

## Joint Sub-Committee for road transport and logistics on behalf of third parties (JSC 140.03) : Subsector MOBILE WORKERS

*This sub-sector is no official Joint Sub-committee (JSC). The wage data below are however listed in the sectorial collective agreements in the official Joint Sub-committee (JSC 140.03).*

*In accordance with European law, this document only contains provisions of collective labour agreements (CLA) which have been declared universally applicable within the meaning of Directive 96/71/EG, i.e., in Belgian Labour Law, CLA's made mandatory by Royal Decree, and which are criminally sanctioned in case of non-compliance.*

*This document is based on sectorial CLA's. The competent Joint Committee is therefore the one that can ultimately deliver a judgment about the right interpretation of its CLA's.*

*The CLA's hereafter can be consulted on the site of the FPS ELSD in Dutch or in French :*

<http://www.werk.belgie.be/searchCAO.aspx?id=4708>

<http://www.emploi.belgique.be/searchCAO.aspx?id=4708>

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## 1. Scope JSC 140.03

This file applies to the mobile workers of the companies, which come under the Joint Sub-Committee for road transport and logistics on behalf of third parties, for work performed in Belgium.

### **Creation and modifications**

(0) Royal Decree of 22/01/2010 Belgian Official Gazette of 09/02/2010

(1) Royal Decree of 15/02/2016 Belgian Official Gazette of 01/03/2016

### **Article 4**

§ 1 Responsible for workers who mainly perform manual tasks and their employers, in companies:

1° perform road transport and any other land transport of things for third parties, regardless of the traction type of the means of transport used;;

2° exclusively engaged in logistical activities on behalf of third parties.

§ 2. "Logistical activities" means: reception, storage, weighing, packaging, labelling, order picking, stock management and shipping of raw materials, goods or products at the various stages of their business cycle without new raw materials or finished or semi-finished goods or products being produced.

"On behalf of third parties" means: performing logistical activities on behalf of other legal entities or natural persons and provided the companies engaged in logistical activities on behalf of third parties never become the owners of the raw materials, goods or products in question.

Companies engaged in logistical activities on behalf of third parties shall be deemed to include companies buying raw materials, goods or products from related companies in the group and selling these raw materials, goods or products to related companies in the group provided these raw materials, goods or products are subjected to logistical activities.

"Group of related companies" means the related companies that also fulfil the conditions laid down in Article 11, 1 ° of the Act of 7 May 1999 containing the Belgian Company Code.

§ 3 The Joint Subcommittee for road transport and logistics for third parties is not competent for transport companies on behalf of third parties, which are the responsibility of the Joint Subcommittee for ground handling in airports, the Joint Subcommittee for moving, the Joint Committee for the oil trading industry, the Joint Committee for the construction sector, the Joint Commission for the trade of fuels, the Joint Commission for security and/or surveillance services.

The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies when these logistical activities are an integral part of a production or trade activity as far as these logistical activities are included in the scope of a specific joint committee.

The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies that fall within the competence of the Joint Committee for the chemical industry, the Joint Committee for the oil trading industry, the Joint Commission for the trade of fuels or the Joint Committee for ports.

### **Description of the "sub-sector for the transport of goods by land on behalf of third parties" and the "sub-sector for the handling of goods for third parties" :**

See the scope in the CLA of 26 November 2009 (96 987) (Royal Decree 30/07/2010 - Belgian Official Gazette 09/09/2010) concerning the determination of a financial compensation for night work for the

mobile personnel members employed in companies for the transport of goods by land on behalf of third parties and / or for the handling of goods for third parties :

Article 1.

§ 2. Under "sub-sector for the transport of goods on behalf of third parties" are to be understood the employers covered by the Joint Committee for transport and logistics, who engage in:

- 1 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which a transport authorization is required issued by the competent authority
- 2 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which no transport authorization is required;
- 3 ° the rental of chauffeured vehicles with or without engine for the transport of goods on land, vehicles for which a transport authorization is required, issued by the competent authority;
4. the rental of chauffeured vehicles with or without engine intended for the transport of goods on land, vehicles for which no transport authorization is required;
- 5 ° for the purposes of this collective labour agreement, the taxi-vans, particularly the vehicles with a load capacity equal to or less than 500 kilograms and equipped with a taximeter, are regarded as vehicles for which no transport authorization is required.

§ 3. Under "sub-sector for the handling of goods for third parties" are to be understood the employers covered by the Joint Labour Committee for transport and logistics and who, outside the port areas, engage in:

- 1 ° all handling of goods for third parties in preparation of the transport and / or of the completion of the transport, irrespective of the means of transport used;
- 2 ° and / or all logistics services in preparation of the transport of goods on behalf of third parties and / or of the completion of this transport, irrespective of the means of transport used.

