1 July 2015, Old-age table).

Those basic parameters illustrate the substantial differences in social benefits. For instance, the diminishing nature of the unemployment benefits increases the risk of poverty and should stimulate return to work... if there is a job offer.

For these benefits (i.e. unemployment, invalidity and old age), the burden is at the expense of the relative branches of social security. In cases of part-time exit via the end of career leave or end of career time credit, unemployment insurance finances it, but the worker also accepts some reduction in income. Since those periods count towards pension rights, there is also a future burden on the pension budget. When the system of working time reduction for older workers (AV/VAP) is used, as is the case in the health and social care sector, there is no income loss for the worker. The cost is completely carried by the employer, but compensated for to a large extent by increased public financing for those sectors. But here again the alternative might be that without this system, complete early exit or invalidity might have occurred for those workers.

For several years already the Commission on Aging has been demonstrating on the one hand that the poverty risk for pensioners is high, but improving and lower than the poverty risk for unemployed and other inactive persons (for instance due to invalidity).

⁷ <http://www.missoc.org/INFORMATIONBASE/informationBase.jsp>

(Studiecommissie Vergrijzing [Belgian Study Commission Ageing] 2010, p. 61 for instance). For those other categories it is deteriorating. This is illustrated in the following table, comparing 2007 with 2012. As mentioned before the exit pathway SWT provided the best alternative. It illustrates the importance of maintaining or defining alternative exit pathways for arduous jobs.

Table 2 Poverty risk for some categories of replacement income

	2007	2012
Working	5	4.4
Unemployed	35	46.2
Pensioned	18	15.1
Other inactive	25	29.2

Source: Studiecommissie Vergrijzing, [Belgian Study Commission Ageing], 2015, p.38 and 2010, p.61

3.4 Outcome

There is only limited information about much early exit pathways are used due to arduous jobs. Their number is however included in the numbers for the total number of users of those exit pathways. In annex 6 we compare those numbers with the total number of the workforce in the private sector by age group and compare it also with another exit pathway: those confronted with incapacity to work or long term disability.

The growing number of persons in incapacity to work or invalidity, male but especially female workers, raises concerns about the impact of arduous working conditions, since a clear distinction can be observed between blue collar workers, who are more often confronted with arduous labour conditions and disability (RIZIV, 2012), and white collar workers.

Within the SWT, the number of older unemployed became more and more dominant. Between 2000 and 2015, among other reasons because of those measures to increase the age limit, the age group below 55 almost completely disappeared from the system. The age bracket 55 to 60 was halved, while the major group (some 70,000 out of the 97,000 in 2015) are older than 60. But even within this age bracket the relative importance of this exit pathway shrank since this age group increased by some 87% of the active population between 2000 and 2014.

The health insurance (RIZIV/INAMI) calculates the invalidity ratio of the total population. They compare the number of persons in invalidity with the total of insured persons, with the exception of the SWT... 'because the latter category will never choose to become invalid because their benefit is less attractive' (RIZIV, 2016, p.9).

We apply a similar reasoning in annex 6 by providing in the two bottom panels the total number of insured persons in the private sector, without and with the unemployed with employer benefit. It illustrates how substantial the increase of the age group 50+ was in the last 15 years, and even more in the oldest age categories. It also illustrates how not only in absolute but also in relative terms the shift was to older unemployed who were not forced to look again for work. The shift in the SWT regime was also substantial, vanishing completely for the age group between 50-54, halving for the age group 55-59 when the target group doubled, and diminishing also for the oldest age group, while the target group also increased by some 75%. The doubling of the number of persons in invalidity in the same period in the age group 50+ seems not to be influenced by the reduction in the other categories but can be explained by socio-demographic factors such as larger age cohorts but especially the increase of legal pensionable age for women and their overall higher labour market participation.

