**Model**

**Work Rules of** **of the post**

These work rules, which are the result of a consultation conducted between       the employer and       were negotiated and approved by both parties and apply to local contractual staff employed by the Embassy / Consulate / Mission Permanent Representation of       in Brussels.

Address of the Embassy / Consulate / Mission / Permanent Representation

Location of occupation :

1. Scope and consultation

The provisions of the Belgian law shall prevail at all times on the work rules and shall in case of dispute or divergence of interpretation be the only applicable reference texts.

This document is intended to bring to the attention of the local contractual staff employed by the post the most important elements in terms of labour relations. This list is not exhaustive. If there are any internal rules specific to the post which are more favourable to the workers, these will also apply

All workers shall receive a copy of these work rules

1. Rights, duties and prohibitions
	1. The right to be treated with dignity and courtesy

The worker has the right to be treated with dignity and courtesy by his hierarchic superiors, his colleagues or his subordinates. He shall also refrain from any verbal or non-verbal behaviour which might affect his dignity.

* 1. Right to information

The worker has the right to information for all relevant aspects in the performance of his duties. His hierarchic superior shall ensure the transmission thereof.

* 1. Right to training

Every worker has the right to training useful for the performance of his duties. His employer shall endeavour to provide for this training.

* 1. Freedom of expression

The worker has the freedom of expression with respect to facts within his knowledge in the exercise of his duties.

His right to speak and publish freely:

* Is subject to specific restrictions previously defined and agreed upon by both parties.
* Is limited to the expression of a personal opinion and does not allow him either to speak on behalf of the Embassy / Consulate General of       or to create any confusion in that matter or even to disclose the existence of data and classified documents which he would have knowledge or custody of.
* It is forbidden for the worker to communicate facts regarding:
* The security of the State.... .
* The protection of the public order.
* The financial interests of the Embassy, Consulate ....
* The prevention and suppression of criminal offenses.
* The medical confidentiality.
* The rights and liberties of citizens.
* The respect of privacy.
* The preparation of decisions, as long as the final decision has not been taken.

This obligation of secrecy is subject to legal and regulatory provisions requiring officials to disclose facts.

* 1. The freedom to join a trade-union

The worker has the right to join a trade-union and be represented by a delegate as appropriate.

* 1. The right to consult his personal file

The worker has the right to see all of his personal file whenever he so requests.

* 1. The duty to notify his employer relating to personal data

The worker agrees to promptly notify the employer of any change in his personal situation, i.e. change of address or marital status.

* 1. Hierarchical authority.

The worker performs his duties under the hierarchical authority and supervision of the chief of post and in the absence of this latter, under the authority of any other official designated for this purpose by the chief of post.

In this context, the worker shall show loyalty, dedication and integrity.

The persons responsible for the direction or supervision shall observe vis-à-vis the workers the rules of justice, morality and civility.

* 1. Notification of cumulation

The worker informs the chief of post or his delegate of his intention to exercise any other additional activities. He avoids all conflicts of interest.

* 1. Prohibition of discriminatory treatment

The employer and his representative treat other staff members of the Embassy / Consulate / Mission / Representation with understanding and without any discrimination.

* 1. Prohibition of corruption

The worker cannot demand, request or receive, directly or through an intermediary persons, even outside his duties but because of them, any gifts, gratuities or advantages.

* 1. Other prohibitions in general
* Prohibition of coming to work and of being there when drunk;
* Prohibition to bring or to use illegal drugs;
* Prohibition to commit acts that are contrary to good morality ;
* Prohibition to endanger the personal safety of other officials or other persons;
* Prohibition to install without prior approval of the of the service that is competent for the post’s information technology , software other than that installed by the post;
* Prohibition to enter areas of the post the access of which requires an authorization which lacks;
* Prohibition to admit unauthorized persons from outside the post in areas to which access is prohibited to the public
* Prohibition to enter or leave the building through other accesses than those provided for this purpose
1. Working time and rest time
* Maximum duration of daily work

The ordinary workday runs from       until       and from       to      . The twelve o'clock pause lasts for

All services performed outside of these hours will be considered as additional and recoverable working time following the timetable as follows:

Every working day started is considered performed and due regardless of its duration.

All times available to the employer are regarded as working time.

