

**Country: BELGIUM – POSTING OF DRIVERS - TRANSPORT OF GOODS - remuneration amounts on 01/01/2022**

Item (related provision in Directive 96/71/EC as amended by Directive (EU) 2018/957)	Content of the information to be provided	Example
<p><b>APPLICABLE PROVISIONS</b></p>	<ul style="list-style-type: none"> <li>- national law, regulation or administrative provision</li> </ul> <p>AND/OR</p> <ul style="list-style-type: none"> <li>- collective agreements or arbitration awards declared universally applicable</li> </ul> <p>AND/OR</p> <ul style="list-style-type: none"> <li>- collective agreements that otherwise apply in accordance with Article 3(1) and (8) of Directive 96/71/EC</li> </ul>	<p><b>Specific for posting:</b> Law of 5 march 2002 on posting – not yet updated (01/03/2022)</p> <p>Dutch:  <a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2002030530&amp;table_name=wet">https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2002030530&amp;table_name=wet</a></p> <p>French:  <a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2002030530&amp;table_name=loi">https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2002030530&amp;table_name=loi</a></p> <p>Sector specific collective agreements:</p> <ul style="list-style-type: none"> <li>- collective agreements declared universally applicable of the <b>Joint Sub-Committee 140.03 for road transport and logistics on behalf of third parties, applicable to the mobile workers.</b></li> <li>- collective agreements declared universally applicable of the <b>Joint Committee 140.00 for transport and logistics, applicable to road transport and logistics on behalf of third parties, applicable to the mobile workers.</b></li> <li>-</li> </ul>

	<p>as amended by Directive (EU) 2018/957</p>	
<p><b>SCOPE OF APPLICATION</b></p>	<ul style="list-style-type: none"> <li>- types of transport activities covered</li> <li>- types of vehicles covered</li> <li>- enterprise size/type of employment covered (if relevant)</li> </ul>	<p><b>“Joint Sub-Committee 140.03”</b> applies to the mobile workers of the companies, which come under the Joint Sub-Committee for road transport and logistics on behalf of third parties, for work performed in Belgium.</p> <p><i>Creation and modifications</i></p> <p>(0) Royal Decree of 22/01/2010 Belgian Official Gazette of 09/02/2010</p> <p>(1) Royal Decree of 15/02/2016 Belgian Official Gazette of 01/03/2016</p> <p>(2) Royal Decree of 28/11/2021 Belgian Official Gazette of 14/12/2021</p> <p>Article 4</p> <p>§ 1 Responsible for workers who mainly perform manual tasks and their employers, in companies:</p> <p>1° perform <b>road transport and any other land transport of things for third parties, regardless of the traction type of the means of transport used;</b></p> <p>2° exclusively engaged in <b>logistical activities</b> on behalf of third parties.</p> <p>3° carry out an activity consisting of <b>escort services to third parties for exceptional vehicles</b> with a view to road safety.</p> <p>§ 2. "Logistical activities" means: reception, storage, weighing, packaging, labelling, order picking, stock management and shipping of raw materials, goods or products at the various stages of their business cycle without new raw materials or finished or semi-finished goods or products being produced.</p> <p>“On behalf of third parties” means: performing logistical activities on behalf of other legal entities or natural persons and provided the companies engaged in logistical activities on behalf of third parties never become the owners of the raw materials, goods or products in question.</p> <p>Companies engaged in logistical activities on behalf of third parties shall be deemed to include companies buying raw materials, goods or products from related companies in the group and selling these raw materials, goods or products to related companies in the group provided these raw materials, goods or products are subjected to logistical activities.</p> <p>"Group of related companies" means the related companies that also fulfil the conditions laid down in</p>

