NATIONAL EDUCATION SYSTEM

In Belgium, children must attend school from age six to age 18. They can also attend pre-school starting at two years and six months of age. Parents are responsible for their children's regular attendance at school. Children of undocumented parents are required to go to school as well. They must be registered and attend school regularly. Most schools are mixed: girls and boys attend the same schools and take classes together.

How is school organized in Belgium?

School is divided into three levels:

- Pre-school: for children between the ages of two and a half and five
- Primary school: for children starting at the age of 6
- Secondary school: for children older than 12.

Does my three-year-old son have to go to school?

Before primary school, there is pre-school, which can accept children who are at least 30 months old. At pre-school, your child will learn about the school environment and interact with other children. At this age, young children learn very fast. This also helps them to learn French easily, which they will need when primary school begins.

Does my seven-year-old daughter have to go to school? My son is 16 years old. Does he have to go to school?

Yes. From the ages of six to 18, school is mandatory. Six years old: This is when primary school starts. Primary school lasts for six years, and at the end, your child will receive a diploma allowing him or her to start secondary school. At the end of primary school, around the age of 12, pupils begin secondary school.

From the third year, several orientations are possible:

- Prepare for university-level studies in the transition sections
- Learn a trade in the qualification
- Receive more hands-on training, partly in the classroom and partly in a business or industrial setting.

When your child successfully completes secondary school, he or she will receive a diploma. With this diploma, your child can register at a university or other institution of higher learning, or look for a job.

What about enrolment?

We recommend that you look for a school and sign your child up quickly after you arrive in Belgium. Make an appointment at the school.

If you have difficulties speaking or understanding the language, you can go to the school with an interpreter or someone who is able to translate for you. You can also ask for the services of a professional translator/interpreter. Ask at the school.

All children have the right to enrol in a school, whether they are Belgian or foreign, and whether they have regular immigration status or not. The school may refuse a child in only one case: when there are no more available places.

Children with no residence card or visa must also sign up for school and attend regularly.

How do I choose a school for my child? What is important?

You can choose the school freely. It is important to choose a school where you and your child will feel welcome and at ease. Visit several schools. Ask for advice from other families and from your neighbours. Ask to meet the head of the school, to visit classrooms and to meet one or more teachers, if they are available.

Most parents choose their children's school based on its geographic location. But this is not the only important aspect. **Official school or free school?**

In French-speaking Belgium, the Wallonia-Brussels Federation is in charge of education and its funding. Schools are organized either directly by the Federation itself, by a local authority (Province or COCOF , City or Municipality), or by a private association.

These "organizing authorities" are responsible for defining the school's philosophical orientation, its organization and its educational approach. All official schools (écoles officielles, organized by national, regional or local government) adhere to a set of principles and values (search for truth, scientific objectivity, openness, tolerance, etc.), without promoting any single philosophical doctrine or religion. A class on secular morality or religion is taught, depending on parents' choices.

Many free schools (écoles libres) are associated with an organized religion (most of these are Catholic, but Jewish, Protestant and Muslim schools also exist). Some free schools are secular or are organized with respect to a specific project. Unless they are not recognized (and therefore not subsidized) by the Wallonia-Brussels Federation, schools in Wallonia and Brussels all teach the same knowledge and skills for a given level (uniform curriculum). Free schools should not be confused with private schools. Private schools may be recognized by an external authority (such as the French baccalaureate programme), or they may be certified by Belgian authorities but teach in a language other than French or Dutch. At private schools, parents must pay tuition for their children. This is why these schools are much more expensive.

In Brussels, a French or a Dutch school?

In Brussels, you have the choice between French-speaking and Dutch-speaking schools for your child. It is important, as a parent, to think about what is best for the child. Once the language and school have been chosen, it is best for the child to stay in the same place. Ask your municipality for the list of schools of all types, as well as the signup dates for primary schools.

Do I have to pay to sign my children up for school?

No, there is no cost for enrolling at a school run by the Wallonia-Brussels Federation. But take note! Some school services and supplies may require payment: school lunches, after-school care, study hall, some cultural and sporting activities, photocopies, books, equipment, etc.

These school expenses are paid by the parents.

If the school asks for money to sign up your child, you have the right to refuse.

Find out what the school expenses are. They differ from one school to the next. If you have financial problems, you can ask to meet with school administration to find a solution.

Financial aid does exist for secondary school pupils (scholarships). You can find out more at your child's school.

Who can take care of my child during non-school hours?

Schools have day-care centers for children aged three to 12 before and after school hours. In general, a fee is charged. Schools also have after-school study hall, where children can do their homework and participate in sporting and socio-cultural activities.

Outside the school, there are also many extracurricular activities for children and teenagers (sports, choir, dance, music, drawing, creative expression, etc.).

You can find out more at your child's school. Prices vary from one activity to another and from one association to another.

During school holidays, you can sign your child up for a holiday camp, a recreation class or a day-care center. You can find out more at your child's school, your municipality or ONE (Birth and Childhood Office). Some "mutual health insurances" provide financial aid.

What can I do to help my child in school?

The greatest service you can provide to your child is to monitor the work he or she does at school: meet with teachers, make yourself available, help your child with homework, provide support, ask him or her how school is going, look at his or her class planner ...

Where can I find other information?

When you sign your child up for school, the school administration will give you information, and you will be able to ask questions. If you do not speak the language well, try to bring someone with you to translate.

For young people who do not wish to follow traditional education

The CEFA (Centre d'Education et de Formation en Alternance or centre for dual education) https://formations.siep.be/enseignement/cefa/cefa offers to combine general training and professional practice with young people from 15 years of age who want a more practical training than can be provided by classical education.

The CEFA is a structure common to several secondary schools organizing vocational education from the 3rd secondary year onwards.

The courses are organised in two stages: 2 days are given within the establishment and the training for professional practice is carried out directly within a company 3 days a week.

2 types of training:

Article 45" training

This type of training allows the acquisition of a specific qualification certificate for work-linked vocational training as well as a certificate relating to basic management knowledge, directly focused on the practical aspect of the trade and issues specific qualification certificates.

Article 49" training

This type of training provides for the acquisition of the same skills as in traditional education. Diplomas and certificates are equivalent.

Lifelong training in French part of Belgium

In each of the Regions, an official body is responsible for vocational training for job-seekers and workers: in the Walloon Region, it is Forem www.leforem.be, and for French speakers in the Brussels-Capital Region, it is Bruxelles Formation www.bruxellesformation.brussels.

Forem is the Walloon public service for employment and vocational training, which aims to train and integrate jobseekers into the labour market.

Forem offers job seekers personalized advice, guidance and information services to help them find employment or in their professional paths.

Forem offers more than 250 qualifying training courses allowing job seekers to obtain a qualification and/or a job.

Bruxelles Formation proposes more than 200 free training courses for job seekers aged 18 and over (Trade, Catering, Construction, Health, IT …)

In addition, some Bruxelles Formation training centres are approved validation centres that can issue a certificate of competence and in some cases it allows access to the profession.

When you hold a qualification that does not cover the whole of a profession, you can complete your course in the qualifying training courses of Bruxelles Formation and its partners.

IFAPME (Walloon Institute for dual education training and self-employed and SMEs) www.ifapme.be offers job-training in a multitude of professional sectors organized on the basis of the principle of dual education: courses in training centres and practical training in companies.

IFAPME offers training courses:

- For young people from 15 years old, they can learn a trade in 3 years in a dual education program;
- For adults aged 18 and over, they can follow a course of training lasting from 1 to 3 years, mainly in dual education courses;

In lifelong training, short periods of time give adults aged 18 and over the opportunity to improve their skills in a professional field. This type of training also makes it possible to meet the needs of companies to train their staff.