* Maximum duration of the working week

Working hours on average cannot exceed 38 hours per 5-day week over a reference period of one Quarter.

The work week runs from Monday to Friday. Saturday and Sunday are not considered normal working days for all members of the local contractual staff, whatever their functions.

The Embassy / Consulate / Mission / Representation uses the following method to register working time:

If there is a flexible timetable, this must be specified in the work rules.

Missions requiring travel of several days are recognized as working time as follows       and paid as follows

* Annual leave and holidays

The worker is entitled to paid annual holidays, the number of which granted each year may be less than that determined by application of the laws relating to annual leave for salaried workers, coordinated on June 28, 1971 and the Royal Decree of 30 March 1967 determining the general rules for the implementation of laws relating to annual holidays for employees. The terms of allocation of these days of paid leave and holiday allowances related thereto shall comply with this regulation. The Embassy / Consulate / Mission / Representation may decide to grant more holidays than those granted under this regulation.

The list of public holidays shall be communicated at the beginning of the year; and the lieu days of a holiday falling on a Saturday or Sunday.

Public holidays, the usual days of inactivity, days off work and days off defined by the aforementioned regulations concerning annual leave of salaried workers cannot be charged on the annual holidays.

The worker shall apply for leave as follows:

* Other leaves
* Social leaves
* Leaves for imperative reasons
* Industrial accidents

The worker who suffers an accident on the way to work is to inform or notify the employer immediately by providing all necessary information for the accident declaration.

The Embassy / Consulate / Mission / Permanent Representation shall comply with Belgian law on compulsory insurance against industrial accidents. The employer shall communicate the name and full contact details of the insurer to the worker.

* Illness;

In case of disability following an illness or accident, the worker will notify as soon as possible, the chief of post or his delegate.

Warn the same day, by all possible means the person responsible indicated below

Mr

(address)      , (Phone)

Within two working days, provide the Embassy / Consulate / Mission / Representation with a medical certificate informing the start date of the disability and the likely duration thereof, indicating whether or not the worker can travel. The same obligations apply in case of extension of illness.

Receive, possibly at home, a doctor delegated by the employer for a medical examination in order to verify the disability.

A worker residing during his disability at another address or changing of address is required to inform immediately his employer thereof.

If he fails to meet these obligations, the ill or injured worker may lose the benefit of the guaranteed wages.

The same responsibilities rest with the worker in the case of an extension of the work incapacity period.

1. Wages payment terms

The wages are calculated by hour, day, week, month (delete as appropriate). Wages are paid on

Payment of wages shall be done by transfer to the bank account of the worker.

Deductions from wages may be made in accordance with applicable laws and regulations applicable in Belgium. In addition, a detailed pay slip will be handed every month to the worker.

1. Transport expenses

Employer's intervention in the transport expenses:

* Trains:       % of the employer's intervention in the season ticket price
* Tramway, bus, metro:       % of the employer's intervention in the bus subscription price
1. End of contract

When a contract was concluded for an indefinite period, both the employer and the worker may terminate this by notice in conformity with the Act of 3 July 1978 on employment contracts.

Without prejudice to the judge's discretion powers, the following facts are considered a serious reason for the termination of contract, on both sides, without notice or compensation

1

2

Serious misconduct by the employer must be notified by registered letter, by delivery of a written document or by bailiff’s writ within 3 working days after the termination of contract. In the contrary, when the responsibility rests with the worker, it cannot be served to him by registered letter or bailiff’s writ.

The worker may appeal against this decision with the competent Belgian courts.

However, if there is an internal conciliation procedure, it can be applied as long as it does not contravene the rights of the worker nor the laws and regulations applicable in Belgium. A description of this conciliation procedure shall be obligatory attached to the work rules.

7. Penalties

Breaches by the worker of the obligations of his contract and of these work rules which do not constitute serious grounds for terminating it, can be punished as follows (specify the amount of a fine, which shall not exceed 1 / 5th of the daily remuneration

1. reframing interview
2. warning

The fines, to be included in the special register, shall have the following destination

Appeal by the worker against a penalty imposed upon him:

1. Reference person – First aid and first aid

In the case of an accident at the workplace, a first aid kit is available to the workers at the following location:

If necessary, the reference person: Mr./Mrs:

(Address)       (Phone)

(Fill in the person's name and the place where he/she can be reached)

1. Well-being at work: psychosocial risks at work, including stress, violence, bullying and sexual harassment at work

The employer shall take appropriate measures to put an end to the damage arising from psychosocial risks at work, including stress, burnout, conflict and violence or bullying and sexual harassment at work.