## 2. Minimum wages (gross per hour) MOBILE WORKERS

### 1st of June 2017 : indexation percentage 1,1 %

Vehicle Crew members	38h-week	39h-week with 6 paid compensation days
1. Assistant-attendant	10.5960	10.3255
2. Worker in training (accompanied by an experienced worker)	10.5960	10.3255
3. Worker on a vehicle with a payload of less than 7 T, Worker of a delivery service <6 months seniority in the sector (Category A)	11.0060	10.7240
4. Worker on a vehicle with a payload of at least 7 T and less than 15 T, Worker of delivery services > 6 months seniority in the sector (Category B)	11.2535	10.9650
5. Worker of a vehicle with a payload equal to 15 T or more, Worker on an articulated vehicle, Worker on an approved ADR vehicle, Worker on a refrigerator vehicle, Worker of a courier company	11.6475	11.3485
6 Drivers- Chauffeur-driven car rental services		
- less than 3 years	12.1186	
- from 3 years onwards	12.2399	
- from 5 years onwards	12.3609	
- from 8 years onwards	12.4821	
- from 10 years onwards	12.6031	
- from 15 years onwards	12.7247	
- from 20 years onwards	12.8459	

A worker in training: six months after his appointment, will receive a wage of the category specific to the driven vehicle. The intention is to give the workers a better training as professional drivers. The training period in the company, however, will be limited to 3 months for workers having successfully absolved the VDAB training course for lorry drivers.

If the worker drives vehicles with a different tonnage, he is entitled to the wages of the highest tonnage, provided he performs at least 50% of his daily working hours in this category.

In case of permanent residence the mobile worker is entitled to a flat wage corresponding to 8 working hours.

These hours are not eligible for the calculation of the average working hours referred to in the Labour Act.

"Permanent residence" means that the worker, by necessity of the service, does not perform any work between two daily rest periods or between a daily and a weekly rest period, as provided in Reg. Comm. E.C. No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation provisions relating to road transport spent outside of the home or outside of the workplace provided in the labour agreement.

## **JOB CLASSIFICATION MOBILE WORKERS**

### **CLA of 27 January 2005 (74 050)**

(R. D. 24/09/2006 - Belgian Official Gazette 28/11/2006)

### **Determining the working conditions and wages of the mobile workers employed in the freight transport enterprises in this country for the account of third parties and in the cargo handling enterprises for third parties**

#### CHAPTER III. Wages

##### Art. 5. Basic Hourly wage

For the crew members, the minimum hourly wage is determined according to the beneath- mentioned function classification:

1. Assistant - conductor
2. Driver in training (accompanied by an experienced driver)
3. Driver of a vehicle with a loading capacity of less than 7 tonnes, driver in a courier service <6 months of seniority in the sector
4. Driver of a vehicle with a loading capacity of at least 7 tonnes and less than 15 tonnes, driver in a courier service > 6 months seniority in the sector
5. Driver of a vehicle with a loading capacity equal to 15 tonnes or more, a driver of an articulated vehicle, a driver of an approved ADR vehicle, a driver of a refrigerator-vehicle, a driver of a courier company or of a taxi-van service

### **CLA of 30 September 2005 (77 082)**

(R. D. 27/09/2006 - Belgian Official Gazette 20/11/2006)

### **Wages and working conditions of mobile staff of companies engaging in the exploitation of "courier services" and belonging to the sub-sector of the freight transport in this country for third parties**

#### CHAPTER I. Scope

Art. 2. Under "courier services " are to be understood: both national and international transports mainly with vehicles of less than 15 tonnes, for which a permit has been issued by the Ministry of Transport and Infrastructure. The small, individual loads (more than one), which are delivered daily, have numerous different destinations, located even in the most distant regions.

#### CHAPTER II. Gross minimum hourly wage for the working time

Art. 3. There are two distinct categories of mobile workers in the courier services, namely:

- Category A: less than six months of seniority in the sector.
- Category B: six months or more seniority in the sector.

### **3. Working hours MOBILE WORKERS**

Mobile workers : 38 hrs/week.

10 Public Holidays (Royal Decree 18 April 1974 art.1) :

New Year's Day (1/1)

Easter Monday

Labour Day (1/5)

Ascension

Whit Monday

National Holiday (21/7)

Ascension (15/8)

All Saints day (1/11)

Armistice Day (11/11)

Christmas (25/12)

20 Legal Holidays (in five-day system) :

The legal holidays which the worker is entitled to, shall be calculated annually as a function of the sum of the number of worked days and equivalent days in the holiday service year.