	<p>Article 11, 1 ° of the Act of 7 May 1999 containing the Belgian Company Code.</p> <p>§ 3 The Joint Subcommittee for road transport and logistics for third parties is <b>not competent</b> for transport companies on behalf of third parties, which are the responsibility of the Joint Subcommittee for ground handling in airports, the Joint Subcommittee for moving, the Joint Committee for the oil trading industry,</p> <p>the Joint Committee for the construction sector, the Joint Commission for the trade of fuels, the Joint Commission for security and/or surveillance services.</p> <p>The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies when these logistical activities are an integral part of a production or trade activity as far as these logistical activities are included in the scope of a specific joint committee.</p> <p>The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies that fall within the competence of the Joint Committee for the chemical industry, the Joint Committee for the oil trading industry, the Joint Commission for the trade of fuels or the Joint Committee for ports.</p> <p>Latest modification: 24/01/2021</p> <p>Description of the “sub-sector for the transport of goods by land on behalf of third parties” and the “sub-sector for the handling of goods for third parties” :</p> <p>See the scope in the CLA of 26 November 2009 (96 987) (Royal Decree 30/07/2010 - Belgian Official Gazette 09/09/2010) concerning the determination of a financial compensation for night work for the mobile personnel members employed in companies for the transport of goods by land on behalf of third parties and / or for the handling of goods for third parties :</p> <p>Article 1.</p> <p>§ 2. Under "sub-sector for the transport of goods on behalf of third parties" are to be understood the employers covered by the Joint Committee for transport and logistics, who engage in:</p> <p>1 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which a transport authorization is required issued by the competent authority</p> <p>2 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which no transport authorization is required;</p> <p>3 ° the rental of chauffeured vehicles with or without engine for the transport of goods on land, vehicles for which a transport authorization is required, issued by the competent authority;</p> <p>4. the rental of chauffeured vehicles with or without engine intended for the transport of goods on land, vehicles for which no transport authorization is required;</p>
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		<p>5 ° for the purposes of this collective labour agreement, the taxi-vans, particularly the vehicles with a load capacity equal to or less than 500 kilograms and equipped with a taximeter, are regarded as vehicles for which no transport authorization is required.</p> <p>§ 3. Under "sub-sector for the handling of goods for third parties" are to be understood the employers covered by the Joint Labour Committee for transport and logistics and who, outside the port areas, engage in:</p> <p>1 ° all handling of goods for third parties in preparation of the transport and / or of the completion of the transport, irrespective of the means of transport used;</p> <p>2 ° and / or all logistics services in preparation of the transport of goods on behalf of third parties and / or of the completion of this transport, irrespective of the means of transport used.</p>
	<p>- reference to posted drivers and definition of posting (if applicable)</p>	<p><a href="https://employment.belgium.be/en/themes/international/posting">https://employment.belgium.be/en/themes/international/posting</a> under "concept and formalities you can find: What is meant by posting of workers as defined by labour law ?</p>
	<p>Please also include procedure to calculate the time spent/hours worked by the posted driver to be covered by the national remuneration:</p> <ul style="list-style-type: none"> <li>• clarification of the paid working time of the posted driver: driving time but also other activities/loading/unloading, availability?</li> <li>• clarification of the applicable posting regime/exemption during daily/weekly rest of the driver.</li> </ul>	<p><b>Until now no specific information how this will be calculated in the case of (short -term) posting</b></p> <p>General information on working time: <a href="https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/working-time-and">https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/working-time-and</a></p> <p><b>General rule (labour law 1971, art 19) :</b> 8h/day / 38h/week working time - overtime surcharge as from 9h/day - 40 h/week + recuperation) (classic regime - in very short terms - : average of 38h/week working time over a reference period of 3 months, max 11h/day 50 h/week of working time, recuperation has to be taken before the end of the 3 months)</p> <p><b>CLA of 27 January 2005 (74 050) (Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)</b> <i>Determination of the conditions and wages of the mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties</i></p> <p><b>CHAPTER II. Definitions</b></p>

**Art. 2. For the purposes of this collective agreement, a distinction is made between: working time; availability time; service time; breaks between the working hours; rest periods; overtime; permanent residence**

