

## Joint Committee for the employees of the metal fabrications sector (JC 209)

*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>

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## 1. Scope of application

This file applies to companies governed by the Joint Committee for the employees in the metal fabrications sector, for work performed in Belgium.

### **Institution and changes**

- (0) R.D. 05/07/1978 M.D 28.07.1978
- (1) R.D. 23.03.1987 M.D 15.04.1987
- (2) R.D. 08.01.1992 M.D.21.01.1992
- (3) R.D. 19.09.1995 M.D 17.10.1995
- (4) R.D. 10.02.2008 M.D 18.02.2008

### **Article 1, § 2, point 1**

Competent for workers whose occupation has mainly an intellectual character and for their employers, for enterprises which primarily manufacture, transform, process, assemble or perform one of these operations making use of ferrous and non-ferrous elements, as well as of precious metals, synthetic thermoplastics, thermosetting or composite materials or any other substitute materials, when the implementation of these materials implies techniques or knowledge pertaining to metal, mechanical and electrical constructions, as well as the engineering agencies dealing with them; the individual persons and bodies governed by the Joint Committee for the approved inspection bodies excluded; the enterprises, with the exception of those whose workers governed by the Joint Construction Committee, primarily engaged in:

- The renting of services and / or of materials for the execution of all lifting work;
- The execution of all lifting work.

Are, for instance, considered to meet this definition, the following activity sectors

- Steel mills and metal casting foundries;
- Wire drawing, drawing, cold rolling, extruding, calendaring and related techniques;
- Forges, prints, large stamping, thermoforming and related industries, including profiles, chains and tubes, with the exception of seamless steel tubes;
- Sheet metal working and diverse manufacturing such as light and heavy packaging, sheet metal products for industrial or non-industrial use, household appliances, construction work accessories, metalwork, metal furniture, beds, box springs and metal mattresses;
- Manufacturing and placement of metalwork, with the exception of enterprises ensuring the placement of more than half of their annual production by their own personnel, and provided that such placement on the building site requires more than 35% of the hours worked by all the blue collar workers of the enterprise;
- Construction, assembly and inspection of bridges, roofs and elevators;
- Boilers and furnaces;
- Ship- and riverboat building and ship and riverboat repair;
- Rail and tramway equipment;
- Automobile, cycle, aerospace and related industries, including the industrial construction of bodies, caravans, trailers and semi-trailers, as well as baby carriages; the industrial construction requires the implementation of industrial processes such as the production in line or in series, with the exception of the small series or non-serial pieces, and as opposed to craftsmanship;
- Engines, pneumatics, hydraulics, compressors, pumps, fans, machine tools, textile machinery, machinery and tools for shaping synthesis materials, thermoplastics and thermosetting or composites, various machines and all their accessories, tools;
- Various types of mechanical engineering such as those relating to gears and to valves, general mechanical engineering, lathing;
- Lifting, handling and weighing appliances;
- Machinery and equipment for various industries, fine mechanical engineering;

- Equipment for agriculture, horticulture and animal husbandry;
- Repair, maintenance and control of machines, tools, equipment and vehicles produced by enterprises governed by the metal, mechanical and electrical fabrication sector, to the exclusion of those governed by the National Joint Committee of the garage enterprises or the National Joint Committee of commercial aviation ;
- Rectification work;
- Revision of petrol and diesel engines;
- Cutlery;
- Manufacture of chandeliers;
- Manufacture of all lighting and signaling appliances including their placement when the company produces itself in whole or in part the material it installs;
- Industrial electrical equipment and small installation equipment, domestic electric appliances, manufacturing without placement of incandescent fluorescent, neon, mercury vapor, rays or other tubes and lamps;
- Electrical installations, including neon installations, when the enterprise produces itself in whole or in part, the material it installs for industrial use.
- Batteries; accumulators
- Telecommunications, industrial and general use electronics;
- Radio and television appliances, and spare parts;
- Laboratory and measuring devices and the like;
- Optical appliances;
- Special medical equipment, excluding those companies governed by the JC of the chemical industry ;
- Zippers;
- Metal toys;
- Manufacture of musical instruments;
- Electroplating, nickel plating, chrome plating, polishing, glazing, painting of machinery, parts or elements; coloring of metal, painting and baking, covering by dipping, gimping, plating and their derivatives;
- Processing and / or shaping of plastics and materials related to the manufacture of products for metal; electrical and mechanical construction according to techniques that are suitable for the processing of metals;
- Manufacture of reinforced plastics;
- Manufacture of components for ventilation and air conditioning;
- Water treatment facilities including water purification (electromechanical part);
- Refuse treatment facilities (electromechanical part);
- Watches and silverware industry;
- Arms and ammunition, excluding enterprises governed by the Joint Committee of the armory construction by hand;
- Consultancy agencies dealing with the activity sectors above

