



The CNE, always at your side

# Reflex cards catalogue

[www.lacsc.be/cne/](http://www.lacsc.be/cne/)

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The content of this publication is intended for both men and women  
**Update: August 2022**



# Keep in touch with your affiliates!

**NEW JOB, ACCIDENT AT WORK, PREGNANCY, PATERNITY LEAVE, RESIGNATION, DEPARTURE, EARLY RETIREMENT... FOR EACH SITUATION THAT A WORKER MAY ENCOUNTER, THE CNE HAS PRODUCED A REFLEX CARD: A DOUBLE-SIDED LETTER THAT GUIDES THE MEMBER THROUGH ALL THE STEPS TO BE TAKEN AND, ABOVE ALL, ENCOURAGES HIM OR HER TO CONTACT THE CNE TEAM.**

## **HOW TO USE THESE QUICK REFERENCE CARDS?**

When one of your members finds himself or herself in one of these situations, go and meet him or her and give him or her the relevant form. You will be doing them a favour and reminding them that the CNE is always there for them. You can also distribute this tool to workers who are not yet members, to show them the value of joining the CNE. It is up to your union team to decide who these cards are distributed to, depending on your membership strategy.

## **WHERE CAN YOU GET THESE REFLEX CARDS?**

On our website [www.lacsc.be/cne](http://www.lacsc.be/cne) > CNE activists >Affiliation or at your CNE secretariat, for a free quality print. We advise you not to print large stocks: legislation sometimes evolves very quickly and the forms will be updated on the site. It is therefore better to print them as and when required.

## **CAN'T FIND THE RIGHT CARD?**

If you come across a situation for which there is not yet a record, suggest it to your permanent staff member.

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# Have a great 2022!

**THE SUMMER HOLIDAY PERIOD IS COMING TO AN END... WE HOPE THAT YOU HAVE HAD THE OPPORTUNITY TO TAKE FULL ADVANTAGE OF THIS GREAT TRADE UNION VICTORY OF PAID HOLIDAYS, AND WISH YOU A GOOD START TO THE NEW YEAR. HERE WE ARE AGAIN FOR A NEW SOCIAL YEAR.**

## **THE CNE, AT YOUR SIDE IN THE COMPANY**

In September, the monthly meetings of the consultation bodies resume in the company. This is an opportunity for the CNE to continue its work on behalf of all staff: working rules and conditions, pay and benefits, prevention and safety, well-being at work, etc. These are all areas in which your trade union organisation defends your interests.

## **THE CNE, AT YOUR SIDE IN INDIVIDUAL CASES**

In addition to this collective work, the CNE also provides a personalised service to its members. Do you need advice, information, support in your professional endeavours or during an interview, or help in settling a dispute? Whatever your question or professional problem, the CNE is at your disposal to answer it.

If you are at work, contact your company's CNE team first. If there is no CNE representative in your company, you should know that your requests are handled directly by the central office: almost 150 people work daily to serve members. The same applies if you are currently unemployed, on long-term illness or (pre)retired.

So never hesitate to contact us!

## **AND MORE...**

Trade union work does not stop at the company gates. At cross-industry level, the CSC, to which the CNE is affiliated, is constantly negotiating within the economic and social security institutions. The CNE carries out the same work on a daily basis at sectoral level. Other issues will obviously require our efforts this year, such as strengthening our social security and public services, the vital importance of which was demonstrated by the coronavirus crisis.

So, whether you are employed or unemployed, your trade union organisation defends and advances your rights.

We'll tell you more about it.

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# Thank you for your loyalty and happy end of year holidays!

**2022 IS COMING TO AN END AND 2023 IS JUST AROUND THE CORNER... AT THE END OF THIS YEAR, THE CNE TEAM WOULD LIKE TO THANK YOU WARMLY FOR YOUR TRUST AND LOYALTY. THANKS TO YOUR MEMBERSHIP FEES AND THOSE OF OUR 160,000 OTHER MEMBERS, THE CNE HAS ONCE AGAIN BEEN ABLE TO PROVIDE A PERSONALISED SERVICE TO ITS MEMBERS AND TO ACHIEVE MANY SOCIAL ADVANCES, WHETHER IN COMPANIES, SECTORS OR, WITH THE CSC, FOR ALL WORKERS, EMPLOYED OR UNEMPLOYED.**

## **IN 2022, THE CNE WILL REMAIN AT YOUR SIDE...**

Do you need advice, information, support in your professional endeavours or during an interview, support in settling a conflict? Whatever your question or professional problem, the CNE is there to help you. Behind the CNE team in your company, nearly 150 people are working to serve our members. Never hesitate to contact us!

## **DON'T FORGET YOUR UNION BONUS**

In your sector, the trade unions have obtained a trade union bonus: this annual bonus rewards those who, through their membership fees, help to improve the lives of all workers. The amount and the month of payment vary from one sector to another. Please note: this bonus is not paid automatically! To receive your bonus, you must fill in a form and send it to the Bonus Department - CNE National Secretariat - Avenue Robert Schuman 52 - 1401 Nivelles (Baulers) - +32 (0)67 88 91 91 - [cne.primes@acv-csc.be](mailto:cne.primes@acv-csc.be).

Ask your CNE delegate or the CNE national secretariat for more information.

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# Have a nice holiday!

**SUMMER IS FAST APPROACHING AND WILL NO DOUBT GIVE YOU THE OPPORTUNITY TO TAKE A WELL-DESERVED HOLIDAY. IN ORDER TO MAKE THE MOST OF THIS GREAT TRADE UNION ACHIEVEMENT, THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT THE ANNUAL HOLIDAY.**

## **WHAT IS YOUR ANNUAL HOLIDAY ENTITLEMENT?**

The holiday entitlement in 2022 is calculated on the basis of your work performance in 2021. If you have not worked in 2021, you can nevertheless benefit from a "young" (if you are under 25) or "senior" (if you are at least 50) holiday allowance, paid by the ONEM. Otherwise, regardless of your age, you can claim your right to additional holidays, also known as "European holidays". These four formulas guarantee 4 weeks of paid holiday per year.

## **WHEN CAN YOU TAKE THIS LEAVE?**

The date of the holiday is set collectively at sector or company level (via the works council, the trade union delegation or with the workers). If there is no collective agreement, the holiday date is determined by an individual agreement between you and the employer. In any case, you are entitled to an uninterrupted period of 2 weeks' holiday between 1 May and 31 October. It is not permitted to carry over holidays to the following year.

## **DOUBLE PAID LEAVE**

For holiday days, the trade unions have obtained a double pay: the maintenance of your ordinary pay ("simple pay") and a bonus to allow you to enjoy your leisure time ("double pay") usually paid in May or June. In 2022, your double pay is 1/12th of 92% of your gross monthly pay.

## **STUDENT JOB**

Is summer the time for one of your children to get a student job? Thanks to the CSC's Enter membership, under 25s can benefit from all our services for free! Ask your CNE team for more information or visit [www.jeunes-csc.be](http://www.jeunes-csc.be) !

## **WANT TO KNOW MORE?**

To find out the exact and personalised conditions of your annual holiday entitlement or to help you in your endeavours with your employer, do not hesitate to contact us.

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# Welcome to the company!

**AS A NEW COLLEAGUE, WE WOULD LIKE TO WARMLY CONGRATULATE YOU AND WELCOME YOU TO THE COMPANY. AS THE COMPANY BELONGS TO A JOINT EMPLOYEE OR MIXED COMMISSION, ITS WORKERS ARE REPRESENTED BY THE CNE, THE NATIONAL EMPLOYEES' CENTRALE OF THE CSC.**

## **THE CNE, FOR COLLECTIVE PROGRESS**

The CNE defends the interests of all staff in the various consultation forums with management. Negotiating work regulations, working conditions and salary and benefit increases, monitoring prevention and protection rules at work, promoting health and safety at work... It is proven that the presence of a trade union organisation clearly improves well-being at work in a company.

## **THE CNE, FOR INDIVIDUAL PROTECTION**

In addition to this collective work, the CNE also provides a personalised service to its members. Whether you need information on your rights and obligations, support in your professional activities or during an interview, help in finding a solution to a dispute or legal defence, the CNE is there to help you with any questions or problems you may have.

## **NOT YET AFFILIATED?**

Today, career paths are increasingly uncertain. Who knows exactly where he or she will be in 5 or 10 years? In this context, knowing that you can count on the support of a trade union organisation like the CNE, throughout your career (and even afterwards), is a real asset. Behind the CNE team in your company, there are almost 150 people working to serve our members. Don't hesitate, join your CNE delegates or visit [www.lacsc.be/cne](http://www.lacsc.be/cne)!

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# Welcome to the CNE!

**FOLLOWING YOUR APPLICATION FOR MEMBERSHIP, WE WOULD LIKE TO THANK YOU WARMLY FOR YOUR CONFIDENCE AND WELCOME YOU TO THE NATIONAL EMPLOYEES' CENTRALE. WITH ALMOST 160,000 MEMBERS, THE CNE IS THE LARGEST TRADE UNION CENTRALE IN WALLONIA AND BRUSSELS. WE DEFEND FRENCH-SPEAKING EMPLOYEES AND MANAGERS IN COMMERCE, PERSONAL SERVICES, FINANCE, BUSINESS SERVICES, INDUSTRY, AS WELL AS WORKERS IN THE NON-MARKET SECTOR.**

**THE CNE IS PART OF THE CSC, THE MAIN CONFEDERATION OF TRADE UNIONS IN BELGIUM: MORE THAN 1.7 MILLION MEMBERS TRUST IT AND COMMIT THEMSELVES TO IT, FOR THEIR PERSONAL SECURITY, AND FOR A FAIRER WORLD.**

What can you expect from us? As well as fighting collectively for better living conditions in companies and in society, the CNE is committed to providing a quality service to its members.