## 4. Bonuses/Allocations MOBILE WORKERS

### End of year bonus

#### CLA of 20 October 2016 (138 105)

(Royal Decree - Belgian Official Gazette )

#### The end of year bonus

##### CHAPTER III. Amount of the end of year bonus

###### Art. 4

The gross end of year bonus equals 5% of the gross wages to 100%, subject to the Social Security contribution the worker as earned during the reference period with 1 or more employers coming under Article 1 of this CLA.

##### CHAPTER IV. Reference period

###### Art.5.

For the calculation of the year-end bonus, the reference period shall begin on 1 July of the year preceding that of payment and shall end on 30 June of the payment year.

##### CHAPTER V. Payment of end of the year bonus

###### Art.6.

The end of the year bonus under this CLA shall be paid by the "Social Fund Road Transport and Logistics".

###### Art. 7.

The minimum limit for the calculation of the end of year bonus is set at 2,500 EUROS.

The average daily salary of the assimilated days will be taken into account to reach the minimum amount

The amount of the end of year bonus, however, is only calculated on the basis of the effectively declared NSSO wages.

### Seniority allowance

#### CLA of 15 September 2011 (106 713)

(Royal Decree 14/01/2013 - Belgian Official Gazette 28/03/2013)

#### Seniority allowance for the mobile and non-mobile personnel of the enterprises for the transport of goods by land on behalf of third parties and/or the handling of goods for third parties

##### Chapter III. Seniority allowance

###### Art. 3.

The employer pays a seniority allowance to blue collar workers who have the following years of service without a break in his company:

- 1 year of service
- 3 years of service
- 5 years of service
- 8 years of service
- 10 years of service
- 15 years of service
- 20 years of service

###### Art. 4.

This seniority allowance is paid by the employer to 100 pc. for all hours worked and all hours of availability / waiting hours, and amounts up to:

- 0,05 EUROS after 1 year of service;

- 0.0510 EUROS 3 years of service (or 0.1010 EUROS in total);
- 0.0510 EUROS 5 years of service (or 0.1520 EUROS in total);
- 0.0510 EUROS 8 years of service (or 0.2030 EUROS in total);
- 0.0510 EUROS 10 years of service (or 0.2540 EUROS in total);
- 0.0510 EUROS 15 years of service (or 0.3050 EUROS in total)
- 0.0510 EUROS 20 years of service (or 0.3560 EUROS in total).

Art. 5.

Said seniority allowance is paid from the month in which the required seniority in the company is reached

From January 1, 2010, the seniority allowance is adjusted annually on 1 January according to the cost of living and as provided for in the collective labour agreement of November 26, 2009 concerning the linking of the salaries and allowances of mobile and the non-mobile blue collar workers of the sector of transport of goods by land on behalf of third parties and the handling of goods for third parties, to the arithmetic average of the health index of the consumer prices

Art. 7.

The seniority allowance is listed separately on the pay slip, since it is considered a separate part of the wage. However, it falls under the concept of 'pay', as defined in Article 2 of the Act of April 12, 1965 "on the protection of the wages of blue collar workers" and therefore it should be taken into account for all replacement incomes, for social security and for all allowances calculated on the basis of the "wage" ..

## **Premium for night work**

### **CLA of 26 November 2009 (96 987)**

(Royal Decree 30/07/2010 - Belgian Official Gazette 09/09/2010)

### **Determination of a financial compensation for night work for the mobile personnel members employed in companies for the transport of goods by land on behalf of third parties and / or for the handling of goods for third parties**

#### CHAPTER II. Conditions for granting

Art. 2.

Are entitled to the financial compensation for night work as referred to in Article 4, for all worked nights of the calendar month, the workers who meet the following conditions:

- Either in the course of a calendar month having been at least employed 5 consecutive working days in a labour arrangement involving night work performances;
- Either in the course of the calendar month having been at least half of the worked days employed in a labour arrangement involving night performances (starting from the first full worked month);
- Either having been employed in a structured shifts system. In this case, the financial compensation is granted only to workers whose work involves night work performances.

"Night work performances" as defined in this CLA shall mean performances between 8 pm and 6 am. Furthermore, these workers shall have performed more than 5 working or availability hours between 8 pm and 6 am.

#### CHAPTER III. Amount and indexation of financial compensation for night work performances

Art. 3.

Since 1 April 2009, the financial compensation for night work is 1.0465 EUROS per hour for workers under the age of 50.

In derogation to the first sub-paragraph, the financial compensation is 1.3082 EUROS per hour for the workers from the age of 50 onwards.

Art. 4.

From 1 January 2010 the financial compensation for night work is annually adjusted on January 1<sup>st</sup>, as a function of the cost of living, as provided in the CLA of 26 November 2009 linking the wages and

bonuses of the mobile and the non-mobile workers of the sectors for the goods transport by land on behalf of third parties and for the handling of goods for third parties, to the arithmetic average of the health index of consumer prices.