Training programmes organised by FOREM and Bruxelles-Formation are free of charge for Job-seekers and workers. Trainees who have entered into a training contract with Forem or Bruxelles Formation receive a training allowance, and their travel expenses are covered.

Financial support for adult learners

Paid educational leave

Full-time employees and some part-time employees in the private sector, as well as some contract workers in an autonomous public company and attending certain forms of vocational training and/or certain general courses may, while continuing to receive their normal pay at the usual times, take paid education leave, on condition that they attend one or more of the courses prescribed by the law, i.e. they are released from work for the sake of the courses they attend to enhance their general or vocational education. This leave is paid for by the employer on the normal payment dates and the employer can obtain reimbursement of these hours from the Federal Ministry of Employment and Labour. A fund financed by both the state and the employers is set up for this purpose.

Paid educational leave is not subject to any restrictions on age or nationality. An employer who receives a request for paid educational leave is obliged to comply with the request as long as the employee concerned and the targeted training programme satisfy the conditions imposed by the law. Paid educational leave cannot be added to the award of a grant for social advancement education.

From the first year onwards, the duration of paid educational leave corresponds to the number of hours in the course(s) followed (a 50-minute period creates an entitlement to one hour of leave), with yearly maxima (a school year begins on 1 September and ends on 31 August) as described below:

100 or 120 hours for a vocational training course depending on whether or not the training is during working hours;

80 hours for a general training course.

120 or 100 hours for vocational and general training courses followed during the same year depending on whether or not the training is during working hours.

The ceiling for the maximum number of course hours varies according to whether the course hours take place outside normal working hours (120 hours maximum) or within them (180 hours maximum), but, in all cases, the training programme must consist of a minimum of 32 hours a year.

The gross amount of the reimbursement, which is annually adjusted to the consumer price index, is capped, but employers often supplement the amount received by the worker.

Recourse to paid educational leave is the result of a voluntary decision, which the worker takes of his/her own accord. The employer can neither oblige employees to enrol on a training course to which the law applies, nor prevent them from doing so. On the other hand, leave is subject to collective planning in the enterprise.

Paid educational leave is granted for the vocational training courses listed below:

social advancement courses;

part-time courses in fine arts;

short type full-time tertiary education courses held in the evenings or at weekends;

first and second cycle university courses, held in the evenings or at weekends;

continuing training for the independent professions (company manager training, retraining, advanced training);

training courses for workers in the agricultural sector;

preparing and sitting examinations set by the Examination Board of the French Community;

sectoral training courses set up by the joint committees;

vocational training courses accredited by a statutory approval committee.

Paid educational leave is granted for the general training courses listed below:

courses run by trade union organisations;

courses run by youth and adult organisations and training institutes for workers created within trade unions;

training courses for which the curriculum is accredited by a statutory approval committee.

A worker can lose the right to paid educational leave:

if the training is abandoned or interrupted;

in the case of irregular course attendance (unjustified absences relating to more than 10% of the number of course hours in any quarter);

in the case of fraudulent usage (when the worker carries on gainful activity during the leave);

in the case of two successive failures.

The employer cannot dismiss a worker from the moment the request for paid educational leave is made until the end of the training programme, except for grounds that are not related to the request. The employer must prove that such grounds exist.

Incentives for job-seekers

A measure taken by the Federal Government offers unemployed persons, under certain conditions, the possibility of restarting full-time studies while retaining their rights to unemployment benefits and being exempted from registration as a job-seeker. This measure especially concerns unemployed people without a degree who resume full-time studies preparing for a profession in which a significant manpower shortage has been identified. A job-seeker registered with Forem or Bruxelles Formation who enters into a vocational training contract may receive the following benefits:

the formalisation of the two sides' commitments;

retention of unemployment benefits or social integration payments;

reimbursement of travel costs;

a training allowance of €1 per hour of training followed (under certain conditions);

assistance with day nursery or childminding costs;

insurance cover.

FPI (Individual Vocational Training in Companies) in Brussels and PFI (Training-Integration Plan) in Wallonia are intended to enable job-seekers to receive training in companies lasting between 4 and 26 weeks that will enable them to acquire the vocational skills necessary for a job at that company. Under certain conditions, the job-seeker who wishes to undergo training under this scheme but who does not receive either waiting allowances or unemployment benefits may receive a training allowance, as well as an incentivisation bonus paid by the employer. Job-seekers under the age of 25 who hold no more than a diploma below the third stage of secondary education fall within the scope of PFI Jeunes, and the duration of the Training-Integration Plan may be extended (to up to 52 weeks).

Moreover, CTAs (Advanced Technologies Centres) open their doors to job seekers. The Advanced Technologies Centres (CTA) play an essential role in the training of students in vocational education because they aim at giving these students and their teachers the necessary tools to achieve the required level and bring together the learning and the reality of the working life. Complementing the Walloon skills centres and the Brussels'reference centres, the CTA make available to all educational networks and job seekers, expensive advanced equipment. These centres are also of great importance for the future employers of these young people and for their region, which in an economic and social redeployment effort, must rely on a dynamic and qualified youth, willing to a socio-professional quality integration.

Private bodies financed by the regional public authorities

In the Walloon Region, socio-occupational integration agencies may be authorised and subsidised either as **Entreprise de Formation par le Travail** - EFTs (on-the-job training enterprises), or **as Organismes d'Insertion Socioprofessionnelle** - OISPs (socio-occupational integration agencies). EFTs and OISPs www.interfede.be are training centres with non-profit organisation status which are directly dependent on the public welfare centres. In the Brussels-Capital Region, the beneficiaries of the socio-occupational integration scheme attend Atelier de Formation par le Travail AFTs (on-the-job training workshops): AFTs are authorised bodies whose activities are subsidised.

Skills centres are the product of partnerships between the Walloon Region, Forem, IFAPME, the social partners in the business sector, research centres and the universities. They are supported by the European Structural Funds. In the Brussels-Capital Region, expertise centres have been set up on similar principles. There are currently five of these.

The Walloon Region also finances the district associations and the regional missions. The district associations are non-profit organisations working in districts characterised by social housing and/or urban regeneration.

Literacy policies

Literacy policies are based on several funding sources:

• the French Community (subsidisation of continuing education associations – see above) ;

• the Regions (mainly through the financing of socio-occupational integration training actions in the Walloon Region, and literacy actions which fall within the social cohesion sector in the Brussels-Capital Region);

• cyclical European funding.

Literacy policies also rely on other initiatives that benefit from public funding: literacy reinforcement in social advancement education, the teaching of French as a foreign language (FLE), initiatives by the public libraries, the EFTs and the OISPs, etc.

Equivalence of diplomas

An equivalence statement is a document which expresses the value of the studies you have undertaken abroad.

Primary and secondary education

In the case of a diploma of primary or secondary education, you will be asked for an equivalence statement if:

You wish to pursue secondary education in Belgium.

You wish to pursue higher education.

You wish to take training.

You wish to work or to set up as a self-employed person.

Notes:

No equivalence statement is necessary for qualifications delivered by a school providing a Belgian programme abroad.

Qualifications obtained in the French, Flemish, or German-speaking communities are automatically recognized as mutually equivalent.

For further information or to apply for an equivalence statement:

In the French Community: Contact the equivalence service (in French)

In the Flemish Community: Contact the Ministry of Education and Training (in Dutch)

In the German-Speaking Community: Contact the Ministry of the German-speaking Community (in German)

Higher education

You have obtained a certificate of higher education abroad. Would you like to work or to register with a Belgian university or college in order to complete your education?

