

Joint Committee for road transport and logistics on behalf of third parties (JSC 140.03): Subsector MOBILE WORKERS

In accordance with European law, this document only contains provisions of collective labour agreements (CLA) which have been declared universally applicable within the meaning of Directive 96/71/EG, i.e., in Belgian Labour Law, conventional provisions made mandatory by Royal Decree, and which are criminally sanctioned in case of non-compliance.

For this reason, this document is regularly updated. It is recommended that posted workers and their employers consult the documents regularly during the period of posting. The date of the last update is indicated in the top right-hand corner.

This document is based on sectoral CLA's. The competent Joint Committee is therefore the one that can ultimately deliver a judgment about the right interpretation of its CLA's.

Only the Dutch and the French versions of the text of the decision to declare a provision universally binding (AVV Decision) has legal validity for the determination of rights and obligations.

*The CLA's hereafter can be consulted on the site of the FPS ELSD in Dutch or in French :
<https://www.werk.belgie.be/nl/themas/paritaire-comites-en-collectieve-arbeidsovereenkomsten-caos/collectieve-4>
<https://www.emploi.belgique.be/fr/themes/commissions-paritaires-et-conventions-collectives-de-travail-cct/conventions-collectives-3>*

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1 Scope of application

This file applies to the mobile workers of the companies, which come under the Joint Sub-Committee for road transport and logistics on behalf of third parties, for work performed in Belgium.

Creation and modifications

(0) Royal Decree of 22/01/2010 Belgian Official Gazette of 09/02/2010

(1) Royal Decree of 15/02/2016 Belgian Official Gazette of 01/03/2016

(2) Royal Decree of 28/11/2021 Belgian Official Gazette of 14/12/2021

Article 4

§ 1 Responsible for workers who mainly perform manual tasks and their employers, in companies:

1° perform road transport and any other land transport of things for third parties, regardless of the traction type of the means of transport used;

2° exclusively engaged in logistical activities on behalf of third parties.

3° carry out an activity consisting of escort services to third parties for exceptional vehicles with a view to road safety.

§ 2. "Logistical activities" means: reception, storage, weighing, packaging, labelling, order picking, stock management and shipping of raw materials, goods or products at the various stages of their business cycle without new raw materials or finished or semi-finished goods or products being produced.

"On behalf of third parties" means: performing logistical activities on behalf of other legal entities or natural persons and provided the companies engaged in logistical activities on behalf of third parties never become the owners of the raw materials, goods or products in question.

Companies engaged in logistical activities on behalf of third parties shall be deemed to include companies buying raw materials, goods or products from related companies in the group and selling these raw materials, goods or products to related companies in the group provided these raw materials, goods or products are subjected to logistical activities.

"Group of related companies" means the related companies that also fulfil the conditions laid down in Article 11, 1° of the Act of 7 May 1999 containing the Belgian Company Code.

§ 3 The Joint Subcommittee for road transport and logistics for third parties is not competent for transport companies on behalf of third parties, which are the responsibility of the Joint Subcommittee for ground handling in airports, the Joint Subcommittee for moving, the Joint Committee for the oil trading industry, the Joint Committee for the construction sector, the Joint Commission for the trade of fuels, the Joint Commission for security and/or surveillance services.

The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies when these logistical activities are an integral part of a production or trade activity as far as these logistical activities are included in the scope of a specific joint committee.

The Joint Sub-Committee for road transport and logistics on behalf of third parties is not responsible for companies which exclusively perform logistical activities on behalf of third parties or for similar companies that fall within the competence of the Joint Committee for the chemical industry, the Joint Committee for the oil trading industry, the Joint Commission for the trade of fuels or the Joint Committee for ports.



Description of the “sub-sector for the transport of goods by land on behalf of third parties” and the “sub-sector for the handling of goods for third parties” :

See the scope in the CLA of 26 November 2009 (96 987) (Royal Decree 30/07/2010 - Belgian Official Gazette 09/09/2010) concerning the determination of a financial compensation for night work for the mobile personnel members employed in companies for the transport of goods by land on behalf of third parties and / or for the handling of goods for third parties :

Article 1.

§ 2. Under "sub-sector for the transport of goods on behalf of third parties" are to be understood the employers covered by the Joint Committee for transport and logistics, who engage in:

- 1 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which a transport authorization is required issued by the competent authority
- 2 ° the transport of goods on behalf of third parties by means of a vehicle with or without engine for which no transport authorization is required;
- 3 ° the rental of chauffeured vehicles with or without engine for the transport of goods on land, vehicles for which a transport authorization is required, issued by the competent authority;
4. the rental of chauffeured vehicles with or without engine intended for the transport of goods on land, vehicles for which no transport authorization is required;
- 5 ° for the purposes of this collective labour agreement, the taxi-vans, particularly the vehicles with a load capacity equal to or less than 500 kilograms and equipped with a taximeter, are regarded as vehicles for which no transport authorization is required.