**Art. 3. Definitions**

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

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

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

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

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

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

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

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

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

	<ul style="list-style-type: none"><li>- The waiting time caused by the imposed driving bans;</li><li>- The time spent during the ride beside the driver or in the cabin;</li><li>- The additional time that the worker needs to bridge the distance to and from the location where the vehicle is stored if not in the usual place:</li><li>- The time associated with the customs, quarantine or medical matters;</li><li>- The time during which the worker resides on board or in the vicinity of the vehicle, so as to ensure the safety of the vehicle and the transported goods, but during which he does not perform work;</li><li>- The time during which no work is performed but during which the presence on board or in the vicinity of the vehicle is required in order to meet the traffic rules or to guarantee road safety.</li></ul> <p>The expected duration of the last 2 above mentioned times is presumed to amount to maximum 96 hours per month.</p> <p><b>3.2.2. Shall not be considered as availability time (i.c. non-paid ):</b></p> <ul style="list-style-type: none"><li>- The time devoted to the meals;</li><li>- The time considered as a break and / or as a rest time in the sense of the Reg. Comm. E.G. No 3820/85 of 20 December 1985 on the harmonization of certain social legislation prescriptions relating to road transport;</li><li>-The time the worker can make freely use of;</li><li>-The time the worker appropriates for himself.</li></ul> <p><b>3.2.3. In order to calculate the average working hours, referred to in the Labour Act, the availability time and the following breaks and rest times are not take into account.</b></p> <p><b>3.4. Breaks during the working hours:</b></p> <p>The sum of the following times:</p> <ul style="list-style-type: none"><li>3.4.1. The regulatory breaks during the driving time;</li><li>3.4.2. The time spent on meals;</li><li>3.4.3. The time the worker can make freely use of</li><li>3.4.4. The time the worker appropriates for himself.</li></ul> <p>3.5. Rest times:</p> <ul style="list-style-type: none"><li>3.5.1. The daily and weekly rest periods are specified in the applicable regulatory provisions;</li><li>3.5.2. The daily rest period comprises:</li></ul>
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3.5.2.1. *The time required to get dressed and to wash up before and after work;*

3.5.2.2. *The time required to bridge the distance from his home to the company or the location where the vehicle is stored and vice versa;*

**3.5.2.3. In case of special transports, when the permanent presence of the worker is legally required, it is understood that, if a residence bonus is paid, the worker has taken at least 8 hours rest. In no case may the payment of any other benefit be combined with the residence bonus.**

**“Permanent residence”**

*"Permanent residence" refers to the fact that the worker, by necessity of the service, **does not perform work between two daily rest periods or between a daily and a weekly rest period**, as provided for in Reg. Comm. E.G. No 3820/85 of 20 December 1985 on the harmonization of certain social legislation provisions relating to road transport outside the home or outside the workplace provided for in the labour agreement. These hours are not eligible for the calculation of the average working hours, specified in the Labour Act. In this case the driver receives a forfeit salary for 8 hours of work + a net indemnity A + a net indemnity C (see table below) (no ARAB indemnity/hour in this case*

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

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

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

		<p><b>CHAPTER VII. Method of calculation of fees and allowances</b></p> <p><b>Art. 12.</b></p> <p><i>The calculations of the compensation with regard to the hours of availability and allowances in excess of the service hours shall be worked out to the fourth decimal on the understanding that:</i></p> <ul style="list-style-type: none"> <li>- <i>The fourth decimal shall be omitted if it is equal to or less than 2</i></li> <li>- <i>The fourth decimal shall be rounded up to five if it is equal to 3 and less than 8;</i></li> <li>- <i>The fourth decimal shall be rounded up to the first decimal higher if it is equal to or higher than 8.</i></li> </ul>																							
<p><b>REMUNERATION (Art 3(1)(c))</b></p>		<p><b>IMPORTANT:</b> <i>The enclosed table gives in the first column the actual wages approved by the Joint Committee, in a 38h/week effective system, taking into account the indexation on 1/1/2022 AND the 0,4% pay rise for which the collective agreement is under procedure to be declared universally applicable, N.B. after publication these amounts of the wages will apply retroactively as from January 1, 2022</i></p> <p><i>The second column gives the wages calculated by the government (via “Your Europe” document) and only gives what is on the “actual moment” declared universally applicable and does not mention what is heading (so exclusive the 0,4%).</i></p> <p><i>FYI: as from 1/1/2023 a new function classification system for drivers will be applicable with other wage categories – more information second half of 2022</i></p> <p><b>Wages are calculated per hour :</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2" style="text-align: center;">Gross hourly wage (38h/week working time system)</th> </tr> <tr> <th style="text-align: center;">incl 0,4%</th> <th style="text-align: center;">excl 0,4%</th> </tr> <tr style="background-color: #d9ead3;"> <th style="text-align: left;"><b>DRIVING PERSONNEL</b></th> <th style="text-align: center;">€/h</th> <th style="text-align: center;">€/h</th> </tr> </thead> <tbody> <tr> <td>helper - companion</td> <td style="text-align: right;">11,7535</td> <td style="text-align: right;">11,7065</td> </tr> <tr> <td>driver in training</td> <td style="text-align: right;">11,7535</td> <td style="text-align: right;">11,7065</td> </tr> <tr> <td>driver vehicle with loading capacity of - 7 t</td> <td style="text-align: right;">12,2075</td> <td style="text-align: right;">12,159</td> </tr> <tr> <td>driver vehicle with loading capacity of 7 &lt; 15 t</td> <td style="text-align: right;">12,4820</td> <td style="text-align: right;">12,4325</td> </tr> <tr> <td>driver vehicle with loading capacity of ≥ 15 t</td> <td style="text-align: right;">12,9200</td> <td style="text-align: right;">12,868</td> </tr> </tbody> </table>		Gross hourly wage (38h/week working time system)		incl 0,4%	excl 0,4%	<b>DRIVING PERSONNEL</b>	€/h	€/h	helper - companion	11,7535	11,7065	driver in training	11,7535	11,7065	driver vehicle with loading capacity of - 7 t	12,2075	12,159	driver vehicle with loading capacity of 7 < 15 t	12,4820	12,4325	driver vehicle with loading capacity of ≥ 15 t	12,9200	12,868
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driver articulated vehicle	12,9200	12,868
driver acknowledged ADR-vehicle	12,9200	12,868
driver refrigerated vehicle	12,9200	12,868
<b>DELIVERY SERVICES</b>		
*		
driver - 6 months of service within the sector	12,2075	12,159
driver ≥ 6 months of service within the sector	12,4820	12,4325
<b>COURIER SERVICES</b>		
**		
courrier driver	12,9200	12,868