The NARIC Centres (National Academic Recognition and Information centres), created at the initiative of the European committee, provide information about a study in the countries of the European Union. These centres work with the European ENIC network (European Network of National Information Centres) established by the Council of Europe and UNESCO. There is a national centre for each country

Conditions of admission to higher education in the Flemish Community for holders of a foreign qualification (in Dutch)

Authenticating your qualifications abroad

Authenticating your qualifications

In order to be recognized abroad, qualifications obtained in Belgium must be authenticated. This means that the signature which appears on diplomas, qualifications and certificates must be verified.

Generally, the authentication procedure takes place in three successive steps:

1. Authentication by the competent Community:

In some cases, it is the municipal authority in the municipality where the educational establishment is located which is responsible for authentication.

2. Authentication by the FPS Foreign Affairs

The procedure varies according to the country in which you wish to demonstrate your qualifications. The FPS Foreign Affairs offers a search engine which will tell you what steps to take depending on the type of document and the country chosen.

3. Authentication by the embassy of the destination country

Find an embassy using the site www.diplomatie.be.

Notes:

Authentication does not constitute a guarantee as to the contents of a qualification. It merely guarantees the authenticity of the signature on the document.

Qualifications issued by private schools cannot be authenticated by the Communities.

Recognition of qualifications in Europe

The Bologna reform took effect in Belgium in September 2004. This European declaration aiming to harmonise higher studies should facilitate the recognition of qualifications issued by one European state in another.

See under "European harmonisation".

Recognition systems for qualifications in Europe on the site "Your Europe"

Professional qualifications in Europe on the site of the European Commission

1. NARIC Centres and ENIC network

The NARIC Centres (National Academic Recognition and Information Centres) form a European network of national centres whose purpose is to provide information about the recognition of qualifications in Europe. The centres also work together with the ENIC network (European Network of National Information Centres) established by the European commission and UNESCO.

2. EUROPASS

Europass is a free service for demonstrating the skills and qualifications of European citizens. Europass provides standardised documents describing qualifications, language skills and experience abroad (e.g. Erasmus programmes). Every European country has a national Europass centre (link is external) (in French, Dutch or German).

The document issued by Europass does not constitute the official recognition of a qualification. It is a tool making it possible to demonstrate one's skills in a way which is comprehensible in other Member States.

NATIONAL HEALTH SYSTEM

In Belgium, everyone has a right to health care. A portion of health care expenses are covered by a mutual health insurance fund. People who do not have a mutual health insurance have a right to CPAS (Public Center of Social Aid) medical aid or emergency medical aid .

What mutual health insurance should I choose? How much will it cost? How do I join?

There are several mutual health insurances. All of them offer more or less the same services. In the general system, there are no premiums to pay. The premium is withheld from your monthly salary (Social Security contributions) or via agreements with other agencies. Mutual health insurances also offer complementary health insurance to cover some expenses that are not reimbursed by the basic coverage. This complementary insurance requires you to pay a premium, and it is mandatory. To find an office near you, consult their websites:

www.mutsoc.be

www.mc.be

www.mloz.be

How does the reimbursement system work?

When you see a physician, he or she will give you a certificate as proof of your visit. When you submit this certificate to your mutual health insurance, it will reimburse you for some or all of the visit. Generally, part of your health care costs will be covered by the mutual health insurance, and the other part will be paid by you.

For medication, the same applies, but reimbursement covers only some types of medication. This is reflected at the pharmacy by a reduction in the price of the medication.

Note: people with a tourist visa or temporary work visa are not part of this category. They must pay for their health care costs out of their own pocket.

Do I have to sign up for a mutual health insurance? What purpose does it serve?

A mutual health insurance is a private insurer that reimburses you, in full or in part, for your health care costs. It pays you an allowance if you are physically unable to work, gives you information, and answers any health related questions you may have.

If you meet the conditions, you must sign up with a mutual health insurance.

What are my rights as a patient?

You can choose your physician and change whenever you like. You have the right to be informed of your health condition, possible treatments and risks. Before starting a treatment, the physician must ask you if you agree to it.

You may ask to read your medical records.

You have the right to doctor-patient confidentiality.

If you have problems speaking or understanding the language, you may ask for the services of a translator/interpreter. Talk about this with your health care provider (hospital, medical center, etc.).

Who should I contact if I have a health problem or if I don't feel well?

First, you should see your general practitioner. He or she will refer you to a specialist or to a hospital, if necessary. If you do not know where to find a general practitioner, you can get information at a pharmacy near you. You should not go to a hospital emergency room for your general health problems, except in the case of emergency. The general practitioner you visit can give you advice on how you should proceed.

It is preferable to stay with the same general practitioner. He or she knows you well. You will build a trust based relationship with your general practitioner, and he or she will update your health records.

When should I go to the hospital?

When your general practitioner thinks you need to consult a specialist, he or she may refer you to a hospital. Many hospitals have an outpatient clinic where you can see a specialist. Hospitals can organize consultations with dentists, optometrists, physical therapists, etc. These consultations are at certain hours or more often on an appointment basis. They are therefore not available on an emergency basis.

What if I become ill at night or on the weekend?

If you become ill in the evening, at night or on the weekend, you can go to see an oncall physician or ask for him or her to come to your home if you are not able to move about.

To find an on-call physician near you, telephone your regular physician (an answering service will give you the telephone number for the on-call physician). The on-call physician will determine whether your case is a serious emergency, and if so, will refer you to a hospital's emergency service.

In Brussels, you may also contact

SOS Médecins: 02/513.02.02

www.sosmedecins.be

Are there other places where I can be treated?

You can also be treated at the medical center near you. At the medical center, you can see general practitioners, social workers, psychologists, dentists, gynaecologists and pediatricians.

www.maisonmedicale.org

Most of the mutual health insurances also manage clinics where you can see specialists, general practitioners, dentists, gynecologists and pediatricians. For more information, contact your mutual health insurance.

Where can I obtain help for problems related sexuality issues?

At the family planning center, you can see a physician at an affordable price and receive advice from specialists about contraception, sexuality, abortion, sexually transmitted diseases or domestic violence. Specialists must respect doctor-patient confidentiality, including for minors.

www.loveattitude.be

In Belgium, a woman has the right to decide whether or not to have children, and to use contraception. When a woman has an unwanted pregnancy, she may decide to end the pregnancy before the end of the 12th week.

I have trouble sleeping, I'm anxious, I'm depressed. Who should I see?

Sometimes, it helps to talk with a health care professional specializing in sleep problems, anxiety attacks, homesickness, loneliness, post-traumatic stress disorders... In Belgium, general practitioners will often refer you to a professional in such cases. Psychological aid might also be of use to your children if, for example, they have problems at school or if their behaviour suddenly changes.

You can find out about the services available near you, e.g. mental health centers. You can also talk to your general practitioner. I am disabled. Where can I find assistance for my family and myself? If you are disabled, you might have trouble getting around, finding a job, establishing relations or staying independent. There are organizations that help disabled persons and offer them advice. They can assist you and your family.

For more information:

In Brussels: Phare (Autonomy for the Disabled): www.phare-irisnet.be

In Wallonia: AVIC (Walloon Agency for the Integration of Disabled People): www.avic.be

What are the important documents for my health?

SIS card: Social identity card. This card contains all of your data which may be of use to Social Security institutions. You must show it at the pharmacy, hospital or mutual health insurance You must request it from your mutual health insurance. Vignette (Voucher): Document that contains your information for the mutual health insurance. You should put this vignette (voucher) on the documents you send to the mutual health insurance (physician's certificates, prescriptions). You should ask the "mutual health insurance" for these vignettes.

Prescription:

Document on which the physician writes the list of medications and treatments that you need. You must show this document at the pharmacy where you purchase your medication. You will pay less than the full price, because your "mutual health insurance" will pay part of the cost directly to the pharmacist.

