

Joint Committee for the horticultural enterprises (JC 145)

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 sectoral 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>

The sub-sectors are not official Joint Subcommittees (JSC). The following wage data are, however, included in the sectorial CLAs of the official Joint Bargaining Committee (JC 145).

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1. Scope

This file applies to enterprises governed by the Joint Bargaining Committee for the horticultural enterprises for work performed in Belgium.

Institution and amendments

(0)	R. D. 17.03.1972	Belgian Official Gazette 05.05.1972
(1)	R. D. 29.01.1991	Belgian Official Gazette 12.02.1991
(2)	R. D. 12.08.1991	Belgian Official Gazette 29.08.1991
(3)	R. D. 13.11.1996	Belgian Official Gazette 29.11.1996
(4)	R. D. 07.04.2005	Belgian Official Gazette 26.04.2005
(5)	R. D. 20.09.2009	Belgian Official Gazette 30.09.2009
(6)	R. D. 13.03.2011	Belgian Official Gazette 01.04.2011
(7)	R. D. 09.01.2014	Belgian Official Gazette 30.01.2014

Article 1, §1, paragraph 6

The joint committee is competent for the workers whose occupation is mostly of a manual nature and for their employers,
and this for:

- Market gardening, including special cultivation types such as chicory and mushrooms;
- Fruit farming, including special cultivation types such as wine, peaches and strawberries;
- Floriculture and cultivation of ornamental plants, including all specialities;
- Tree nurseries, including roses and ornamental shrubs;
- Cultivation of horticultural seeds ;
- Installation and/or upkeep of parks, gardens, sport and recreation grounds or green zones, cemeteries, including foreign soldiers cemeteries located in Belgium;
- Installation and/or upkeep of parks, gardens, sport and recreation grounds or green zones by direct labour, when these activities constitute the main occupation of the company workers;
- Research related to horticultural production and organisation of information in the horticultural sector;
- Companies which principal activity is to sort horticultural products and which do not fall within the competence of another joint committee that would specifically be competent for this activity;
- Production of compost, peat, bark and soil improvers, as long as it does not fall within the remit of another joint committee;
- Manual harvesting of horticultural products;
- Cultivation of turf slabs, as long as it does not fall within the remit of the Joint committee for the textile and hosiery industry or of the Joint committee for the chemical industry;
- Plants and flowers renting and upkeep on behalf of third parties;
- Fruit trees pruning on behalf of third parties.

Concerning tree nurseries, floriculture and cultivation of ornamental plants, "cultivation" shall notably refer to sowing, planting, transplanting, potting, repotting, propagating, in vitro multiplying or by any other means, fertilizing, forcing, making flowers bloom, polling as well as the execution of any other similar work or action possible on bulbs, cuttings, young plants and plants that are entirely or mainly cultivated by oneself (in other words, plants that already have evolved to some extent at the time of the purchase).

CLA of 30 March 2017 (138 785)

(Royal Decree - Belgian Official Gazette)

Designation of the applicable wage scales

Art. 4. For the activities included in the Royal Decrees mentioned above which fall within the scope of the

JC 145 for the horticultural enterprises, the following wage scales should respectively be applied.:...

5./8./9./11.

The cultivation of horticultural seeds, conducting research related to horticultural crops and organizing information in the horticultural sector, the companies whose principal activity consists in the sorting of horticultural products (which are not covered by any other JBC specifically competent therefore), manual harvesting of horticultural products: one of the scales listed in terms of the species of horticultural seeds / crops / products precisely concerned.

10. The production of compost, peat, bark and soil improvement products: subsector Floriculture (if no other JBC is competent).

12. Production of sod: subsector Cultivation of trees (provided JBC 120 for the textile industry and knitwear or JBC 116 for the chemical industry is not competent).

13. The rental and maintenance of plants and / or flowers from third parties:
subsector Layout and upkeep of parks and gardens (where the main activity of the company consists in the conditioning and the rental of plants)
subsector Floriculture or sub-sector Cultivation of trees (provided the rental and maintenance of plants is a secondary activity in the cultivation of plants or flowers, which remains the essential activity).

2. Minimum wages (gross / hour)

1 January 2017 (indexation percentage 1.12%)

1. FLORICULTURE (workers aged 18 and over)

38 hours/week

Category 1	10.37
Category 2	10.62
Category 3	10.77
Category 4	11.31
Category 5 (applies for enterprises employing more than 50 people where this additional category was added at company level)	11.82
Seasonal and occasional staff	9.46

2. VITICULTURE

For data on the wages see Fruit cultivation

3. CULTIVATION OF TREES (workers aged 18 and over)

38 hours/week

TREE NURSERIES

Unqualified	12.69
Semi-qualified	12.22
Qualified	12.51
Seasonal and occasional staff	10.59

FOREST TREE NURSERIES

Unqualified	11.60
Semi-qualified	12.11
Qualified	12.45
Seasonal and occasional staff	10.52

4. LAYOUT AND UPKEEP OF PARKS AND GARDENS

(workers aged 18 and over)

Wages expressed in a working time of 39 hours/week: 39 hours/week + 6 paid compensation days

Category 1	11.94
Category 2	12.31
Category 3	13.07
Category 4	13.40
Category 5	14.11
Category 3 with at least 10 years of sector experience	14.11
Category 4 with at least 5 years of sector experience	14.11