## 2. Minimum wages (gross)

**1<sup>st</sup> July 2016** (indexation percentage 0.88 )

### **NATIONAL MINIMUM WAGE SCALES**

The national minimum wage scales (incl. the minimum guaranteed national monthly wages) are only applicable to the scaled and scalable employees.

The CLA of 14 March 2014 relative to the National Agreement 2013-2014 makes the national minimum wage scale applicable to the scaled and scalable employees, starting from 1 April 2014, however without seniority stipulations.

The minimum wages in the provinces and regions are equal to the national minimum wage scales.

#### Administrative employees

1 <sup>st</sup> step	2 <sup>nd</sup> step	3 <sup>rd</sup> step	4 <sup>th</sup> step
1,599.95	1,758.12	1,948.09	2,090.99

#### Technical employees

1 <sup>st</sup> step	2 <sup>nd</sup> step	3 <sup>rd</sup> step	4 <sup>th</sup> step	5 <sup>th</sup> step	6 <sup>th</sup> step	7 <sup>th</sup> step
1,599.95	1,694.72	1,758.12	1,805.80	1,948.09	1,964.37	2,090.99

#### Draughtsmen

1 <sup>st</sup> step	2 <sup>nd</sup> step	3 <sup>rd</sup> step	4 <sup>th</sup> step	5 <sup>th</sup> step
1,694.72	1,805.80	2,090.99	2,217.75	2,503.04

#### Foremen

1 <sup>st</sup> step	2 <sup>nd</sup> step	3 <sup>rd</sup> step
1,869.18	2,217.75	2,408.12

#### Tracers for boiler work

1 <sup>st</sup> step	2 <sup>nd</sup> step
2,090.99	2,202.03

### **MINIMUM GUARANTEED MONTHLY WAGES**

National	1,599.95
Province:	
Flemish and Walloon Brabant and Brussels Capital Region	1,599.95
West and East Flanders	1,599.95
Antwerp and Limburg	1,646.55
Liège, Luxemburg, Namur, Hainaut	1,599.95

### **JOB CLASSIFICATION**

#### **CLA of 31 March 2014 (122 084), extended by the CLA of 6 February 2017 (135 205)**

(R.D. 27/03/2015 – Belgian Official Gazette. 17/04/2015)

(R.D.....- Belgian Official Gazette.....)

#### **Sectorial minimum wages**

#### CHAPTER I. Scope

Article 1. This collective labour agreement applies to employers and their white collar workers. Under the term "white collar workers": are to be understood: the male and female scaled and scalable white collar workers.

#### CHAPTER IV. Job description of the function of white collar workers

Art. 4. The description of the functions of the white collar workers to whom these minimum wages apply, are included in the Annex 2 of this CLA.

#### CHAPTER V. Validity

Art. 5. This collective agreement is concluded for a fixed period from the 1<sup>st</sup> of April 2014 to the 31<sup>st</sup> of December 2018.

#### Annex 2 to the Collective Labour Agreement of 31 March 2014 concerning the sectorial minimum wages Description of the functions of the white collar workers

##### **A. Administrative staff**

The fact that a staff member has the necessary skills to execute a given function does not imply that he or she should be classified in the corresponding stage, if he or she does not actually execute this function.

The staff members will be classified according to their functions, activities and initiatives and responsibilities they exercise. In case one of them is believed to perform multiple functions, the conditions under which he or she is to exercise his or her functions shall be mentioned. He or she shall be paid at least at the rate of the highest function which he or she exercises, provided that it is not just by chance.

##### **Office clerks**

Workers attached to the registration of the production and sale thereof, as well as the general administrative personnel whose job mainly consists in paper work; must be able to write and count properly.

##### **First stage**

Clerks of any service:

- 1) Who must not take any personal initiative and must work in accordance with clearly established rules and formulas;
- 2) Whose function does not require any vocational training or special knowledge or experience but who just need to be instructed.

##### **Second Stage**

Clerks of any service who must prove sufficient judgment for the appropriate execution of their work, relying on past examples or on the guidelines of a superior.