## **Sundays and public holidays**

### **CLA of 27 January 2005 (74 050)**

(Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)

### **Determination of the conditions and wages of the mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties**

#### CHAPTER II. Definitions

##### Art. 2.

For the purposes of this collective agreement, a distinction is made between:

- 2.1. working time;
- 2.2. availability time;
- 2.3. service time;
- 2.4. breaks between the working hours;
- 2.5. rest periods;
- 2.6. overtime;
- 2.7. permanent residence

##### Art. 3. Definitions

###### 3.1. Working Hours

3.1.1. Working hours as defined in Article 3, a) "working time " 1. and 2. of the Dir. Eur. Parl. and Council E.C. 2002/15/EC of 11 March 2002, i.e. the time spent on:

- Driving, loading and unloading;
- Cleaning and technical maintenance of the vehicle;
- Procedures to ensure the safety of the vehicle or the load system;
- Procedures to meet legal or regulatory obligations in connection with transport, including the supervision of loading and unloading, administrative formalities with police, customs, etc.

3.1.2. For certain special transports certain types of loading and unloading can be the subject of a derogation from Article 3.1.1., provided prior consent by the Joint Labour Committee on Road Transport.

3.1.3. Waiting times for loading and / or unloading, where the suspected / expected duration is exceeded.

3.1.4. All other times of physical activity within the framework of the labour agreement of the worker are also regarded as working hours under the general labour legislation.

3.1.5. In order to calculate the average working hours, referred to in the Labour Act, only the above mentioned working hours are taken into consideration.

###### 3.2. Availability Time

3.2.1. The availability time, as defined in Article 3 b) 'availability time' of the Dir. Eur. Parl. and Council E.C. 2002/15/EC of 11 March 2002, namely:

- Other than break or rest periods, during which the worker is not required to remain at work, but must be available to answer any follow-up calls to start or resume the ride, or to carry out other work;
- Periods when the worker is transported by ferry or train accompanying a vehicle;
- The waiting time at borders or during loading and / or unloading shall be presumed to be known in advance as defined below:
  - 2 hours loading and / or unloading in national transport;
  - 4 hours loading and / or unloading in international transport;
  - 2 hours for the waiting time at the borders;

unless the employer either before departure or just before the actual start of the period has communicated a different expected duration to the worker;

- The waiting time caused by the imposed driving bans;
- The time spent during the ride beside the driver or in the cabin;
- The additional time that the worker needs to bridge the distance to and from the location where the vehicle is stored if not in the usual place;
- The time associated with the customs, quarantine or medical matters;
- The time during which the worker resides on board or in the vicinity of the vehicle, so as to ensure the safety of the vehicle and the transported goods, but during which he does not perform work;
- The time during which no work is performed but during which the presence on board or in the vicinity of the vehicle is required in order to meet the traffic rules or to guarantee road safety.

The expected duration of the last 2 above mentioned times is presumed to amount to maximum 96 hours per month.

3.2.2. Shall not be considered as availability time:

- The time devoted to the meals;
- The time considered as a break and / or as a rest time in the sense of the Reg. Comm. E.G. No 3820/85 of 20 December 1985 on the harmonization of certain social legislation prescriptions relating to road transport;
- The time the worker can make freely use of;
- The time the worker appropriates for himself.

3.2.3. In order to calculate the average working hours, referred to in the Labour Act, the availability time and the following breaks and rest times. are not take into account.

### 3.3. Service time

The term "service time" means the sum of working hours and availability times, including the train and boat hours for journeys of less than 4 hours, excepted the other train and boat hours and permanent residence.

### 3.4. Breaks during the working hours:

The sum of the following times:

- 3.4.1. The regulatory breaks during the driving time;
- 3.4.2. The time spent on meals;
- 3.4.3. The time the worker can make freely use of
- 3.4.4. The time the worker appropriates for himself.

### 3.5. Rest times:

3.5.1. The daily and weekly rest periods are specified in the applicable regulatory provisions;

3.5.2. The daily rest period comprises:

- 3.5.2.1. The time required to get dressed and to wash up before and after work;
- 3.5.2.2. The time required to bridge the distance from his home to the company or the location where the vehicle is stored and vice versa;
- 3.5.2.3. In case of special transports, when the permanent presence of the worker is legally required, it is understood that, if a residence bonus is paid, the worker has taken at least 8 hours rest. In no case may the payment of any other benefit be combined with the residence bonus.

### 3.6. Overtime

Subject to the provisions of the applicable CLA on the application of the new labour arrangements to the mobile personnel employed in companies in the sub-sector for goods transport by land for the account of third parties and the subsector for the handling of goods for third parties, by "overtime" is meant work conducted, in the sense of Article 3.1. of this CLA, beyond the limits as defined by the Labour Act.