Wages expressed in a working time of 38 hours/week: either effective working hours of 38 hours/week, or 39 hours/week + 6 unpaid compensation days, or 40 hours/week + 12 unpaid compensation days

Category 1	12.23
Category 2	12.61
Category 3	13.40
Category 4	13,71
Category 5	14.45

Category 3 with at least 10 years of sector experience	14.45
Category 4 with at least 5 years of sector experience	14.45

5. FRUIT CULTIVATION (workers aged 18 and over)

38 hours/week

FRUIT FARMING

Unqualified	9.98
Specialised	10.72
Qualified	11.57
Seasonal and occasional staff	8.65

FRUIT SORTING ENTERPRISES

Unqualified	9.92
Specialised	10.64
Qualified	11.49
Seasonal and occasional staff	8.65

6. VEGETABLE CULTIVATION (workers aged 18 and over)

38 hours/week

Unqualified	9.65
Specialised	10.15
Qualified	10.64
Seasonal and occasional staff	8.65

7. MUSHROOM CULTIVATION (workers aged 18 and over)

38 hours/week

Category 1	9.34
Category 2	9.47
Category 3	10.00
Category 4	10.63
Category 5 (applies to enterprises employing more than 50 people where this additional category was added at company level)	13.67
Seasonal and occasional staff	9.34

SENIORITY ALLOWANCE (except for the seasonal and occasional workers)

From a seniority of 5 years	+ 0.5 %	
From a seniority of 10 years	+1 %	
From a seniority of 15 years	+1.5 %	
From a seniority of 20 years	+ 2 %	
From a seniority of 25 years	+2.5 %	except for subsector layout and upkeep of parks and gardens
From a seniority of 30 years	+ 3 %	except for subsector layout and upkeep of parks and gardens

MINORS

They receive a percentage of the mentioned minimum wages of workers aged 18 and over in the same category.

Age	percentage
17	85%
16	70%

15

70%

The hourly wage of the minor seasonal or occasional worker may not be lower than the hourly wage of a regular worker, and not higher than that of an adult seasonal or occasional workers (not valid in subsector Layout and upkeep of parks and gardens).

JOB CLASSIFICATION

1. FLORICULTURE

CLA of 1 December 2011 (107 590)

(Royal Decree 24/06/2013 - Belgian Official Gazette 25/09/2013)

Determining the pay and working conditions for the male and female blue collar workers employed the floriculture enterprises

CHAPTER I. Scope

Article 1.

§ 1. This CLA applies, with the exception of the seasonal and occasional staff referred to in Article 8a of the Royal Decree of 28 November 1969.

CHAPTER II. Job classification

Art. 2.

Category 1

This is the starting category for unexperienced workers

It is therefore, by definition, a temporary category. Staff having exercised this function for maximum 18 months and having thus acquired the necessary knowledge / experience automatically progresses to the superior category.

Via a substantive weighting assessing the effectiveness of the performances, workers may access sooner to the category 2.

Category 2

This category includes the basic experienced workers. They practice their job under the responsibility of another person who has the ultimate responsibility. Nevertheless, they are expected to demonstrate some independence in the execution of their work. They are not considered to be multifunctional.

Category 3

This category includes the workers who exercise autonomously technical functions and should thus have a certain versatility in the field of groups of plants and tasks. They are responsible for the quality of their own work.

Category 4.

This category includes workers who lead a group of people of the lower categories.

Also belong to this category: the workers, who by the nature of the products they work with (for example, plant protection products), have a major responsibility for the plants on the one hand and their colleagues on the other.

Category 5

For enterprises occupying more than 50 workers an additional category may be added through negotiations at company level on top of the sectorial agreements. These are workers with the highest responsibilities. These workers receive their orders directly from the direction of the enterprise. They have also the final responsibility for the tasks and products. This also means that they must lead other workers

of the categories 3 and 4 (who themselves must conduct a group of workers from the lower categories), and bear the responsibility for them.

2. VITICULTURE

See subsector Fruit cultivation.

3. CULTIVATION OF TREES

CLA of 1 December 2011 (107 589)

(Royal Decree 15/07/2013 - Belgian Official Gazette 30/09/2013)

Determining the pay and working conditions for the male and female blue collar workers employed in the tree nurseries and in the forest tree nurseries

CHAPTER I. Scope

Article 1.

This CLA applies, with the exception of the seasonal and occasional staff referred to in Article 8bis of the Royal Decree of 28 November 1969.

CHAPTER II. Job Classification

Art. 2.

1. Skilled: are considered skilled workers:

- a) Holders of the diploma of lower secondary education horticulture (A3) having at least three years of practice in tree nurseries, even if they have not attained the age of 21;
- b) Holders of a diploma of horticulture technician, issued by an establishment of higher secondary education horticulture (A2) having at least one year of practice in a tree nursery enterprises, even if they have not attained the age of 21;
- c) Workers who can perform all the skilled activities and can perform under the command of the employer or of his representative all the skilled activities
- d) Holders of the certificate issued after completion of an apprenticeship contract and who have practiced at least for three years in a tree nursery enterprise.

2. Semi-skilled: are considered semi-skilled:

- a) Workers who can execute autonomously at least half of the listed activities of the skilled workers after technical information with sufficient swiftness and thoroughness;
- b) Car drivers non-mechanics and horse coaches.

