

# Belgium's organised system of collective bargaining



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FEDERAL PUBLIC SERVICE EMPLOYMENT, LABOUR AND SOCIAL DIALOGUE



# Tradition of Belgian social dialogue

- **Compromise on the 'social question' as policy theory**
  - Productivity coalition x Distribution of welfare
  - Union recognition x Business capital/employer first power
- **Organised industrial relations**
  - High coverage of collective bargaining
  - Centralised, coordinating organisations both sides
  - Workplace social dialogue: union-dominated; no 'mitbestimmung'
  - State as 'coach' and 'supporting' actor
- **Neo-corporatism**
  - Wage bargaining coordination
    - Bi-annual social programming/Intersectoral agreement (IPA)
    - Automatic wage indexation and (legal) minimum wage
  - Developed system of policy concertation
    - Specific consultative bodies
    - Paritarism in social security governance
    - Linkages with political parties (part of pillarisation in society)



# Instruments of (centralised) organisation

- **Sector bargaining framed in bi-annual intersectoral programming (gentlemens' agreements)**
- **Official joint committees: 'federal institutions'**
  - Everybody assigned to a 'sector joint committee agreement and wage scheme'
  - Easy extension erga omnes
  - Ministry supports bargaining by mediators
- **Central wage instruments**
  - Bi-annual programming
  - Statutory minimum wage (CA)
  - Automatic wage indexation (sectoral patch work)
- **Wage norm (since 80s and really since 1996)**



# Pillars of social dialogue in Belgium

Autonomy of social partners

Federal Public Service : subsidiary role

Dispute resolution mechanism designed by social partners

Highly institutionalized “pyramid of negotiation”

1968          Joint Committees

Collective Agreements : high coverage





# Structure of the Federal Public Service

- Office of the Chairman
- DG Collective Labour Relations (105 staff member; 94 FTE)
- DG Individual labour Relations
- DG Surveillance of labour legislation (or labour inspectorate)
- DG Humanization of labour
- DG Surveillance of the well-being at work
- DG Employment and labour market



## Mission of DG Collective Labour relations

Prepare, promote and execute government policies in the field of collective labour relations, support social dialogue and contribute to the prevention and management of social conflicts.

Develop and support the social dialogue at sector level ; provide logistic support, a neutral chair, legal advice, and follow-up

# Joint Committees



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# Functioning

Bi-partite composition with neutral chair

Quorum

Decision making process based on unanimity

JC conclude their own guidelines of procedures

Bi-annual cycle of bargaining wages





## Our professional support

Federal Labour Mediators

Federal Secretaries

Translation services

“The house of Social Dialogue”

- Equipped meeting rooms in Brussels

- Neutral and central

- Off-site meetings

average of 850 meetings/yr

Follow-up : registration of CLAs and extension of coverage



## Federal Labour Mediator = Neutral Chairperson

Agenda setting

Chairing the meetings

Build trust among social partners

Knowledge of the sector

Listening skills to create understanding and to build consensus

Key role in the prevention and resolution of conflicts

Liaison between other units of our DG



## Secretarial services

Sending of invites

Communicating agenda items and documents

Official minutes of meetings

Upcoming : digital platform



## Topics of collective bargaining at sectoral level

Non-exhaustive list of CLAs at sectoral level:

- Wages and general conditions of work
- Classification system
- Trade Union representation at enterprise level
- Vocational training
- Compassionate leave
- Sectoral retirement fund
- Outplacement
- Early retirement
- Night shifts
- Programs for vulnerable target groups (unemployed, lowskilled, youth) based on employers contributions





## Everybody a sector joint committee

- **Set-up by law; about 150 (sub)committees active; more than 3000 mandates**
- **Competence definition: process of consultation and concertation => social partners in the driver seat but guidance by Ministry and final decision by Minister**
- **Recognition actors: official invitations - representativity check – criteria in the law – from easy process to complicated process**
- **CP of a company (and his workers): advisory role – check/research on-site by Inspectorate**
- **All the time changes: replacements; renewal; ...**