## **ALL USEFUL INFORMATION**

As an affiliate, you will now receive our magazine "Le Droit de l'Employé": eight times a year, you will find all the information on your rights and our advice, as well as the social and political news commented from the point of view of your interests. Finally, you can consult our website at any time, [www.lacsc.be/cne](http://www.lacsc.be/cne), follow us on Facebook Centrale Nationale des Employés and on Twitter @CNEGNC.

## **A PERSONALISED RESPONSE**

Behind your company's CNE team, nearly 150 people work to serve its members. A network of 11 regional secretariats, a front-line service and 60 permanent staff cover the whole of Wallonia and Brussels. We answer your questions on labour law and offer you personalised support when necessary.

## **LEGAL SUPPORT**

In the event of a dispute, our legal department will defend you in dealings with public authorities, employers, public bodies (family allowances, pensions, unemployment, etc.) and the labour courts.

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# Accident at work?

## The CNE supports you

**HAVE YOU SUFFERED AN INJURY CAUSED BY AN EVENT THAT OCCURRED IN THE COURSE OF YOUR WORK OR ON THE WAY TO WORK? THEN YOU ARE THE VICTIM OF WHAT IS KNOWN AS AN ACCIDENT AT WORK, AND COVERED BY SOCIAL LEGISLATION. THE TRADE UNIONS HAVE IN FACT WON THE RIGHT FOR INJURED PERSONS TO BE COMPENSATED FOR ALL COSTS INCURRED. THE CNE TEAM GUIDES YOU THROUGH THE STEPS TO TAKE.**

### THE MEDICAL CERTIFICATE

If you are injured on your way to work, go as soon as possible to the medical service indicated in your work regulations to have the injuries, even slight ones (in case of future complications), established. Give the certificate to the employer and keep a copy.

### REPORTING THE ACCIDENT

You must report your accident to your employer as soon as possible, even if you do not stop working. Remember to gather evidence: your medical certificate, witnesses, a police report if the accident occurred on the public highway, etc. Be as precise as possible and never change your description afterwards. If you are asked to co-sign the employer's statement, check that the description of the facts is correct. The employer is then obliged, under penalty of law, to declare your accident to his insurer within 8 days of the accident. The employer's opinion does not count: it is up to the insurer to decide whether it is an accident at work. If the insurer refuses to consider the facts as an accident at work, FEDRIS can intervene and control its decision. The intervention of the employer is justified because the accident report contains technical data. These data make it possible to draw up statistics, thanks to which the trade unions can collectively improve safety and accident prevention at work.

### COMPENSATION FOR THE ACCIDENT

If your accident at work is recognised by the insurer, you are entitled to full reimbursement of the health care (and any prosthetic or orthopaedic appliances) required as a result of the accident. If you need to be examined or treated as a result of your accident at work or if you have to travel at the request of FEDRIS, the insurance company or the labour court, your travel expenses are also reimbursed.

### COMPENSATION FOR INCAPACITY FOR WORK

If your accident at work prevents you from returning to work, either totally or partially, temporarily or permanently, you are entitled to compensation for your loss of income. The amount of this compensation is calculated on the basis of your salary and varies according to the extent and duration of your incapacity for work (see the sheet "Incapacity for work? The CNE supports you"). You can obtain this information from the CNE team in your company or from our website [www.lacsc.be/cne](http://www.lacsc.be/cne).

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# Unable to work?

## The CNE supports you

**ARE YOU UNABLE TO WORK DUE TO ILLNESS OR AN ACCIDENT? THEN YOU ARE "UNABLE TO WORK" AND COVERED BY SOCIAL LEGISLATION. THE TRADE UNIONS HAVE IN FACT CONQUERED WHAT IS KNOWN AS THE GUARANTEED SALARY FOR THE SICK: YOU CONTINUE TO RECEIVE YOUR SALARY DURING YOUR CONVALESCENCE, PROVIDED THAT YOU RESPECT CERTAIN RULES. THE CNE TEAM GUIDES YOU THROUGH THE STEPS TO TAKE.**

### INFORMATION FOR THE EMPLOYER

Inform your employer immediately. The law does not lay down any specific procedures: you can do this by telephone, e-mail, via a colleague or a member of your family. But remember to keep a written record, useful in the event of a possible dispute, by confirming your call by e-mail, for example.

### MEDICAL CERTIFICATE

If this is provided for in the work regulations or if the employer requests it, you must submit a medical certificate to your employer. Keep a record of this. The deadline for submitting this medical certificate may be specified in the employment regulations. If it is not specified, the deadline for sending it is two working days (and receipt may take place after the deadline has passed).

### MEDICAL CHECK-UP

The employer has the right to have your incapacity for work checked by a medical officer of his choice, either at your home or at his office (the cost of travel is then borne by the employer). The examining doctor only checks whether you are unable to work, the probable duration of your incapacity and the medical data needed to apply the legislation (existence of a relapse, occupational origin, etc.). All other questions are covered by professional secrecy. The examining doctor is not entitled to communicate the diagnosis to the employer, nor to interfere with the treatment prescribed by your doctor.

If you do not agree with the examining doctor's decision, you can initiate the procedure for appointing an arbitrating doctor. In this case, contact the CNE team in your company or the CNE secretariat in your region.

### THE GUARANTEED SALARY

If you fulfil these obligations, you are entitled to 1 month's guaranteed pay from the first day of your incapacity for work, entirely at the employer's expense. Are you employed on a fixed-term contract of less than three months or a blue-collar worker? If you have been working for less than a month, the mutual insurance company will pay your compensation from the first week. If you have been working for more than one month, your guaranteed salary is weekly: your employer pays you 100% of your salary the first week, a little less the following three weeks and the mutual insurance company pays the full amount.

If you do not comply with the above obligations, you will not receive your guaranteed salary until you remedy the situation (except in cases of force majeure or for legitimate reasons, which you can invoke before the labour court).

If your incapacity to work lasts longer than one month, you will be covered by the health insurance scheme ([www.inami.fgov.be](http://www.inami.fgov.be)) and paid for by your mutual insurance company.

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# Temporary economic unemployment? The CNE supports you

**UNDER CERTAIN CONDITIONS, A COMPANY IN DIFFICULTY HAS THE RIGHT TO SUSPEND THE EXECUTION OF THE EMPLOYMENT CONTRACT OR TO REDUCE THE WORKING TIME OF ITS EMPLOYEES (UP TO A MINIMUM OF 2 DAYS PER WEEK). THIS IS CALLED "TEMPORARY UNEMPLOYMENT". WHAT ARE YOUR RIGHTS AND OBLIGATIONS IN THIS RESPECT? THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT TEMPORARY UNEMPLOYMENT FOR EMPLOYEES.**

## **OBLIGATIONS OF THE EMPLOYER**

In order to be able to put its employees on temporary unemployment, the company must be recognised as a "company in difficulty", according to specific criteria.

Secondly, the employer is obliged to give at least 14 days' notice of his intention to the ONEM and to the workers via the Works Council or the Trade Union Delegation.

Finally, the employer must give at least 7 days' notice to the employees concerned, either directly or by posting a notice in the company, stating the names of the workers concerned, the number of days of suspension and the start and end dates of the suspension of the contract or the reduced working time scheme.

If you have any doubts about the employer's compliance with this procedure, do not hesitate to contact the company's CNE team or the CNE secretariat in your region.

## **ALLOCATIONS**

During periods of temporary unemployment, you receive benefits from the ONEM ([www.onem.be](http://www.onem.be)), as well as a supplement paid by the employer (of at least €5 per day, unless a collective labour agreement or company plan provides otherwise). To find out the exact amount of this supplement, please contact the CNE team in your company or the CNE secretariat in your region. To receive your allowance, you must submit a form at the end of each month. You can do this through the company's CNE team, which can do this for you, or you can contact the unemployment department of the CSC in your region directly.

## **ASSIMILATION**

Temporary economic unemployment is taken into account for the calculation of your retirement pension and your annual holiday.

## **TEMPORARY « CORONAVIRUS » UNEMPLOYMENT**

Please note that the temporary "coronavirus" unemployment scheme, which was widely used during the crisis, is a different scheme from temporary economic unemployment. For more information, please consult the CSC website.

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# You are changing job or contract? The CNE supports you

**YOU ARE CHANGING JOB OR YOUR CONTRACT IN THE COMPANY? YOU PROBABLY HAVE QUESTIONS ABOUT YOUR RIGHTS AND OBLIGATIONS, THE STEPS TO TAKE, AND ADVICE ON HOW TO MAKE THIS CHANGE A SUCCESS. THE CNE TEAM SUPPORTS YOU THROUGH THIS NEW PHASE IN YOUR PROFESSIONAL CAREER.**

## **WITH YOUR CONSENT**

In principle, your employer cannot significantly change an essential element of your contract. The nature of your work (employee or worker), the content of your function (more or less detailed in your contract), your salary (or the way it is calculated), your working regime and working hours (in the case of fixed hours), and possibly your place of work, are some of these essential elements. To change them, your employer must therefore obtain your agreement, unless your contract provides otherwise.

## **THE CNE, ALWAYS AT YOUR SIDE**

Do you need advice, information, support in your professional endeavours or during an interview, support in settling a conflict? Whatever your question or professional problem, the CNE is there to help you. Behind the CNE team in your company, nearly 150 people are working to serve our members. Never hesitate to contact us!