The function takes two years of professional experience.

##### **Third stage**

Specialized clerks of any service who are able to perform any kind of work of the previous stages corresponding to their specialization, but:

- 1) should show Initiative;
- 2) hold a position for which special knowledge and four years of professional experience are required.

##### **Fourth stage**

Chief clerks of any service who are able to perform any kind of work of the previous stages corresponding to their specialization, and who additionally, on their own initiative, search and gather all the elements of the important work that is entrusted to them. They may be assisted by a number of

clerks of the preceding stages and they distribute the work among them. The function requires six years of professional experience

### **B. Technical staff**

Same general remark as for the administrative staff.

Definition

White collar workers who have acquired vocational training either in a technical school or by an adequate practice, and who are charged with technical operations in an office or in a laboratory.

Classification

#### **1. Draughtsmen**

##### **First stage**

Requires a diploma of a secondary school of a lower degree and a diploma of an elementary industrial school (evening classes) or a diploma of a vocational school offering a complete curriculum (daytime classes) and requires no professional experience

Copies properly on calque paper and shapes clearly the letters and numbers, copies without errors a drawing, helps the designer with his writing work or in modifying the calque paper drawings

##### **Second Stage**

Requires a diploma of a secondary school of a lower degree and a diploma of an elementary industrial school (evening classes) plus one year of higher industrial school attended successfully or a diploma of complete vocational school (daytime classes) and also requires a professional experience of two years. Performs under the direct supervision of a responsible superior, simple or fairly complex drawings, on the basis of existing similar works. Makes weight specifications on the basis of drawings.

Has a sufficient technical drawing knowledge to:

- Perform detailed drawings of a relatively complex assembly, if necessary based on examples from the past, with full indication of the measures for implementation (measures as they exist in the composition or as they can be measured);
- Perform a draft with measures of a simple part;
- Calculate the weight of simple parts so as to be able to draw up specifications;
- Draw up the associated parts lists, on the basis of the instructions of a superior or a draughtsman of a higher degree, unless the white collar worker is considered as a technician.

Please note:

In the electro-technical industry, the same definitions are used for partial or ensemble schemes of windings.

##### **Third stage**

Requires a Secondary School diploma of a lower degree and a diploma of higher industrial school or diploma of a full course of a vocational school (daytime classes) with a degree of a higher industrial school and also requires a professional experience of six years.

Makes current drawings for manufacturing, designs and performs intricate drawings according to strict guidelines and under the supervision of a responsible superior.

Has sufficient technological knowledge to:

- on the basis of already existing drawings, draw compositions or details of designs, applying certain changes as indicated by a superior or a draughtsman of the next stage
- draw designs of parts, without the aid of a model;
- precisely apply standards, tolerances and machining tolerances according to pre-formatted tables, as well as the basic technical rules for a simple and economical execution of the parts;
- check the mounting options by re-composition;
- make the weight specifications of an appliance according to the implementation plans, except if the white collar worker is considered as a technician.

Please note:

In the electro-technical industry he performs other drawings, based on pre-existing other drawings,

which differ only by modifications in the assembly of the parts.

#### **Fourth stage**

Requires a High School diploma of a lower degree and a diploma of a higher industrial school or diploma of a full course of a vocational school (daytime classes) with a degree in a higher industrial school and also requires a professional experience of seven years.

Makes important drawings for manufacturing, according to the general guidelines of a responsible head, draws and executes all the drawings and has them detailed by other draughtsmen, whom he supervises.

Moreover, he has sufficient knowledge of technology and mechanics:

- To apply current formulas from tutorials on material resistance and statistics and therefore provide the parts with appropriate measures;
- Draw basic drawings of graphic statics;
- Select the appropriate materials.

Please note:

In the electrical industry the same definitions are applied to schemes, tables, equipment, in the field of studies.

#### **Fifth stage**

Requires a High School diploma of a lower degree and a diploma of a higher industrial school or diploma of a full course of a vocational school (daytime classes) with a degree in a higher industrial school and also requires a professional experience of nine years.

Performs, entirely by his own responsibility, all activities of a more complex nature than those of the fourth stage, including all the operations related to the preparation of complete projects, the specifications etc., answers all the questions by the customers or by the enterprise, supervises the implementation of the deliverable products, their preparation for certification by the purchaser.