# Some figures

	31/03/2018
PC's	100
PSC's	62
Mandates	5.260
Persons	2.890
Employers' organisations	1.886
Trade union negotiators	1.004

PC	Employers	Workers
200 Auxiliary white-collars	55.869	447.353
330 Health	9.281	264.728
322 Temporary agency work	1.413	244.338
124 Construction	24.075	141.062
111 Metal	5.510	115.038
302 Horeca	25.121	115.002
201 Retail	23.983	89.203
140 Transport & logistics	6.812	82.581
207 Chemical industries	2.787	80.145
319 Social work	1.363	71.568



**OFFICIAL SOCIAL MEDIATORS – SPECIFIC PUBLIC SERVANT  
PARTICULAR EMPLOYMENT STATUTE  
PRESIDENTS OF JOINT-COMMITTEES – LEADING ROLE IN  
MEDIATION AND CONCILIATION**

# **CONFLICT RESOLUTION MECHANISM**



## Conciliation process

- 3 Parts plenary session : parties are heard
- conciliation board session
- plenary session : result
- Bi-partite Conciliation Board
- Chairperson
- 1968 legal framework – social partners
- Recommendation based on consensus
- Linked to Joint Committee at sector level
- Confidential and informal





# Mediation

- Designation of the Mediator
- Mediator defines the process
- Process managed directly between parties
- Commitment of the Mediator :
  - to make every effort to facilitate the process
- Voluntary process
- Goal : Win – Win solution



## Approach in general

- Written document of the Conciliation Board or the Mediator
  - Details of the agreed and/or recommended solution
  - Timeline, actions to be taken, identifies the responsibilities
  - May include the process of consultation via referendum
- Evaluation or reporting of the execution of the conclusions
- Create a safe environment and provide for neutral “grounds”.
- Provide simultaneous interpretation services
- Secretarial support
- Flexibility : Urgent matters need to be treated urgently
- Get the right parties around the table (with authority to decide)



**from contract to statutory rule**

# **COLLECTIVE LABOUR AGREEMENTS**



## Definition

**An agreement concluded between one or more trade union organisations **and** one or more employers' organisations or one or more employers, determining the individual and collective contractual relations – rights and duties - between the employer and workers of a company, branch or sector.**