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# You are pregnant? The CNE supports you

**YOU ARE EXPECTING A CHILD? CONGRATULATIONS ON THE HAPPY NEWS! YOU CERTAINLY HAVE A LOT OF QUESTIONS... FOR THOSE CONCERNING THE PROFESSIONAL FIELD, COUNT ON US: THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT PREGNANCY AT WORK.**

## **INFORMING THE EMPLOYER**

The law protects pregnant women at work. To benefit from these protections, the employer must have been informed of the pregnancy. We therefore advise you to notify the employer, keeping a written record of this. From that moment on, you will be covered by the law on maternity protection.

## **RISK ASSESSMENT**

If your work is likely to be dangerous or harmful to your health or that of your child, the employer is obliged to organise a risk assessment, and to communicate the general measures to be taken to the Committee for Prevention and Protection at Work (CPPT) or the Trade Union Delegation (DS). The assessment and the measures are also communicated to you.

## **MEDICAL APPOINTMENTS**

You have the right to be absent from work, without loss of pay, to attend antenatal clinics. Make sure you provide your employer with a doctor's certificate and keep a copy.

## **OVERTIME AND NIGHT WORK**

Throughout your pregnancy, you cannot do any extra work. Eight weeks before the expected date of delivery, you can refuse to work at night (between 8 p.m. and 6 a.m.) and your employer will then be obliged to transfer you to a day job\*. If this is technically and objectively impossible, you are dismissed.

## **IF YOU ARE DISCARDED**

If the occupational physician decides to discard you, you are not entitled to the guaranteed salary paid by the employer, but to health insurance benefits (which implies a loss of income), paid by your mutual insurance company. Remember to contact your mutual insurance company.

## **PROTECTION AGAINST DISMISSAL**

From the moment the employer has been informed of your pregnancy until one month after your maternity leave, he cannot dismiss you, except for reasons unrelated to your maternity. To find out more about maternity leave, see our factsheet "Going on maternity leave soon? The CNE supports you", available from your company's CNE team or on our website [www.lacsc.be/cne](http://www.lacsc.be/cne).

*\* On the basis of a medical certificate, this prohibition may cover the entire pregnancy and up to 4 weeks after the end of maternity leave.*

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# About to go on maternity leave?

## The CNE supports you

**YOUR PREGNANCY IS COMING TO AN END AND THE BIRTH IS JUST AROUND THE CORNER? FIRST OF ALL, WE WISH YOU ALL THE BEST DURING THIS VERY SPECIAL TIME. YOU PROBABLY HAVE A LOT OF QUESTIONS... FOR PROFESSIONAL QUESTIONS, YOU CAN COUNT ON US: THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT MATERNITY LEAVE.**

### **NOTIFY THE EMPLOYER**

You must give the employer a certificate stating the expected date of delivery no later than 7 weeks before the due date (9 weeks in the case of a multiple pregnancy). Keep a written record of this.

### **15 WEEKS OF REST**

Maternity leave lasts 15 weeks. It consists of 6 weeks of prenatal leave and 9 weeks of postnatal leave. You are not obliged to take the 6 weeks of antenatal leave: only the last week (7 calendar days) before the expected date of delivery must be taken as antenatal leave. The other 5 weeks of prenatal leave can be carried over (in whole or in part) after the 9 weeks of postnatal leave. Please note that it is the actual date of delivery that counts. If you give birth before or after the expected date, you will have to recalculate. Maternity leave is extended in the event of multiple births or hospitalisation of the child.

### **MATERNITY BENEFITS**

During your maternity leave, you will receive benefits from the mutual insurance company, calculated on the basis of your gross pay. Remember to contact your mutual insurance company.

### **FAMILY ALLOWANCES**

Through social security, you or the other parent will receive child benefit for your child. Ask the CNE team or your employer for information on the steps to take.

### **PROTECTION AGAINST DISMISSAL**

From the time the employer has been informed of your pregnancy until one month after your maternity leave, he cannot dismiss you, except for reasons unrelated to your maternity. This includes any act that could lead to dismissal, such as a declaration of intent, steps to recruit a replacement or the reorganisation of work to dispense with your post. If in doubt, contact the company's CNE team or the CNE secretariat in your region as soon as possible!

### **PARENTAL LEAVE**

Do you want to extend these moments with your child? Parental leave allows you to stop working entirely for 4 months, to go part-time for 8 months, 4/5th time for 20 months or 1/10th time for 40 months. You can take this leave from the birth of your child until his or her 12th birthday. Both parents are entitled to this leave. Please note: for children born before 8 March 2012, the 4th month is granted but without allowances.

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**Update: August 2022**



# Soon-to-be father or co-parent? The CNE supports you

**YOU ARE A SOON-TO-BE FATHER OR CO-PARENT? CONGRATULATIONS ON THE HAPPY NEWS! YOU CERTAINLY HAVE A LOT OF QUESTIONS... FOR THOSE CONCERNING THE PROFESSIONAL FIELD, COUNT ON US: THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT BIRTH LEAVE.**

## **NOTIFY THE EMPLOYER**

There is no time limit or specific form laid down by law, but you must notify your employer of your intention to take birth leave.

## **15 DAYS LEAVE**

The birth of your child entitles you to 15 days of birth leave. You can spread these 15 days over the 4 months following the day of the birth.

## **FAMILY ALLOWANCES**

Through the social security system, you or the other parent will receive child benefit for your child. You should contact your child benefit fund directly to find out what you need to do.

## **PARENTAL LEAVE**

Do you want to extend these moments with your child? Parental leave allows you to stop working entirely for 4 months, to go part-time for 8 months, or to go 4/5ths time for 20 months. You can take this leave from the time your child is born until his or her 12th birthday. Both parents are entitled to this leave. Please note: for children born before 8 March 2012, the 4th month is granted but without allowances.

## **ALLOWANCES**

The first 3 days of paternity leave are paid by the employer. The others are paid by your health insurance company, based on your salary. Remember to contact your insurance company.

## **PROTECTION AGAINST DISMISSAL**

From the moment the employer has been informed of the employee's wish to take childbirth leave until the fifth month after the birth, he or she may not dismiss you, except for reasons unrelated to the taking of childbirth leave. This includes any act leading to dismissal, such as a declaration of intent, steps to recruit a replacement or the reorganisation of work in order to dispense with your post. If in doubt, contact the company's CNE team or the CNE secretariat in your region as soon as possible!

From 1 January 2023, the entitlement is extended to 20 days.

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# You are adopting? The CNE supports you

**YOU ARE WELCOMING A CHILD THROUGH ADOPTION? CONGRATULATIONS ON THE HAPPY NEWS! YOU CERTAINLY HAVE A LOT OF QUESTIONS TO ASK... FOR THOSE CONCERNING THE PROFESSIONAL FIELD, COUNT ON US: THE CNE TEAM TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT ADOPTION LEAVE.**

## **NOTIFY THE EMPLOYER**

To take your adoption leave, you must give the employer at least one month's notice in writing, delivered against a receipt or by registered post, specifying the start and end of the leave. At the latest on the first day of the leave, you must also provide the documents proving the adoption.

## **MINIMUM 6 WEEKS LEAVE**

Each adoptive parent has an individual credit of 6 weeks of leave. In addition, both adoptive parents have a further two weeks' credit to be shared between them. You can take this leave within 2 months of the child's registration as part of your household. You do not have to take the whole leave, but it must be taken in one go and include at least one week or a multiple of a week.

## **PROTECTION AGAINST DISMISSAL**

During a period beginning two months before the adoption leave is taken and ending one month after the end of the leave, the employer may not dismiss you, except for reasons unrelated to the adoption leave. Any act leading to dismissal is covered, such as a declaration of intent, steps to recruit a replacement or the reorganisation of work in order to dispense with your post. If in doubt, contact the company's CNE team or the CNE secretariat in your region as soon as possible!

## **ADOPTION ALLOWANCES**

During adoption leave, you will receive your normal pay for the first three days, and then you are entitled to an allowance from your health insurance fund for the following days. You should contact your health insurance fund.

## **FAMILY ALLOWANCES**

Through the social security system, you will also receive child benefit for your child. You can find out what you need to do directly from your child benefit fund.

## PARENTAL LEAVE

Do you want to extend these moments with your child? Parental leave allows you to stop working entirely for 4 months, to go part-time for 8 months, or 4/5ths time for 20 months, or 1/10th time for 40 months. You can take this leave from the time your child is registered as part of your household until his or her 12th birthday. Both parents are entitled to this leave. Please note: for children born before 8 March 2012, the 4th month is granted but without allowances.

*\* These periods are doubled if the child is disabled (at least 66%, or at least 4 points in pillar I of the medico-social scale used in the family allowance sector).*

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# Need a break in your career? The CNE supports you

**YOU FEEL THE NEED TO TEMPORARILY SLOW DOWN YOUR PROFESSIONAL RHYTHM? THERE ARE VARIOUS WAYS OF INTERRUPTING YOUR CAREER OR TEMPORARILY REDUCING YOUR WORKING HOURS: TIME CREDIT, END-OF-CAREER EMPLOYMENT AND THEMATIC LEAVE.**

A career break or reduction in working time is a right: the employer is therefore obliged to grant it to you (except in certain cases if he employs 10 workers or less). However, under certain conditions, the employer may postpone or limit it.

During your break, you receive break benefits paid by the ONEM ([www.onem.be](http://www.onem.be)) to partially compensate for your loss of earnings and are protected against dismissal.

In order to choose the formula that best suits you, do not hesitate to contact the CNE team of the company or the CNE secretariat in your region. Together we will examine the possibilities available to you and help you with all the steps to be taken.

## **TIME CREDIT**

For certain reasons (caring for your child/children under 8, disabled child/children under 21 or a seriously ill relative, providing palliative care for a person who needs it, training), you have the right to interrupt your work benefits entirely, to reduce them to half-time or to 4/5ths time, while receiving an interruption allowance. You can switch from one form of reduction to another, as long as the total of these periods does not exceed 51 months (or 36 months in the case of a reduction for training).