Has sufficient technical knowledge to:

- in his specialty, study the problems raised by a superior, show initiative in searching for appropriate and economical solutions and create assembly drawings of appliances so that an execution drawing of the composing parts becomes possible;
- In general and by calculation justify the arrangements in any current case that occurs in professional practice;
- make descriptive notes for the operation and maintenance of the appliances;
- prepare the elements for the technical correspondence; he prepares the elements in a clear and explicit way for the work of the dealer, the proper interpretation of the study is guaranteed, he checks the detailed drawings.

Please note:

In the absence of the required diplomas, the stakeholders will have to prove that they possess a technical knowledge, equivalent to that the specified above

So as to take into account the names which may differ from region to region, the diploma of the higher industrial school may be replaced by a diploma of higher courses of industrial school.

## **2. Workshop technicians**

### **First stage**

Clerk for paperwork who has acquired a vocational training through adaptation during his professional activities: methods, specifications, scheduling, etc., without responsibility and requires no professional experience.

For example :

- Clerk in the technical service.

### **Second Stage**

Knows the appliances that are produced in the factory and the overall resources it has at its disposal; follows-up and monitors the operating process in order to ensure the execution of orders in the allotted

time. The function takes two years of professional experience.

To do so, he relies on documents issued in some cases by the method office.

Example:

- Operations engineer

### **Third stage**

Draws up the parts-lists for assembly and detail drawings for the fabrication of an appliance or machine. Depending on the instructions he receives about the nature of the various materials which could be used, he may use the specification standards of this Monitoring and Inspection Technician. The function requires two years of professional experience.

For example :

-Parts-lists Technician.

### **Fourth stage**

Technician possessing the professional knowledge and responsible for inspecting the parts on the basis of the drawing at all stages of the manufacturing process right to the end. He communicates the results of his monitoring work and has the power to have the parts improved or to have them classified as waste. The function takes two years of professional experience.

Or

Technician-supervisor, who does the presentation during the inspection and the reception of the materials through interpretation and application of the specifications without being supervised or assisted by an engineer or a service superior. He is able to conduct on his own mechanical and macrographic tests and to discuss the results thereof. The function takes two years of professional experience.

For example :

- Supervising Technician;

- Expert-Technician.

Or

A technician-chemist assisting the chemist and does only dosages of common elements concerning raw materials or products, which are important for the plant. The function takes two years of professional experience.

### **Fifth stage**

White collar worker with a practical vocational training. His work consists in measuring or estimating, by relying on examples from the past, the necessary time for the various operations carried out by the workers; Practically he supervises these times. The position requires four years of professional experience.

For example :

- Timer.

Or

A technician executing laboratory tests, measurements, ordinary (macro graphical, micro graphical) photographs without having to discuss them. In the electro-technical industry, he is able to understand a diagram drawn by the engineer and perform the corresponding arrangements and settings. The function requires four years of professional experience.

### **Sixth stage**

Technician who possesses the knowledge for operating the production processes of his specialty; who is able to analyse the time required for a particular operation by a worker or a machine and to record this. He is able to draw a sketch, is able to propose amendments with respect to: the performance of the worker and the machine, the safety of the worker, the quality of the parts, reducing the number of waste parts.

He is skilled in launching the production process which is entrusted to him in the required quality and pace. The function takes four years of professional experience.



For example :

- Timer analyser.

Or

A technician experienced in laboratory tests, who is operating these tests, measurements, ordinary photos (macro graphical, micro graphical) and is capable to discuss the obtained results. In the electro-technical industry, he is able to do, on his own or according to the guidelines of an engineer, a detailed study and the simple corresponding calculations. The function takes four years of professional experience.

Or

A technician-chemist who performs the basic quantitative analyses of most of the substances or products which are of importance for the plant. The function takes four years of professional experience.

### **Seventh stage**

Possesses the professional knowledge and has six years of professional experience:

- Does simple operation sequences on the basis of the drawings or previous sequences;
- Estimates time for these operations;
- Presents the corresponding simple tools.

For example :

- Technician for preparation work.

Or

Possesses extensive theoretical and practical knowledge and has six years of professional experience:

- Does the full operation sequences on the basis of the drawing;
- Calculates the necessary time for all operations, either in detail or approximately (for the preparation of specifications);
- Can exert credit over a drawing in view of operating it;
- Presents the corresponding tools for the indication of details and calculates the price of the approach.

For example :

- Technician for operation preparation and specification.