### 3.7. Permanent residence

"Permanent residence" refers to the fact that the worker, by necessity of the service, does not perform work between two daily rest periods or between a daily and a weekly rest period, as provided for in Reg. Comm. E.G. No 3820/85 of 20 December 1985 on the harmonization of certain social legislation provisions relating to road transport outside the home or outside the workplace provided for in the labour agreement.

These hours are not eligible for the calculation of the average working hours, specified in the Labour Act.

### CHAPTER III. Wage

#### Art. 6.

6.3. Work on Sundays and on public holidays comes under the public holidays legislation and is paid with a surcharge of 100% (i.e. to 200%).

### CHAPTER VII. Method of calculation of fees and allowances

#### Art. 12.

The calculations of the compensation with regard to the hours of availability and allowances in excess of the service hours shall be worked out to the fourth decimal on the understanding that:

- The fourth decimal shall be omitted if it is equal to or less than 2
- The fourth decimal shall be rounded up to five if it is equal to 3 and less than 8;
- The fourth decimal shall be rounded up to the first decimal higher if it is equal to or higher than 8.

### **CLA of 30 September 2005 (77 084)**

(Royal Decree 27/09/2006 - Belgian Official Gazette 20/11/2006)

### **Establishment of an additional bonus for performances on paid public holidays for workers employed in the companies for the transport of goods by land on behalf of third parties and for the handling goods for third parties**

### CHAPTER II. Current regulations on the public holiday wages

#### Art. 2. Public Holiday Wages in the classic labour arrangement

In companies not applying new labour arrangements, the wages for a non-working holiday equal the average daily wages, pursuant of the provisions of the general Public Holiday Act.

The Royal Decree of January 28, 2005 (Belgian Official Gazette of 10 February 2005) provides a detailed calculation of the average daily wages in the transport of goods and the handling of goods for third parties sector.

Under this Decree, the average daily wage is obtained by dividing all wage components subject to social security for the last 6 months, except the assimilated wages, by the number of gross paid days, except again the assimilated days.

The average daily wages are then multiplied by the number of working days in a quarter (65 days in the 5-day week arrangement and 78 days in the 6-day week arrangement), and then divided by 13 weeks. This yields the average weekly wages.

The average weekly wages are divided by 38 hours (full-time employment) or by the working hours of the worker, stated in his / her labour agreement (part-time employment). Thus one obtains the average hourly wages. The average hourly wages are multiplied by the number of lost working hours, as indicated in the labour arrangement included in the work rules.

For the purpose of this Agreement, the term:

- a) "gross paid days" refers to:
  - The days when normal actual work was done;
  - The days off in lieu;
- b) "the last 6 months" refers to:
  - The last 6 calendar months preceding the month in which the holiday falls;
- c) "all subject to the NSSO elements": refers to:
  - All forms for work, including overtime pay;
  - The Availability time compensation;
  - All gross bonuses, except the end of year-bonus.

#### Art. 3. The public holiday wages in the flexible labour arrangement

Since the Act of 17 March 1987 on the new labour arrangements provides its own method of calculation of the public holiday wages, offering no derogation possibilities by Royal Decree, this own method of calculation still applies in the companies, applying new labour arrangements namely :

"The wages on public holidays equal 1/5th or 1/6de of the wages of the average weekly working hours of the worker concerned."

In function of this, the availability time does not have to be taken into account. So, the public holiday wages are simply 1/5<sup>th</sup> of 38 hours or 7, 6 hours in the 5-day week arrangement and 1/6<sup>th</sup> of 38 hours or 6, 3 hours in the 6-day week arrangement.

#### CHAPTER III. Additional public holiday wages bonus in the flexible labour arrangement

##### Art. 4.

Given the fact that legal security should be created so as to avoid distortions of competition between employers and that uniform rules should apply to all categories of personnel (mobile and non-mobile personnel and garage workers) employed in the transport of goods by land for the account of third parties and in the handling of goods for third parties, regardless of the labour status (classic or flexible), it is agreed upon that the public holiday wages must be subjected to an assimilation between the workers bound by a classic labour arrangement and the workers bound by a flexible labour arrangement.

For the sake of this assimilation, the employer will calculate and pay as a bonus, for the workers who are employed in a company applying the new labour arrangements, the difference between the public holiday wages calculated for the workers who are employed in a classic labour arrangement, and the public holiday wages for the workers employed in a flexible labour arrangement.

The calculation of the allowance on top of the public holiday pay shall be worked out to the fourth decimal, on the understanding that this fourth decimal shall be omitted if it is equal to or smaller than 2, shall be rounded up to 5 if it is equal to 3 and less than 8 and shall be rounded up to the higher thousandth if it is equal to or higher than 8.