Physician's certificate:

This is the certificate your physician will give you after an exam. You must submit it to your mutual health insurance so that you can be reimbursed for a portion of the costs for the consultation.

European Health Insurance Card (EHIC):

For EU citizens or for citizens of countries that have signed international health insurance agreements.

Emergency telephone numbers?

Emergency medical assistance, ambulance and fire 100 or 112

Police: 101

Poison Response Center: 070/245.245

Write these emergency numbers on a card, and keep it in your home.

SOCIAL RIGHTS

Social security in Belgium is a broadly inclusive system. It is a combination of a mainly contributory **work-related social insurance system** and a **non-contributory social assistance system**.

Belgian work-related social insurance provides replacement incomes and income supplements to offset certain costs (e.g. health care). On the other hand, the social assistance or welfare system is not work-related, and is therefore non-contributory, but is based on the principle of solidarity and financed by the general taxation system (taxes).

For social insurance programmes, such as unemployment, retirement, health insurance, etc., the general rule is that anyone working and legally residing in Belgium is entitled to social security benefits (and is required to contribute to them), provided that they meet general eligibility criteria such as waiting periods and minimum contributions.

As far as social aid or assistance is concerned, all migrants legally residing in Belgium are covered by the residual social assistance programme, but may be excluded from certain specific sub-programmes depending on their status.

Receipt of social security and social assistance benefits does not affect the residence status of migrants with an unlimited residence permit. However, for temporary migrants, residence status becomes more precarious when the migrant makes use of social security and social assistance benefits.

There is a difference in social assistance depending on the type of migrant. Asylum-seekers and irregular migrants receive material assistance and urgent medical assistance respectively.

There are very few differences in the treatment of Belgians and migrants in the social insurance system. The two most glaring differences are :

- The rule according to which third-country nationals (TCN) cannot "export" their pension benefits
- Another difference can be noted in the unemployment sub-programme of the job integration benefits for unemployed young people. Only young people who can rely on a bilateral or multilateral agreement are entitled to these benefits.

In general, the Belgian social security system is an inclusive system for migrants. For social insurance schemes (health insurance, unemployment, pension, accident at work...) the general rule is that everyone working and residing legally in Belgium is entitled to social security benefits in Belgium (and is obliged to contribute to them), provided that they meet general eligibility criteria such as waiting periods and minimum contributions.

Social security branch	Benefits and programmes included in each branch	Accessibility to third country nationals
I. Health insurance	**Medical treatment** **Hospitalization** **Dental care** **Prostheses, glasses, hearing aids** **General terms and conditions :** 1) the person must register with a health insurance company ; 2) the person must have paid minimum social security contributions (possibly supplemented by personal contributions) over a period of six months.	**YES -** The health insurance system covers any person residing in Belgium (and registered in the National Register) and paying the minimum contributions. Are NOT covered: frontier workers residing in Belgium, but covered by a foreign social insurance scheme. Seasonal workers: they are entitled to health insurance if they meet the general criteria (payment of contributions), which may be difficult due to their short stay.
II. Incapacity benefits	**General terms and conditions :** 1) have ceased all activity due to an injury or functional impairment resulting in a reduction in earning capacity of at least 66%; 2) required period of work and affiliation: 6 months, including 120 days of work or equivalent periods (unemployment, statutory holidays, etc.); 3) proof of payment of minimum contributions.	**YES -** anyone WORKING and residing in Belgium (as for Belgian nationals, no distinction is made), but general conditions, such as the eligibility period, must be met (except for bilateral agreements). Are NOT covered : - temporary workers who have not completed the eligibility period of 120 days of work ; - seasonal workers if they have not completed the eligibility period (extended period of 18 months).

III.	**Maternity and paternity benefits**	***Paid maternity/paternity leave*** Compulsory social insurance covering the working population (employees and self-employed) and granting benefits proportional to earnings (employees) and flat-rate benefits (self-employed). ***Length of leave*** *** Maternity leave** ***Prenatal rest:*** 6 weeks (8 weeks in the case of multiple births) before the expected date of delivery. ***Postnatal rest:*** 9 weeks mandatory after the birth. **** Paternity leave*** Fathers are entitled to 10 days paternity leave on the birth of their child. The same right applies to co-parents. **** Maternity allowance:*** 82% of salary (without ceiling) for the first 30 days, then 75% of salary (up to the ceiling) from the 31st day. Special rules for unemployed workers and disabled persons. **** Paternity/adoption benefits:*** 82% of salary up to the ceiling (maximum benefit of EUR 105.80 for cases from 01/01/2011).	**YES** - any employed person (or assimilated category) residing in Belgium (as for Belgian nationals, no distinction is made), but the general conditions must be met. Are NOT covered : - temporary and seasonal workers 5 who have not completed the period of eligibility and not having paid the minimum contributions. Fully unemployed : Work is not a condition for the granting of maternity/paternity benefits. Unemployed persons are also eligible, but there is a waiting period. The unemployed person must have paid social security contributions for six months.

IV.	**Disability Benefits**	***Benefits granted if the incapacity for work persists after one year (year in which incapacity benefits were paid)*** Terms and conditions: 1) Same as for incapacity for work benefits, disability benefits can only be granted after this year of incapacity for work benefits ; 2) Required period of work and membership of a health insurance fund: 6 months, including 120 days of work or equivalent periods (unemployment, statutory holidays, etc.); 3) proof of payment of minimum contributions ; 4) having received incapacity benefits for one year.	**YES -** any employed person (or assimilated category) residing in Belgium (as for Belgian nationals, no distinction is made), but the general conditions must be met (except for bilateral agreements). Are NOT covered : - temporary and seasonal workers who have not fulfilled the waiting period. In principle, these benefits are not exportable, except in the case of a bilateral agreement.

V.	**Pensions and old-age benefits**	***Determining Factors*** The Belgian retirement pension system is an annually funded system. The amount of the	**YES -** any employed person (or assimilated category) residing in Belgium (as for Belgian nationals, no distinction is made): the pension is

	remuneration, the duration of insurance and the family status are taken into account. Residence condition Foreigners must reside in Belgium to receive their pension. The pension is not exportable, except in the case of a bilateral agreement. Belgians, refugees, stateless persons and citizens of countries with which there is a bilateral agreement can receive their pension anywhere in the world.	calculated (only) for periods worked in Belgium. Unemployed / jobseekers Yes, the days of work during which the person was temporarily unemployed are taken into account for the calculation of the retirement pension. The combination of unemployment benefit and old-age pension is prohibited. Family members of third-country nationals No, unless they build up their own rights through their work.

VI. Survivor's pension	**General terms and conditions :** 1) the surviving spouse must be at least 45 years old ; 2) have been married for at least one year at the time of the spouse's death (periods of legal cohabitation directly preceding the marriage are taken into account); 3) meet the conditions for payment of a normal pension.	**YES -** Foreigners may, if they meet the general criteria, receive a survivor's pension for work legally carried out by their spouse in Belgium. They must remain in Belgium to receive this pension (unless there is a bilateral agreement).

VII. Accidents at work and occupational diseases	**Accidents at work**	**YES -** foreign employees, including seasonal workers, whether they are temporary or permanent residents, are entitled to compensation for accidents at work and occupational diseases. **Benefits are exportable,** including reimbursement of benefits in kind. Accidents at work and occupational diseases are by definition linked to the status of employee: self-employed persons, , unemployed persons / jobseekers from Belgium and third countries have NO access to these benefits.