3. Unskilled.

4. LAYOUT AND UPKEEP OF PARKS AND GARDENS

CLA of 30 January 2014 (120 381)

(Royal Decree 13/05/2015 – Belgian Official Gazette 14/07/2015)

Determining the pay and working conditions for the male and female blue collar workers employed in enterprises for the layout and upkeep of parks and gardens

CHAPTER I. Scope

Article 1

This CLA applies to employers and workers of companies, the main activity of which consists in the layout and upkeep of parks and gardens.

CHAPTER II. Job classification

Art. 2.

1. Category 1

The category 1 includes workers with no experience and no education in the green sector, and who cannot work autonomously, to start.

Workers who have exercised this function for a maximum period of 18 months are transferred to the category two.

2. Category 2

This category includes basic workers with experience. They practice their job under the responsibility of another person who has the ultimate responsibility. Nevertheless, they are expected to show some independence in the execution of the work. They are not considered to be multifunctional.

3. Category 3

This category includes the workers who perform autonomously technical functions and therefore should have a certain versatility on tasks.

They bear the responsibility for the quality of the results of their own work.

4. Category 4

This category includes workers who perform all technical functions autonomously and for that purpose are required to possess a certain versatility in tasks.

They also lead themselves one or more workers from the lower categories, and are responsible for the quality of their own work and that of the workers they supervise.

Also belong to this category:

- a) workers from the category 3 who mainly perform maintenance on roads with road signs F5 and F9 and along roads with two or more sections separated by a central planted or sown reservation;
- b) workers from the category 3 who perform regularly or mainly tree care work;
- c) workers who regularly or essentially operate or drive dangerous machinery.

5. Category 5

This category includes workers who must lead workers of the category 4.

They are responsible for the quality of their own work and that of the workers they supervise.

5. FRUIT CULTIVATION

CLA of 1 December 2011 (107 587)

(Royal Decree 24/06/2013 - Belgian Official Gazette 25/09/2013)

Determining the pay and working conditions for the male and female blue collar workers employed in the fruit cultivating enterprises

CHAPTER I. Scope

Article 1.

This CLA applies, with the exception of the seasonal and occasional staff referred to in Article 8a of the Royal Decree of 28 November 1969.

CHAPTER II. Job classification

Art. 2.

1. Skilled workers:

- a) holders of a diploma A3 having at least three years of practice and who are at least 20 years old.
b) male or female workers who are skilled and have the necessary experience to perform the following activities in the absence of their employer:
- Laying-out a plantation;
 - All grafting methods;
 - Knowledge of insects and diseases in fruit growing, and the pesticides;
 - Ordinary maintenance and repair of mechanical and hand tools which it are not the work of a mechanic;
 - Maintenance of cooling appliances;
 - Leading the picking, sorting and packaging activities.
- c) holders of the certificate issued after completion of an apprenticeship contract and who have had a practical experience of at least three years in a fruit farm.

2. Experienced workers

- a) holders of a diploma A3 who do not meet the requirements set under the category. I.
b) the male and female workers having five years of practice, who are able to:
- Automomously operate the tractor and associated machinery;
 - Prepare sprays and spray according to the specifications;
 - Perform all activities of sorting and packaging the fruit;
 - As well as execute the activities in the cooling appliances;
 - Prune and lead trees.

3. Uneducated workers

Male and female workers who are able to perform the following activities:

- Picking on ladders;
- Soil cultivation with hand tools;
- Handling of crates;
- Tying and fruit thinning on ladders;
- Nursing trunk injuries;
- Cleaning up prunings;
- All other functions.

6. VEGETABLE CULTIVATION

CLA of 1 December 2011 (107 588)

(Royal Decree 09/01/2014 - Belgian Official Gazette 02/04/2014)

Determining the pay and working conditions for the male and female blue collar workers employed in the in greenhouses, open air fruit and chicory cultivation

CHAPTER I. Scope

Article 1.

This CLA applies to workers and employers in greenhouses, open air fruit and chicory cultivation, with the exception of the seasonal and occasional staff referred to in Article 8bis of the Royal Decree of 28 November 1969.

CHAPTER II. Job Classification

Art. 2.

- Skilled workers who can replace autonomously without instructions the entrepreneur in the field of technical cultivation matters;
- Experienced workers: after three years in the same cultivation and provided they know at least half of the tasks of the skilled workers, including a basic knowledge of air-conditioning and crop protection;
- Unskilled workers: minimum or no professional experience.

7. MUSHROOM CULTIVATION

CLA of 1 December 2011 (107 586)

(Royal Decree 24/06/2013 - Belgian Official Gazette 25/09/2013)

Determining the pay and working conditions for the workers employed in the mushroom cultivation enterprises

CHAPTER I. Scope

Article 1.

This Collective Labour Agreement applies, with the exception of the seasonal and occasional staff referred to in Article 8a of the Royal Decree of 28 November 1969 and their employers.

CHAPTER II. Job classification

Art. 2.

Category 1: This category includes workers who can perform basic work and who have no experience in the mushroom sector. At the end of this training period of six months these workers proceed to the Category 2.

Category 2: This category includes workers who are responsible for the following activities or have the following qualities: picking, planning, packaging, canteen work, container work, weighing, cleaning staff during cultivation, ...

Category 3: This category includes workers of whom to the essence of their job responsibilities consists in leading a group of assistant-workers belonging to the category 1 or 2. These workers may also be responsible for quality control of the picked product, for weighing and for the practical organization of work.

In this function, they can issue instructions to workers of the categories 1 and 2 on picking methods, quality, work planning and organization.