## **Working hours and availability time bonus**

### **CLA of 27 January 2005 (74 050)**

(Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)

### **Determination of the conditions and wages of mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties**

For the Articles 2, 3 and 12 : See **Sundays and public holidays**.

Art. 7. Effective remuneration of working hours and availability time

7.1. The working hours referred to in Article 3.1. of this CLA will be remunerated to a rate of 100% of the basic hourly wage of the relevant category.

7.2. The effective availability times referred to in Article 3.2.1. of this CLA, with the exception of periods during which the worker is transported by ferry or train accompanying a vehicle, shall be paid as follows:

- To 99% of the basic hourly wage of the relevant category from 1 January 2007 onward.

7.3. The periods during which the worker is transported by ferry or train accompanying a vehicle shall be paid to 90% of the basic hourly rate of that category, unless the worker may take his rest time in accordance with the conditions set out in Article 9 of the Reg. Comm. E.G. No 3820/85 of 20 December 1985 on the harmonization of certain social legislation prescriptions relating to road transport, namely:

- In derogation of Article 8, the first paragraph of said Reg. Comm. E.G. No 3820/85, the daily rest shall only be interrupted once;
- The portion of the daily rest period spent on land shall to be taken before or after the portion of the daily rest period taken on board a ferry or a train,
- The period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation / loading or after unloading / reloading, whereby the customs formalities are counted to the embarkation / embarkation or disembarkation / unloading;
- The worker is entitled, during the two portions of the daily rest period, to a bed or a sofa;
- Thus interrupted daily rest times are extended by 2 hours.

7.4. The compensation relating to the availability times on Sundays and public holidays equals 150% of the amount owed pursuant to Article 7.2. and 7.3. of this CLA.

## **Overtime Remuneration**

### **CLA of 27 January 2005 (74 050)**

(Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)

### **Determination of the working conditions and wages of mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties**

For the Articles 2, 3 and 12 : See **Sundays and public holidays**.

#### *CHAPTER IV. Overtime Remuneration*

##### Art. 8. Definition and remuneration of overtime

Subject to the provisions of the applicable CLA on the application of new labour arrangements for the mobile workers employed in companies of the sub-sector for goods transport by land for the account of third parties and for the handling of goods for third parties is meant by overtime: the work done in the sense of Article 3.1. of this CLA, pursued beyond the limits of the Labour Act.

If overtime remuneration is due, it amounts to 50% of the hourly wage set out in the Article 5 of this CLA.

Any overtime remuneration payable on Sundays and public holidays pursuant of the Labour Act, is already included in the bonus referred to in Article 6.3.

### **CLA of 30 September 2005 (77 063)**

(Royal Decree 22/03/2006 - Belgian Official Gazette 20/04/2006)

### **Overtime in the sub-sectors for the transport of goods by land on behalf of third parties and for the handling of goods for third parties**

#### *CHAPTER III. Increase of some compensatory rest limits*

##### Art. 3.

This chapter covers the overtime due to an extraordinary increase in work (Article 25, Labour Act of 16 March 1971) or work required due to an unforeseen necessity (Article 26, § 1, 3 ° of Labour Act of 16 March 1971).

The number of hours of compensatory rest which the worker may choose not to recover in lieu but to be paid out, has been increased from 65 to 130 hours per calendar year.

The limit of 65 hours on top of the average working hours, allowed during the reference period (Labour Act of 16 March 1971), is increased from 65 hours to 130 hours during that reference period.

## **Bonuses for exceeding the average service hours**

### **CLA of 27 January 2005 (74 050)**

(Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)

### **Determination of the working conditions and wages of mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties**

For the Articles 2, 3 and 12 : See **Sundays and public holidays**.

#### *CHAPTER V. Bonuses for exceeding the average service hours*

##### Art. 9.

9.1. In case of exceeding the average length of the service time of 60 hours a week the following bonuses are awarded based upon the hourly wage as defined in Article 5 of this CLA.

From 1 January 2009 on the basis of an average weekly service time calculated over a period of 1 month : over 60 hours of service a bonus of 50% is due.

9.2. The above mentioned limits are monthly calculated as follows:

In the 5-day arrangement

The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.

The maximum monthly service time of 281,66 hours (with respect to the limit of 65 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.

The maximum monthly service time of 303,33 hours (with respect to the limit of 70 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.

"Assimilated day" refers to the assimilated days as provided in the Annual Holiday Act ,recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.

In the 6-day arrangement

The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.

The maximum monthly service time of 281,66 hours (with respect to the limit of 65 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.

The maximum monthly service time of 303,33 hours (with respect to the limit of 70 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.

"Assimilated day" refers to the assimilated days as provided in the Annual Holiday Act, recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.

Other labour arrangements are pro-rated.