Or

A qualified chemist who performs the quantitative and qualitative analyses of any substance or product of importance to the plant.

The function requires six years of professional experience.

Please note that the definitions given for the various functions may apply to some plants, but do not fit for all. Basically (and this observation applies to all the examples) one should not lose sight of the general definition and one must judge in each case if there is need for vocational training or not.

### **3. Leading subordinate personnel**

Foreman: member of the leading staff, subordinate either to a member of a higher rank, either to the employer or his representative. He is charged with carrying out of the work entrusted to him by the workers, teams or groups of workers of different occupations: skilled and specialized workers, unskilled workers. He guarantees the observance of the quality of products, of the time and of discipline by the persons under his supervision.

In smaller enterprises, the foreman is sometimes in charge of the full direction of the workhouse.

This function requires a minimum nine years of professional experience.

For the mechanical construction:

- First stage: for example, treatment, de-bearding ...;
- Second stage: for example: mounting of timber work and boiler work, mechanical finishing;
- Third stage: for example: chief-tracer, tools (creation, study, application, etc.).

### **4. Tracers**

#### **First stage**

Requires a knowledge of mathematics and drawing, corresponding to that obtained at a secondary industrial school or gained in the course of similar studies. This function requires a professional experience of six years.

Tracers who do; habitually and autonomously, drawings and markings for operations in the field of bridges, timber work and boiler work and who possess the necessary knowledge and practice so that the markings correspond to the operational conditions and the various manufacturing operations.

### **Second Stage**

Requires the knowledge of mathematics and drawing or marking, workhouse technology and descriptive geometry, corresponding to that obtained at a higher industrial school, or equivalent practical knowledge. The tracer will have to prove at least one year of seniority as a tracer of the first stage and have acquired seven years of professional experience enabling him to take, in the course of his activities, in consultation with his immediate supervisor, arrangements which reduce the costs and facilitate mounting. He must be able to execute quickly and certainly any preparatory work, as well as the launching of the manufacture of bridges, timber work, boiler work, lifting and handling vehicles and different mechanisms. He must be capable of carrying out his work using little detailed plans, which leave him much initiative

### 3. Working hours

Employees falling under a specific wage scale or who could fall under a specific wage scale : average weekly working hours on an annual basis : 38 h/week (1,756 h/year).

'Centre', with the exception of first metal manufacturing companies and of companies that mount metal skeletons: the annual working hours are shortened by two days on full pay. Payment shall occur on the basis of the rules governing the public holidays. Not in those companies applying already an average number of working hours of 36 h / week, i.e. 1 663 hours / year. Max. 2 paid local or regional public holidays are not counted in the calculation of this average of 36 h / 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

### End of year bonus

#### **CLA of 13 November 2003 (69 670)**

(Royal Decree 12/05/2004 - Belgian Official Gazette 28/06/2004)

#### **Granting an end of year bonus in the provinces of Flemish Brabant, Walloon Brabant and the Brussels Capital Region**

##### CHAPTER II. Scope

Art. 2.

The provisions of this CLA apply only to the scaled and scalable employees.

##### CHAPTER III. Allocation terms

Art. 3.

The employees having at least one year of seniority in the company at the end of the reference period are eligible for an end of year bonus.

The period between December 1 of the previous year and November 30 of the year concerned shall be taken into account as reference year.

##### CHAPTER IV. Amount

Art. 4

The amount of the end of year bonus is equal to 6.66% of annual gross wage. The annual gross wage is calculated on the basis of the wage corresponding to the effective performances and assimilated periods. The yearly bonus shall be paid during the month of December of the year concerned.

##### CHAPTER V. Assimilations

Art. 5.

The following periods shall be assimilated to effective performances:

- The guaranteed wage for the days of absence due to an industrial accident or an occupational disease;
- The guaranteed wage for disease of common law to a maximum of one month and a maximum of one uninterrupted period per year;
- The guaranteed daily pay;
- The annual holidays;
- The public holidays;
- The short-term absenteeism;
- The days of reduction of working hours;
- The trade union training;
- The trade union hours for fulfilling the mandates in the work's council, the committee on prevention and protection at work, union delegation;
- The seniority leave.

##### CHAPTER VI. Pro rata payment

Art. 6

The end of year bonus is allocated pro rata to the employees, having at least one year of seniority on the date of their departure:

- who are dismissed during the reference year, except dismissal for compelling reasons;
- who have left the company for retirement;
- whose fixed-term contract comes to an end.