VIII.	**Family benefits**	***Family allowances*** A general condition must be met: **the children must be brought up in Belgium** (in principle). Exceptions to the residence condition for children : * residence in another country for a maximum of 2 months per year ; * Residence in another country during school holidays, maximum 120 days per year; * Residence in another country for health reasons, maximum 6 months; * studying in a country where EU social legislation is applicable; * study outside Belgium with a scholarship; * study in a country with which Belgium has signed a bilateral agreement: Algeria, Morocco, Tunisia, Turkey and the countries of the former Yugoslavia. Family allowances are a residual entitlement. The conditions are: being an employee, actually residing in Belgium or working as a frontier worker, or having a sickness, pregnancy, accident or old-age allowance from the country of work. Unemployed/jobseekers: if the foreign worker is entitled to unemployment insurance, he or she is entitled to child benefit. Family members: they are not entitled to these benefits, but may be the beneficiary (spouse and children). Family allowances are in principle work-related, so the person who works (or is unemployed/disabled/retired) is entitled to them.	**YES -** any employed person (or assimilated category) residing in Belgium (as for Belgian nationals, no distinction is made), including the self-employed.

IX.	**Unemployment benefits**	***General terms and conditions*** Being involuntarily unemployed; being registered as a jobseeker; being fit for work; being available for the labour market; being aged between 18 and 65; actively seeking employment; residing in Belgium; being unpaid. ***Reference period*** The reference period varies, depending on the age	**YES -** any employed person (or assimilated category) and legally resident in Belgium (as for Belgian nationals, no distinction is made), but the general conditions must be met - only for the period of work done in Belgium (except treaty). Non-exportable duty. Labour migrants: YES, they can claim

	of the insured person, between 312 days of work in the previous 21 months and 624 days of work in the previous 42 months.	these benefits. if they have completed the eligibility period and their work permit has not expired. If their work permit expires during the period in which they are receiving benefits, they retain the right to these benefits for 60 days after the expiry of the work permit. ! Sub-programme: benefits for unemployed young people - work integration programme: only migrants (and members of their families) from a country that has signed an agreement with Belgium are entitled to this benefit (this includes all EEA member countries, Algeria, Morocco, San Marino, Tunisia, Turkey and the Republics of the former Yugoslavia) as well as refugees and stateless persons.

X.	**Social welfare**	**"Social assistance"** includes a number of programs: 1) right to social integration ; 2) right to social assistance (residual program); 3) guaranteed family benefits; 4) guaranteed income for the elderly; 5) Disability benefits. The eligibility criteria for foreigners are different for these programmes. We therefore present the four categories separately. **1) Right to social integration** Guaranteeing a right to social integration through 1° a job or 2° a living wage, coupled or not with an integration project. The living wage must guarantee a minimum income to people who do not have sufficient resources and are unable to obtain them by themselves or by other means. A person is considered to be in need if, following the social and financial survey, it appears that his/her resources are lower than the amount of the living wage. In order to be eligible for the living wage, the applicant must prove his/her willingness to work,	**Eligibility is different for each sub-program. Only the residual programme "social assistance" is accessible to all persons legally resident in Belgium. Eligibility for TCN in the other programmes is limited to TCN with a permanent residence card or a long-term residence permit (5 years) or (in a programme) that can prove a link with the labour market.** For all programmes: no exportability, TCN must reside in Belgium (as is the case for Belgians). **1) Right to social integration** NO, only for Belgians and certain privileged groups of foreigners : * stateless persons with a residence permit; * refugees; * foreign nationals registered in the population register (in practice,

	unless this is impossible for reasons of health or equity. The concept of willingness to work refers to a different state of mind from that which is taken into account in the area of unemployment, where the proof of the requested job search is less burdensome. The living wage may be denied to a person who is not willing to work, or who does not meet one of the eligibility requirements. **2) Entitlement to social assistance** Alongside the living wage system, there is a more residual "welfare" system. This can take various forms, including financial benefits, and is available to anyone legally resident on Belgian territory. Social assistance can take the form of a heating allowance, the granting of a rental guarantee, a job, socio-cultural participation, help to register with a health insurance fund. The financial support is generally identical to the amounts granted under the living wage programme. The main eligibility criterion is to be "in need". **3) Guaranteed family benefits** Guaranteed family allowances for parents/children who are not entitled to any rights under the traditional system or under any foreign or international system **4) Income guarantee for the elderly** Providing a minimum income for elderly people in need. **5) Disability allowances** (becomes a specific allowance for assistance to the elderly after the age of 65) * Income replacement allowance: the basic monthly amount of the allowance is determined by the family situation of the disabled person : - Category C: Disabled person living with a partner or living with a dependent child under 25 years of age. - Category B: disabled person living alone or disabled person living in an institution while keeping the same address as his/her partner	mostly people who have obtained a permanent residence card after 5 years); **2) Right to social assistance (basic social assistance programme)** **YES**, for any person legally residing in Belgium. Except (since 2013): migrants whose residence is based on a "humanitarian regularisation" carried out on the basis of a B work permit (see below). **3) Guaranteed family benefits** YES, but subject to a period of legal residence in Belgium of 5 years, without interruption (granted in practice after 4 years). These five (or four) years of residence are not required for: citizens of the EEA and their families, citizens of a State that has ratified the European Social Charter, refugees and stateless persons. The period of residence is also not required if the child for whom the benefits are granted is an EEA citizen, a citizen of a state that has ratified the European Social Charter, a refugee or a stateless person. **4) Income guarantee for elderly persons** **CONDITIONAL YES :** * Belgian nationals; * persons covered by Regulation (EC) 883/2004; * nationals of a country with which Belgium has concluded a reciprocity agreement; * migrants who are entitled to the normal retirement pension (only a minimum working time in Belgium is

	- Category A: Disabled person not belonging to categories B or C * Integration allowance: the monthly amount varies according to the degree of loss of autonomy.	required for this) and who meet one of the following conditions: 1) they can prove a career of at least 312 days of full-time work (or assimilated periods) in Belgium, 2) they have the status of TCN holding a long-term residence permit, in accordance with Directive 2003/109/EC ; * refugees or stateless persons. The eligible person must have his/her main residence in Belgium. **5) Allowances for disabled persons** NO, except in the case of registration in the population register (in practice, migrants with a permanent residence card, obtained after at least 5 years of residence). If a person is not registered in the population register, he or she may be entitled to these allowances if he or she is * a Belgian national * a national of an EU Member State or a national of one of the following countries : Iceland, Liechtenstein, Norway, Switzerland, Morocco, Algeria or Tunisia. The person must be employed or self-employed (or a family member) ; * a refugee or a stateless person ; * a spouse, cohabitant or dependent family member of the above-mentioned persons; * a person who has received increased family allowances up to the age of 21 due to the child's disability; a national of a state which has signed the European Interim Agreement; * a national of a state which has signed the European Interim Agreement

XI.	**Long-term care**	**1) Health insurance:** there is no specific legislation at the federal level, but the general health insurance system covers nursing care at home for highly dependent patients unable to perform the basic activities of daily living. The insurance covers part of the fixed costs of this care depending on the patient's state of physical dependence. **2) For disabled persons: integration allowance and allowance for assistance to the elderly (from the age of 65):** these allowances are intended to compensate for the additional costs resulting from the lack of or reduction in independence. These allowances are calculated on a flat-rate basis. **3) Flemish Care Insurance (compulsory in Flanders and optional in Brussels).** Aid and assistance of a non-medical nature provided by third parties to persons with reduced autonomy in a residential, semi-residential or home setting.	**1) Health insurance** **YES -** the health insurance system covers (almost) all persons residing in Belgium (and registered in the National Register) (see above: health insurance). **2) Disabled persons** **NO -** only in case of registration in the population register (in practice, persons with a permanent residence card) or for migrants from countries with which there is an agreement (as for the EU). If a person is not registered in the population register, he or she may be entitled to this allowance if he or she is : * a national of one of the following countries: Iceland, Liechtenstein, Norway, Switzerland, Morocco, Algeria or Tunisia. The person must meet the conditions laid down in Regulation (EC) 883/2004 ; * a refugee or a stateless person; * the spouse, cohabitant or a dependent family member of the persons mentioned above; * a person who has received increased family allowances up to the age of 21 because of the child's disability; * a national of a State which has signed the European Interim Agreement. **3) Flemish Care Insurance** **YES** - compulsory insurance for people living in Flanders, regardless of their nationality. People living in Brussels can subscribe to it, whatever their nationality.

