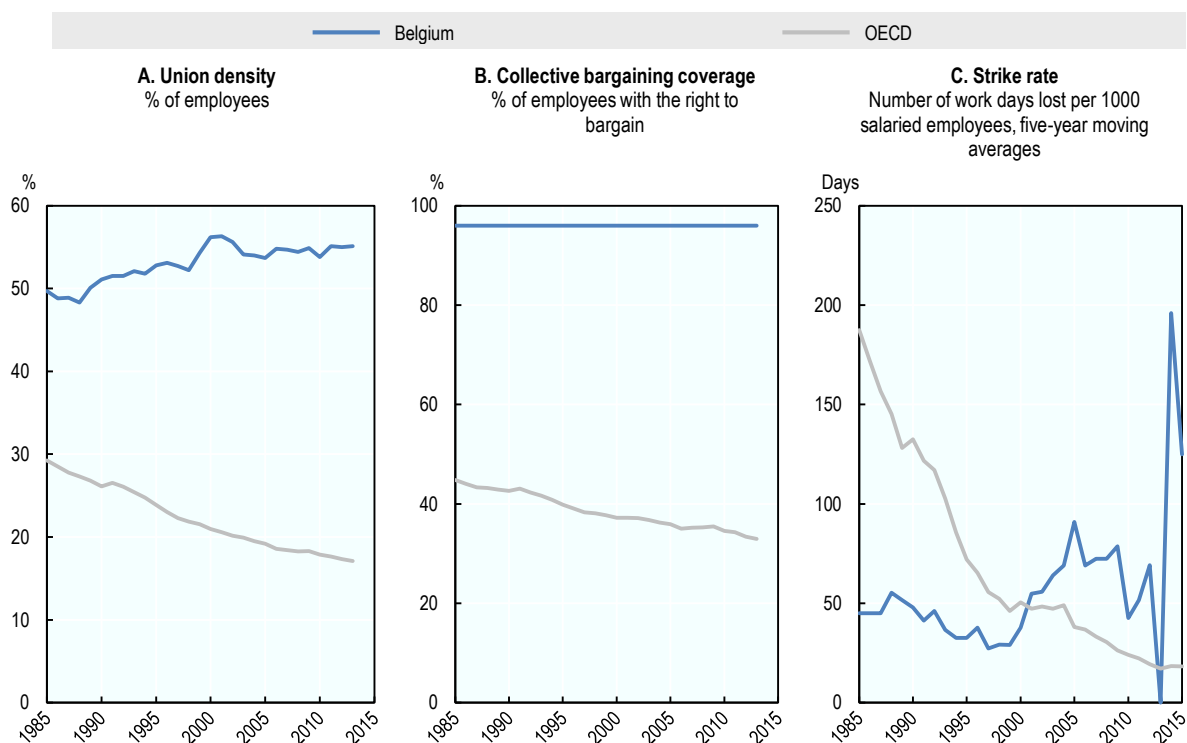


Belgium

KEY FEATURES OF THE COLLECTIVE BARGAINING SYSTEM IN 2015

Predominant level	Sectoral/National
Degree of centralisation/decentralisation	Centralised
Co-ordination	High
Trade union density in the private sector	50-60%
Employer's organisation density	80-90%
Collective bargaining coverage rate	90% or more
Quality of labour relations	Medium

TRENDS IN INDUSTRIAL RELATIONS IN BELGIUM, 1985-2015



BUILDING BLOCKS OF COLLECTIVE BARGAINING

The detailed description of the building blocks of collective bargaining mainly relies on information provided by the responses to the policy questionnaires that were sent to Labour Ministries, employer organisations and trade unions in 2016. The information reported in the questionnaires represents the situation in **December 2015**.

Use of *erga omnes* clauses

Legal application of a sector level agreement in the absence of administrative extensions *Erga omnes*

Legal application of a firm-level agreement All workers

Use and coverage of extensions

Use of extensions of sectoral collective agreements Yes, very common.

Procedure Extensions are issued by Royal Decree upon a formal request from the joint committee that concluded the agreement.

Representativeness criteria Social partners have to be representative (based on membership and mandates at elections).

Public interest criteria No

Exemptions or possibility of appeal There are no exemptions but the decision can be appealed.

Duration of collective agreements

Average duration 24 months

Maximum duration of collective agreements No, can be either fixed term or indefinite.

Can contracting parties terminate an agreement before its expiry date? Yes, according to the rules fixed in the agreement: for instance by giving a notice period of three months.

Ultra-activity of collective agreements

Is maximum duration of after-life/ultra-activity of agreements fixed by law? No, but social partners can agree.

Retroactivity of agreements

Do firms have to pay arrears in case of late renewal? No legal obligation, but parties may agree on that.

Does retroactivity apply only to members of signatory parties or does it cover all parties? All firms and workers (12 months retroactivity for extensions).

Use of the favourability principle

Favourability principle always applies

Use and scope of derogations and opt-out

Derogations from the law

No

Derogations from collective agreements

Scope

General opening clauses and temporary opt-out can be foreseen in sector-level agreements. They are exceptional.

Topics

Wages

Rationale

Set by the higher level agreement.

Criteria

Criteria are set in the higher-level agreement. They are based on a bilateral request and subject to the consent/approval of social partners at the sector/peak level.

Other

-

Forms of co-ordination

Mode of co-ordination

State imposed/induced

Degree of co-ordination

Strong

Enforcement of collective agreements

Sector-level agreements

Firm-level agreements

Do agreements typically include a peace clause?

No

Not relevant

Do agreements typically include a mediation/arbitration procedure?

Yes

Not relevant

Is it compulsory?

Yes

Not relevant

Worker representation at the workplace

Work council and union or union representatives but union predominant.

Board-level employee representation

Public sector

Not relevant

Private sector

Not relevant

Scope

Not relevant

Proportion/number of workers' representatives

Not relevant

Nomination of candidates

Not relevant

Appointment mechanism

Not relevant

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
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