## **END-OF-CAREER EMPLOYMENT**

From the age of 60 (or 55 or 57 under certain conditions), you are entitled to work half-time or 4/5ths of the time, for a minimum of 3 months (half-time) or 6 months (4/5ths of the time), while receiving a break allowance. You can extend this reduction in working time until you reach pensionable age, if you wish. Please note that periods of reduced working time may have an impact on the amount of your pension.

## **THEMATIC LEAVES**

There are 4 specific situations in which you are entitled to thematic leave.

**Parental leave** allows you to suspend your benefits completely for 4 months, to reduce them by half-time for 8 months, by 1/5th time for 20 months or by 1/10th time for 40 months (for this last form of reduction, with the agreement of your employer). You can take this leave from the birth of your child until his or her 12th birthday. Both parents are entitled to this leave. Please note: for children born before 8 March 2012, the 4th month is granted but without allowances.

**Palliative care leave** allows you to interrupt or reduce your career to provide any form of medical, social, administrative or psychological care or support to a terminally ill person suffering from an incurable disease. This (anonymous) person does not have to be a close friend or relative. The leave is for a period of one month (extendable by one month, up to a maximum of three months per patient) and can be taken full-time, half-time or on a 1/5 basis.

**Leave for medical assistance** allows you to interrupt or reduce your career to care for a member of your household (living under the same roof), a relative (2nd degree) or a friend (1st degree) suffering from a serious illness. The leave is for a maximum of 12 months full-time per patient, or 24 months half-time or 1/5th time. Note that if the company has fewer than 10 employees, the employer may refuse to reduce

your benefits to half-time or 4/5ths time. In companies with fewer than 50 employees, it may limit it to 6 months (in the case of a total suspension of benefits) or 12 months (in the case of a partial reduction of benefits) for the same person.

Foster care leave allows you to be absent for 6 days a year to fulfil obligations or deal with situations related to the placement of a child, for whom the court or a youth protection service has designated you as a foster parent.

**Caregiver leave** allows you to interrupt or reduce your career to provide help or support to a person who is dependent. The leave is for a maximum of 3 months full-time per person cared for or 6 months half-time or 1/5th. Over your entire career, you can only take 6 months of total suspension of your benefits or 12 months of reduced benefits on a half-time or 1/5 basis.

Beware!

When you reduce your working hours, your working arrangements change. Your employment contract must therefore be adapted. Do not hesitate to ask us for advice before signing anything!

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# Need a break on the go? The CNE supports you!

Marriage, death, communion, civic mission, hospitalisation of a relative... Certain events in private life, whether planned or not, sometimes require time off work. Here are some possibilities for taking time off work.

There are two main types of leave to cope with family and private events: occasional leave, also known as 'short-time working', and leave for compelling reasons.

## SMALL UNEMPLOYMENTS

Some family events entitle you to leave with pay from your employer. These include weddings, deaths, solemn communion and attendance at a family council convened by the justice of the peace. If you work part-time, you may be absent, with your salary maintained, for the days on which you would normally have worked; the duration of this occasional leave is not prorated. Certain civic obligations (participation in a jury, being called as a witness in court, acting as an assessor in elections) also entitle you to time off. In the case of death :

Reason		Duration and conditions
Deaths	Spouse or cohabiting partner; child of the worker or his/her spouse (married or legally cohabiting); child in long-term foster care at the time of death or in the past.	10 days, of which 3 days must be taken between the death and the funeral and the remaining 7 days within one year of the death (unless the employer agrees).
	Father, mother; stepfather, stepmother; mother's second husband, father's second wife; foster parent of the worker or his or her spouse or cohabiting partner.	3 days to be chosen by the worker from the period beginning on the day of death and ending on the day of the funeral.
	Brother, sister; brother-in-law, sister-in-law; grandparent, great-grandparent; grandchild, great-grandchild; son-in-law or daughter-in-law of the worker or his or her spouse or cohabiting partner.	If the deceased lived with the worker: 2 days to be chosen by the worker from the period beginning on the day of death and ending on the day of the funeral.
		If the deceased did not live with the worker: the day of the funeral.
Child of the worker or his/her spouse or cohabiting partner placed in short-term foster care	1 day.	

## LEAVE OF ABSENCE FOR COMPULSORY REASONS

You are entitled to 10 days' absence per year for compelling reasons of a family or other nature: in other words, any unforeseeable event, independent of work, which requires the urgent and indispensable intervention of the worker. In principle, these days are unpaid, unless the rules in force in your sector or company provide otherwise.

## TELL YOUR EMPLOYER

Remember to inform your employer beforehand (or, if this is not possible, as soon as possible). Your employer may also ask you for evidence of the reasons given.

### **CHECK THE PROVISIONS OF YOUR SECTOR AND YOUR COMPANY**

In some sectors and companies, trade unions have been able to negotiate even better conditions: don't hesitate to ask your company's CNE team or the CNE secretariat in your region for information.

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# You are resigning?

## The CNE supports you

**■ YOU WANT TO RESIGN? YOU SHOULD KNOW THAT THERE ARE A FEW RULES TO OBSERVE, WHICH ALLOW THE EMPLOYER TO "TURN AROUND", WHILE PROTECTING YOU DURING THIS PARTICULAR PERIOD. THE CNE TEAM REVIEWS YOUR RIGHTS AND OBLIGATIONS IN THE EVENT OF RESIGNATION, AND ASSISTS YOU IN THIS DECISION.**

### **NOTIFICATION OF THE ISSUE**

You must notify your employer of your resignation in writing, either by registered letter, bailiff's writ or by hand-delivered letter with proof of receipt. This letter must specify the start date and duration of your notice period. Your notice period starts on the first Monday after the notification. If you send a registered letter, the notification takes place on the third working day following the sending of the registered letter, the postmark being taken as proof.

### **DURATION OF NOTICE**

If you have an open-ended contract, your notice of resignation is half the notice period for dismissal, up to a maximum of 13 weeks. There are special rules for contracts concluded before 2014. See our website for the exact length of your notice period.

### **DOCUMENTS TO BE REQUESTED**

Do not forget to ask your employer for: a certificate of employment, holiday certificates (for the past year and the current year), the last payslip, the individual account for the current year and the documents for calculating any pro rata bonuses. You will need these for your endeavours with the unemployment office or your next employer.

### **YOUR NOTICE IS NOT INTERRUPTED**

In the event of resignation, your notice period continues to run when the contract is suspended: in the event of annual holidays, illness, maternity leave or separation, birth leave, adoption leave, time credit, thematic leave, compensatory rest and temporary unemployment. This means that your notice period does not stop during these periods.

### **ABSENCE TO LOOK FOR A NEW JOB**

You have the right to be absent from work, with full pay, to look for a new job. For the period corresponding to the last 26 weeks of notice, you may be absent from work one day or two half-days per week. For the period before the last 26 weeks, you are entitled to only one half-day's absence per week. The duration of this solicitation leave is prorated if you work part-time. It cannot be carried over from one week to the next, unless the employer agrees.

### **RISK OF 'UNEMPLOYMENT' SANCTION**

Caution: if you leave the company without finding another job, the ONEM may consider that you have resigned for illegitimate reasons and deprive you of unemployment benefit for a longer or shorter period (4 to 52 weeks). Therefore, check with the unemployment service of the CSC in your region before you resign.

### **WANT TO KNOW MORE?**

See also our sheet "Are you leaving the company? The CNE is there to help you", available from your company's CNE team or on our website [www.lacsc.be/cne](http://www.lacsc.be/cne) > brochures > information sheets

Do you need advice or support?

The resignation scheme is a complex matter, with many specific rules. For personalised, precise and complete information, we advise you to consult us directly.

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# You are dismissed? The CNE supports you

**IF YOU HAVE BEEN NOTIFIED OF YOUR DISMISSAL, YOU WILL, IN THE VAST MAJORITY OF CASES, BE GIVEN NOTICE. THE TRADE UNIONS HAVE IN FACT OBTAINED A BAN ON THE EMPLOYER GETTING RID OF HIS EMPLOYEES OVERNIGHT: YOU ARE THEREFORE ENTITLED TO A CERTAIN PERIOD OF TIME TO "TURN AROUND". THE CNE TEAM SUPPORTS YOU THROUGH THESE DIFFICULT TIMES.**

## **NOTIFICATION OF DISMISSAL**

The employer must notify you of your dismissal in writing, by registered letter or bailiff's writ, and must specify the date on which your notice period begins and the duration of that period. Your notice period starts on the first Monday following the notification. The notification takes place on the third working day following the sending of the registered letter. To check the exact duration of your notice period, consult the CNE team at your company or the CNE secretariat in your region.

## **IF YOUR NOTICE IS PAID**

The employer may choose to terminate your contract by paying the notice pay to which you are entitled, in a lump sum, as soon as the contract ends (or as soon as, during the period of notice, the employer wishes to terminate it immediately). In this case, you do not have to report to work.

## **IF YOUR NOTICE IS WORKED OUT**

If you continue to work during your notice period, you should be aware that your notice period is suspended in the event of annual holidays, sickness, maternity leave or separation, birth leave, adoption leave, time credit for thematic leave, compensatory rest, economic unemployment and temporary unemployment due to bad weather or 'corona' force majeure. This means that your notice period stops during these periods and starts again when you return. The end of the notice period is therefore postponed.

## **ABSENCE TO LOOK FOR A NEW JOB (SOLICITATION LEAVE)**

You have the right to be absent from work, with continued pay, to look for a new job (see resignation sheet). For the period preceding the last 26 weeks, you are entitled to only one half-day of authorised absence. The duration of this solicitation leave is prorated if you work part-time. It cannot be carried over from one week to the next, unless the employer agrees.