		People who do not live in Belgium but in another member state of the European Union or the European Economic Area, or in Switzerland, and who are covered by social insurance in Belgium because of current or previous employment in Flanders are obliged to subscribe to it, regardless of their nationality. People who do not live in Belgium but in another Member State of the European Union or the European Economic Area, or in Switzerland, and who are covered by social insurance in Belgium because of current or previous employment in Brussels, are able to subscribe, regardless of their nationality.

CPAS

The initials CPAS stand for "public centre for social work". The main action or mission of a CPAS is to help people in need.

There is one and only one CPAS in each municipality (depending on the CPAS in the municipality where you live).

The role of the CPAS

The role of a CPAS is to ensure that each person, who resides on its municipal territory, can live in accordance with human dignity.

Living in accordance with "human dignity" means, at the very least, being able to find accommodation, food, health care, clothing and transport. This applies to all members of a family or household. It is certain that the steps to be taken to obtain help from the CPAS can be long and it is not always easy to obtain all the necessary information (about possible help) in some cases.

The help provided by the CPAS can take different forms: material (financial), social, medical or even psychological.

It should be noted that, with regard to medical care or hospitalisation, beneficiaries have to call on medical houses or hospitals that have signed agreements with the CPAS. It is important to check with your CPAS beforehand.

From social assistance to social action

The assistance granted by the CPAS is therefore not limited to providing those who request it with financial assistance to live in dignity.

Financial assistance is in fact only one of the many forms of assistance offered by the CPAS.

These aids relate to various needs or problems in everyday life:

- housing (help with research, setting up a rental guarantee; payment of the first rent, etc.)
- health (intervention in the purchase of glasses, granting of a medical card, urgent medical help,...)
- tutoring and extra-curricular support (help with school fees in nursery and primary school; help with enrolment in a sports club, youth movement, etc.).
- food aid (food parcels, social groceries, social restaurant,... this aid may vary from one commune to another)
- energy (aid via heating allowances, energy audits, interventions in the purchase of household appliances, etc.)
- debt mediation (budgetary guidance)
- employment and training (job search assistance, professional assessment, selection of candidates for Article 60/61 posts, etc.)
- mobility (assistance for the less mobile, taxis,... this assistance varies according to the municipality)
- home help (help with household chores, meals on wheels,...)
- rest and care homes (help in finding the appropriate place, intervention in accommodation costs, ...)

Please note that in order to be eligible for this aid, there are always certain conditions to be met.

Every person who is legally resident in Belgium is entitled to social assistance. The purpose of this social assistance is to guarantee a minimum income for the entire population.

In order to receive social assistance, certain conditions must be met. Before granting it, the CPAS carries out an investigation into the means of subsistence of the person concerned in each case.

The CPAS examines which aid is best suited to the personal or family situation of the person concerned and offers him/her the adequate means to meet these needs.

Moreover, it is important to remember that it is not always necessary to be a beneficiary of the CPAS to benefit from this aid.

Some services of the CPAS, which are responsible for the distribution of this aid, are open to everyone!

Moreover, it is important to remember that the CPASs have certain autonomy, and their way of managing and analysing an aid application can therefore differ from one municipality to another: this is what is called "discretionary power".

This explains why a request for assistance can be considered differently from one CPAS to another.

But the amounts of the (3 types of) RIS (revenue d'intégration sociale – social integration revenu) remain the same for all CPASs (on the whole territory of Belgium).

The CPAS also has the task of coordinating the social policies of its municipality. To this end, the CPAS can create committees with other actors from the municipal community, in which

the CPAS and these different organisations can coordinate their actions and projects in relation to collective and/or individual problems specific to the municipality.

Here again, the autonomy of the CPASs is at stake and the reality may differ from one municipality to another.

For more information:

https://ec.europa.eu/social/BlobServlet?docId=13740&langId=en

https://www.socialsecurity.be/citizen/fr/

LABOUR LAW

Belgian employment policy is based on consultation between the social partners. This kind of collaboration between employers and workers has resulted in a dynamic, flexible and protected workforce (Belgian workers enjoy excellent protection from unemployment and illness). Social consultation offers multiple benefits, such as wage cost control, increased workforce productivity and guaranteed peaceful industrial relations.

These matters are provided for in the Labour Act of 16 March 1971 and in the Public holidays Act of 4 January 1974.

Normal limits on working time

Principle

Working time means the time during which a worker is available to the employer (in other words the time during which he is under his authority) and which he cannot use freely as he sees fit.

Accordingly, working time may be more extensive than the periods during which work is actually performed (e.g. on-call period during on-call duty).

Maximum daily working time

In Belgium, working time may not exceed eight hours a day. Moreover, daily work must in principle be performed between 6 am and 8 pm (because of the ban on night work (see below)).

However, daily working time may be increased as follows:

9 hours if the worker does not work more than 5½ days a week (work schedule in which the worker, in addition to his weekly day of rest, has at least half a day's rest);

10 hours if the workers are absent from home for more than 14 hours a day because of the distance between the workplace and their place of residence or stay.

Maximum weekly working time

The general rule is that the weekly work schedule that can be applied in undertakings is:

either 38 effective hours a week ;

or 38 hours on average over a specified reference period.

Nonetheless, even in such a case, it is important to point out that the effective weekly working time cannot exceed in principle 40 hours.

Examples: effective work for 40 hours a week with the allocation of 12 compensatory days of rest (over a one-year reference period) ; effective work for 39 a week with allocation of 6 compensatory days of rest.

However, it is important to point out that collective agreements concluded in joint committees in a number of sectors have reduced weekly working time to less than 38 hours.

Minimum daily working time

Except for derogations (laid down by royal decree or collective agreement), the length of each work session cannot be less than three hours.

Derogations from the maximum limits on working time

In principle, it is prohibited to exceed the daily and weekly working time limits.

However, there are a number of derogations.

First of all, there are structural derogations connected with particular work schemes which have a certain durability as to their application.

In some cases, a derogation is directly permitted by law without prior authorisation:

work organised in successive shifts (maximum : 11 hours/day and 50 hours/week);

continuous work for technical reasons (maximum 12 hours/ day and 50 hours/week or 56 hours if the work is spread over 7 days/week at the rate of 8 hours/day.

In other cases, authorisation is required by royal decree:

in particular industrial sectors or for particular categories of undertakings and sectors of undertakings where the normal limits on working time cannot be complied with (maximum 11 hours/day and 50 hours/week);

for preparatory or follow-up work which must necessarily be carried out outside normal production time (maximum 11 hours/day and 50 hours/week).

NB: The royal decree should lay down the cases for which the derogation is permitted and also the various maximum limits and conditions of application, where appropriate.

NB: Undertakings within the purview of the joint committee for the building sector (JC 124) are authorised to exceed the limits of company working time (maximum 9 hours/day and 45 hours/week) for up to 180 hours per calendar year, during the summer period or in a period of intense activity. This derogation is subject to the prior approval of the trade union representative (in the absence of the trade union representative, the employer must inform the chairman of the joint committee).