The exit paths also differ in income replacement. While the pension system seems to protect better against poverty, other systems of inactivity are associated with increased risks of poverty. The unemployment system is characterised by a growing reduction and

the invalidity benefit is low. Unemployment benefits with incapacity to work do not decrease in time. Only the SWT remains generous. The system however became almost inaccessible to the workforce below the age of 59. For the age category 60-64 the number of beneficiaries remained relatively stable even though the target group almost doubled (increase of insured persons by some 87%).

In table 3 we provide a view of the potential final outcome of the employment rate in those age categories. Sometimes the consequences of those measures are mechanical. The increase in labour market participation of women is clearly visible in table 3. It also had consequences on other systems such as temporary and permanent disability, as observed by the National health insurer INAMI, where the number of disabled persons increased substantially, and within it also the number of women. But this was influenced by the higher labour market participation for the female work force particularly. Visible in table 3 below is the low participation rate for persons with at most upper secondary education. They are more often found in arduous jobs. Their labour market participation remains low, although this is partly explained by careers that started early, so they are also eligible sooner for pre-pension or early retirement.

Table 3 Harmonised employment rates (in % of relevant population group between 20 and 64, yearly average).

	2000	2008	2013	Target 2020
Total (20-64)	65.8	68	67.2	73.2
Women (20-64)	56	61.3	62.1	69.1
Men (20-64)	75.5	74.7	72.3	
Total (55-64)	26.3	34.5	41.7	50
Highest degree secondary school (20-64)	50.5	49.1	46.8	

Source: Hoge Raad Voor de Werkgelegenheid, Verslag 2014, p.37 (High Council for the Employment, Report 2014, p.37).

3.5 Conclusion

There has been concern that the present schedule for increasing the real pensionable age is lagging behind compared to what is needed, among other things to converge with European targets. Taking into consideration the announced increase of the legal pensionable age, this seems to be unwarranted. There has been a significant increase in labour market participation, but it remains lower than the European targets.

The general strategy of increasing the real or legal age limits has been moderated by exceptions for long careers and arduous work, in the pension system as well as in the preretirement system of unemployment benefits with employer's supplement. But even the unemployment insurance for older workers or the sickness insurance provide early exit paths. The idea of moderating the system of pensions taking into account arduous jobs seems to be enshrined in the present debate and will be introduced in future reforms, especially while introducing by 2030 a system of calculating pensions on the basis of notional points. Meanwhile, a list of arduous jobs that can be taken into account in the pension and pre-pension system will be defined. It is unclear how far the new measures will go, given the context of growing austerity.

Other regimes aim at preventing early exit by providing incentives for temporary working time reduction or similar leaves. In the health and caring sector a system of reduction of the weekly working hours has been introduced for older workers, while maintaining their income.

All those systems have different implications for the workers concerned, the employers, and public finance. There is a growing concern about the affordability of all the measures.

For this reason also there is a growing policy interest in prevention and making work 'workable'.

The measures are all focused on the supply side, either by allowing earlier retirement, or by reducing working time and (partly or fully) financially compensating this reduction. This reduces labour market participation on the one hand, but could also inhibit people from leaving the labour market completely. It is remarkable that all these measures target the supply side of the labour market, while 'arduous jobs' are a characteristic of the demand side. It may function as a 'bailing out' of the demand side to focus on decent and workable labour conditions, including for older workers. A more balanced approach – such as in the debate on 'back to work' for people in the disability insurance system, or the more 'preventive' project of the Fund for occupational diseases (*Fonds voor Beroepszieken*) for maintaining workers with low back pain in the workplace - could be inspiring.

The issue of arduous jobs, professions and industries becomes more compelling with an ageing workforce. The idea that it should be included in defining pension rights and allow early pensions is one possibility. The other strategy is allowing older workers in arduous jobs or industries to be entitled to weekly labour time reduction, while maintaining their income. It is a possibility for retaining those older workers. With an ageing workforce, the strategy of allowing working time reduction could even be spread over the complete working population and might be an alternative for seniority wages. Because, in terms of income per hour, they entail a real increase. It could become a major point of interest in working conditions for the future.