Comment: In companies occupying 50 and more workers the workers responsible for weighing and quality control of the products belong to category 3, according to the modalities that were agreed upon in the enterprise in this regard.

Category 4: This category includes workers who have a technical knowledge (electricity, air-conditioning, mechanics, CLA) and are employed to perform the following activities: major cleaning between crops, enhancing the execution of the cultivation process, operating vehicles (or trucks), operating machinery required for cultivation processes, maintenance of machinery and equipment, performing repairs.

Category 5: In companies occupying 50 and more workers a fifth category of workers may be introduced through negotiations at company level.

The threshold of 50 workers is used here in the same manner as it would be for the organization of social elections.

This category includes workers with primary responsibilities under the production responsible and who receive their orders directly from him.

They lead a group of other workers and bear the responsibilities thereof.

3. Working hours

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.

Common provisions for all subsectors, except Subsector Layout and upkeep of parks and gardens

On average on an annual basis (not applicable to seasonal and occasional staff) : 38 h/week.

Seasonal and occasional staff : 38 /week.

Subsector Layout and upkeep of parks and gardens

On average on an annual basis : 38 h/week.

4. Bonuses/Allocations

Common bonuses for all subsectors in JC 145 HORTICULTURAL ENTERPRISES

Lump-sum premiums for regular workers

CLA of 30 March 2017 (138 785)

(Royal Decree - Belgian Official Gazette)

Indication of current salary scales

Art. 5. This article does not apply to workers covered by Article 8bis of the Royal Decree of 28 November 1969, Belgian Official Gazette of 5 December 1969, concerning social security.

§ 2. From calendar year 2016 on, the employer pays each year, on 1st July, a lump-sum premium to the workers. This lump-sum premium is only granted to the workers who worked during the reference period, i.e. from July 1st of the previous calendar year to 30th June of the current calendar year in companies belonging to the Joint Committee for horticultural businesses.

§3. For the workers employed full-time with a complete reference period, the amount of this gross premium is 55.00 EUR. For part-time workers, the gross premium will be calculated on the basis of the premium of full-time workers and this, depending on the duration of the part-time work.

For the workers who cannot provide evidence that they have worked during a whole reference period, the gross premium will be calculated in proportion of their working time. Every started month accounts for 1/12th. When the occupation comes to an end, the premium is paid off with the last wage settlement.

§ 4. At company level, this lump-sum premium may be transposed into an equivalent benefit (in case of transposition into meal vouchers, the employer's share increases by 0.5 EUR per day) through the conclusion of a collective labour agreement, filed at the latest on May 1st of the current year, and provided that a copy of that company CLA is forwarded to the Chairman of the Joint commission for horticultural businesses.

Common bonuses for JC 145 HORTICULTURAL ENTERPRISES, except for subsector LAYOUT AND UPKEEP OF PARKS AND GARDENS

End of year bonus

CLA of 9 December 2013 (119 534)

(Royal Decree 13/07/2014 - Belgian Official Gazette 13/11/2014)

Determining the amount, the allocation conditions and the payment terms for additional social benefits at the expenses of the "Guarantee and Social Fund for the horticultural enterprises"

Article 1.

This CLA is not applicable to the seasonal and occasional personnel referred to in Article 8a of the Royal

Decree of 28 November 1969 implementing the Act of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

I. End of year bonus

Art. 3.

An end of year bonus is awarded to the blue collar workers during the reference period from 1 July to 30 June employed in companies governed by the Joint Bargaining Committee for the horticultural enterprises.

Art. 4.

The amount and terms of implementation of the end of year bonus referred to in Article 3 shall be determined in an additional CLA.

CLA of 6 December 2012 (114 970)

(Royal Decree 14/02/2014 - Belgian Official Gazette 13/08/2014)

Determining pay and working conditions for seasonal and occasional work

CHAPTER I. Scope

Article 1.

This CLA applies (*only*) to workers employed as occasional staff as defined in Article 8a of the Royal Decree of 28 November 1969 implementing the Act of 27 June 1969 revising the Decree of 28 December 1944 on the social security for workers.

CHAPTER III. End of year bonus

Art. 5.

The occasional staff referred to in Article 1 having declared on their picking card at least 50 working days in the course of the calendar year at one or more companies referred to in Article 1 is entitled to an end of year bonus of EUROS 190,00.

This yearly bonus shall be at the expenses of the " Guarantee and social funds for the horticultural enterprises.

Fidelity premium

CLA of 6 December 2012 (114 970)

(Royal Decree 14/02/2014 - Belgian Official Gazette 13/08/2014)

Determining pay and working conditions for seasonal and occasional work

CHAPTER I. Scope

Article 1.

This CLA applies to employers governed by the Joint Committee for horticultural enterprises, and their workers employed as occasional staff as defined in Article 8a of the Royal Decree of 28 November 1969 implementing the Act of 27 June 1969 revising the Decree of 28 December 1944 on the social security for workers.

CHAPTER IV. Fidelity premium

Art. 6.

The occasional staff referred to in Article 1 having declared on their picking card at least 30 working days in the course of the calendar year at one or more companies referred to in Article 1 is entitled to a taxable fidelity premium of 0.5 EUROS per day worked.

This yearly bonus shall be at the expenses of the "Guarantee and social funds for the horticultural enterprises".

