# EMPLOYMENT

Working allows you to provide for yourself and your family, to help you integrate into society and to meet other people.

## Do I have the right to work?

Both men and women have the right to work and to freely choose their job activity.

However, some people who are not Belgian nationals must first obtain a work permit in order to work legally. Please contact your municipality to find out if, in addition to your residence card, you need to obtain a work permit. There are several types, and each permit comes with specific conditions.

**For more information:**

**Walloon Region: www.emploi.wallonie.be**

**Brussels-Capital Region: www.bruxelles.irisnet.be**

All jobs must be properly declared and comply with labour law. If you do not have a residence card, you are not allowed to work.

## Employee or freelance?

If you have a work permit and depending on its exact nature you can work either as an employee or freelancer. When you find a job as an employee, your employer must have you sign a written work contract specifying your work hours, salary, any benefits, pay days, contract duration and type, etc. A freelancer is not under the authority of an employer. He or she has a special status, notably as concerns Social Security. Freelancers can work in retail, markets, the liberal professions (lawyers, architects, pharmacists, physicians, etc.), trades, farming, etc. Special conditions may apply to some professions.

For advice and support: www.ucm.be

In principle, any foreigner who wants to work freelance must obtain a professional card.

For more information:

http://economie.fgov.be/fr/

## What are my rights and duties as an employee?

As a worker, you have the right to: receive the salary indicated in your work contract and in line with your employer's sector of activity be protected as stipulated by law and in contracts join a trade union have a safe and healthy work environment

Your employer must provide you with several documents: work contract, workplace regulations, and documents specifying your compensation and the duties you must perform. Note: if your employer does not give you these documents it is possible that you are being employed illegally.

As a worker, you have a duty to:

- comply with work rules and regulations, such as your work schedule
- perform your work properly and in good faith

**What is a trade union?**

A trade union represents company employees and defends their interests. The trade union intervenes between employer and employees when there is a dispute concerning the enforcement of regulations and agreements, whether these involve individual or group working conditions.

A trade union can defend your rights as regards employment and unemployment. To be defended by a trade union, you must be a member and pay your dues. There are a number of different trade unions.

**Where can I find job offers?**

You will find job offers at ACTIRIS, FOREM, VDAB and ADG, in newspapers and on job sites on the Internet. In Brussels, you can also contact a local agency: www.mission-locale.be

You can register with private employment agencies as well. You can also get support for your job search. Please contact ACTIRIS, FOREM, VDAB or ADG.

**Gross salary and net salary: what are they?**

The salary indicated in your work contract is the gross salary. Net salary is your take-home pay: the amount you receive directly from your employer. When you work, part of your salary is not paid to you. It goes into Social Security contributions and income taxes. Social Security contributions go towards a fund (Social Security) that is used to pay health care costs, sick leave, lost-time injury leave, unemployment insurance, pension contributions and family allowances. Taxes pay for the public services that you enjoy as a citizen or resident alien (school, police, etc.). This mechanism of solidarity also enables the social aid system (CPAS) to function. **To find a trade union office near you**, please consult their websites:

**FGTB (General Labour Federation of Belgium):**

**www.fgtb.be**

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

**www.csc-en-ligne.be**

**CGSLB (Liberal Trade Union):**

**www.cgslb.be**

**I have a work permit, and I am looking for a job. Where do I start?**

First of all, you must register as a job-seeker with your region's Employment Office.

If you live in Brussels:

ACTIRIS,

www.actiris.be

If you live in Wallonia:

FOREM,

www.forem.be

If you live in Flanders:

VDAB,

www.vdab.be

If you live in the German-speaking community:

ADG,

www.adg.be

**And unemployment insurance?**

If you lose your job, for example, the Social Security system enables you, under certain conditions, to receive unemployment insurance ("the dole"). These payments may be made to you via a public agency (Caisse Auxiliaire de Paiement des Allocations de Chômage, or CAPAC) or by one of the three trade unions mentioned above. To learn more, contact your trade union or CAPAC: www.capac.fgov.be

**What is undeclared work?**

We talk about undeclared work when the employer does not officially register the employee and does not declare his or her hiring to the Social Security administration, in order to avoid paying Social Security contributions and income taxes.

**Undeclared work is not legal.**

It weakens the mechanism of general solidarity, because the money that should go to Social Security and income taxes does not. Both the employer and the employee risk large fines. Also, in case of illness or accident, undeclared employees are not protected. They have no right to unemployment insurance or a pension. They have no guarantee that they are being paid a fair salary. They are not protected against unfair dismissal, and they can be let go at a moment's notice.

You can consult a training advisor at one of the following agencies:

Public training services:

ACTIRIS, FOREM, VDAB and ADG.

In Brussels, Bruxelles-Formation: www.bruxellesformation.be

or a local mission: www.mission-locale.be

In Wallonia: FOREM or a regional

employment mission (for example www.mirec.net/mires.html)

Educational and Professional Information Service (SIEP): www.siep.be

**How do I increase my chances of finding a job?**

Employers almost always require some qualifications, as proven by a diploma or certificate. If you have a diploma (original copy) from your country, you can go to an agency to determine its equivalency, under certain conditions.