Workers participate positively in implementing prevention policy in the context of psychosocial risks at work.

The employer, the members of the hierarchy and workers are required to abstain from any act of violence or bullying or sexual harassment at work.

1. **Definitions**

Psychosocial risks at work are defined as the probability that one or more worker (s) suffer (s) a psychic damage that may also be accompanied by physical damage following exposure to components of the labour organization, the content of work, the working conditions, the conditions of work life and interpersonal relationships at work, on which the employer has an impact and which objectively form a danger.

Workplace violence is defined as each factual situation where a person is assaulted or threatened psychologically or physically during the execution of work.

Bullying at work is defined as a set of several, similar or different, abusive behaviours from all origins (external or internal to the company or institution), occurring for some time, and which have the object or the effect of undermining the personality, dignity or physical or mental integrity of the person during the execution of his work, to endanger his job or to create an intimidating, hostile, degrading or offensive environment. These behaviours may become manifest in particular by behaviour, words, intimidation, acts, gestures and unilateral writings. They may be related to a criterion of discrimination such as ethnic origin, religious belief or disability ...

Sexual harassment is any unwanted verbal, non-verbal or bodily behaviour of a sexual nature with the purpose or effect of violating the dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

1. **Specific stakeholders**

The worker who considers to suffer psychological damage, which can also be accompanied by physical injury arising from psychosocial risks at work, including stress, violence, bullying and sexual harassment at work may address:

* The employer;
* A member of the hierarchy;
* - A member of the committee for prevention and protection at work (private sector) –or of the consultative committee (public sector);
* A trade union delegate.

He may also appeal to specific stakeholders to apply for an intervention within the framework of the internal procedure:

The confidential advisor is competent for all psychosocial risks at work, but only for the informal part. It is therefore not possible to file a formal request for psychosocial intervention with him. The confidential advisor is bound by professional secrecy.

Appointing a confidential advisor is therefore not obligatory.

1. The (possible):confidential advisor(s)

Name:

First Name:

Phone number:

Address :

Mail:

1. The prevention counsellor in charge of the internal service for prevention and protection at work

When no confidential advisor has been designated and the prevention counsellor psychosocial aspects is part of an external service for prevention and protection at work, the worker may appeal to the prevention counsellor in charge of the internal service for prevention and protection at work. He may be approached for a first interview and information about the possibilities of intervention.

Name:

First Name:

Phone number:

Address :

Mail:

1. Prevention Counsellor psychosocial aspects of work:

Name:

First Name:

Phone number:

Address :

Mail:

OR

External service for prevention and protection at work the prevention counsellor psychosocial aspects is part of

Name:

Phone number:

Address :

Mail:

1. **The procedure inside the Embassy / Consulate / Mission / Representation**

3.1 Proceedings

The confidential advisor (or, failing him/her, the prevention counsellor in charge of the Internal Prevention and Protection at Work) or the prevention counsellor psychosocial aspects welcome, hear and inform the workers on the intervention possibilities.

After receiving the necessary information, the worker chooses the type of procedure he or she wishes to use.

The possibilities of intervention are:

*1. Request for informal psychosocial intervention*

Informal psychosocial intervention consists in that the worker who has submitted the application seeks an informal solution with the confidential advisor or the prevention counsellor psychosocial aspects.

The confidential advisor or the psychosocial aspects prevention counsellor may, upon request of the worker:

Conduct interviews with the worker (which includes sheltering the worker, actively listening to his problems and possibly giving him advice)

Intervene with another person of the staff of the Embassy / Consulate / Mission / Representation (e.g. a member of the hierarchy);

Organize a reconciliation with the person (s) with whom the worker encounters a problem (if it is a relationship problem).

The type of informal intervention is officially recorded in a dated and signed document.

This informal intervention may be requested for offenses of violence, bullying or sexual harassment and any other situation in relation with psychosocial suffering at work.