References

- ABVV, ACV, ACLVB, Voorstel van definitie 'zware beroepen', www.sst.be
- ACLVB Liberale Vakbond (s.d.), C.A.O. bundeling Ouderenzorg
- ACLVB Liberale Vakbond (s.d.), C.A.O. bundeling Privé-Ziekenhuizen
- Addio, A., Boulhol, H., Lundberg, K. & Reilly, A. (2015) Contribution to the EU adequacy report 2015. Interim Report on penibilité schemes in EU. OECD.
- Bacquelaine, D. (2015), De Commissie Sociale Zaken keurt een wetsontwerp goed dat een einde stelt aan het verbod op cumulatie tussen een pensioen wegens lichamelijke ongeschiktheid en een vervangingsinkomen, Persbericht Minister van Pensioenen, 9 December 2015
- Brys, Y.(2016), Het concept "zware beroepen" in de pensioenwetgeving van enkele Europese landen, Federaal Planbureau, Kenniscentrum pensioenen.
- Belgische Regering (2005), Wet betreffende het generatiepact, 23 december 2005
- Commissie Pensioenhervorming 2020-2040 (2014a). Een sterk en betrouwbaar sociaal contract. Voorstellen van de Commissie Pensioenhervorming 2020-2040 voor een structurele hervorming van de pensioenstelsels. Report June 2014, <http://pensioen2040.belgie.be/nl/>.
- Commissie Pensioenhervorming 2020 -2040 (2014b) *Een sterk en betrouwbaar sociaal contract*, Bijlage 2.3 Toekomst van de pensioenen in de overheidssector
- Commissie Pensioenhervorming 2020 – 2040 (2015a) *Beleid inzake zware beroepen en deeltijds pensioen: Europese vergelijking*. Bijlage I. <http://pension2040.belgium.be/nl/index.htm>.
- Commissie Pensioenhervorming 2020 – 2040 (2015b) *Beleid inzake zware beroepen en deeltijds pensioen: Europese vergelijking*. Bijlage II. <http://pension2040.belgium.be/nl/index.htm>
- Commissie Pensioenhervorming 2020 – 2040 (2015) *Onderzoek over de relatie tussen levensverwachting, opleiding en beroepen op basis van gegevens voor België*. Bijlage I. <http://pension2040.belgium.be/nl/index.htm>.
- Commissie Pensioenhervorming 2020-2040 (2015). Zware beroepen, deeltijds pensioen en eerlijke flexibiliteit in het pensioensysteem - Aanvullend advies van de Commissie Pensioenhervorming 2020-2040. Report April 2015, <http://pensioen2040.belgie.be/nl/>.
- D'hoore, J. (14 July 2016), Overleg zware beroepen over zomer getild, De Tijd
- EU-OSHA (2016) *Safer and healthier work at any age*. Country Inventory: Luxembourg.
- European Commission (EC), The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU - Country profiles - Volume I, Publications Office of the European Union, Luxembourg, 2015.
- European Commission (EC), The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU - Country profiles - Volume II, Publications Office of the European Union, Luxembourg, 2015.
- Federale Regering (2014b), Federaal Regeerakkoord, Brussel: Federale Overheid, 147p.
- Federal Planning Bureau (2015). Economic Policy Committee's Ageing Working Group. Belgium: Country Fiche 2015. Contribution to the EC-EPC 2015 Ageing Report, Updated version including the Belgian 2015 pension reform, 61 p., <http://www.plan.be/>.
- Lamberts, M., Pacolet, J., Hendrickx, F., Terlinden, L., Vanormelingen, J., & De Groof, S. (2015), *Versterking van het arbeidsvolume in de social profit sector in Vlaanderen*, Leuven, HIVA.