## **COUNTER-NOTICE**

If you wish to leave the company early, for example to start a new job, you must give the employer counter-notice. The length of this counter-notice depends on your seniority, with a maximum of 4 weeks.

## **Outplacement**

If you have more than 30 weeks' notice (or equivalent compensation) or are aged 45 or over and have at least one year's seniority, you are entitled to an outplacement. Ask your CNE team or the CNE secretariat in your region.

## **DOCUMENTS TO BE REQUESTED**

Do not forget to ask your employer for a certificate of employment, holiday certificates (for the past year and the current year), the last payslip, the individual account for the current year and the documents for calculating any pro rata bonuses. You will need these for your endeavours with the unemployment office or your next employer.

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# You leave the company? The CNE supports you

**YOUR PROFESSIONAL CAREER IS TAKING A NEW TURN? FIRST OF ALL, WE WOULD LIKE TO THANK YOU, AS AN AFFILIATE, FOR THE TRUST YOU HAVE PLACED IN US SO FAR. YOU PROBABLY HAVE QUESTIONS ABOUT YOUR RIGHTS AND OBLIGATIONS, THE STEPS TO TAKE, AND ADVICE ON HOW TO MAKE THIS CHANGE A SUCCESS. YOU CAN COUNT ON US: THE CNE TEAM IS AT YOUR SIDE.**

## **ARE YOU LEAVING OR BEING DISMISSED?**

See also the sheet "You are resigning? The CNE supports you" or the sheet "Are you dismissed? The CNE supports you", available from the CNE team in your company or on our website [www.lacsc.be/cne](http://www.lacsc.be/cne).

## **STARTING A NEW JOB?**

If you start a new job as an employee, do not forget to tell your new employer your seniority at the time of hiring. Your salary is calculated on the basis of this seniority. If in doubt, contact us first!

## **DOCUMENTS TO BE REQUESTED**

Do not forget to ask your employer for: a certificate of employment, holiday certificates (for the past year and the current year), the last payslip, the individual account for the current year and the documents for calculating any pro rata bonuses. You will need these for your endeavours with the unemployment office or your next employer.

## **YOUR MEMBERSHIP FOLLOWS YOU**

If your new job is still a salaried one, your trade union membership is still very useful.

As an employee, you will remain affiliated with us, with the National Employees' centrale.

Changing your status? Whether you are in the civil service, in education or as a blue-collar worker, another CSC professional centrale will effectively take over your membership and give you access to the same individual and collective services.

## **CONTACT YOUR CNE REGIONAL SECRETARIAT**

To enable us to serve you in the best possible way, please remember to update your details with your regional CNE secretariat, either on site, by telephone or by e-mail. You can also contact the CNE team at your company, which will do the necessary for you.

## **THE CNE, ALWAYS AT YOUR SIDE**

Once you have settled in, do not hesitate to introduce yourself to the CNE team at your new company. They will organise your welcome and support you in your new working environment. If there is no CNE team in your new company, do not hesitate to contact your regional CNE secretariat; behind the CNE delegates, nearly 150 people are working for the members.

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# Soon-to-be pre-pensioned (in RCC)? The CNE supports you

**YOU HAVE BEEN DISMISSED UNDER THE EARLY RETIREMENT SCHEME? YOU PROBABLY HAVE QUESTIONS ABOUT YOUR RIGHTS AND OBLIGATIONS, THE STEPS TO TAKE, AND ADVICE ON HOW TO DEAL WITH THIS NEW PROFESSIONAL SITUATION. YOU CAN COUNT ON US: THE CNE TEAM IS AT YOUR SIDE.**

## **A DECISION BY THE EMPLOYER**

Since 2012, early retirement has become the "company supplemented unemployment scheme" (RCC). This new term says it all: the RCC is not an early retirement scheme, but a dismissal support scheme. To qualify, you must be dismissed, be entitled to unemployment benefit and meet certain conditions, including age and work history.

## **WHAT STEPS TO TAKE?**

If you wish to benefit from the RCC, the CNE team in your company or the CNE secretariat in your region can provide you with information and tell you what documents you need to complete. Then make an appointment with your CSC Service Centre, which will compile your file with the completed documents and carry out all the necessary steps. Your CSC Service Centre can confirm whether or not you are eligible for the RCC.

## **ONEM AND EMPLOYER'S ALLOWANCES**

As an early retiree, you receive unemployment benefit paid by the ONEM (60% of your last gross salary with a ceiling, [www.onem.be](http://www.onem.be)), and a supplementary allowance paid by the employer, corresponding to at least half the difference between your net salary (with a ceiling) and this unemployment benefit (a sectoral, company or individual agreement may provide for more: ask the CNE team in the company or the CNE secretariat in your region).

## **WHAT ARE THE CONSEQUENCES FOR YOUR STATUS?**

Depending on your situation, you may or may not be required to register as a jobseeker, with all the consequences that this entails, particularly in terms of activation policy. To find out about your particular situation, contact us or visit [www.socialsecurity.be](http://www.socialsecurity.be). Workers who access the RCC after 1 January 2015 are subject to an obligation of appropriate availability on the labour market. In concrete terms, you are not obliged to actively look for a job by taking personal steps. However, the ONEM may sanction you if you refuse an offer of suitable employment and do not respond to invitations. To avoid sanctions, you must also cooperate in a personalised accompaniment, offered by the regional employment service (Forem or Actiris), until you arrive at the pension.

## **YOUR MEMBERSHIP CONTINUES TO PROTECT YOU**

Once you have taken early retirement, you will benefit from a reduction in contributions for your membership of the CNE and will continue to be fully covered by our services (information, personalised advice, legal defence in the event of a dispute with the federal pensions service).

Do you want to get involved in the defence of (early) pensioners? Join the CSC Seniors ([www.lacsc.be](http://www.lacsc.be))!

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# Pensioner and worker?

## The CNE supports you

**YOU RECEIVE A RETIREMENT OR SURVIVOR'S PENSION AND WANT TO CONTINUE WORKING? THIS IS PERMITTED. YOU PROBABLY HAVE QUESTIONS ABOUT YOUR RIGHTS AND OBLIGATIONS, THE STEPS TO TAKE AND THE ADVICE TO FOLLOW. YOU CAN COUNT ON US: THE CNE TEAM IS AT YOUR SIDE.**

### **DO YOU RECEIVE YOUR PENSION?**

If you have any questions about your (early) pension, please refer to the "soon to be pensioner" and "soon to be pre-pensioner" information sheets. You can also contact your company's CNE team.

### **WHAT STEPS SHOULD I TAKE TO WORK?**

In principle, if you are a pensioner and you want to continue or resume paid work, you do not need to complete any formalities. As an exception, you must make a prior declaration to the Federal Pensions Service (FPS, formerly ONP) in three cases: if you are awaiting the very first payment of your pension, if you are engaged in a scientific or artistic activity, or if you are working abroad. The declaration must be made within a specific but relatively broad time frame: before the start of the activity, within 30 days of the start of the activity, or within 30 days of the granting of the pension. Your employer does not have to make any particular declaration.

### **WHAT IMPACT DOES YOUR PROFESSIONAL INCOME HAVE ON YOUR PENSION?**

When you are receiving a retirement pension, if you are at least 65 years old or have at least 45 years of service, you can combine your salary with your retirement pension without limit. However, cumulation is limited in the following situations (amounts 2022):

- If you are under 65 and have not completed 45 years of service, the limit is €8,634.00 gross.
- If you are under 65 and receive a survivor's pension only, the limit is €20.10 gross
- If you are at least 65 years old and receive a survivor's pension only, the limit is €30,330 gross.

If you exceed the limit, your pension will be reduced. Your pension is reduced proportionately. If you exceed the limit by 100% or more, your pension will be entirely suspended. Please note that any amounts unduly paid by the FPS will be recovered, so if you think you have exceeded the limit, inform the FPS.

### **YOUR MEMBERSHIP CONTINUES TO PROTECT YOU**

Pensioners benefit from a reduction in contributions and remain covered by our services (information, advice, legal defence in case of conflict with the FPS, etc.). If your income is so high that your pension is suspended, you remain a worker and pay the normal contributions.

Do you want to get involved in the defence of pensioners? Join the CSC Seniors, our movement of (pre)retired workers!

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# Soon-to-be a pensioner? The CNE supports you

**YOUR PROFESSIONAL CAREER IS COMING TO AN END? FIRST OF ALL, WE WOULD LIKE TO THANK YOU, AS A MEMBER, FOR THE TRUST YOU HAVE PLACED IN US SO FAR. YOU PROBABLY HAVE QUESTIONS ABOUT YOUR RIGHTS AND OBLIGATIONS, THE STEPS TO TAKE, AND ADVICE ON HOW TO ENJOY YOUR WELL-DESERVED RETIREMENT. YOU CAN COUNT ON US: THE CNE TEAM IS AT YOUR SIDE.**

## **AT WHAT AGE CAN YOU TAKE YOUR PENSION?**

In Belgium, the statutory pension age is 65\*. It will be raised to 66 for pensions starting no earlier than 1 February 2025 and no later than 1 January 2030. From 1 February 2030, it will be 67.

Your pension starts on the first day of the month following the month in which you turn 65, 66 or 67. Under certain conditions, it is possible to stop working earlier, by taking an "early pension". The age and career requirements for obtaining an early retirement pension have been tightened up several times. Ask your company's CNE team or the Federal Pensions Service ([www.sfpf.fgov.be](http://www.sfpf.fgov.be)) for information.