There are also specific derogations (overtime)

Particular types of overtime require:

Either prior authorisation by royal decree:

- for transport operations, loading and unloading (maximum 11 hours/day and 50 hours/week);
- for sectors where the substances processed can degenerate very quickly (maximum 11 hours/day and 50 hours/week);
- for work whose execution time cannot be clearly defined because of the nature of that work (maximum 11 hours/day and 50 hours/week);

Or prior authorisation by the trade union representative and the inspector/head of district of General Directorate for Supervision of Social Legislation (in the absence of a trade union representative, authorisation by the inspector/head of district suffices) :

in case of exceptional increase of work (maximum 11 hours/day and 50 hours/week).

Overtime may also be performed in case of force majeure:

without particular formality:

- to carry out work for third parties to deal with the threat of an accident or an accident that has occurred;
- to carry out urgent work on machinery or equipment for third parties;
- to carry out work within the undertaking to deal with the threat of an accident or an accident that has occurred;
- to carry out urgent work within the undertaking on machinery or equipment.

with the prior agreement of the trade union representative (or a posteriori information to the representative) and notification of the inspector/head of district:

for work necessary because of unforeseen circumstances (maximum 11 hours/day and 50 hours/week).

The normal working time limits may also be exceeded for stock-staking (maximum 11 hours/day and 50 hours/week). This derogation may be used only in respect of work effectively carried out for a period of seven days per worker and per calendar year.

NB: The normal working time limits may also be exceeded in accordance with flexible work schedules and the new labour schemes.

Compensatory rest

In most cases in which the normal limits on working time may be exceeded, compensatory rest periods must be granted to ensure that the normal weekly working time (38 hours or that determined by collective agreement) is complied with over a reference period.

In principle, this reference period is a quarter. However, it may be increased to one year by royal decree, a collective agreement or, in the absence of a royal decree or collective agreement applicable to the undertaking, by the undertaking's terms and conditions of employment.

Derogations giving rise to compensatory rest periods:

working in successive shifts

continuous work for technical reasons

work to which the normal working time limits cannot be applied

preparatory and follow-up work

transport operations, loading and unloading

work whose execution time cannot be determined

working with substances that degrade quickly

exceptional increase of work

work necessary because of unforeseen circumstances

work to deal with the threat of an accident or an accident that has occurred or urgent repairs to machinery or equipment by workers of a third party

Payment for overtime

Apart from the rules concerning the granting of compensatory rest periods, particular instances in which the normal working time limits are exceeded also give rise to overtime payment as a supplement to the normal wage/salary.

All work done in excess of the 9 hours a day and 40 hours a week (or lower limits determined by a collective agreement involving an effective reduction of daily or weekly length of working time) gives rise to entitlement to overtime payment.

Example:

The average weekly working time applicable within the undertaking is 38 hours. However, the workers perform 40 effective hours of work and enjoy 12 compensatory days of rest a year in accordance with the reduction of working time to 38 hours. Any hours worked in excess of the 9 hours and 40 hours (and not 38 hours) give the workers the right to overtime payment.

If, however, weekly working time is 38 effective hours (and the workers thus perform 38 hours effective work a week), hours worked in excess of the 38 hours give the workers the right to overtime payment.

The rate of overtime payment is a follows:

50% for hours worked during the week, including on Saturday;

100% for hours worked on Sunday or a public holiday.

Overtime payment must be calculated on the basis of ordinary remuneration, i.e. the average hourly wage that should be paid for the day or week when the worker did overtime.

Derogations giving rise to overtime payment:

preparatory or follow-up work;

transport operations, loading and unloading;

work whose execution time cannot be determined;

working with substances which may degenerate very quickly;

exceptional increase of work;

work justified by unforeseen circumstances;

work carried out to deal with an accident that has occurred or the treat of an accident or urgent repair to machinery or equipment;

work on stock-taking and balance-sheets.

Breaks and interruptions of work

Breaks during continuous work (the breaks)

If working time exceeds six hours, the worker must be granted a break.

The duration and conditions for granting breaks are laid down by a collective agreement concluded at sectorial level or company level. If there is no collective agreement, the worker should be granted a quarter of an hour's break no later than the moment when the length of work reaches six hours.

Interruptions of work between two work sessions

Interruption of work means the minimum rest period which the worker enjoys between two work sessions.

Per 24-hour period, i.e. between two daily work sessions, each worker is entitled to an interruption of work of at least 11 consecutive hours.

This obligatory interruption of 11 hours must, as appropriate, be aggregated either with the Sunday rest (24 hours) or with the compensatory rest period granted for work performed on Sunday so that the worker has a total weekly period of interruption of work of 35 consecutive hours.

However, an interruption of less than 11 hours or non-aggregation of this interruption with Sunday rest is permitted:

in case of in force majeure : accident, urgent work on machinery;

for work characterised by divided periods (e.g. in restaurants);

for work in successive shifts (or for continuous or semi-continuous work) at the time when the worker changes shifts;

in other cases to be determined by a sectorial collective agreement that has been declared generally binding by royal decree.

Sunday rest:

It is prohibited to employ workers on Sundays.

Nonetheless, derogations from the prohibition on working on Sundays allow to employ workers on Sundays in particular sectors of for the performance of particular activities.

Night work:

In principle, night work is prohibited.

Nonetheless, there are a number of derogations from this prohibition principle.

Public holidays:

Except in case of derogations provided by the Belgian Legislation, workers cannot beemployed on 10 statutory public holidays per calendar year, irrespective of thenature of their job, their seniority and the duration of their work.

Compliance with work schedules:

It is prohibited for the employer to instruct his workers to carry out work outside the schedule of working hours laid down in the terms and conditions of employment.

However, there are exceptions, namely for:

work justified because of unforeseen circumstances;

work carried out to deal with an accident that has occurred or the threat of an accident or an urgent repair to machinery or equipment;

stock-taking and drawing up balance-sheets;

work whose execution time cannot be determined;

work involving substances which may degenerate very quickly;

work carried out in undertakings for ships repairs and maintenance;

transport operations, loading and unloading.

NB: If the employer has served a LIMOSA notification of posting (which is obligatory from…), he is exempt for a period of 12 months from having to draw up the terms and conditions of employment as required by Belgian law. In the LIMOSA notification of posting, the employer must specify the weekly hours of work and the work schedules that will be applicable during the workers' period of posting to Belgium.

Remuneration

An employer posting workers to Belgium must, for work carried out in Belgium, comply with the remuneration conditions (i.e. the minimum rates of pay (salary scales) and the other benefits and compensation) which must be paid in accordance with generally binding collective agreements (i.e. subject to criminal law), with the exception of supplementary occupational retirement pension schemes.

<u>Minimal amounts of remuneration</u>

Minimal amounts of remuneration laid down by sectorial collective agreements

In principle, the minimal amounts of remuneration are laid down per sector by the competent joint committee.

These amounts indicate the gross remuneration.

The collective agreements concluded within these committees include provisions designed to determine the general basis for calculating the remuneration conditions, if need be on basis of the various levels of qualifications and posts.

The determination of the joint committee a particular undertaking belongs to depends on that undertakings principal activity.

To find out to which joint committee (branch of activities) your undertaking belongs, please contact the Belgian Labour Inspectorate : SPOC.LabourInspection@employment.belgium.be.

Minimal amounts of remuneration laid down by National (inter-professional) collective agreement

If your undertaking belongs to a sector for which the joint committee has not laid down any minimum remuneration amount, the level applicable is the average minimum monthly income that has been determined at inter-professional level (i.e. applicable throughout the whole private sector in Belgium).

From 1 September 2018 this is:

- €1593,81 for workers aged 18 and more,

- €1636,10 for workers who are at least 19 years old and having at least 6 months of seniority,

- €1654,90 for workers who are at least 20 years old and having at least 12 months of seniority.

