

## Wages and other benefits payable

It is very important for posted employees to know who their employer is. This is the person or company with whom you signed the employment contract and is responsible for the working conditions. Posted workers on temporary contracts must be able to identify the user of their work services who is responsible for some of the working conditions. To this end: take photographs of the worksite, be sure to take note of the surname, forename, telephone number and address of the people in charge, the details of the company employing you etc. Keep proof of all payments received in cash, statements of your benefits and overtime, payslips.

On the basis of your work services, you are also entitled to various bonuses and annual holidays.

**What if my rights aren't being respected? Who should I contact? Who can help me?**

Your working conditions and your health and safety are our concerns.

The trades unions are there to defend workers and to obtain payment of wages due, up to and including taking your case to court.

The Belgian Labour Inspectorate sanctions employers who flout the law, but it always tries first to ensure you receive the wages you are owed. It never sanctions workers!

For more information, contact the addresses and websites listed below:

### Affiliated unions:

*If you work in the construction, industry or energy sectors:*  
**CSC BIE**, Rue de Trèves 31 - 1040 Brussels  
Tel: 02/285.02.11 - Fax: 02/230.74.43  
Email: cscbie@acv-csc.be - Website: www.cscbie.be

*If you work in the metal, textile or electrical sectors:*  
**ACV-CSC METEA**, Avenue des Pagodes 1-3 - 1020 Brussels  
Tel: 02/244.99.11 Fax: 02/244.99.90  
Email: metea@acv-csc.be  
Website: www.acv-csc-metea.be

*If you work in the meat (food industry), cleaning or food trade sectors:*  
**CSC Alimentation et services**  
Rue des Chartreux 70, 1000 Brussels  
Tel: 02/500.28.11 Fax: 02/500.28.99  
Email: alimentationetservices@acv-csc.be  
Website: www.csc-alimentation-services.be

**CSC** (Confederation of Christian Trade Unions of Belgium)

**Migrants CSC et Diversité** (in French)  
Wallonia, Brussels: nouvelles-migrations@acv-csc.be

**ACV-Diversiteit** (in Dutch)  
Flanders, Brussels: diversiteit@acv-csc.be

**Labour Inspectorate** (your anonymity is guaranteed!):  
Email: complaints.labourinspection@employment.belgium.be  
(The complainant can use his or her own language)  
Telephone: +32 (0)2 233 48 15 (French, Dutch, English and German only)



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## Posted workers

do you know your rights?

# QUIZ

(more than one answer is possible)



- When I work in Belgium, my pay is:**
  - The same as in my country of origin
  - The minimum wage for the sector in Belgium for my qualification
- If I fall ill or have an accident (injury, fall etc.):**
  - I have to pay for everything myself (hospital, medicines etc.)
  - I am covered for healthcare by the host country through Form S1 or the European Health Insurance Card
- At my place of work, I must be able to produce:**
  - Form A1
  - The LIMOSA declaration certificate
  - My identity card or passport
- In Belgium, I am housed:**
  - In a container on the worksite
  - In an apartment or boarding house room
- Travel expenses are paid by:**
  - I pay for my own travel
  - My boss pays my travel expenses
- Personal Protective Equipment (hard hats, safety boots, gloves, glasses etc.) is provided by:**
  - My employer
  - I have not received any PPE and I have to buy it myself
  - The client in Belgium
- Regarding working times in Belgium:**
  - The normal working week is 38 hours
  - You can work for up to 12 hours a day
  - You can work on Saturdays and Sundays

# Answers

**1.b.** Posted workers must receive the **minimum wage** for the sector. In construction, for example, this varies from €14,189/hour for an unqualified worker to €20,488/hour for a foreman (figures as at 01.10.2018). To find out the minimum wage for your activity/sector, visit the official website of the Ministry of Employment.

**2.b.** In order **to receive healthcare in Belgium**, before you leave your country of origin you must obtain Form S1 "Registration for receipt of sickness insurance benefits" or the European Health Insurance Card.



**3.a,b,c.** During the period of work in Belgium, the posted employee or self-employed worker **must be in possession** of the LIMOSA declaration certificate and an identity card or passport. It is preferable to be able to produce Form A1.

**4.b.** At its own expenses, the employer must provide **accommodation** that meets housing standards, or must reimburse workers for their accommodation costs. The law prohibits sleeping at the place of work or worksite. Accommodation costs are paid separately from wages and cannot be deducted from wages.

**5.b.** If you commute to your place of work in your own private vehicle or by **public transport**, you are entitled to travel expenses and a mobility allowance in certain sectors (including construction) if the distance between your accommodation and work is greater than 5 km. You are entitled to this mobility

allowance even when journeys are made with the employer's vehicle. It is by way of compensation for the time you spend travelling.

**6.a.** Your employer must provide you with the necessary **work clothing and protective equipment**. It must also ensure that workers wear this equipment and use it correctly. It also takes the necessary measures to inform workers and give written instructions that can be understood by them. However, the client is responsible for ensuring that subcontractor companies comply with health and safety rules.

**7.a.** **Weekly working time** in Belgium is 38 hours a week, and cannot exceed 8 hours a day. In construction, an effective working time of 40 hours a week is applied, with 12 compensatory days off on an annual basis. However, working time can be increased to 9 or 10 hours a day in certain exceptional circumstances, but under no circumstances can it exceed 11 hours a day or 50 hours a week. Mandatory rest periods are also laid down by law. In principle, working at night (between 8.00pm and 6.00am) and on Sundays is prohibited. Saturday working is only permitted under certain conditions.

## Information about your rights on the website of the Belgian Ministry of Employment:

*In French:*  
<http://www.emploi.belgique.be/defaultTab.aspx?id=6540>

<http://www.salairesminimums.be/index.html>  
(for example, for construction choose «124 00»)

*In English:*  
<http://www.employment.belgium.be/defaultTab.aspx?id=6540>



## Points to note

### Employment contract or self-employed contract

Never sign a document that you do not understand. You will find your employment status (employed, self-employed etc.) on Form A1 and on the LIMOSA declaration certificate.

Being hired as a self-employed worker has significant consequences in terms of wage and the payment of social security contributions and taxes. What is more, self-employed workers do not enjoy the same protection when it comes to dismissal, sickness or annual leave.

Do not sign a self-employed contract if you work under the orders of a single employer. When you are posted abroad, European regulations require your employer to inform you of your working conditions (wage, etc.) in writing (contract or any other document).

### Language

If you have an employment contract, this must be in a language that you understand. At your place of work, you must be offered an induction in your own language, in particular on prevention measures relating to health and safety. After that, it is important that you are able to talk to a person who speaks your language at the place of work.

If you need help and you cannot speak the language, if necessary seek the assistance of a person who can translate for you when you contact the CSC, the Labour Inspectorate etc.