The associations cited in the "Information & Advice" chapter can help you. For some jobs, you can have your skills recognized (validated) officially and for no charge.

For more information: www.cvdc.be

If you do not have a diploma or if it is not recognized, you can choose to enhance your job opportunities by undertaking training courses in order to obtain a certificate that will prove your aptitude. Speaking French well (and Dutch, particularly in Brussels) and improving your qualifications with training will help you find a job. There are many professional training courses for adults: language classes and job-specific courses that lead to a diploma or other qualifications (see point 4 Vocational training in Health, Labour, Education Thematic).

The access to the labour market of asylum seekers is regulated by the Law of 9 May 2018, and its implementing Royal Decree of 2 September 2018. Asylum seekers who have not yet received a first instance decision on their asylum case within 4 months following the lodging of their asylum application are allowed to work. By Royal Decree of 29 October 2015, the federal government reduced this period from 6 to 4 months. Until the end of 2018, asylum seekers needed a work permit C to be able to work, but since January 2019 the right to work is mentioned directly on their temporary residence permit. A separate work permit is no longer needed and asylum seekers can work in the area he or she wishes.

Moreover, asylum seekers have the right to work until a decision is taken by the CGRS, or in case of an appeal, until a negative decision has been notified by the CALL. However, they are not allowed to work during the appeal procedure before the CALL if the procedure at the CGRS did not last longer than 4 months. Due to the recent legal reforms, asylum seekers who do a subsequent asylum application are further not able to work until the CGRS declares the application admissible and until they receive an orange card.

Adult asylum seekers who have access to the labour market can register as job-seekers at the regional Offices for Employment and are then entitled to a free assistance programme and vocational training. In practice, however, finding a job is very difficult while in the asylum procedure because of the provisional and precarious residence status, the very limited knowledge of the national languages, the fact that many foreign diplomas are not considered equivalent to national diplomas, and high discrimination in the labour market.

If an asylum seeker resides in a reception facility (LRI or collective) and is employed, he or she has an obligation to contribute with a percentage of his or her income to the reception facility and is excluded from any material reception conditions if his or her income is higher than the social welfare benefit amounts mentioned above and the working contract is sufficiently stable (see Reduction or Withdrawal of Reception Conditions).

**Self-employment**

Asylum seekers are also eligible for self-employed labour under the condition that they apply for a professional card. Only small-scale and risk-free projects will be admitted in practice.

**Volunteering**

Since the adoption of the Law of 22 May 2014, that amends the Law of 3 July 2005, asylum seekers are allowed to do voluntary work during their asylum procedure and for as long as they have a right to reception.

**Community services**

Asylum seekers are also entitled to perform certain community services (maintenance, cleaning) within their reception centre as a way of increasing their pocket money.

**Statistics on Employment and unemployment**

Statbel, the Belgian statistical office, publishes today the main results of the Labour Force Survey for the second quarter of 2019:

71 % of people aged 20 to 64 are employed. This figure is the highest ever registered in our country. The employment rate has increased by 2 percentage points in one year's time.

The employment rate has sharply increased for both sexes and amounts to 75.1 % for men and to 66.9 % for women.

The employment rate increases the most among people aged 55 and over. The percentage of employed people aged 55-64 amounts to 52.3 %.

The employment rate is progressing positively in the three regions but the differences among the regions remain significant. In the second quarter of 2019, the employment rate reached 76 % in Flanders, 65.2 % in Wallonia and 61.7 % in Brussels.

The unemployment rate of people aged 15 to 64 continues to fall and stands at 5.4 %, i.e. the lowest level since records began in the 1980's.

The unemployment rate for women remains stable at 5 %, while it is dropping to 5.7 % for men.

The decrease was the largest for youth unemployment rate, which now stands at 13.6 %.

The unemployment rate has decreased in the three regions. The gap between the unemployment rate in Flanders, on the one hand, and that in Brussels and Wallonia, on the other hand, is shrinking. In Flanders, 3.3 % of the labour force is unemployed. This percentage amounts to 6.9 % in Wallonia and to 12.8 % in Brussels.

In international comparison, Belgium has the lowest employment rate in 2017 for non-EU immigrants but also the third highest employment rate gap compared to the natives (after the Netherlands and Sweden). This is not a new observation, since Belgium was already in second place (after Poland) ten years earlier. The employment rate of non-EU immigrants remained almost unchanged at a level of around 50% between 2008 and 2017.

**<u>Obstacles to labour market access for migrants and asylum seekers</u>**

- Knowledge of welcoming country national language
- System of recognition of very incomplete skills and qualifications
- Lack of coordination between the different stakeholders
- Residency status not always stable
- Lack of information from migrant workers as well as from employers
- Lack of acknowledgement of the specificities of migrants
- No immediate access to the labour market for asylum seekers
- Additional difficulties for women
- Administrative procedures long and expensive
- General climate of racism and xenophobia

Information gathered by Labour'Int http://www.labour-int.eu/