**Differences based on level, duration, content**



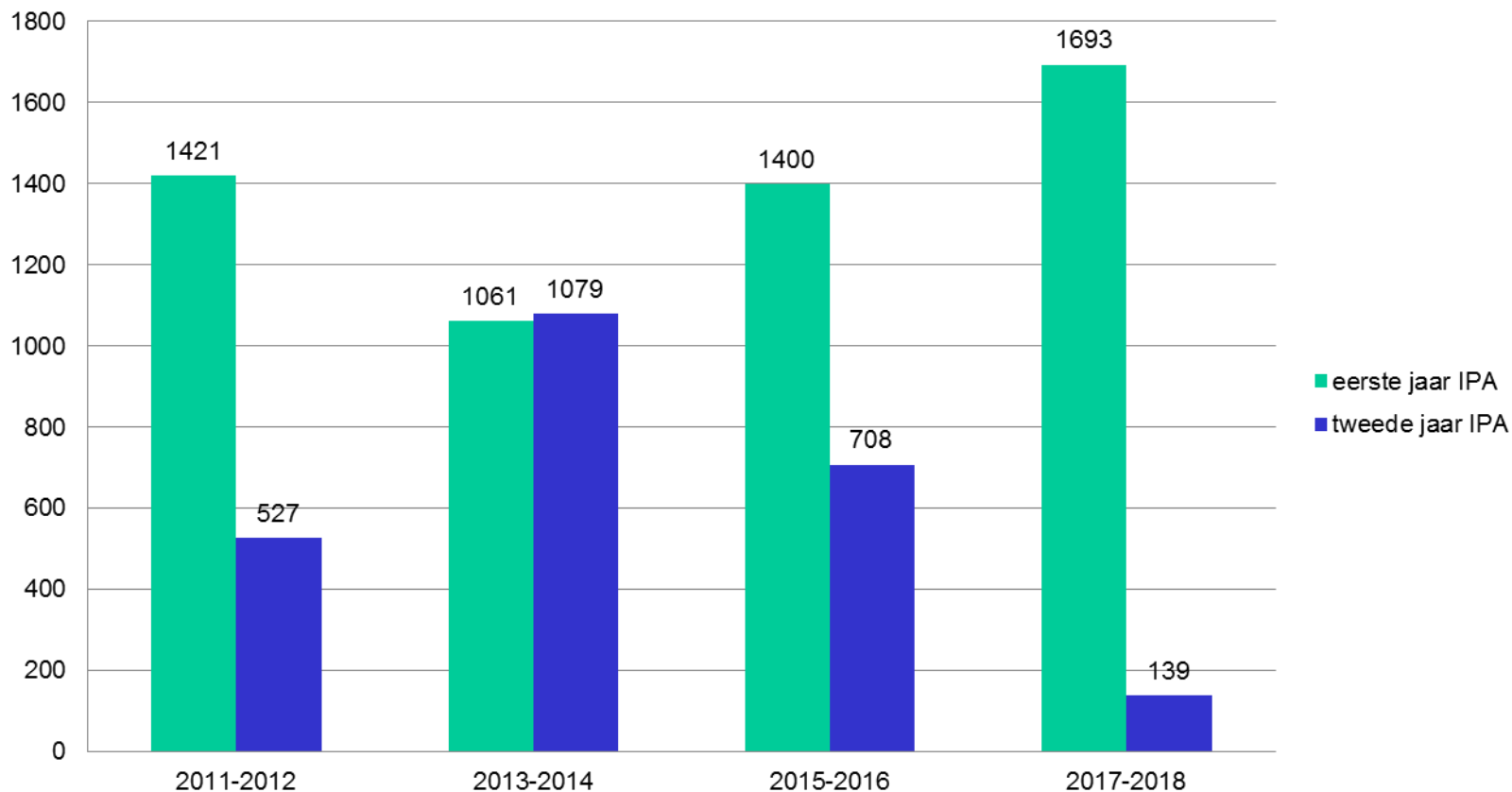


# Registry

- **Official registry necessary for legal status of a collective agreement**
- **Check of formal requirements: written, date, original signatures, duration, language, ...**
- **If problems: provisional registration => parties are invited to make corrections**
- **Archived at Ministry; Notification of registration in Moniteur Belge**
  - Sectoral agreements published on website
  - People with an interest can ask for a copy of a company agreement (union that wants to make an inquiry; in case of takeover, ...)