**CLA of 23 August 2004 (74 113)**

(Royal Decree 23/01/2006 - Belgian Official Gazette 06/04/2006)

**End of year bonus for employers and scaled and scalable employees of the metal manufacturing industry in the provinces of East and West Flanders**

CHAPTER I. Introduction

Article 1. Scope

This CLA applies to employers and the scaled and scalable employees and the companies situated in the provinces of East and West Flanders, with the exception of the companies located in the "Land van Waas" area. Under "Land of Waas" are to be understood: Beveren-Waas, Kruikeke, Lokeren, Sint-Gillis-Waas, Sint-Niklaas, Stekene, Temse.

This CLA shall not apply to companies assembling bridges and metal skeletons, or to the following companies: Volvo Cars Gent NV / Ghent and Volvo EUROPE Truck NV / Oostakker.

CHAPTER II. General principle

Art. 3. Eligible for an end of year bonus equivalent to a 13th Month

Without prejudice to the terms of this CLA on the entitlement to an end of year bonus and its method of calculation, granting and payment terms, the employee is entitled to an end of year bonus equivalent to a 13th month. To be entitled to an end of year bonus, the employee must be employed by November 30 of the year to which the bonus relates, except for the cases provided for in Article 4, § 4.

CHAPTER III. Conditions for entitlement to the end of year bonus, calculation, granting and payment terms

Art. 4.

§ 1. Beneficiaries

a full-time employment (five-day week)

To be entitled to the payment of a end of year bonus, the employee must have actually performed 60 working days during the reference period, except for the cases provided for in Article 4 § 4b and Article 4, § 4c.

b. Full-time employment other than the five-day week

To be entitled to the payment of a end of year bonus, the employee, except for the cases provided for in Article 4, § 4b and Article 4, § 4c, must perform during the reference period a number of effective working days equal to the result of the following operation:

$$\frac{60 \times \text{number of working days} / \text{week}}{5}$$

Example: a white collar worker works full-time in a weekend shift on Saturday and Sunday. He must prove the number of working days according to the following formula:

$$\frac{60 \times 2}{5} = 24 \text{ working days}$$

c. part-time employment (fixed or variable schedule)

To be entitled to the payment of a end of year bonus the employee must during the reference period perform a number of working hours, equal to a pro rata amount of the working hours a full-time worker performs during 60 working days and this proportionally to his part-time employment.

Example: A white collar worker works 20 hours per week. A full-time worker should work 38 hours per week. A full-time worker should work in 60 days 456 hours. A part-time worker must prove a number of working hours according to the following formula:

$$\frac{20 \times 456}{38} = 240 \text{ hours}$$

#### § 2. Basis of calculation of the end of year bonus

The end of year bonus, as defined in Article 3, is equal to the individual gross monthly wage of the month of July of the reference period to 100%, this means the individual gross monthly wage without any possible supplements.

#### § 3. Reference period

The reference period runs from 1 December of the previous year to 30 November of the year to which the end of year bonus relates.

#### § 4. Pro rata payments

Without prejudice to the effective performances provided for in Article 4 § 1, in case of:

- a. dismissal by the employer, except for compelling reasons, in the course of the reference year, 1/12th of the end of year bonus shall be paid per month worked in the reference period;
- b. legal and pre-pension during the reference period, 1/12th of the end of year bonus shall be paid per month worked in the reference period;
- c. death during the reference period, 1/12th of the end of year bonus shall be paid per month worked in the reference period;
- d. recruitment during the reference period, 1/12th of the end of year bonus shall be paid per month worked in the reference period;
- e. employees having concluded a fixed-term contract in the course of the reference period, 1/12th of the end of year bonus shall be paid per month worked in the reference period.

#### § 5 Assimilations

Without prejudice to performances provided for in the Article 4 § 1, the following periods of absence are assimilated with actual performances in terms of the calculation of the year-end bonus:

- a. the days of an industrial accident;
- b. The days of illness and accident of common law: assimilation of the first two periods of absence during the reference period for which a guaranteed monthly wage was paid (the requirement of having been paid a guaranteed monthly wage does not apply in case of maternity leave) with a maximum duration of six months;
- c. The days of short-term absenteeism;
- d. Statutory paid public holidays;
- e. the days of annual leave.

#### § 6. Non-assimilated days

The year-end bonus is reduced per non-assimilated day by 1 / 261 of the gross amount of the bonus.