*2. Request for formal psychosocial intervention*

If the worker does not want an informal psychosocial intervention or if this intervention does not lead to a result, he may submit a formal request for psychosocial intervention with the prevention counsellor psychosocial aspects. The worker must have had a personal interview with the prevention counsellor before introducing this request. The obligatory interview is to take place within a maximum period of 10 calendar days.

The worker receives a copy of the document proving that interview.

To be valid the formal application must be recorded in a document dated and signed by the worker. This document must contain the description of the problematic work situation and request the employer to take appropriate measures.

The worker shall submit a request document to the prevention counsellor psychosocial aspects (or the external service for prevention and protection at work which the prevention counsellor psychosocial aspects belongs to).

Before examining the situation of the worker, the prevention counsellor psychosocial aspects decides whether to accept or reject the submission of the application. He will reject the submission of the application when the situation described in the application obviously contains no psychosocial risks at work. He will take this decision within maximum 10 calendar days.

When the psychosocial aspects prevention counsellor has accepted the request, he will perform a second analysis: he will examine whether the situation described in the application relates primarily to risks which have a collective nature or risks that have an individual nature.

a) When the application has a primarily collective nature

The prevention counsellor informs the employer in writing that such a request was made, without mentioning the identity of the worker who filed the request. He informs the worker of the collective nature of the application.

The request with a mainly collective nature is treated by the employer. He analyses the hazardous situation and takes the necessary measures at collective level to address this situation. To do this, he can perform a risk analysis, possibly with the assistance of the prevention counsellor psychosocial aspects.

If there is a committee for prevention and protection at work (a consultative committee for the public sector) or a trade union delegation to the Embassy / Consulate / Mission / Representation, the employer must consult with these bodies.

The employer decides what action he will take concerning the application within a period of maximum 3 months after he was made aware of the introduction of the request. When conducting a risk analysis in accordance with legal requirements, this period may be extended up to 6 months. The worker is informed of the decision of the employer by the prevention counsellor psychosocial aspects.

If the employer decides not to take action or fails to take a decision on time, or if the worker considers that the employer's actions are not appropriate to his individual circumstances, the worker may apply in writing to the prevention counsellor to treat his request as a request with a primarily individual nature (see below) provided that the prevention counsellor psychosocial aspects did not intervene during the risk analysis of the situation.

b) When the application has a primarily individual nature

The prevention counsellor psychosocial aspects notifies the employer in writing that such a request was made. He communicates the identity of the worker who made the request.

The prevention counsellor then reviews the request in complete independence and impartiality. He sends a written notice to the employer within a period of maximum 3 months from the acceptance of the application. This period may be extended once for 3 months. This review analyses the causes and suggests measures to the employer. The prevention counsellor informs the parties of the date of delivery of the advice to the employer and communicates proposed measures he made to the employer for the specific situation.

The employer, as responsible for the well-being of workers, decides himself of the action taken (or not taken). If he decides to take individual action vis-à-vis a worker, he informs the person concerned by these measures within one month of receipt of the advice of the prevention counsellor psychosocial aspects. If these measures can change the working conditions of the worker, the employer sends the worker a copy of the advice of the counsellor and hears this worker; who may be assisted during the interview. Within two months after receiving the advice of the prevention counsellor psychosocial aspects, the employer informs the parties of his final decision.

A worker who considers being the victim of violence, bullying or sexual harassment at work may file with the prevention counsellor psychosocial aspects a formal request for psychosocial intervention for acts of violence or bullying or sexual harassment at work.

This request is treated in the same way as the formal request for psychosocial intervention with a primarily individual nature (see above) having a number of particular features:

The following elements should be mentioned in the request: a precise description of the constitutive facts, according to the worker, of violence or bullying or sexual harassment at work, when and where each incident occurred, identity of the person in question and the request to the employer to take appropriate measures to end these facts.

The application must be delivered personally or sent by registered letter to the prevention counsellor psychosocial aspects (or to the external service for prevention and protection at work).

- The worker who made the request and the direct witnesses enjoy the protection against retaliation. This means that the employer cannot terminate the employment relationship, or take prejudicial action vis-à-vis the worker in retaliation for the worker’s actions. If the employer takes measures vis-à-vis that protected worker to resolve the situation, these measures must be proportionate and reasonable.

The prevention counsellor psychosocial aspects notifies to the person in question the facts alleged against him.