## **WHAT STEPS TO TAKE?**

If you wish to receive a retirement pension, you must stop your professional activities. You can resign (see the sheet entitled "You are resigning? The CNE supports you") or ask your employer to dismiss you (see the sheet entitled "Are you dismissed? The CNE supports you"). If you take your pension at the legal age, you do not have to do anything: the Federal Service (SFP) will send you a letter with the calculation of your pension. All you have to do is check the data in the calculation. If you have any doubts, you can contact the Mutualité chrétienne ([www.mc.be](http://www.mc.be)), which offers this service to all CSC members. If you take your pension before or after the statutory age, or if you live abroad, you must submit an application to the local authority, to the FPS regional office or online ([www.demandepension.be](http://www.demandepension.be)), between one year and one month before you retire. We advise you to do this a few months in advance, so that you can be paid as soon as your working life ends.

## **HOW MUCH WILL YOUR PENSION BE?**

The SFP calculates the amount of your pension on the basis of the length of your career and the income for each year of your career. In case of doubt, you can also contact the Mutualité chrétienne, which provides information free of charge to members of the CSC (even those not affiliated to the Mutualité chrétienne).

## **YOUR MEMBERSHIP CONTINUES TO PROTECT YOU**

Once you are a pensioner, you benefit from a reduction in your CNE membership fees and remain fully covered by our services (information, personalised advice, legal defence in the event of a dispute with the FPS, etc.). Do you want to get involved in the defence of pensioners? Join the CSC Seniors, our movement of (pre-)retired workers ([www.lacsc.be](http://www.lacsc.be))!

*\* Special schemes exist for certain categories of workers.*

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# Fixed-term contract?

## The CNE supports you

**YOU HAVE BEEN OFFERED A FIXED-TERM CONTRACT OR YOU HAVE ALREADY SIGNED ONE? WHAT ARE YOUR RIGHTS AND OBLIGATIONS? TO MAKE THE MOST OF YOUR FIXED-TERM CONTRACT, FOLLOW THE CNE'S ADVICE!**

As the name suggests, a fixed-term contract (FTC) is an employment contract concluded for a limited period. The contract specifies the date on which it begins and the date on which it ends. In order to protect the worker as much as possible, several rules govern the fixed-term contract.

### A WRITTEN CONTRACT

The fixed-term contract must be drawn up in writing (on paper or electronically with a secure signature) and signed at the latest when you start work. If the end date of the contract is not mentioned, the contract is automatically considered to be of unlimited duration.

### SUCCESSIVE CONTRACTS

In principle, the employer cannot hire you on several fixed-term contracts that follow each other directly. Instead, they must offer you a permanent contract (CDI). The law allows four exceptions:

- You can conclude up to 4 successive fixed-term contracts, provided that each one lasts at least 3 months and that their total duration does not exceed 2 years.
- You can conclude several successive fixed-term contracts, provided that each one lasts at least 6 months and that their total duration does not exceed 3 years, and this with the prior agreement of the Social Law Control.
- You can conclude successive fixed-term contracts without limit, if you request it yourself, for personal or other reasons.
- You can conclude successive fixed-term contracts if the employer can demonstrate that this is justified by legitimate reasons (for example, for several performance dates, for a temporary project intrinsically linked to a temporary grant for which it is not known whether it will be renewed or not, etc.).

### DO YOU GET A PERMANENT CONTRACT?

If you obtain a permanent contract in the same company, your seniority under a fixed-term contract must be taken into account for the calculation of your salary and other rights (notice, holidays, bonuses, etc.).

### WORKING CONDITIONS

Workers on fixed-term contracts may not be treated less favourably because they work on a fixed-term basis, unless there are objective reasons for such differences in treatment. Furthermore, if there is a vacancy in the company, the employer must inform the fixed-term workers, at least by a general announcement placed in a suitable place in the company. You can also send a letter to your employer expressing your interest in a position that becomes available in the company and that corresponds to your job or qualifications.

### TERMINATION OF THE CONTRACT

Except in the case of serious misconduct, the employer or worker who terminates the contract before the scheduled date must pay compensation equivalent to the salary due for the remaining duration of the fixed-term contract, with a ceiling of twice the compensation that would have been due if it had been a permanent contract. By way of derogation and for the first fixed-term contract only: if the

contract is terminated during the first half of the fixed-term contract (without this period exceeding 6 months), notice of dismissal or resignation may be given, provided that the start and end dates of the notice period fall within this period.

### **INCAPACITY TO WORK**

For fixed-term contracts of less than 3 months, the employer may terminate the contract after 7 days of uninterrupted incapacity to work, after the expiry of the period during which notice is possible, without compensation. For fixed-term contracts of 3 months or more, the employer may terminate the contract after 6 months of incapacity to work, in return for compensation equivalent to the salary due for the remaining duration of the fixed-term contract, capped at 3 months' salary and reduced by any guaranteed salary already paid.

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# Replacement contract? The CNE supports you!

**YOU HAVE BEEN OFFERED A REPLACEMENT CONTRACT OR YOU HAVE ALREADY SIGNED ONE? WHAT ARE YOUR RIGHTS AND OBLIGATIONS? TO MAKE THE MOST OF YOUR CONTRACT, FOLLOW THE CNE'S ADVICE!**

## **A WRITTEN CONTRACT**

As the name suggests, a replacement contract is concluded to replace one or more workers who are absent from work for any reason (except temporary unemployment, strike or lock-out). The replaced worker(s) must have completely suspended their benefits, or have partially reduced their benefits as part of a time credit or thematic leave, or have been authorised to return to work partially with the agreement of the mutual's medical officer (medical part-time).

Furthermore, the contract must be drawn up in writing (paper or electronic with a secure signature) at the latest when you start work and must specify: the duration of the appointment (fixed-term or indefinite), the reason(s) for the replacement, the name of the worker(s) being replaced. In the absence of a written document containing these compulsory details, the rules governing open-ended contracts apply.

## **DURATION AND SUCCESSIVE CONTRACTS**

The duration of the replacement contract is limited to two years. In the case of successive contracts, their total duration is also limited to two years, even if these contracts are separated by interruptions of a few days or weeks (unless these interruptions occurred at your request). If the contract exceeds this two-year period, the rules for open-ended contracts apply. There is one exception: a replacement contract may last longer than two years if it was concluded to replace a worker on time credit or thematic leave.

## **END OF CONTRACT**

The employer may stipulate in the replacement contract that it will be terminated with reduced or no notice in the event of the return or effective termination of the contract of the replaced worker(s). In other cases, the rules for open-ended contracts apply. If nothing is specified in the replacement contract concerning the end of the contract, the rules for open-ended contracts apply.

## **YOU GET ANOTHER CONTRACT?**

The employer who wants to keep you in the company after the replacement contract can only offer you a fixed-term contract if the replacement lasted less than two years. If the replacement lasted two years or more, they can only offer you a permanent contract. Furthermore, your seniority under a replacement contract must be taken into account when calculating your salary and other entitlements (notice period, holidays, bonuses, etc.).

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# You want to follow a training course? The CNE supports you!

**BECAUSE PEOPLE LEARN AT ANY AGE AND THE WORLD OF WORK IS CONSTANTLY CHANGING, TRADE UNIONS HAVE NEGOTIATED THE OPPORTUNITY FOR WORKERS TO TRAIN THROUGHOUT THEIR CAREERS. YOU HAVE A JOB AND WANT TO DO SOME TRAINING? HERE ARE THE POSSIBILITIES AVAILABLE TO YOU.**

## **PAID EDUCATIONAL LEAVE**

Certain courses, such as social education, university courses or higher education courses with shifts, are covered by paid educational leave (CEP). This educational leave applies to all workers in the private sector who are employed either full-time or part-time at least 4/5 time, or at least 1/3 time on a flexitime basis, or at least half-time on a fixed-time basis (but only, in the latter case, for vocational training taken during normal working hours).

The purpose of paid educational leave is to give you the opportunity to follow a training course by giving you time to attend courses, study, do work, do a training course, take exams, etc. Thanks to paid educational leave, you can be absent from work for a certain number of hours, while maintaining your normal pay (with a ceiling, although there is nothing to prevent the employer from paying you above the ceiling). Employers, for their part, can obtain total or partial reimbursement of the remuneration due for these training hours from the competent public administration. To find out all the details of the CEP, consult the CNE team in your company, the CNE secretariat in your region, or our website: <https://www.lacsc.be> - ma carrière - travailler dans le secteur privé - formations - congé éducation payé  
If your usual place of work is in Flanders, the rules have changed. The "Flemish educational leave" (Vlaams opleidingsverlof, VOV) applies. Ask your company's CNE team or the CNE secretariat in your region for information.

## **TIME CREDIT FOR TRAINING**

If you have at least two years' seniority, you can also benefit from a training time credit for a maximum of 36 months, which allows you to be absent from work while receiving benefits from the ONEM. Two types of training are covered: training recognised by the Communities or by the sector, amounting to at least 360 hours or 27 credits per year (or 120 hours or 9 credits per quarter) and training provided in a basic education centre or geared towards obtaining a secondary education diploma or certificate, amounting to at least 300 hours per year (100 per quarter).

To find out about all the terms and conditions of time credit training, consult your company's CNE team or our website <https://www.lacsc.be> - ma carrière - travailler dans le secteur privé - crédit-temps et congés thématique

## **SECTORAL AND COMPANY AGREEMENTS**

In some sectors and companies, additional facilities for training are granted by collective labour agreement. Do not hesitate to consult the CNE team in your company or the CNE secretariat in your region to find out what exists in your sector and company.

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# Involuntary part-time work?