*\*By “**delivery services**” is meant both national and international transport with mostly vehicles of less than 15 tonnes. The small individual loads (more than one), to be delivered daily, have many different destinations that may even be in the most diverse regions.*

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

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

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

***“Availability time” (see above) is paid at 99% of the gross hourly wage (on Sunday and public holiday’s there is a surcharge of 50% of this amount- see above)***

***“Train & boat hours” are paid at 90% of the gross hourly wage (see above)***

		<p>To the wages , <b>the seniority surcharge</b> has to be added (see below)</p> <p>Students are <b>paid at 90% of the gross hourly wage</b></p>												
<p><b>FURTHER ELEMENTS OF REMUNERATION</b></p> <p><b>Art 3(1)(c) and 3(1) para 3))<sup>1</sup></b></p>	<p><b>Seniority surcharge:</b></p>	<p>CLA of 15 September 2011 (106 713) as amended by the CLA of 15 June 2017 (140 254) (Royal Decree 14/01/2013 - Belgian Official Gazette 28/03/2013)</p> <p>(Royal Decree 11/01/2018 - Belgian Official Gazette 06/02/2018)</p> <p>The employer pays a seniority allowance to blue collar workers who have the following years of service without a break in his company: 1 year of service / 3 years of service / 5 years of service / 8 years of service / 10 years of service / 15 years of service / 20 years of service</p> <p>This seniority allowance is paid by the employer to 100 pc. <b>for all hours worked and all hours of availability / waiting hours</b> and is paid from the month in which the required seniority in the company is reached. Indexation of the amount on Januari 1st</p> <p>The seniority allowance is <b>listed separately on the pay slip</b>, since it is considered a separate part of the wage. However, it <b>falls under the concept of 'pay'</b>, as defined in Article 2 of the Act of April 12, 1965 "on the protection of the wages of blue collar workers" and therefore it should be taken into account for all replacement incomes, for social security and for all allowances calculated on the basis of the "wage" ..</p> <p><b>Amounts: indexation on January 1<sup>st</sup> - amounts dd 01/01/2022</b></p> <table border="1"> <thead> <tr> <th><b>SENIORITY SURCHARGE (per working hour + availability hour)</b></th> <th><b>€/h</b></th> </tr> </thead> <tbody> <tr> <td>uninterrupted company seniority as from 1 year</td> <td><b>0,0580</b></td> </tr> <tr> <td>uninterrupted company seniority as from 3 years</td> <td><b>0,1185</b></td> </tr> <tr> <td>uninterrupted company seniority as from 5 years</td> <td><b>0,1790</b></td> </tr> <tr> <td>uninterrupted company seniority as from 8 years</td> <td><b>0,2395</b></td> </tr> <tr> <td>uninterrupted company seniority as from 10 years</td> <td><b>0,3000</b></td> </tr> </tbody> </table>	<b>SENIORITY SURCHARGE (per working hour + availability hour)</b>	<b>€/h</b>	uninterrupted company seniority as from 1 year	<b>0,0580</b>	uninterrupted company seniority as from 3 years	<b>0,1185</b>	uninterrupted company seniority as from 5 years	<b>0,1790</b>	uninterrupted company seniority as from 8 years	<b>0,2395</b>	uninterrupted company seniority as from 10 years	<b>0,3000</b>
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<sup>1</sup> Mainly posting allowance, night hours, hours worked during holidays/Sundays:

- Clarification of other national elements of the minimum remuneration of the posted drivers (13th, 14th month salary, paid holidays): Should a haulier pay *to the driver performing international transport the 13th/14th month in EUR proportional to the working time in each MS*, if during 1 year, the respective driver worked in 20 EU countries? In order for an employee to benefit from the 13th, 14th month salary, paid holidays and other bonuses, he should have worked a minimum number of days, usually about a year. We consider that these elements of D96/71 should not be applicable to posted drivers.

		<p>uninterrupted company seniority as from 15 years <b>0,3605</b></p> <p>uninterrupted company seniority as from 20 years <b>0,4210</b></p>
	<p><b>Saturday/Sunday/public holidays work surcharge</b></p>	<p><b>- Saturday is a normal working day</b></p> <p><b>Drivers from road haulier companies are allowed to work on Sundays and public holidays (legal exemption)</b></p> <p><b>CLA of 27 January 2005 (74 050) (Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)</b>  <i>Determination of the conditions and wages of the mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties</i></p> <p><b>Work on Sundays and on public holidays comes under the public holidays legislation and is paid with a surcharge of 100% (i.e. total 200%).</b></p> <p><b>Compensation for Sunday rest has to be taken within the 13 following days</b></p> <p><b>- 10 paid national holidays : These public holidays are as follows:</b></p> <ul style="list-style-type: none"> <li>• 1 January</li> <li>• Easter Monday</li> <li>• 1 May</li> <li>• Ascension</li> <li>• Whit Monday</li> <li>• 21 July</li> <li>• Assumption (15 August)</li> <li>• All Saints' Day (1 November)</li> <li>• Armistice Day (11 November)</li> <li>• Christmas (25 December)</li> </ul> <p><b>More info:</b> <a href="https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/public-holidays">https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/public-holidays</a></p>

	<p><b>Overtime surcharge</b></p>	<p><b>A 50% Overtime surcharge of the gross hourly wage is due in a “classic regime” over 9h/day and 40h/week.</b></p> <p>(In a “flexible regime” according to Belgian Law of 1987 on new working regimes (<a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1987031733&amp;table_name=loi">https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1987031733&amp;table_name=loi</a>), overtime is paid over 12h/day if all measures are taken into account)</p> <p><b>CLA of 27 January 2005 (74 050)</b> (Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)  Determination of the conditions and wages of the mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties</p> <p>3.6. Overtime</p> <p>Subject to the provisions of the applicable CLA on the application of the new labour arrangements to the mobile personnel employed in companies in the sub-sector for goods transport by land for the account of third parties and the subsector for the handling of goods for third parties, by "overtime" is meant work conducted, in the sense of Article 3.1. of this CLA, beyond the limits as defined by the Labour Act</p> <p><b>CLA of 30 September 2005 (77 063)</b> (Royal Decree 22/03/2006 - Belgian Official Gazette 20/04/2006)  Overtime in the sub-sectors for the transport of goods by land on behalf of third parties and for the handling of goods for third parties</p> <p>CHAPTER III. Increase of some compensatory rest limits</p> <p>Art. 3.</p> <p>This chapter covers <b>the overtime due to an extraordinary increase in work</b> (Article 25, Labour Act of 16 March 1971) <b>or work required due to an unforeseen necessity</b> (Article 26, § 1, 3 ° of Labour Act of 16 March 1971). The number of hours of compensatory rest which the worker may choose not to recover in lieu but to be paid out, has been increased from 65 to 130 hours per calendar year.</p> <p>The limit of 65 hours on top of the average working hours, allowed during the reference period (Labour Act of 16 March 1971), is increased from 65 hours to 130 hours during that reference period.</p>
	<p><b>night work surcharge</b></p>	<p><b>CLA of 17 October 2019 (155 156)</b> (Royal Decree 09/04/2020 - Belgian Official Gazette 25/05/2020)  Are entitled to the financial compensation for night work as referred to in Article 4, <b>for all worked nights of the calendar month, the workers who meet the following conditions:</b></p> <ul style="list-style-type: none"> <li>- Either in the course of a calendar month having been at least employed 5 consecutive working days</li> </ul>