- Nevejan H., Van Camp G., (2013), De versterkte degressiviteit van de Belgische werkloosheidsuitkeringen: een eerste balans, Belgisch Tijdschrift voor Sociale Zekerheid
- Pacolet, J. & Vanormelingen, J. (2014) Working longer after arduous jobs. ESPN Report.
- Pacolet, J., De Coninck, A., De Wispelaere, F., Perl, F., Vos, F., Alves, F., Vanwynsberghe, L. & Decuman, S. (2016), *Statistisch rapport arbeidsongeschiktheid 2015*, Kenniscentrum Arbeidsongeschiktheid RIZIV, Brussel, 47 p.
- Report of the European Social Insurance Platform (ESIP) (2016), *Career Management, rehabilitation and early retirement in strenuous jobs* ('Hard Jobs').
- RIZIV (2012), Dienst Uitkeringen, Verklarende factoren met betrekking tot het stijgend aantal invaliden. Loontrekkenden 1993-2012, Brussel, RIZIV, 75p (INAMI, Service Benefits, Explanatory factors concerning the increasing number of disabled persons. Wage-earners 1993-2012, Brussel, INAMI, 75p.)
- RIZIV (2016), Verklarende factoren met betrekking tot de stijging van het aantal invaliden – loontrekkenden en zelfstandigen - periode 1995-2014. Dienst voor Uitkeringen. Brussel
- National Employment Office (RVA), Jaarverslag 2015, Volume II
- Studiecommissie voor de vergrijzing [Belgian Study Commission on Ageing] (2003, 2010, 2015), Jaarlijks verslag, 2003, 2010, 2015, Brussel, Hoge Raad van Financiën
- Syndex, EFBWW, a.o. (2014), Better understanding of "arduous occupations" within the European Pension Debate, Final Report,
- Verjans M., Vandenbroeck S., Lambreghts, C. & Fries-Tersch, E. (2016), *Safer and healthier work at any age Country Inventory: Belgium*, EU-OSHA, European Agency for Safety and Health at Work.
- Wet van 12 augustus 2000 houdende sociale, budgettaire en andere bepalingen
- Zaidi, A & Whitehouse E. (2009) Should pension systems recognise "Hazardous and Arduous work"?, OECD Social, Employment and Migration Working Papers, nr 91. OECD Publishing.

Annex

Annex 1 Categories of collective pre-pension or unemployment benefit with employer supplement (SWT), 2014 and adapted since 2015.

Special age and career conditions for pre-pension scheme	Changes since 2015	Numbers (2014)
scheme 60 y and 35 career for M and 28 for F	62 y and 40 career for M and 31 for F	13,848
scheme 58 y and 38 career	Abolished but exceptions	29,839
scheme 58 y – arduous job – work in split shifts	maintained	51
scheme 58 y – arduous job – work in successive shifts	maintained	4
scheme 58 y – arduous job – night work	maintained	18
scheme 58 y – handicapped – PC 327	maintained	107
scheme 58 y – handicapped – others	maintained	22
scheme 58 y – serious medical problems	maintained	13
scheme 58 y – asbestos risks		0
scheme 56 y + 33 y career	58 y + 33 career construction	7,189
scheme 55-56-57 y + 38 y career	abolished	6,459
scheme 56 y + 40 y career	58y+40 career	9,588
collective dismissal, < 58 y or < 38 y career	Minimum 55 instead of 50	6,288
collective dismissal, 58 y or 38 y career		4,864
no collective dismissal, < 58 y or < 38 y career	Minimum 55 instead of 50	585
no collective dismissal, 58 y or 38 y career		370
BP, KB 1992		9,339
No specifications		18,523
cross border workers		26
Total		107,132

Source: Belgian Report based on RVA figures in European Social Insurance Platform, 2016, p. 11, adapted on RVA Jaarverslag 2015, Volume 2 (p. 204)

Annex 2 Eligibility conditions for pre-pension and early retirement (Pension reforms Di Rupo I, end of December 2011 and Michel I from end 2014 on).