Lump-sum premium for seasonal work

CLA of 30 March 2017 (138 785)

(Royal Decree - Belgian Official Gazette)

Indication of current salary scales

Art. 6.

§ 1. This article applies only to workers covered by Article 8bis of the Royal Decree of 28 November 1969, Belgian Official Gazette of 5 December 1969, concerning social security.

§ 2. From calendar year 2016 on, the employer pays an annual lump-sum premium of 10.00 EUR gross to the casual staff mentioned in § 1 who, during the reference period from 1st January to 31st December of the same calendar year, has indicated at least 50 days of occupation on the seasonal work card in companies belonging to the Joint committee for horticultural businesses.

The payment is made at the latest with the wage settlement of the month in which the 50 days referred to above are reached.

1. FLORICULTURE

Additional holiday allowance

CLA of 4 April 1991 (27 992), as amended by the CLA of 9 October 2000 (55 846)

(Royal Decree 15/04/1992 - Belgian Official Gazette 19/06/1992)

(Royal Decree 24/10/2001 - Belgian Official Gazette 28/11/2001)

Floriculture: additional holiday allowance, technical arrangements

Art. 2

As of the year 2000, the additional holiday allowance is allocated by the Guarantee and Social Fund for the horticultural enterprises to the male and female blue collar workers having performed work in the reference year in the Floristry sector.

Art.3

The additional holiday allowance is calculated on the gross salary that the male or female blue collar worker concerned has earned in the reference year. The additional holiday allowance amounts to 6.25% of the gross allowance.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the additional holiday allowance is paid.

Art. 5.

The additional holiday allowance is paid to the beneficiaries in the month of December following the reference year to which the additional holiday allowance is calculated.

Art.6.

The following persons shall also be entitled to an additional holiday allowance paid according to the terms referred to in Article 3:

- The male and female blue collar workers who have in the course of the reference year retired or who were pre-pensioned in the reference year;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers tied by an employment contract for a fixed period or for specific work that will end in the course of the reference period.

Art. 7.

Are not entitled to an additional holiday allowance, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

End of year bonus

CLA of 30 April 1999 (53 729)

(Royal Decree 21/09/2001 - Belgian Official Gazette 11/12/2001)

End of year bonus

Article 1. This CLA applies, with the exception of workers referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

To the blue collar workers referred to in Article 1 shall be allocated at the expenses of the Guarantee and social funds for the horticultural enterprises, an end of year bonus to the extent of the performances they have made in the sector during the reference year.

Art.3

The end of year bonus is calculated on the gross wage that the male or female blue collar worker concerned has earned in the reference year.

The end of year bonus amounts to 6.25% of the gross wage in the in the Floristry sector.

Art 4.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the bonus is paid.

Art. 5.

The end of year bonus is paid to the beneficiaries in the month of December following the reference year to which the bonus is calculated.

Art.6.

The following persons shall also be entitled to an end of year bonus paid according to the terms referred to in Article 3:

- The male and female blue collar workers who retired or who were pre-pensioned in the course of the reference year;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers linked by an employment contract for a fixed period or for specific work that will end in the course of the reference period.

Art. 7.

Are not entitled to an end of year bonus, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

2. VITICULTURE

See subsector Fruit cultivation.

3. CULTIVATION OF TREES

End of year bonus

CLA of 9 October 2000 (55 844)

(Royal Decree 29/01/2002 - Belgian Official Gazette 03/10/2002)

End of year bonus (excluding floriculture and parks and gardens)

Article 1.

This CLA applies, with the exception of workers referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

To the blue collar workers referred to in Article 1 shall be allocated at the expenses of the Guarantee and social funds for the horticultural enterprises, an end of year bonus to the extent of the performances they have made in the sector during the reference year.

Art.3

The end of year bonus is calculated on the gross wage that the male or female blue collar worker concerned has earned in the reference year.

The end of year bonus amounts to 8.33% of the gross wage in the tree nurseries.

Art 4.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the bonus is paid.

Art. 5.

The end of year bonus is paid to the beneficiaries in the month of December following the reference year to which the bonus is calculated.

Art.6.

The following persons shall also be entitled to an end of year bonus paid according to the terms referred to in Article 3:

- The male and female blue collar workers who retired or who were pre-pensioned in the course of the reference year;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers linked by an employment contract for a fixed period or for specific work that will end in the course of the reference period.

Art. 7.

Are not entitled to an end of year bonus, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

As far as the end of year bonus is concerned paid in December 2000, the workers who have resigned are also exceptionally entitled to an end of year bonus.

Bad weather premium

CLA of 8 May 2001 (58 610)

(Royal Decree 10/12/2002 - Belgian Official Gazette 02/04/2003)

Creating solidarity in the wage costs due to the interruption of the working day by adverse weather

Article 1.

This CLA applies to the regular workers with the exception of the seasonal and occasional personnel referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 3.

A worker who, because of weather conditions making work impossible, could not continue work which he had started or could not begin the work to be carried out though he had gone to the place where the work had to be executed, is entitled at the expenses of his employer to the wages of the entire working day and this according to the applicable schedule.

The signatory parties highlight that this is the normal application of the Article 27 of the Act on employment contracts.

Art. 4.

The signatory parties agree that of the wage costs resulting from the application of the aforementioned Article 27 half can be recovered respectively from the Guarantee and Social Fund for the horticultural enterprises and the Social Fund for the layout and upkeep of parks and gardens as a function of the main activity of the employer.

Art. 6.