		<p><i>in a labour arrangement involving night work performances;</i></p> <ul style="list-style-type: none"> <li>- <i>Either in the course of the calendar month having been at least half of the worked days employed in a labour arrangement involving night performances (starting from the first full worked month);</i></li> <li>- <i>Either having been employed in a structured shifts system. In this case, the financial compensation is granted only to workers whose work involves night work performances.</i></li> </ul> <p><i>"Night work performances" as defined in this CLA shall mean performances between 8 pm and 6 am. Furthermore, these workers shall <b>have performed more than 5 working or availability hours between 8 pm and 6 am.</b></i></p> <p><b>Amount:</b> <i>per hour working time/availability between 8 pm and 6 am (if criteria of collective agreement are fulfilled)</i>  <b>1,5785 €</b> (indexation on January 1<sup>st</sup> )</p>
	<p><b>“service time” surcharge</b></p>	<p><b>CLA of 27 January 2005</b> (74 050) (Royal Decree 24/09/2006 - Belgian Official Gazette 28/11/2006)</p> <p><i>Determination of the conditions and wages of the mobile workers employed in companies for the transport of goods by land on behalf of third parties and for the handling of goods for third parties</i></p> <p>3.3. <i>Service time</i></p> <p><i>The term "service time" means the sum of working hours and availability times, including the train and boat hours for journeys of less than 4 hours, excepted the other train and boat hours and permanent residence.</i></p> <p><i>CHAPTER V. Bonuses for exceeding the average service hours</i></p> <p><i>Art. 9.</i></p> <p>9.1. <i>In case of <b>exceeding the average length of the service time of 60 hours a week</b> the following bonuses are awarded based upon the hourly wage as defined in Article 5 of this CLA.</i></p> <p><i>From 1 January 2009 on the basis of an average weekly service time calculated over a period of 1 month : <b>over 60 hours of “service time” a surcharge of 50% is due.</b></i></p> <p>9.2. <i>The above mentioned limits are monthly calculated as follows:</i></p> <p><u><i>In the 5-day arrangement</i></u></p> <p><i>The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.</i></p> <p><i>The maximum monthly service time of 281,66 hours (with respect to the limit of 65 hours) is reduced</i></p>

		<p>by 12 hours per assimilated day or permanent residence during the workweek.  The maximum monthly service time of 303,33 hours (with respect to the limit of 70 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.  "Assimilated day" refers to the assimilated days as provided in the Annual Holliday Act ,recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.</p> <p><u>In the 6-day arrangement</u>  The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.  The maximum monthly service time of 281,66 hours (with respect to the limit of 65 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.  The maximum monthly service time of 303,33 hours (with respect to the limit of 70 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.  "Assimilated day" refers to the assimilated days as provided in the Annual Holliday Act, recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.</p> <p>Other labour arrangements are pro-rated.</p>
	<b>End of Year Bonus</b>	<p><b>CLA of 20 October 2016 (138 105)- indefinite period of validity</b>  (Royal Decree 30/08/2017 - Belgian Official Gazette 28/09/2017 )</p> <p><b>Amount</b> : The gross end of year bonus equals 5% of the gross wages to 100%, subject to the Social Security contribution the worker as earned during the reference period with 1 or more employers coming under The minimum limit for the calculation of the end of year bonus is set at 2,500 EUROS.  The average daily salary of the assimilated days will be taken into account to reach the minimum  The amount of the end of year bonus, however, is only calculated on the basis of the effectively declared NSSO wages.</p> <p><b>Reference period</b> : For the calculation of the year-end bonus, the reference period shall begin on 1 July of the year preceding that of payment and shall end on 30 June of the payment year.</p> <p><i>N.B. For drivers under Belgian contract: Paid by the social Fund (through general contributions of the employer to the social fund )</i></p>
<b>MINIMUM PAID ANNUAL LEAVE</b>	- Amount of minimum paid annual leave	- 20 days of annual leave (in five-day work system) (for blue collar: allowance paid through "the government annual leave service"/ white collar : employer pays)