## The CNE supports you!

**IN SOME SECTORS IT IS VERY DIFFICULT OR IMPOSSIBLE TO GET A FULL-TIME CONTRACT. THIS IS KNOWN AS 'INVOLUNTARY' PART-TIME WORK. IF THIS IS YOUR CASE, HERE ARE THE RULES TO KNOW AND THE PITFALLS TO AVOID... TO GET THE BEST OUT OF YOUR CONTRACT, FOLLOW THE CNE'S ADVICE!**

### CONTRACT

Your employment contract is said to be 'part-time' if the weekly working time is less than that of a person employed under a full-time contract in your company. The employment contract must state the agreed part-time working regime (fixed or flexible, minimum 1/3 time on average per week and minimum 3 hours per day, unless otherwise provided for by law or agreement) and the working hours (fixed or variable). In all cases, your employer must give you at least 7 days' notice of your working hours (some company and sector agreements provide for a longer period).

### PRINCIPLE OF PROPORTIONALITY

A part-time worker receives remuneration in proportion to that of a full-time worker. This principle of proportionality applies, in principle (unless otherwise agreed), to all elements of remuneration, including therefore extra-legal benefits, such as the number of meal and eco-vouchers, the amount of group or hospital insurance, the company car.

### ADDITIONAL HOURS

Overtime is time worked in excess of the agreed working hours (the working hours of the employee) but not in excess of the working hours for full-time work. The employer cannot impose them on you: your agreement is essential. These hours are paid at 100%. Once a certain number of overtime hours has been worked, the law provides for three possibilities for you: compensatory rest, additional pay or a revision of the contract. Do not hesitate to consult your company's CNE team or the secretariat in your region for more information.

### VACANCIES

The employer is obliged, on pain of a fine, to give you priority and written notice of any job vacancy in the company. The collective labour agreement no. 35 (CCT35) allows you to obtain more hours of work by having priority for a vacant job or for additional hours that become available in the company. To do this, you must submit a written request to your employer. Do not hesitate to consult your company's CNE team or the secretariat in your region for more information.

### BE CAREFUL TO MAINTAIN YOUR SOCIAL SECURITY RIGHTS!

If you accept a part-time job to avoid unemployment, do not forget to apply to the ONEM for 'maintenance of your rights' within 2 months of taking up the job (form C131A). This is necessary in order to receive full unemployment benefit if you subsequently lose your part-time job or become temporarily unemployed. On the same form, you can also apply, under certain conditions, for an income guarantee allowance (AGR) to supplement your part-time income. Please note that in this case, since the decision of the Michel government, you are subject to the control of the unemployed and must therefore prove that you are actively seeking a second part-time job or a full-time job.

### READ MORE

See our full brochure "Working part-time, the rules you need to know, the pitfalls you need to avoid" from your CNE team or at [www.lacsc.be/cne](http://www.lacsc.be/cne).

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# You are a victim of stress or harassment at work? The CNE supports you

**■ YOU ARE SUFFERING FROM STRESS OR BURN-OUT BECAUSE OF WORK? YOU ARE BEING SUBJECTED TO MORAL OR SEXUAL HARASSMENT OR VIOLENCE DURING YOUR WORKING HOURS? THE LAW PROTECTS EMPLOYEES AGAINST WHAT IT CALLS "PSYCHOSOCIAL RISKS". THE CNE EXPLAINS THE SOLUTIONS AND REMEDIES AVAILABLE TO YOU.**

## **PSYCHOSOCIAL RISKS**

You may be exposed to psychosocial risks at work. It is important to describe them in order to identify and prevent them.

- **Stress** is a negative state resulting from an excessive workload.
- **Burn-out** is a state of professional exhaustion and demotivation, often resulting from permanent stress.
- **Bullying** is a pattern of abusive behaviour that violates your integrity and dignity or makes your working environment intimidating or offensive.
- **Sexual harassment** is a case of moral harassment that has a sexual connotation and requires only one behaviour to be punishable.
- **Workplace violence** is when you are threatened or physically attacked at work.

These situations can be linked (e.g. stress causes burn-out, harassment causes stress).

## **PREVENTION ADVISOR AND TRUSTED PERSON**

Two people intervene to prevent and remedy the problem.

Your prevention adviser works with your employer to draw up a psychosocial risk prevention policy and intervenes if you are experiencing a psychosocial risk. This adviser is external to your company, unless your company has at least 50 employees.

Your trusted person welcomes you if you are a victim of psychosocial risk. He or she listens to you and responds to your requests by intervening and conciliating with other people. This internal function is optional, but your staff representatives on the Committee for Prevention and Protection at Work (CPPT) may require it.

## **INTERNAL AND EXTERNAL PROCEDURES**

If you are experiencing a psychosocial risk, you can turn to the company's internal procedures with the trusted person or the prevention adviser.

If the internal procedure is unsuccessful, you should first turn to the Workplace Well-being Monitor; legal action could only be considered afterwards, if the Monitor's intervention fails. In the event of harassment or violence at work recognised by the judge, the law guarantees you a lump-sum compensation of three months' salary at the expense of the perpetrator. This increases to six months if the behaviour is discriminatory, if the perpetrator is your superior or if the facts are serious. Higher compensation is possible if the damage suffered is greater than these lump sums.

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# Victim of violence at work? The CNE supports you!

**YOU ARE A VICTIM OR WITNESS OF VIOLENCE AT WORK? DON'T HESITATE TO TELL YOUR EMPLOYER OR ANOTHER LINE MANAGER. BUT DON'T FORGET THAT YOU CAN ALSO CALL ON YOUR TRADE UNION DELEGATE FROM THE BEGINNING AND THROUGHOUT THE PROCEDURE, AND THAT YOU CAN COUNT ON THE CNE IN THIS ORDEAL.**

There is a specific internal procedure that is available to workers who feel that they are suffering damage as a result of psychosocial risks at work. This procedure contains two types of interventions: informal psychosocial intervention and formal psychosocial intervention.

Both types of intervention are available for violence, moral or sexual harassment at work, but also for all other situations in which psychosocial problems at work are involved (stress, burnout, conflicts, etc.). This internal procedure must be described in the company's work regulations.

## IN WHICH CASES?

- If you have an interpersonal problem (conflict, harassment...) with a colleague, a member of the hierarchy, a client, a third party...
- When there is no one person directly involved, for example when it comes to stress or burnout, it is the organisation of work that can be a problem.

## HOW TO DO IT?

By contacting either the trusted person or the psychosocial prevention adviser. This choice can be made on the basis of affinity and trust with one of these people or their geographical proximity.

It must be possible to consult the trusted person or the psychosocial prevention adviser during working hours. If the usual organisation of working hours does not allow this, the consultation may also take place outside working hours, provided that a collective agreement or the work regulations so provide. In this case, the time spent on the consultation is considered as working time.

The travel expenses are also borne by the employer, regardless of when the consultation takes place (during working hours, during sick leave, etc.). If you want to make use of this right, you must inform the employer of your approach to the prevention adviser or the trusted person.

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# You have travel expenses? The CNE supports you

**YOU USE YOUR CAR OR PUBLIC TRANSPORT FOR YOUR HOME-TO-WORK JOURNEYS? YOU TRAVEL FOR YOUR EMPLOYER DURING YOUR WORKING HOURS? YOUR EMPLOYER MUST CONTRIBUTE TO YOUR EXPENSES IN ORDER TO REDUCE YOUR COSTS. THE CNE GUIDES YOU THROUGH THESE REGULATIONS.**

## **COMMUTING TO WORK**

If you use public transport to get to work, your employer must contribute to your travel costs. However, if you use your own car to travel to work, there is no legal minimum: the employer's contribution will depend on the rules of your sector or company.

## **TRAIN - SNCB**

Your employer must pay a certain percentage of the total cost of your season ticket (weekly, monthly, quarterly or annual). The exact amount depends on the number of kilometres between two stations. It is set out in a jointly agreed scale. It is also possible to practice "third-party payment". In this case, your employer pays 80% of the cost of your season ticket directly to the SNCB and the remaining 20% is offered by the State (via the SNCB). The system is compulsory in some (rare) sectors and optional in others.

## **METRO, TRAM, BUS - TEC, STIB, DE LIJN**

If the price of the subscription is proportional to the distance travelled (e.g. TEC/De Lijn), your employer's contribution will correspond to the amount that your employer would have paid if it were a train subscription for an identical distance (distance between the departure stop and the final stop). This contribution is limited to 75% of the actual price of the subscription.

If the subscription is a flat rate (e.g. STIB), your employer must reimburse 71.8%, with a ceiling of €34 per month. It is also possible to have reimbursements for combined train-metro-tram-bus transport.

## **PRIVATE VEHICLE AND BICYCLE**

There is no national provision for commuting by private car or bicycle. However, in most joint committees, sectoral collective labour agreements provide for partial reimbursement of these individual transport costs.

## **MISSION COSTS**

All journeys on mission made during working hours by private vehicle must be fully compensated by your employer. The usual rate is that applicable to the civil service, i.e. €0.4170 per kilometre travelled (amount as at 1/07/2022), unless otherwise provided in your sector.

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# Your privacy is threatened at work? The CNE supports you

**YOUR EMPLOYER IS LOOKING AT YOUR EMAILS? A CAMERA IS INSTALLED IN YOUR WORKPLACE? YOUR INTERNET VISITS ARE MONITORED? YOUR FUNDAMENTAL RIGHTS MUST BE RESPECTED IN YOUR COMPANY, INCLUDING YOUR RIGHT TO PRIVACY. THE CNE TELLS YOU WHAT LIMITS YOUR EMPLOYER HAS TO RESPECT.**

## **PROCESSING OF PERSONAL DATA**

Under the GDPR, your employer may "process" (store, use, make available...) your personal data when this processing is necessary for the performance of your contract (e.g. requesting a medical certificate), to fulfil a legal obligation to which the employer is subject (e.g. recording your marital status to calculate your payroll tax), to defend a legitimate interest of the employer, etc. Apart from these cases, the employer may not process your personal data without your explicit and informed consent. In principle, it may only use your data for specific, expressly described, justified and communicated purposes. It may not collect more data than necessary. You can demand that your data be corrected or deleted.