Pre-pension					
	Year	General		Arduous Jobs	
		Minimum age	Career period	Minimum age	Career period
Men	2012	58	38	58	35
	2013	58	38	58	35
	2014	58	38	58	35
	2015	62	40	58	35
	2016	62	40	58	35
	2017	62	40	58	35
Women	2012	60	28	58	35
	2013	60	28	58	35
	2014	60	28	58	35
	2015	62	31	58	35
	2016	62	31	58	35
	2017	62	31	58	35
Early retirement					
Men & Women	2012	60	35	60	35
	2013	60.5	38	60.5	38
	2014	61	39	61	39
	2015	61.5	40	61.5	40
	2016	62	40	62	40
	2017 - ...	62	40	62	40
	2017	62.5	41	62.5	41
	2018	63	41	63	41
	2019 - ...	63	42	63	42

Source: Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg: *Werkloosheid, Stelsel van werkloosheid met bedrijfstoeslag*. Consulted on: <http://www.werk.belgie.be/defaultTab.aspx?id=743> & Rijksdienst voor Pensioenen (RVP): *Pensioenhervorming-overzicht aanpassingen werknemersstelsel*. Consulted on: <http://www.onprvp.fgov.be/nl/about/news/paginas/reformoverview.aspx> & Federal Public Service Employment, Labour and Social Dialogue, *System of Unemployment benefit with Employer top-up*, consulted on <http://www.werk.belgie.be/defaultTab.aspx?id=743> & National Pensions Office, *Pension reform-overview reforms employee pensions*, on <http://www.onprvp.fgov.be/nl/about/news/paginas/reformoverview.aspx>.

Annex 3 Number and budget for persons in unemployment with supplement of employer (SWT), 2000 -2015.

Year	SWT not looking for work	SWT looking for work	Part-time SWT	Total SWT	Total budget (in million €)	Per person (in €)
2000	114,478	0	1,092	115,570	1,186.8	10,269
2001	109,950	0	1,214	111,164	1,165.2	10,482
2002	106,484	0	1,198	107,682	1,158.1	10,755
2003	107,915	0	1,073	108,988	1,189.0	10,909
2004	109,870	0	926	110,796	1,233.4	11,132
2005	109,018	0	873	109,891	1,256.6	11,435
2006	111,069	0	782	111,851	1,300.7	11,629
2007	113,579	39	702	114,320	1,359.2	11,890
2008	114,151	1,196	617	115,964	1,442.7	12,441
2009	115,552	1,976	582	118,111	1,501.9	12,716
2010	117,509	2,812	624	120,946	1,591.5	13,159
2011	115,196	4,023	663	119,881	1,637.3	13,657
2012	110,809	4,233	686	115,728	1,626.4	14,054
2013	106,908	4,439	504	111,851	1,606.7	14,365
2014	102,305	4,827	332	107,464	1,546.1	14,387
2015	96,176	5,687	204	102,066	1,476.0	14,461

Source: National Employment Office, Online statistics

Annex 4 Number and budget in unemployment insurance to accommodate for demanding jobs, 2000-2015.

Year	Career interruption	Time credit	Special thematic leaves	Total number (partly) retired from labour market	Total budget (in million €)	Per person (in €)
2000	87,754	0	9,540	97,294	238,1	2,447
2001	100,934	0	11,060	111,994	275,1	2,456
2002	93,477	23,165	14,055	130,697	360,4	2,758
2003	79,904	54,455	22,225	156,584	437,1	2,792
2004	75,864	73,088	27,459	176,411	491,8	2,788
2005	74,311	89,016	31,522	194,848	556,4	2,856
2006	72,325	102,164	36,471	210,961	609,5	2,889
2007	71,781	111,668	39,870	223,319	646,5	2,895
2008	72,386	118,857	44,436	235,679	699,9	2,970
2009	72,249	127,746	52,434	252,429	749,5	2,969
2010	72,208	132,319	61,048	265,575	782,7	2,947
2011	72,482	135,786	63,021	271,290	814,3	3,002

2012	73,167	136,391	62,459	272,018	831,8	3,058
2013	69,826	132,728	66,974	269,527	829,9	3,079
2014	68,668	134,581	73,052	276,301	830,6	3,006
2015	70,594	143,387	74,126	288,107	847,4	2,941

Source: National Employment Office, Online statistics

Annex 5 Number and budget for older unemployed not looking for work and total unemployment, 2000 – 2015.