<b>(Art 3(1)(b))</b>		<p>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. More information on the site of the FPS ELSD: <a href="https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-caseposting-belgium/minimum-paid">https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-caseposting-belgium/minimum-paid</a></p>									
<b>“ON THE ROAD” ALLOWANCES</b>	<p>- ARAB (“GRPL”)- COMPENSATION (standard for all drivers)</p>	<p>Indemnity for drivers because they have no free access to sanitary and potable water while they are on the road) ARAB indemnity <b>per hour working time and availability time.</b> (it is a <b>net indemnity</b>, in addition of the hourly wage !) <b>1,52 €</b></p>									
	<p><b>ACCOMODATION EXPENSES</b></p> <p>(standard for all drivers)</p>	<table border="1"> <thead> <tr> <th data-bbox="824 603 1240 858"> <b>ACCOMODATION EXPENSES</b>   <b>Amounts (net indemnity !)</b>  <b>(dd. 01/01/2022)</b> </th> <th data-bbox="1240 603 2029 858"> <b>CRITERIA</b> </th> </tr> </thead> <tbody> <tr> <td data-bbox="824 858 1240 1034"> <b>40,0845 EUR</b>            (per started period of 24 h)            ‘Indemnity A’         </td> <td data-bbox="1240 858 2029 1034">           When the driver, due to the necessity of his service (work), is obliged to take his daily and/or weekly rest (cfr EU Regulation nr. 561/2006 dd. 15.03.2006), out of his residence or outside his place of work (i.e. company establishment) as mentioned in his working contract.         </td> </tr> <tr> <td data-bbox="824 1034 1240 1321"> <b>16,2480 EUR</b>            ‘Indemnity B’         </td> <td data-bbox="1240 1034 2029 1321"> <ul style="list-style-type: none"> <li>- For the first daily rest, when the sum of the working time and availability time preceding his rest is less than 8 hours and as far as it is not a part of a journey of more than one day ;</li> <li>- When the absence – due to the necessity for his service(work) out of his residence or outside his place of work (i.e. company establishment) as mentioned in his working contract - is less than 24 hours and it concerns only 1 daily rest.</li> </ul> </td> </tr> <tr> <td data-bbox="824 1321 1240 1385"> <b>10,8980 EUR</b> </td> <td data-bbox="1240 1321 2029 1385">           Only if due to the necessity of his service (work) no (work) performance is made between two daily rest periods or between         </td> </tr> </tbody> </table>		<b>ACCOMODATION EXPENSES</b>  <b>Amounts (net indemnity !)</b> <b>(dd. 01/01/2022)</b>	<b>CRITERIA</b>	<b>40,0845 EUR</b> (per started period of 24 h) ‘Indemnity A’	When the driver, due to the necessity of his service (work), is obliged to take his daily and/or weekly rest (cfr EU Regulation nr. 561/2006 dd. 15.03.2006), out of his residence or outside his place of work (i.e. company establishment) as mentioned in his working contract.	<b>16,2480 EUR</b> ‘Indemnity B’	<ul style="list-style-type: none"> <li>- For the first daily rest, when the sum of the working time and availability time preceding his rest is less than 8 hours and as far as it is not a part of a journey of more than one day ;</li> <li>- When the absence – due to the necessity for his service(work) out of his residence or outside his place of work (i.e. company establishment) as mentioned in his working contract - is less than 24 hours and it concerns only 1 daily rest.</li> </ul>	<b>10,8980 EUR</b>	Only if due to the necessity of his service (work) no (work) performance is made between two daily rest periods or between
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		<p>'Indemnity C'</p>	<p>a daily and a weekly rest taken outside his residence or outside his place of work (i.e. company establishment) as mentioned in his working contract. In this case the driver receives a forfeit salary for 8 hours of work + an indemnity A + an indemnity C (no ARAB indemnity/hour in this case)</p>
		<p>legal basis for ARAB &amp; accommodation expenses: CLA 28/06/2007, amounts have been augmented + indexation</p>	
<p><b>ALLOWANCES OR REIMBURSEMENT OF EXPENDITURE TO COVER TRAVEL, BOARD AND LODGING EXPENSES (Art 3(1)(i))<sup>1</sup></b></p>	<p><b>- Travel allowance (incl. board and lodging)</b></p>	<p>There are <b>no specific "posting" allowances</b>, See however the general <b>"accommodation expenses" as mentioned above and "ARAB"</b>  Travel cost and lodging costs linked to professional travels are seen as "own costs of the employer" i.e. compensation of effective costs (hotel bills, tickets,...)</p> <p>As from 30 July 2020, the allowances will have to be paid to posted workers only under the conditions mentioned in Article 5, paragraph 1, subparagraph 2, of the Act of 5 March 2002 concerning the working, remuneration and employment conditions in case of posting of workers in Belgium and the monitoring thereof. (French text: <a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2002030530&amp;table_name=loi">https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2002030530&amp;table_name=loi</a>) <i>"By way of derogation from the first paragraph, the conventional provisions declared generally binding by the King in accordance with the Act of 5 December 1968 on collective labour agreements and joint committees and which provide for the payment of supplements or the reimbursement of expenses for travel, meals and accommodation for employees who are away from home on business are considered as conditions of work, remuneration and employment only insofar as they relate to the travel, meal and accommodation expenses incurred by posted workers when travelling to and from their usual place of work in Belgium, or when they are temporarily sent by their employer from that usual place of work to another place of work."</i></p> <p>In other words, they will only have to be paid when the posted workers have to move to or from their usual workplace in Belgium (<i>definition for mobile workers ??? EU Court of Justice ???</i>), or when they are temporarily sent by their employer from that workplace to another workplace).</p> <p>On the other hand, they may not apply to travel between the country of origin and the workplace in Belgium.</p> <p><b>Contribution to the travel expenses between home and work</b>  CLA of 17 October 2019 (155 159) (applicable from 29 May 2021) (RD 14/04/2021- BS 19/05/2021)  Determination of the employer's contribution to the travel expenses between home and work of workers employed in companies engaged in the transport of goods by land on behalf of third parties and in the handling of goods on behalf of third parties</p>	