#### § 7. Payment Date of the end of year bonus

The yearly bonus is paid by January 31 of the year following the year to which the bonus relates, provided the employee is in service on November 30 of the reference period.

#### § 8. Existing practices and agreements

The existing company agreements and practices relating to the method of calculation and the terms of allocation and of payment of the end of year bonus, which existed prior to the signing of this CLA, shall remain applicable even if these practices and agreements are less favourable than those of this CLA.

The existing agreements and practices in companies, with respect to the height / the amount of end of year bonus (hours, rates, etc.) that are more favourable than the provisions of this CLA shall continue to apply.

#### § 9. Derogation

Companies in serious economic and / or financial difficulties may derogate from these CLA clauses provided they obtain a company agreement, which is subsequently endorsed by the competent Joint Bargaining Committee.

**CLA of 14 June 1989 (23 715), as amended by the CLA of 8 March and 19 April 1991 (27 248)**

(Royal Decree 19/08/1990 - Belgian Official Gazette 20/09/1990)

(Royal Decree 07/10/1994 - Belgian Official Gazette 23/02/1995)

**Granting an end of year bonus in the province of Limburg**

Article 1. Scope

§ 2. For the domains covered by this CLA, the scope is in accordance with the scope that was already provided for by the national or regional CLAs governing these matters or by contracts or practices in these domains existing at company level.

Failing this, the provisions of this CLA apply to the scaled and scalable employees.

Art. 2. End of year bonus - Realization of a 13th month.

2.1. Programmation

A programmation to introduce a 13th month is agreed according to the following provisions :

- in 1992 : 100% of a monthly wage as a 13th month after one year of seniority;

2.2. Granting and payment conditions

2.2.1. The reference period for the calculation of the end of year bonus runs respectively from 1 December of the year prior to the year to which the bonus relates to 30 November of the year to which the bonus relates.

2.2.2. The wages taken into account to calculate the end of year bonus are the basic wages of 1 November of the year to which the bonus relates, premiums or supplements of any kind are not included, with the exception of the productivity bonuses.

2.2.3. The end of year bonus is allocated provided 60 days were actually performed during the meant reference period (reduction in working days –days of working hours reduction included). For the purposes of this paragraph, the days provided for in section 2.2.6. are not considered actually worked days.

2.2.4. Condition to enjoy the end of year bonus

a) to be employed respectively by 30 November of the year to which the bonus relates, except for the cases provided for in paragraph 2.2.7. and

b) at that date having reached. at least 6 months of seniority within the company.

2.2.5. The bonus is paid by 31 December of the year to which the bonus relates. The year-end bonus is reduced by 1 / 260th of the gross amount of the bonus per non-assimilated day .

2.2.6. Subject to 60 days of actual performance during the reference period, the following non-worked days or periods are assimilated to actually worked days:

- The statutory paid public holidays;
- The statutory stipulated short-term absenteeism;
- The statutory days of leave;
- The days of reduction of the working hours (AVD-days);
- The days of educational leave;
- The days of union leave;
- The days of family leave with a maximum of 10 days per period of reference;
- The days of recall for military service;
- Sickness, maternity and accident of common law: assimilation of periods of absence during the reference period with a maximum total duration of two months.

These days shall only be assimilated provided 60 actual worked days can be proved during the reference period.

2.2.7. Contrary to Article 2.2.4. a) and without prejudice to the 60 days' actual performance during the reference period, a en of year bonus is paid :

- a) to the employees who retired or went into pre-pension during the reference year;
- b) to the person who has paid for the funeral expenses for a deceased employee
- c) to the employees who are called under arms;

- d) to the employees who are dismissed by the employer, except for compelling reasons;  
e) to the employees upon termination of their internship contract and fixed-term contract.  
The condition of 60 days actual performance, opening the pro rata eligibility does not apply in case of death or retirement pension or pre-pension.
- 2.2.8. The granting and payment terms of the prior existing company agreements remain fully applicable, even if they are less favourable than the granting and payment terms provided for in this CLA.  
The companies having already a programming on the amount of the end of year bonus that is more favourable than the provisions of this CLA continue to apply this programming.
- 2.2.9. The end of year bonus, calculated as mentioned above, is only acquired if no days of unjustified absence occur in the reference period. For each day of unjustified absence served to the beneficiary, a reduction of 10% shall be applied.
- 2.2.10. Companies in serious economic and / or financial difficulties may derogate from the clauses of these CLAs, provided they agree to follow the provided conciliation procedure.