More information regarding the minimum remuneration conditions to be applied can be obtained by contacting the Belgian Labour Inspectorate by using the following email adress : SPOC.LabourInspection@employment.belgium.be.

Derogation from the obligation of applying the collective agreements declared to be generally binding regarding the minimum remuneration conditions.

The employer who posts workers in Belgium does not have to apply the collective agreements declared being generally binding (i.e. those subject to criminal law) and which lay down the minimum remuneration conditions of gainfully employed persons where the works to be performed fulfil certain cumulative conditions.

Payment of the remuneration

If the remuneration is paid in Belgium, the payment should be carried out in accordance with particular rules laid down by the Act of 12 April 1965 on the protection of workers' wages and salaries.

Exemption from the obligation to hold the Belgian social records

Employers who post workers to Belgium may be exempted from the obligation to draw up and keep up for a period of 12 months certain Belgian social records regarding remuneration on basis of the equivalent foreign documents from the country of origin.

Joint and several liability regarding remuneration

Where an employer does not (totally or partially) pay the remuneration owed to his/her employee, the Act of 12 April 1965 provides for systems of several and joint liability as regards remuneration.

Those systems of several and joint liability entitle the aforementioned employee, under certain conditions, to subsidiarily obtain payment of such an owed remuneration from third persons, i.e. the jointly liable persons.

In case of posting of workers, two systems of joint liability may essentially apply :

A general system of joint and several liability :

see the following links in that regard : in French and in Dutch.

A specific system exclusively concerning the joint and several liability of the direct contractor in case of building activities:

see the following links in that regard : in French and in Dutch.

Payment of the remuneration

If the remuneration is paid in Belgium, the payment should be carried out in accordance with particular rules laid down by the Act of 12 April 1965 on the protection of workers' wages and salaries:

The remuneration should be paid in the currency provided for by law in Belgium for persons working in Belgium.

In principle, the remuneration cannot longer be paid in cash (handed over) to the worker but must be paid in scriptural (non-cash) money (transfer into a bank account, cheques, etc.).

Nonetheless, by way of derogation from such a principle, the payment in cash to the posted worker remains possible if permitted, within the Joint Committee (branch of activity), by a joint agreement, an implicit agreement or a practice.

Such a derogation has been implemented in certain Joint Committee (e.g. Joint Committee 144 Agricultural undertakings and Joint Committee 145 Horticultural undertakings.

If handed over to the worker in person, the employer should present the worker with a receipt which the worker should sign.

The remuneration of manual workers should be in principle paid at fixed intervals, at least twice a month, with an interval of no more than 16 days.

The remuneration of clerical workers should be in principle paid at least once a month.

The date of remuneration payment is determined by collective agreement or in the terms and conditions of employment.

Failing this, it should be paid no later than on the fourth working day following the period of work to which the payment relates.

A remuneration statement is provided to the worker for each definitive payment.

Moreover, the employer must each year draw up an individual account for every worker he employs.

On an annual basis, this document should indicate all the work performed by the worker and the remuneration paid to him.

These two documents enable the labour inspectorate to verify whether the minimum remuneration scales have been complied with.

NB: Employers who post workers to Belgium are exempt from the obligation to draw up and keep up to date the individual account and the remuneration statement for a period of 12

months provided that they keep equivalent foreign documents from the country of origin at the disposal of the inspection services, whether those inspection services request it.

TAX SYSTEM

Registration duties

Registration duties are a tax imposed by the state when a deed or a document is recorded in a register.

These are some examples of the deeds and documents which must be recorded:

- notarial acts
- leases
- deeds and reports of court bailiffs
- the decisions and judgements of Belgian courts and tribunals
- deeds relating to real estate situated in Belgium
- deeds entered into abroad providing for the acquisition of assets by Belgian companies with legal personality
- etc.

Registration involves:

- the payment of a tax (registration duties)
- the attribution of a "certain" date to acts entered into privately (i.e. without the intervention of a notary)
- the collection of information about persons and their assets. On the basis of this data, the administration may, in some cases, supply certain information. For example, the competent office can provide information about who owns a given building and on what basis.

Evidence of registration is provided by a note placed on the deed or document at the time of registration. This note includes: the office, the date of registration, the register reference, the number of pages and amendments to the deed, plus the sums received.

Income tax

Professional income is taxed on its net amount. In other words, you must deduct from your gross salary:

- social contributions
- actual or fixed rate professional costs
- the dependant spouse allowance and/or assisting spouse deduction
- exemptions of an economic character (fiscal measures to encourage investment and/or employment)
- losses

Social contributions

Your salary is taxable on the gross sum minus personal social security contributions. You may therefore deduct the compulsory contributions which are paid to your mutual society. The amount will vary from one mutual society to another. For more information please visit the site of the Federal Fiscal Administration (French or Dutch).

Professional expenses

To obtain your net taxable professional income, professional expenses must be deducted. There are two possible methods: the legal fixed-rate or your actual expenses.

If you failed to mention any expenses in your tax declaration, you will automatically receive the legal fixed rate allowance. The amount of fixed-rate expenses depends on the amount of your income and is calculated on a tapering scale.

To this general allowance, a supplementary allowance can be added for long journeys.

If your travel costs are reimbursed by your employer, the reimbursement is a taxable income. However, part of this sum may be exempted.

Expenses deducted as actual costs are those which the taxpayer has made during the tax period in order to acquire or retain his professional income.

Other expenses, such as the costs of accommodation, training and, clothing etc. are also deductible under certain conditions.

Dependant spouse allowance and assistant spouse deduction

A part of the professional income of one of the spouses may be allocated to the other if the income of this other spouse does not exceed 30% of the couple's total professional income. This measure is known as the dependant spouse allowance.

A taxpayer who is assisted by his or her spouse during the exercise of a self-employed activity may attribute them a proportion of the net income.

VAT

VAT is a tax on goods and services which is ultimately borne by the final consumer and collected by the Treasury in a fragmented way, i.e. at each transaction in the production and distribution process. At each stage of the production and distribution process, the tax paid on inputs can be deducted by the taxable person, which means that the latter has to pay the Treasury only the difference between the VAT collected and the VAT deducted. VAT is therefore a single consumption tax for the final consumer, which is paid by means of split payments.

The rates applied vary according to the nature of the good or service being taxed.

More information on the following topics on the website of the federal tax administrations:

<u>VAT on a dwelling</u>

VAT benefits for the purchase of a car for the disabled and handicapped

<u>VAT on purchases abroad</u>

When you make a purchase in another EU country, the price is all-inclusive - which means you do not have to pay back VAT or add import duties (unlike when importing goods

purchased outside the EU). This rule applies when you make purchases in other countries, but also when you order goods on the Internet, by mail or by telephone.

On the other hand, when an individual buys a car abroad to register it in his name in Belgium, he must take into account certain rules.

VAT base rate

VAT is calculated on the taxable amount at rates that depend on the purpose of the transaction.

The rates are set by Royal Decree. The standard VAT rate is **21%**.

For some goods and services, a reduced rate applies:

0%: for example, some periodic publications

6%: e.g. food products, water, medicines, books, transport...

12%: e.g. catering, provision of social housing, margarine...

Subject to VAT

Persons who, in the exercise of an economic activity, supply goods or services covered by the VAT code in an independent and customary manner are subject to VAT. It does not matter whether the activity is carried out for profit or not, as a main or secondary activity.

Deduction of input VAT paid

The taxable person may deduct the tax for which he is liable in respect of goods supplied to him and services supplied to him, to the extent that he uses them for transactions subject to VAT (or treated as such, such as intra-Community exports or supplies). This deduction is made in the VAT return (quarterly or monthly).

VAT on goods used for both private and business purposes is in principle deductible only up to the professional portion.