## **Flat residence allowance**

### **CLA of 19 November 2015 (131 219)**

(Royal Decree 15/07/2016 - Belgian Official Gazette 23/09/2016)

### **Determination of the residence and GRLP allowances**

#### CHAPTER II. Flat residence allowance

Art. 2.

A flat residence allowance of currently 36.1265 EUROS per initiated portion of 24 hours is granted to the workers when they are obliged, by necessity of the service, to take their daily and / or weekly rest, as provided for in the Social Regulation EC No 561 / 06 of 15 March 2006, outside their place of residence or outside their working place as provided in their labour agreement.

Art. 3.

However, the amount of the flat residence allowance is limited to currently 14.6440 EUROS in the 2 following cases:

- a) for the 1<sup>st</sup> daily rest, as determined under Article 2, when the composite working and availability hours prior to the said rest are less than 8 hours and if they are not part of a multi-day trip;
- b) when the absence from home is less than 24 hours and it concerns only one daily rest as referred to under Article 2.

Art. 4.

In case of permanent residence in Belgium or abroad, to compensation under Article 2 a is supplemented by a complementary flat compensation of currently 9.8220 EUROS.

For the purposes of this Agreement, by the terms "permanent residence" is meant that the worker, by necessity of the service, does not perform any work between two daily rest periods or between a daily and a weekly rest period, as provided for in the Social EC Regulation No 561/06 of 15 June 2006, taken outside of his place of residence or outside the working place provided for in his labour agreement.

## **GRLP allowance**

### **CLA of 19 November 2015 (131 219)**

(Royal Decree 15/07/2016 - Belgian Official Gazette 23/09/2016)

#### **Determination of the residence and GRLP allowances**

##### CHAPTER III. GRLP allowance

###### Art. 5

A GRLP allowance of currently EUR 1.2910, shall be granted per attendance hour. Per pay period, the attendance hours or portions thereof are totalled. If the sum thus obtained is a decimal number, it is always rounded up to the next unit.

###### Art. 6.

For the purposes of this Agreement, the term "attendance hour" means each working hour and / or each hour of availability

###### Art. 7.

Under the Memorandum of Understanding dated 24 June 2015 for the years 2015 and 2016, the GRLP allowance is increased by 0.08 EUROS as of the 1<sup>st</sup> January 2016.

###### Art. 8

From 1<sup>st</sup> January 2010 onwards, the amounts are annually adapted on January 1<sup>st</sup>, as a function of the cost of living as provided for in the collective agreement of November 26, 2009(also), linking the wages and bonuses of the mobile and the non-mobile workers of the sectors for the goods transport by land on behalf of third parties and for the handling of goods for third parties, to the arithmetic average of the health index of consumer prices.

###### Art. 9.

If simultaneously an increase of the GRLP and / or residence allowances and an indexing is provided, the anticipated conventional increase shall be applied first and only then shall the conventional indexing be calculated.

###### Art. 10

The adjustment of the thus calculated GRLP and / or residence allowances takes effect from the 1<sup>st</sup> day of January of the year concerned.

## **Working conditions COURIER SERVICES**

### **CLA of 26 November 2009 (97 002)**

(Royal Decree 09/07/2010 - Belgian Official Gazette 03/09/2010)

#### **Wages and working conditions of the mobile and non-mobile workers of the companies which engage in the exploitation of "courier services"**

##### CHAPTER II. Definition

###### Art. 2.

The activities of the courier services are covered by the standards of transport by land on behalf of third parties: Indeed, the courier acquires at no time the property of the transported goods.

The vehicles used for these transports are so small that they require no transport certificate or transport permit.

The cargo varies considerably and is usually small in size and weight. Since the lapse between receiving the order and the actual transport of the cargo is very short, one can usually speak of rapid transport.

##### CHAPTER III. Payment and working conditions of the mobile personnel

Art. 5.

All relevant collective labour agreements concluded in the Joint Labour Committee on Road Transport and Logistics in force, with respect to the mobile personnel of the sectors for the transport of goods by land on behalf of third parties and for the handling of goods on behalf of third parties, are also applicable to the mobile personnel of the courier services.

#### CHAPTER V. *Indexation of the wages and the remunerations*

Art. 9.

From 1<sup>st</sup> of January 2010, the wages and remunerations of the mobile and non-mobile workers of the courier services are annually adapted on January 1<sup>st</sup>, as a function of the cost of living and this is provided in the CLA of 26 November 2009 (also), linking the wages and bonuses of the mobile and the non-mobile workers of the sectors for the transport of goods by land on behalf of third parties and for the handling of goods for third parties, to the arithmetic average of the health index of consumer prices.

## **Working conditions DELIVERY SERVICES**

### **CLA of 26 November 2009 (96 982)**

(Royal Decree 30/07/2010 - Belgian Official Gazette 09/09/2010)

### **Determination of pay and working conditions for the travelling personnel of companies providing 'delivery services'**

#### CHAPTER II. *Concept definition*

Art. 2.