		<p>⇒ concerns partial reimbursement of Public transport and private transport between home and work. The payment of the home-workplace intervention is made at least once a month.</p> <p>⇒ not clear how de facto applicable on posted workers</p>
<b>FINES</b> for not observing national posting rules/minimum remuneration		<p><b>The transposition law is still not published ( 28/02/2022)</b> <b>Fines are expected to be very high</b></p>
<b>LINK</b>	-Link to the original text of the collective agreement and/or national law [available languages]	<p>Collective agreements are only available in Dutch and French , Documents can be searched for and downloaded (only Dutch and French): <a href="https://emploi.belgique.be/fr/themes/commissions-paritaires-et-conventions-collectives-de-travail-cct/conventions-collectives-3">https://emploi.belgique.be/fr/themes/commissions-paritaires-et-conventions-collectives-de-travail-cct/conventions-collectives-3</a></p> <p>Some can be found under “140.03” others under “ 140.00” , not easy to trace</p> <p>Updated posting legislation not yet published (28/02/2022)</p>
<b>CONTACT POINTS</b>	<p>- Link to the contact points of trade unions/employer associations</p> <p>- Information on the contact points for liaison office/competent national bodies (such as Labour Inspectorate, Road Transport Authority)</p>	<p><b>Employer association: FEBETRA (contact only for IRU-federations, we are a very small legal team):</b> <a href="mailto:jur@febeta.be">jur@febeta.be</a></p> <p><b>Trade unions represented in joint sub committee 140.03:</b></p> <p><b>BTB :</b> <a href="https://www.btb-abvv.be/en/road-transport-and-logistics">https://www.btb-abvv.be/en/road-transport-and-logistics</a></p> <p><b>ACV/CSC-TRANSCOM ( Dutch/French/German):</b> <a href="https://www.lacsc.be/csc-transcom">https://www.lacsc.be/csc-transcom</a></p> <p><b>Ministry of employment:</b></p> <p>website: <a href="https://employment.belgium.be/en/themes">https://employment.belgium.be/en/themes</a></p> <p>adress : FPS Employment, Labour and Social Dialogue, (Fr) Rue Ernest Blerot 1 1070 Bruxelles – or- (Dutch) Ernest Blerotstraat 1, 1070 Brussel</p>

		fax: 02 233 42 57 e-mail: <a href="mailto:info@employment.belgium.be">info@employment.belgium.be</a>  <b>SIRS / easy link to social inspection services (French/Dutch):</b> <a href="https://www.sirs.belgique.be/fr/sirs/les-services-dinspection">https://www.sirs.belgique.be/fr/sirs/les-services-dinspection</a>
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- <sup>i</sup> Allowances or reimbursement of expenditure to cover travel, board and lodging expenses - these expenses are reimbursed/covered by the transport companies but should the companies also observe the national rates of the host MS?