**CLA of 19 April 1990 (25 255), as amended by the CLA of 20 February and 19 April 1991 (27 247)**

(Royal Decree 18/09/1990 - Belgian Official Gazette 07/11/1990)

(Royal Decree 10/10/1994 - Belgian Official Gazette 23/02/1995)

**Granting an end of year bonus in the province of Antwerp**

CHAPTER I. Scope

Article 1.

§ 2. For the domains covered by this CLA, the scope is in accordance with the scope that was already provided for by the national or regional CLAs governing these matters or by contracts or practices in these domains prior existing at company level.

Failing this, the provisions of this CLA apply to the scales and scalable employees

*End of year bonus - Realization of a 13th month.*

Art. 2.

2.1. Programmation

A programming to introduce a 13th month is agreed according to the following provisions :

- in 1992 : 100% of a monthly wage as a 13th month after one year of seniority;

2.2. Granting and payment terms

2.2.1. The reference period for the calculation of the end of year bonus runs respectively from 1 December of the year prior to the year to which the bonus relates to 30 November of the year to which the bonus relates.

2.2.2. The wages taken into account to calculate the end of year bonus are the basic wages of 1 November of the year to which the bonus relates, premiums or supplements of any kind are not included, with the exception of the productivity bonuses.

2.2.3. The end of year bonus is allocated provided 60 days were actually performed during the envisaged reference period (reduction in working days –days of working hours reduction - included). For the purposes of this section, the days provided for in section 2.2.6. are not considered actually worked days.

2.2.4. Condition to enjoy the end of year bonus

a) to be employed respectively by 30 November of the year to which the bonus relates, except for the cases provided for in paragraph 2.2.7. and

b) at that date having reached. at least 6 months seniority within the company

2.2.5. The bonus is paid by 31 December of the year to which the bonus relates. The year-end bonus is reduced by 1 / 260<sup>th</sup> of the gross amount of the bonus per non-assimilated day .

2.2.6. Subject to 60 days of actual performance during the reference period, the following non-worked days or periods are assimilated to actually worked days:

- The statutory paid public holidays;
- The statutory stipulated short-term absenteeism;



- The statutory days of leave;
- The days of reduction of the working hours (AVD-days);
- The days of educational leave;
- The days of union leave;
- The days of family leave with a maximum of 10 days per period of reference;
- The days of recall for military service;
- Sickness, maternity and accident of common law: assimilation of periods of absence during the reference period with a maximum total duration of two months.

These days shall only be assimilated provided 60 actual worked days can be proved during the reference period.

2.2.7. Contrary to Article 2.2.4. a) and without prejudice to 60 days' actual performance during the reference period, a yearly bonus is paid :

- a) to the employees who retired or went into pre-pension during the reference year;
- b) to the person who has paid the funeral expenses for a deceased employee
- c) to the employees who are called under arms;
- d) to the employees who are dismissed by the employer, except for compelling reasons;
- e) to the employees upon termination of their internship contract and fixed-term contract.

The condition of 60 days actual performance, opening the pro rata eligibility does not apply in case of death or legal or pre-pension.

2.2.8. The granting and payment terms (with the exception of the programming : article 2.1.) of the prior existing company agreements remain fully applicable, even if they are less favourable than the granting and payment terms provided for in this CLA.

The companies having already a programming on the amount of the end of year bonus that is more favourable than the provisions of this CLA continue to apply this programming.

2.2.9. The end of year bonus, calculated as mentioned above, is only acquired if no days of unjustified absence occur in the reference period. For each day of unjustified absence served to the beneficiary a reduction of 10% shall be applied.

2.2.10. Companies in serious economic and / or financial difficulties may derogate from the clauses of these CLAs, provided they agree to follow the provided conciliation procedure.

### **CLA of 7 December 2015 (132 049)**

(R.D. 08/01/2017 - Belgian Official Gazette 21/02/2017)

### **Co-ordination on a settlement of a full suspension of the execution of the labour agreement and / or an arrangement of partial employment for lack of work due to economic reasons**

#### 7. Assimilation

##### Art. 12

§1. The periods of full suspension of the execution of the labour agreement and / or of an arrangement of partial employment for lack of work due to economic reasons are assimilated to worked days for the implementation of the year-end bonus under the same conditions as it is the case for temporary unemployment for the blue collar workers.