If the seriousness of the facts justifies this, the prevention counsellor must propose protective measures to the employer before giving his advice.

If the worker who has made the request or the person in question intend to sue, the employer sends them at request a copy of the advice of the prevention counsellor psychosocial aspects.

3.2 Consultation hours of the confidential advisor and the prevention counsellor psychosocial aspects

The confidential advisor and psychosocial aspects prevention counsellor may be consulted during working hours. Time spent on the consultation of the confidential advisor or the prevention counsellor psychosocial aspects in this case is regarded as working time.

Transport expenses are paid by the employer regardless of the time of consultation.

Possibly: special arrangements for night workers.

3.3 Confidentiality

The confidential advisor and psychosocial aspects prevention counsellor are bound by professional secrecy. They cannot communicate to third parties the information they receive as part of their function unless the law permits so.

The employer, the members of the hierarchy and the people heard by the prevention counsellor demonstrate absolute discretion regarding the people involved, any facts and circumstances in which the facts have occurred.

3.4 Disciplinary Sanctions

Without prejudice to the rules on dismissal and sanctions that may result from legal actions, the person who is convicted of violence or bullying or sexual harassment at work or the person who abused the internal procedure may be applied one of the penalties listed in paragraph 7 of the work rules.

3.5 Register of acts by third parties

The worker who considers having been the victim of violence or harassment by a third party (not an embassy worker) may make a statement in a register which is kept by (specify).

The worker does not need to fill in its identity. This report does not constitute the filing of a formal request for psychosocial intervention for acts of violence or bullying or sexual harassment at work. It is only used to improve the prevention of these facts in the embassy.

1. **Procedures outside the Embassy / Consulate / Mission / Representation**

If the problematic situation persists despite the measures taken by the employer as part of the internal process or persists because the employer does not take action, the worker can appeal to the Well -being at work. Supervision Inspection

As part of a formal request for psychosocial intervention for acts of violence or bullying or sexual harassment at work, the psychosocial aspects prevention counsellor is required to call in the inspection in certain circumstances:

* If he finds that the employer has not taken(appropriate) precautionary measures ;
* - If, after having submitted his advice to the employer, he finds that the employer has not taken(appropriate) measures and

there is a serious and immediate risk to the worker;

or the person in question is the employer or members of the management staff.

This obligation of the prevention counsellor psychosocial aspects does not prevent the worker to appeal himself to the inspection.

The worker can at any time introduce a legal action before the labour court or before the competent courts.

1. Other provisions

Prevention policy on alcohol and drugs abuse in the embassy

1. Policy Declaration (required)

2. Concrete measures (if any, if the policy declaration requires so)

1. Entry into force of work rules

The adoption of the work rules cannot have the effect of reducing the advantages existing so far.

These work rules have been displayed for a period of 15 days and submitted to regular consultation.

Display dates

Date of entry into force

Signature of Head of the Embassy / Consulate / Mission / Representation

|  |
| --- |
| **Annex** |

Names and adresses :

* Members of the Works Council
* Members of the Committee for the Prevention and Protection at Work
* Representation of staff

Good Offices Commission

commissiondesbonsoffices@emploi.belgique.be

commissievoorgoedediensten@werk.belgie.be

Taxes

All matters relating to the tax regime applicable to workers can be asked in French, Dutch or English at the following address:

international@minfin.fed.be

For questions relating to the conditions of work and pay:

Social Legislation Supervision Inspection of the FPS Employment, Labour and Social Dialogue

Ernest Blerotstraat 1-1070 Brussels

cls@emploi.belgique.be

For questions relating to social security (e.g. subjection and annual holidays)

Social Inspectorate FPS Social Security

Finance Tower

Boulevard du Jardin Botanique 50, box 110

1000 Brussels

sis\_dg\_fr@minsoc.fed.be

The hotlines:

Monday 9 to 12 am

Wednesday from 9 to 12 and from 13h to 16h30

Friday from 9 am to 12 pm or by appointment outside these hours.

Hotline National Social Security Office

Place Victor Horta, 11

1060 Brussels

Tel: 02 509 91 90

Fax: 02 509 91 99

Every working Monday, Tuesday, Thursday and Friday from 9.30 am to 12.30 pm

Wednesday by appointment