The board of managers of the relevant Welfare Fund shall set the conditions under which a partial recovery of the wage costs shall be possible. Thus, the Board of managers may provide the recovery for a capped number of days per company or per worker. The Board may also provide a link with the application of temporary unemployment due bad weather.

Precise instructions shall be communicated in a circular to the employers, prepared by the board of managers of the respective welfare funds.

4. LAYOUT AND UPKEEP OF GARDENS AND PARKS

Fidelity premium

CLA of 9 February 2012 (109 320)

(Royal Decree 15/07/2013 - Belgian Official Gazette 28/11/2013)

Amending and replacing the CAO of November 13, 2009 fixing the amount, eligibility criteria and payment terms of additional social benefits at the expenses of the "Social Fund for the layout and upkeep of parks and gardens"

Article 1.

This collective agreement applies to employers and workers and the blue collar workers of companies governed by the Joint Bargaining Committee on the horticultural enterprises and of which the main activity consists in the layout and the upkeep of parks and gardens, including the maintenance of the graves of foreign soldiers in Belgium.

CHAPTER I. Fidelity premium

Art. 3.

A fidelity premium is awarded to the blue collar workers employed during the reference year in the companies for the layout and the upkeep of parks and gardens that are governed by the Joint Bargaining Committee on the horticultural enterprises.

Only male and female blue collar workers with a seniority of at least 6 months in the company are eligible for the award of a fidelity premium.

Seniority condition is assessed annually at the end of the reference period i.e. on 1 July of each calendar year.

The male and female blue collar workers who after the reference period remain employed and who later than July 1st reach 6 months seniority into the enterprise, are yet eligible to acquire the fidelity premium. When a fidelity premium is not paid, the contributions paid by employers, however, remain acquired to the social fund.

Art. 4.

This premium is determined as follows:

- From 0 to 5 consecutive years of service in the sector: 6.00%;
- From 5 to 15 consecutive years of service in the sector: 7.00%;
- More than 15 consecutive years of service in the sector 8.50%, and this on the basis of the gross wages for the days worked in the sector during the reference year.

"Reference year" refers to the period from 1 July of the previous year to 30 June of the year in which the premium is paid.

The premium is calculated for the actual working days and the assimilated days, according to the provisions provided for in the legislation concerning annual holydays of the blue collar workers.

As of the reference period that commences on 1 July 2005, the days of economic unemployment, however, are not assimilated for the purposes of calculating the fidelity premium.

Art. 5.

The fidelity premium is paid to all beneficiaries between 10 and 15 December following the reference year to which it relates.

Art. 6.

The following persons shall also be entitled to an fidelity premium paid according to the terms referred to in Article 3:

- The male and female blue collar workers year who retired or who were pre-pensioned in the course of the reference year;

- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement or force majeure;
- The male and female blue collar workers tied by an employment contract for a fixed period or for specific work that will end in the course of the reference year
- The workers who resign themselves in the course of the reference year but in the course of the same reference year are employed again by a company for the outlay and upkeep of parks and gardens.

Art. 7.

Are not entitled to an end of year bonus, the blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.
- who do not reach 6 months of seniority on 1 July, taking into account the conditions laid down in Article 3.

Night work

CLA of 30 July 2003 (67 516)

(Royal Decree 17/09/2005 - Belgian Official Gazette 06/10/2005)

Determining the conditions under which night work may be carried out in the sector "layout and upkeep of parks and gardens"

Art. 2.

In application of Article 36 of the Labour Act of 16 March 1971 (Belgian Official Journal of 30 March 1971) and in application of Article 2, 2° of the Act of 17 March 1987 on the introduction of new working arrangements in companies (Belgian Official Gazette of 12 June 1987), night work may be applied insofar the work and / or services cannot be executed at any other time or are described as such by in the specifications by the contracting authority.

Art. 3.

Night work may be introduced at company level only where there is a CLA concluded at the company level in this regard.

This CLA shall be subject to the suspensive condition of approval by the Joint Bargaining Committee for the horticultural enterprises

This CLA should include that the workers voluntarily agree to the night work arrangement

Art. 4.

For all the hours worked and present between 8 p.m. and 6 a.m. a minimum supplement of 25% of the applicable hourly rate shall be applied.

This supplement does not affect possible pre-existing more favourable arrangements on company level

Bad weather premium

CLA of 8 May 2001 (58 610)

(Royal Decree 10/12/2002 - Belgian Official Gazette 02/04/2003)

Creating solidarity in the wage costs due to the interruption of the working day by adverse

weather

Article 1.

This CLA applies to regular workers with the exception of the seasonal and occasional personnel referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Act of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

The signatory parties note that, following the application of Article 27 of the Act of 3 July 1978 on employment agreements (Belgian Official Gazette of 22 August 1978), the worker is entitled to the remuneration that he would have earned had he been able to accomplish his daily duty normally which, due to a cause beyond his will, he could not start, although he had normally gone to his place of work, or he could not continue the work he was performing.

The signatory parties note that the application of Article 27 of the Act of 3 July 1978 on employment agreements in the case of unworkable weather circumstances raises problems. They intend to have part of the problems that have emerged in the implementation of Article 27 and the resulting wage costs taken into account certain marginal conditions specified further on in the current CLA.

Art. 3.

A worker who, because of weather conditions making work impossible, could not continue the work which he had started or could not begin the work though he had gone to the place where the work had to be executed, is entitled at the expenses of his employer to the wages of the entire working day and this according to the applicable schedule.