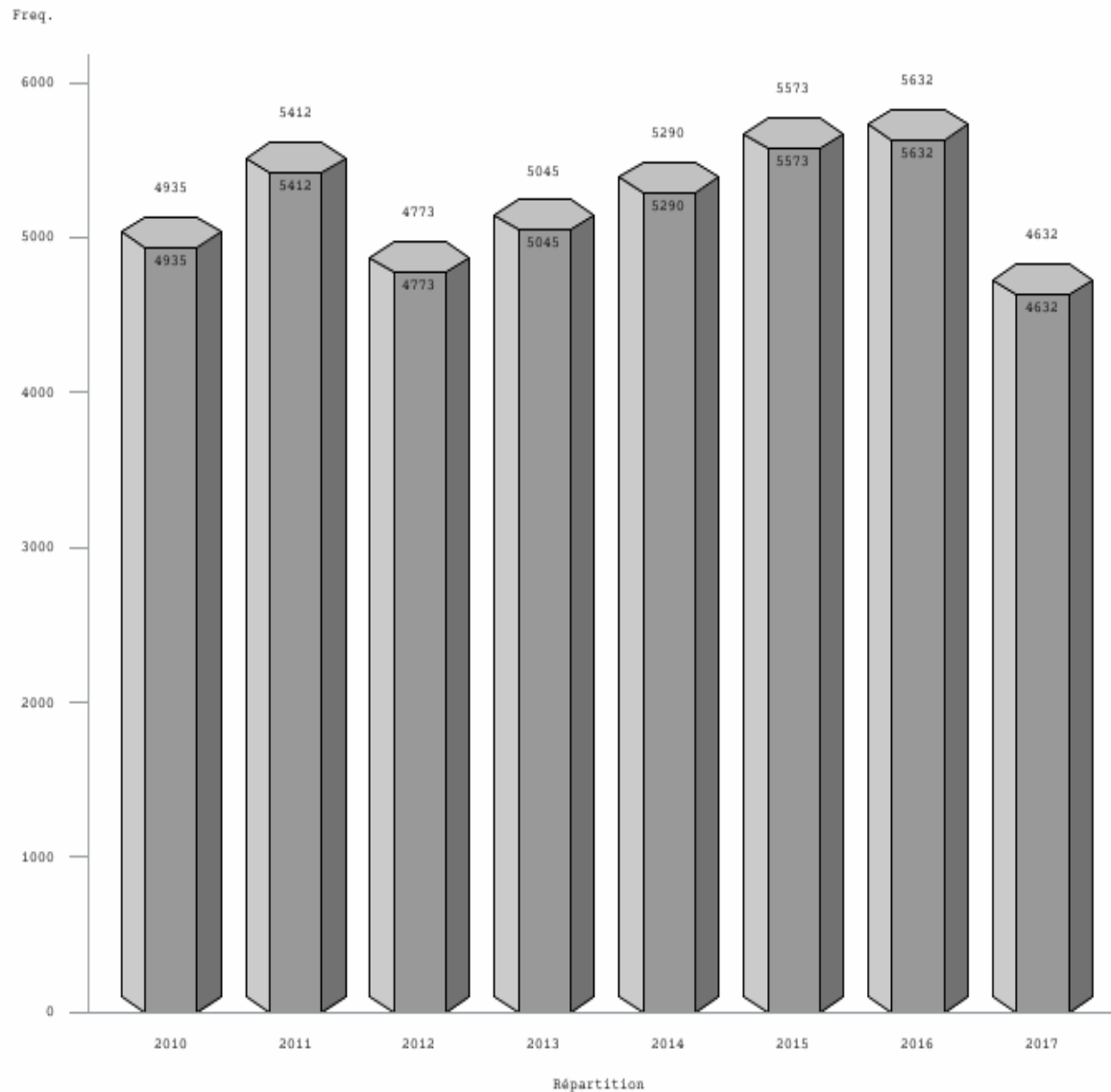


# Amount of sectoral agreements





## Company agreements





# From contract agreement to binding statutory regulation

- **An agreement: autonomy – has to respect higher-order regulations (law, international law, ...)**
- **Who covered?**
  - Special legal scope: the CLA is an agreement but binds people who are not signatories of this agreement
    - **CLA Enterprise**
      - Employer (s) and signatory organization (s)
      - Workers: all workers of the CLA-related employer (s), whether unionized or not
    - **CLA sector joint committee**
      - Workers: all workers of an employer bound by a CCT
      - Employers: Employers who are members of an organization that has signed must comply



## Special Mechanism for sector CLA of official joint committee: Extension of the compulsory force by Royal Decree

- CLA made mandatory by Royal Decree binds all employers and workers in the sector covered by the scope of the CLA
- His non respect is penalized
- By force of law
- => legal internal control by our administration: not in breach with higher-order rules
- This concerns 95% of the CLAs concluded within a joint body
- Force of equality; Prevents deloyal competition
- Derogation possible when mentioned as option in CLA: rare
- Social peace obligation: explicit or implicit



# Key success factors of social dialogue at sectoral level



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## Key success factors of social dialogue at sectoral level

Strong and autonomous organizations

Commitment and responsibility of the social partners

Government has a supporting role

Respect for the ILO conventions

Highly institutionalized social dialogue (3 layers)

High coverage of CLAs

**Thank you  
Questions ???**



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