The term 'delivery services' means national and international transport operations, generally by vehicles under 15 tons, for which the Federal Public Service Mobility and Transport granted a license. Small individual loads which need to be delivered (more than) once a day have lots of different destinations in very diverse regions.

#### CHAPTER III. *Pay and working conditions of travelling personnel*

Art. 5.

All CLA's in force which have been agreed within the Joint Committee on Transport and Logistics and relate to the travelling personnel employed in road haulage companies and in handling companies on behalf of third parties also apply to the travelling personnel of companies providing 'delivery services'.

#### CHAPTER IV. *Indexation of wages and allowances*

Art. 6.

As from the 1<sup>st</sup> of January 2010, the wages and allowances of the mobile personnel of the delivery services are annually adjusted on 1<sup>st</sup> of January to the cost of living as provided for in the collective labour agreement of (again) 26<sup>th</sup> November 2009 linking the wages and allowances of the mobile and of the non-mobile workers in the sectors of transport of goods on land for third parties and of handling of goods for third parties, to the arithmetic average of the health index of the consumer prices.

## **Working hours and availability time bonus DELIVERY SERVICES**

### **CLA of 30 September 2005 (77 082)**

(Royal Decree 27/09/2006 - Belgian Official Gazette 20/11/2006)

### **Wages and working conditions of mobile workers of the companies that engage in the operation of "delivery services" and belonging to the sub-sector for the transport of goods by land on behalf of third parties**

#### CHAPTER I. *Scope*

Art. 2.

By "delivery services" are meant: both national and international transports by mostly vehicles of less than 15 tons, for which a permit was issued by the Ministry of Transport and Infrastructure. The small, individual loads (more than 1), daily delivered, have many different destinations, located sometimes even in the most diverse regions.

CHAPTER II. Gross minimum hourly wage for the working time

Art. 3. There are two distinct categories of mobile workers in the courier services, namely:

- Category A: less than six months of seniority in the sector.
- Category B: six months or more seniority in the sector.

CHAPTER III. Compensation for availability time

Art. 4.

For every hour of availability time a minimum gross sum is awarded as follows:

- For category A: 8.6315 Euros (97% of the gross minimum wage of category A provided in Article 3 of this CLA from 1st of January 2005) in the 38-hour week.
- For category A: 8.4100 Euros (97% of the gross minimum wage of category A provided in Article 3 of this CLA from 1st of January 2005) in the 39-hour week with 6 paid compensation days.
- For category B: 8.8250 Euros (97% of the gross minimum wage of category B, provided in Article 3 of this CLA from 1st of January 2005) in the 38-hour week.
- For category B: 8.5990 Euros (97% of the gross minimum wage of category B, provided in Article 3 of this CLA from 1st of January 2005) in the 39-hour week with 6 paid compensation days.

Art. 5.

The compensation for an availability time on a Sunday or on a public holiday equals 150% of the amount due pursuant of Article 4 of this Agreement.

**Intervention in the damage resulting from an accident caused by car drivers CHAUFFEUR-DRIVEN CAR RENTAL SERVICES**

**CLA of 19 September 2001 (59 217)**

Royal Decree 27/12/2002 – Belgian Official Gazette 02/04/2003)

**Intervention in the damage resulting from an accident caused by car drivers engaged in the sector of taxis and of chauffeur-driven car rental services**

CHAPTER I. - Scope

Article 1. This collective agreement applies to employers who operate a taxi company or a chauffeur-driven car rental service and who are governed by the Joint Committee for Transport as well as their drivers. By "Drivers" are to be understood the male and female drivers.

CHAPTER III. - Intervention by the driver in the damage of accidents caused by his own fault

**Art. 3.** The driver's intervention in the damage resulting from an accident at fault, caused with a vehicle he drives, is limited to a maximum of 20% of the amount of the damage, except in the case of gross negligence and / or fraud. This amount may never exceed EUR 495.79

This intervention is reduced to:

	Percentage	Maximum
1st damage	5 pct.	123,95 EUR
2nd damage	10 pct.	247,89 EUR
3rd damage	15 pct	371,84 EUR

From the fourth accident onward, the damage intervention amounts to 20 pc with a maximum of 495,79 EUR.

If, for a period of six months, the driver does not cause an accident by his own fault, the intervention is reduced to 5 pct. with a maximum of 123,95 EUR.

Art. 4. In case of dispute over the definitive amount of the damage, the worker may be assisted, at his expenses, by an accredited expert.

Art. 5. At his request, the driver who caused an accident by his own fault may ask his employer to submit to him all the documents used to establish the final amount of damage.

Art. 6. The more favourable provisions are maintained