The signatory parties highlight that this is the normal application of the Article 27 of the Act on employment contracts.

Art. 4.

The signatory parties agree that of the wage costs resulting from the application of the aforementioned Article 27 maximum half can be recovered respectively from the Guarantee and Social Fund for horticultural enterprises and the Social Fund for the layout and upkeep of parks and gardens as a function of the main activity of the employer.

Art. 6.

The board of managers of the relevant Welfare Fund shall set the conditions under which a partial recovery of the wage costs shall be possible. Thus, the Board of managers may provide the recovery for a capped number of days per company or per worker. The Board may also provide a link with the application of temporary unemployment due to bad weather.

Precise instructions shall be communicated in a circular to the employers, prepared by the board of managers of the respective welfare funds.

Accommodation and separation allowance

CLA of 30 January 2014 (120 381)

(Royal Decree 13/05/2015 - Belgian Official Gazette 14/07/2015)

Determining of the pay and working conditions for the male and female blue collar workers employed in enterprises for the layout and upkeep of parks and gardens

CHAPTER III. Wage Policy

G. Accommodation and separation allowance

Art. 14.

If the worker cannot return home every day because of the nature of the work or of the long travelling

time, and thus is obliged to stay in the vicinity of the workplace, the employer shall guarantee decent accommodation, meals and free transportation to the workplace.

Art. 15.

The employer may discharge himself of this obligation by paying:

- The lump allowances:

accommodation: EUROS 21.25 per day;

meals: EUROS 10.81 per day.

These amounts are in force since 1 January 2014 and are linked to the consumer price index in the same way as the index adjustment of wages but are rounded up to the higher decimal.

- A minimum separation allowance of EUROS 6.20 per day because of the additional costs caused by accommodation.

Premium to compensate for the inability of the employer to provide warm meals

CLA of 30 January 2014 (120 381)

(Royal Decree 13/05/2015 - Belgian Official Gazette 14/07/2015)

Determining the pay and working conditions for the male and female blue collar workers employed in enterprises for the layout and upkeep of parks and gardens

CHAPTER III. Wage Policy

F. Premium compensating the inability of the employer to provide warm meals

Art. 13.

All workers who are entitled to the mobility allowance also receive a daily lump premium of 2.50 EUROS to compensate for the inability of the employer to provide warm meals. This premium shall not affect the existing boarding compensations.

5. FRUIT CULTIVATION

End of year bonus

CLA of 9 October 2000 (55 844)

(Royal Decree 29/01/2002 - Belgian Official Gazette 03/10/2002)

End of year bonus (excluding floriculture and parks and gardens)

Article 1.

This CLA applies, with the exception of workers referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Act of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

The blue collar workers referred to in Article 1 and workers shall, at the expenses of the Guarantee and social funds for the horticultural enterprises, be awarded an end of year bonus to the extent of the performances they have made in the sector during the reference year.

Art.3

The end of year bonus is calculated on the gross wage that the male or female blue collar worker concerned has earned in the reference year.

The end of year bonus amounts to 7.55 % of the gross wage in fruit cultivating sector.

Art 4.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the bonus is paid.

Art. 5.

The end of year bonus is paid to the beneficiaries in the month of December following the reference year to which the bonus is calculated.

Art.6.

The following persons shall also be entitled to an end of year bonus paid according to the terms referred to in Article 3:

- The male and female blue collar workers year who retired or who were pre-pensioned in the course of the reference;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers linked by an employment contract for a fixed period or for specific work that will end in the course of the reference period

Art. 7.

Are not entitled to an end of year bonus, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

Bad weather premium

CLA of 8 May 2001 (58 610)

(Royal Decree 10/12/2002 - Belgian Official Gazette 02/04/2003)

Creating solidarity in the wage costs due to the interruption of the working day by adverse weather

Article 1.

This CLA applies to regular workers with the exception of the seasonal and occasional personnel referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

The signatory parties note that, following the application of Article 27 of the Law of 3 July 1978 on employment agreements (Belgian Official Gazette of 22 August 1978), the worker is entitled to the remuneration that he would have earned had he been able to accomplish his daily duty normally which, due to a cause beyond his will, he could not start, although he had normally gone to his place of work, or he could not continue the work he was performing.

The signatory parties note that the application of Article 27 of the Act of 3 July 1978 on employment agreements in the case of unworkable weather circumstances raises problems. They intend to have part of the problems that have emerged in the implementation of Article 27 and the resulting wage costs taken into account certain marginal conditions specified further on in the current CLA.

Art. 3.

A worker who, because of weather conditions making work impossible, could not continue the work which he had started or could not begin the work though he had gone to the place where the work had to be executed, is entitled at the expenses of his employer to the wages of the entire working day and this according to the applicable schedule.

The signatory parties highlight that this is the normal application of the Article 27 of the Act on employment contracts.

Art. 4.

The signatory parties agree that of the wage costs resulting from the application of the aforementioned Article 27 half can be recovered respectively from the Guarantee and Social Fund for horticultural enterprises and the Social Fund for the layout and upkeep of parks and gardens as a function of the main activity of the employer.

Art. 6.

The board of managers of the relevant Welfare Fund shall set the conditions under which a partial recovery of the wage costs shall be possible. Thus, the Board of managers may provide the recovery for a capped number of days per company or per worker. The Board may also provide a link with the application of temporary unemployment due bad weather.