## **SOCIAL NETWORKS**

All your private exchanges are protected and cannot be monitored, regardless of the means of communication (business mobile phone, e-mail, etc.). On the other hand, all the content you post on your social networks, even if your employer is not in your contacts, is considered public. You are therefore responsible for them and your employer can hold their content against you.

## **CONTROL OF ELECTRONIC COMMUNICATIONS**

When your employer provides you with a computer and/or mobile phone to do your job, a priori he cannot control the content of your communications. He can check the global data in the company, but not identify them personally. In order to specifically examine your communications, there are three conditions: they must have a legitimate objective (purpose), they must only collect the data necessary for the monitoring (proportionality), and they must inform all the persons concerned by the monitoring as well as your representatives in the consultation bodies (transparency).

## **CAMERA IN THE WORKPLACE**

As with the monitoring of electronic communications, the installation of a camera in your workplace must comply with three conditions: there must be a legitimate objective (purpose), only as much filming as is strictly necessary to meet the objective (proportionality) and all persons affected by the camera and your representatives in the consultation bodies must be informed (transparency). Furthermore, if a camera is aimed at you personally to monitor your work, it may not film you continuously but must film temporarily.

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# All work deserves to be paid

## The CNE supports you

**THE COMPENSATION FOR YOUR WORK IS YOUR SALARY. THE AMOUNT DEPENDS ON YOUR SECTOR AND/OR COMPANY. YOUR PAY, IN THE BROADEST SENSE OF THE WORD, MAY CONTAIN RECURRING AND VARIABLE ELEMENTS. THE CNE GUIDES YOU THROUGH THIS MAZE OF REGULATIONS.**

### MINIMUM WAGE

The RMMM (guaranteed minimum monthly income) is a minimum income that must have been achieved on average on an annual basis. In other words, at the end of each year you must check whether the sum of the 12 monthly salaries you have received (plus any end-of-year bonus and other benefits to which you are entitled at the employer's expense) is at least equal to the sum of 12 times the RMMM. Indexed to 1 August 2022, the amount of the RMMM is €1,879.13. There are other amounts for young people under the age of 18 and for young people with a student occupation contract.

### SECTORAL MINIMUM REMUNERATION

In most joint committees, collective labour agreements provide for minimum wage scales and compulsory indexation of these wages. All these figures are always minimums above which any company CLA or individual contract can go. For employees, pay generally depends on the position held and seniority. For more information on the scales that apply to you, ask the CNE team in your company or the CNE secretariat in your region.

### PAID LEAVE

During your holidays, you are entitled to your normal pay ("single pay") and a kind of holiday bonus ("double pay"). The double pay is 92% of your normal pay for the current month (pro-rated, if necessary, according to the number of months worked or assimilated during the previous year). In principle, your double pay should be paid to you in the month in which you take your longest holiday period in the year. In practice, the social secretariats pay them in May or June.

### BENEFITS AND BONUSES

In addition to the cash salary, you may also receive benefits in kind (mobile phone, company car, etc.), cash benefits (meal vouchers, eco-cheques, mobility budget, etc.) and fixed or variable bonuses. For more details on your benefits, ask your company's CNE team or the CNE secretariat in your region.

### TERMS OF PAYMENT

Your salary must be fixed and paid in cash. It must be paid in Euro (if you work abroad, you have the choice between Euro and local currency). Your salary must be paid in cash, i.e. your pay must be transferred to the bank account of your choice. Your pay must be paid by the fourth working day after the period for which the pay is due (a collective labour agreement or the work rules may provide for a different deadline). Your employer cannot restrict your freedom to dispose of your pay as you wish.

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# You work overtime? The CNE supports you

**YOU WORK A LOT? YOU ARE WONDERING IF YOU ARE EXCEEDING THE DAILY AND WEEKLY WORK LIMITS? YOU ARE NOT GETTING BACK ALL THE OVERTIME YOU WORK? THERE ARE MANY GUIDELINES, BUT THEY ARE OFTEN MISUNDERSTOOD AND NOT RESPECTED. THE CNE GUIDES YOU THROUGH THE MAZE OF WORKING TIME RULES.**

## **ARE YOU CONCERNED?**

The rules on working time apply to employees and managers. However, they do not apply to sales representatives or to management and confidential staff. Your status can be found in your employment contract.

## **DURATION OF WORK**

You can be at your employer's disposal for up to 8 hours a day and 38 hours a week. The daily limit is increased to 9 hours if you work a maximum of 5.5 days a week. A collective agreement, work regulations or your contract can always reduce your working time below the legal maximums.

## **OVERTIME**

In certain situations (e.g. work in successive shifts, work carried out in order to deal with an accident that has occurred or is imminent), the daily limit is increased to 11 hours and the weekly limit to 50 hours. It is then possible that you will have to work overtime. The use of overtime is regulated by law, and your employer cannot impose it on you as he sees fit. If you exceed these limits, you will be given time off in lieu of overtime and you will be paid 50% of your hourly pay (100% if it was a Sunday or a public holiday). In some flexible working arrangements (called "small flexibility"), the weekly limit of 38 hours can be exceeded as long as you work 38 hours per week on average. The worker can therefore be occupied for more than 38 hours one week if he works less than 38 hours another week (e.g. 40 hours one week and 36 hours the next). This average of 38 hours must be respected over a reference period of one year, unless there are exceptions. For more information on the scheme applicable to you, contact your company's CNE team or the CNE secretariat in your region.

## **CALCULATION OF THE EXTRA SALARY**

When you are paid by the month, your hourly wage is obtained by multiplying your pay (gross + fixed and variable benefits) by three, then dividing it by thirteen and dividing the result by the number of hours to be worked under your contract. Overtime pay cannot be replaced by other benefits.

## **OTHER LIMITATIONS**

The minimum daily working time is 3 hours, with some exceptions. Between two working days, you have a continuous rest period of at least 11 hours. Night work (between 8 p.m. and 6 a.m.), work on Sundays and work on public holidays are prohibited, with some exceptions. No work may be performed outside the hours specified in the work regulations.

**Need to contact us?** Call us on 067 88 91 00 on Mondays, Tuesdays and Wednesdays from 9am to 12pm and Thursdays from 1:30pm to 4:30pm.  
**Need to meet us?** Our secretariats are open on Mondays, Tuesdays and Wednesdays from 1.30 to 4.30 pm and Thursdays from 9 am to 12 pm.  
**Need to write to us?** Just one address: [cne.info@acv-csc.be](mailto:cne.info@acv-csc.be)

The content of this publication is intended for both men and women  
**Update: August 2022**



# You telework? The CNE supports you

**YOU WORK ONE OR MORE DAYS A WEEK OUTSIDE YOUR USUAL PLACE OF WORK? YOU HAVE QUESTIONS ABOUT YOUR HOURS, EXPENSES OR PRIVACY? FOLLOW THE CNE GUIDE TO FIND OUT ABOUT YOUR RIGHTS AND OBLIGATIONS WHEN TELEWORKING.**

## **PROVIDING FOR AND FRAMING YOUR RIGHTS AND OBLIGATIONS**

Telework must be voluntary. Apart from the "corona" measures, the worker cannot be forced to telework and the employer can always refuse. If you telework occasionally (e.g. to wait at home for the heating engineer to come), this must be agreed between you and your employer (the agreement can only be oral). If you telework on a structural basis (e.g. one day a week), then this telework must be agreed in writing between you and your employer (with an amendment to your employment contract). In any case, telework can also be regulated by a company's collective labour agreement (CLA) or by the work regulations.

## **SOCIAL LAW PROTECTS YOU WHEN TELEWORKING**

The teleworker has the same rights to working conditions as comparable workers on the employer's premises. The workload and performance standards in telework must be comparable to those of workers on the company's premises. The company must carry out a workload analysis and a risk analysis of the psychosocial and ergonomic/physical consequences (potentially harmful, depending on various factors) of telework, at least once a year, in collaboration with the SPPT. If you have an accident, you are covered by the work accident insurance. By the way, this insurance also covers you on your way to work, especially if something happens to you when you take your children to school before you go home to telework.

## **ORGANISATION OF YOUR TELEWORK**

Apart from the "corona" measures which require telework at home, telework can take place in the teleworker's home or in any other place chosen by the teleworker (outside the employer's premises). Unless otherwise agreed, your working hours are identical. Your employer may not take advantage of teleworking to increase his or her surveillance (e.g. calling you every half hour when he or she only contacts you twice a day when you are in the office). Nor can your employer install spyware on your computer without consultation, or read the contents of your e-mails without your knowledge. As a reminder, an employer can collectively monitor electronic communications in his company, but to see your communications in particular, he must respect three conditions: legitimate purpose; collect only the necessary data; inform the persons concerned and the trade union representatives. For more details, see our factsheet « Is your privacy threatened at work? ».

## EQUIPMENT AND MAINTENANCE COSTS

In the case of structural telework, the costs of equipment and maintenance (computer, internet, communication, etc.) are borne by your employer. The concrete modalities of this intervention can be specified in a company's CLA, in your work regulations or in your individual agreement. The authorities allow employers to pay for your actual expenses (with supporting invoices and without the expenses being of a luxurious nature) or on the basis of lump sums (the amounts of which are determined by the authorities). Any allowances paid by your employer are not remuneration and are not subject to tax or social security deductions.

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