Year	Older unemployed not looking for work	Total unemployed	Total budget older unemployed (in million €)	Total budget un-employment (in million €)	Benefit per older unemployed, per person, in €	Total unemployed, per person, in €
2000	140,763	649,846	1,246.9	4,925.3	8,858	7,579
2001	147,919	646,455	1,344.3	5,076.1	9,088	7,852
2002	152,309	682,305	1,439.7	5,609.7	9,452	8,222
2003	146,417	723,613	1,407.1	6,037.6	9,610	8,344
2004	136,907	739,075	1,342.6	6,307.7	9,807	8,535
2005	125,683	742,425	1,263.4	6,445.6	10,052	8,682
2006	116,169	726,662	1,187.1	6,417.9	10,219	8,832
2007	107,939	690,662	1,128.3	6,216.0	10,453	9,000
2008	100,844	658,590	1,117.3	6,276.1	11,079	9,530
2009	94,801	685,125	1,076.1	6,783.0	11,351	9,900
2010	89,193	686,192	1,025.3	6,909.7	11,496	10,070
2011	83,077	661,223	986.8	6,854.1	11,878	10,366
2012	77,064	645,790	944.8	6,917.0	12,260	10,711
2013	70,837	651,059	889.2	7,121.6	12,552	10,939
2014	58,385	633,361	737.9	6,912.2	12,638	10,914
2015	49,099	570,902	621.4	6,298.1	12,656	11,032

Source: National Employment Office, Online statistics

Annex 6 Older persons in long-term invalidity and in unemployment, 2000 - 2015

Long-term invalidity					
	50-54	55-59	60+	Total 50+	Total
2000	37,341	35,896	28,755	101,992	184,109
2013	60,015	66,588	53,494	180,097	299,408
2014	64,890	71,621	57,311	193,822	321,573
Index 2014 (2000=100)	174	200	199	190	175
Older unemployed not available for labour market					
	-55	55-59	60+	Total 50+	Total
2000	55,205	57,672	27,886	140,763	140,763
2013	116	17,444	53,277	70,837	70,837
2014	75	6,422	51,888	58,385	58,385
2015	41	1,688	47,370	49,099	49,099
Index 2014 (2000=100)	0	11	186	41	41
SWT not looking for work **					
	-55	55-59	60+	Total 50+	Total
2000	8,719	37,724	68,035	114,478	114,478
2013	297	26,498	80,113	106,908	106,908
2014	224	23,564	78,517	102,305	102,305
2015	239	19,524	76,413	96,176	96,176
Index 2014 (2000=100)	3	62	115	89	89
Total older unemployed and unemployed in SWT not looking for work					
	-55	55-59	60+	Total 50+	Total
2000	63,924	95,396	95,921	255,241	255,241
2013	413	43,942	133,390	177,745	177,745
2014	299	29,986	130,405	160,690	160,690
2015	280	21,212	123,783	145,275	145,275
Index 2014 (2000=100)	0	31	136	63	63
Total insured persons* in private sector minus SWT					
	50-54	55-59	60+	Total 50+	Total
2000	344,210	211,392	84,298	639,900	3,494,597
2013	508,056	398,556	196,524	1,103,136	4,102,086
2014	523,067	417,866	205,660	1,146,593	4,125,091
Index 2014 (2000=100)	152	198	244	179	118
Total insured persons* in private sector including SWT					
	50-54	55-59	60+	Total 50+	Total
2000	352,929	249,116	152,333	754,378	3,609,075
2013	508,353	425,054	276,637	1,210,044	4,208,994
2014	523,291	441,430	284,177	1,248,898	4,227,396
Index 2014 (2000=100)	148	177	187	166	117

*The insured persons are the active persons, the unemployed and the persons in invalidity.

**There is also a small group still available for the labour market, see previous table, especially of relevance for collective dismissal.

Source: RIZIV (2016) and National Employment Office, Annual Report 2015, p. 71-76