Precise instructions shall be communicated in a circular to the employers, prepared by the board of managers of the respective welfare funds.

6. VEGETABLE CULTIVATION

End of year bonus

CLA of 9 October 2000 (55 844)

(Royal Decree 29/01/2002 - Belgian Official Gazette 03/10/2002)

End of year bonus (excluding floriculture and parks and gardens)

Article 1.

This CLA applies, with the exception of workers referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

To the blue collar workers referred to in Article 1 and workers shall be allocated at the expenses of the Guarantee and social funds for the horticultural enterprises, an end of year bonus to the extent of the performances they have made in the sector during the reference year

Art.3

The end of year bonus is calculated on the gross salary that the male or female blue collar worker concerned has earned in the reference year. The end of year bonus amounts to 7.55 % of the gross wage in vegetable cultivating sector.

Art 4.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the bonus is paid.

Art. 5.

The end of year bonus is paid to the beneficiaries in the month of December following the reference year to which the bonus is calculated.

Art.6.

The following persons shall also be entitled to an end of year bonus paid according to the terms referred to in Article 3:

- The male and female blue collar workers year who retired or who were pre-pensioned in the course of the reference;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers linked by an employment contract for a fixed period or for specific work that will end in the course of the reference period

Art. 7.

Are not entitled to an end of year bonus, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

As far as the end of year bonus is concerned paid in December 2000, the workers who have resigned are also exceptionally entitled to an end of year bonus.

7. MUSHROOM CULTIVATION

End of year bonus

CLA of 9 October 2000 (55 844)

(Royal Decree 29/01/2002 - Belgian Official Gazette 03/10/2002)

End of year bonus (excluding floriculture and parks and gardens)

Art. 1.

This CLA applies, with the exception of workers referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

To the blue collar workers referred to in Article 1 shall be allocated at the expenses of the Guarantee and social funds for the horticultural enterprises, an end of year bonus to the extent of the performances they have made in the sector during the reference year.

Art.3

The end of year bonus is calculated on the gross salary that the male or female blue collar worker concerned has earned in the reference year. The end of year bonus amounts to 7.55 % of the gross wage in vegetable cultivating sector.

Art 4.

Under "reference year" is to be understood the period running from 1 July of the previous year to 30 June of the year in which the bonus is paid.

Art. 5.

The end of year bonus is paid to the beneficiaries in the month of December following the reference year to which the bonus is calculated.

Art.6.

The following persons shall also be entitled to an end of year bonus paid according to the terms referred to in Article 3:

- The male and female blue collar workers year who retired or who were pre-pensioned in the course of the reference;
- The relatives of male and female blue collar workers who are deceased in the course of the reference year;
- The male and female blue collar workers whose employment agreement ended during the reference year with a notice term or a termination of the employment contract by the employer and the payment of a termination severance or whose employment contract was terminated by mutual agreement;
- The male and female blue collar workers linked by an employment contract for a fixed period or for specific work that will end in the course of the reference period

Art. 7.

Are not entitled to an end of year bonus, the male and female blue collar workers:

- who resign during the reference period itself;
- who are made redundant because of a compelling reason during the reference period.

As far as the end of year bonus is concerned paid in December 2000, the workers who have resigned are also exceptionally entitled to an end of year bonus.

Bad weather premium

CLA of 8 May 2001 (58 610)

(Royal Decree 10/12/2002 - Belgian Official Gazette 02/04/2003)

Creating solidarity in the wage costs due to the interruption of the working day by adverse weather

Article 1.

This CLA applies to regular workers with the exception of the seasonal and occasional personnel referred to in Article 8a of the Royal Decree of 28 November 1969 implementing the Law of 27 June 1969 amending the Decree of 28 December 1944 on social security for workers.

Art. 2.

The signatory parties note that, following the application of Article 27 of the Law of 3 July 1978 on employment agreements (Belgian Official Gazette of 22 August 1978), the worker is entitled to the remuneration that he would have earned had he been able to accomplish his daily duty normally which, due to a cause beyond his will, he could not start, although he had normally gone to his place of work, or he could not continue the work he was performing.

The signatory parties note that the application of Article 27 of the Act of 3 July 1978 on employment agreements in the case of unworkable weather circumstances raises problems. They intend to have part of the problems that have emerged in the implementation of Article 27 and the resulting wage costs taken into account certain marginal conditions specified further on in the current CLA.

Art. 3.

A worker who, because of weather conditions making work impossible, could not continue the work which he had started or could not begin the work though he had gone to the place where the work had to be executed, is entitled at the expenses of his employer to the wages of the entire working day and this according to the applicable schedule.

The signatory parties highlight that this is the normal application of the Article 27 of the Act on employment contracts.

Art. 4.

The signatory parties agree that of the wage costs resulting from the application of the aforementioned Article 27 maximum half can be recovered respectively from the Guarantee and Social Fund for horticultural enterprises and the Social Fund for the layout and upkeep of parks and gardens as a function of the main activity of the employer.

Art. 6.

The board of managers of the relevant Welfare Fund shall set the conditions under which a partial recovery of the wage costs shall be possible. Thus, the Board of managers may provide the recovery for a capped number of days per company or per worker. The Board may also provide a link with the application of temporary unemployment due to bad weather.

Precise instructions shall be communicated in a circular to the employers, prepared by the board of managers of the respective welfare funds.