§ 3. Under "sub-sector for the handling of goods for third parties" are to be understood the employers covered by the Joint Labour Committee for transport and logistics and who, outside the port areas, engage in:

- 1 ° all handling of goods for third parties in preparation of the transport and / or of the completion of the transport, irrespective of the means of transport used;
- 2 ° and / or all logistics services in preparation of the transport of goods on behalf of third parties and / or of the completion of this transport, irrespective of the means of transport used.

Special CLA of 19 May 2022 (174.489) (JC 140)

(RD 16/02/2023- BOG 21/04/2023)

This CLA comes into effect on 1 January 2022 for an indefinite period

The purpose of this collective labour agreement, pursuant to Article 27 of the Act of 5 December 1968 on collective labour agreements and joint committees, is to determine the collective labour agreements applicable to companies engaged in the business of providing third parties with escort services for exceptional vehicles with a view to road safety

- CLA of 19 October 2017 (143 004) (RD 13/06/2018- BOG 13/07/2018)
- CLA of 27 January 2005 (74 050) (RD 24/09/2006 - BOG 28/11/2006)
- CLA of 20 October 2016 (138 105) (RD30/08/2017 - BOG 28/09/2017)
- CLA of 17 October 2019 (155 156) (RD 09/04/2020 - BOG 25/05/2020)
- CLA of 30 September 2005 (77 084) (RD 27/09/2006 - BOG 20/11/2006)
- CLA of 26 November 2009 (97 002) (RD 09/07/2010 - BOG 03/09/2010)
- CLA of 26 November 2009 (96 982) (RD 30/07/2010 - BOG 09/09/2010)
- CLA of 28 September 1999 (53 852), (RD 15/03/2001 – BOG 03/05/2001)



Special CLA of 19 May 2022 (174.446) (JC 140 03)

(RD 07/04/2023- BOG 13/06/2023)

This CLA comes into effect on 1 January 2022 for an indefinite period

The purpose of this collective labour agreement, pursuant to Article 27 of the Act of 5 December 1968 on collective labour agreements and joint committees, is to determine the collective labour agreements applicable to companies engaged in the business of providing third parties with escort services for exceptional vehicles with a view to road safety, which since 04/11/2021 have been subject to the joint subcommittee for road transport and logistics on behalf of third parties in accordance with the Royal Decree of 28.11.2021.

- CLA of 17 October 2019 (155 362) (RD 27/09/2020- BOG 18/11/2020)
Students
- CLA of 19 November 2015 (131 219) (RD 15/07/2016 - BOG 23/09/2016)
Flat residence allowance and GRLP allowance



2 Remuneration

2.1 Wage scale (gross)

02/10/2023: New classification

*CLA of 19 April 2014 (123 033) (RD 10/08/2015 -BOG 17/09/2015)
This CLA comes into effect on 1 January 2023 for an indefinite period.*

*CLA of 17 November 2022 (177 365) (RD 18/06/2023-BOG 22/09/2023)
This CLA comes into effect on 1 January 2023 for an indefinite period.*

2.1.1 Adults

Class	Function	gross hourly wage (38h-week)
R1 10-14 points	Driving staff level 1	13.8500
R2 15-18 points	Driving staff level 2	14.3360
R3 19-25 points	Driving staff level 3	14.5025
R4 26-36 points	Driving staff level 4	14.6690

In case of permanent residence the mobile worker is entitled to a flat wage corresponding to 8 working hours.

These hours are not eligible for the calculation of the average working hours referred to in the Labour Act.

"Permanent residence" refers to the fact that the worker, by necessity of the service, does not perform work between two daily rest periods or between a daily and a weekly rest period, as provided for in Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation provisions relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, outside the home or outside the workplace provided for in the employment contract.

*CLA of 17 November 2022 (177 365) (RD 18/06/2023 -BOG 22/09/2023)
This CLA comes into effect on 1 January 2023 for an indefinite period.*

2.1.2 Students

The salary of workers employed with a work contract for students is fixed at 90 p.c. of the hourly salary for the function performed.

*CLA of 17 October 2019 (153 362) (RD 27/09/2020 -BOG 18/11/2020)
This CLA comes into effect on 1 January 2020 for an indefinite period.*



2.1.3 Jobclassification and seniority

CLA of 19 April 2014 (123 033)

(RD. 10/08/2015 - BOG. 17/09/2015)

Classification of the functions of the driving staff of companies in the sub-sector of transport of goods by land on behalf of third parties and the sub-sector of handling of goods on behalf of third parties

CHAPTER III. *Weighting of functions*

Art. 3. Differentiation factors

The functions (= levels of functions) of drivers differ on the basis of the following 10 criteria, which give a picture of the normal (= most of the time) activities to be performed in the function.

1. Type of driving licence required: B/BE/C/CE;
2. Degree of autonomy and planning;
3. Number of delivery addresses per day;
4. Physical efforts;
5. Skills needed to handle tools, use applications or make additional technical installations;
6. Level of control at loading level (or not);
7. Level of complexity of the loading and unloading process (to be performed by the driving staff);
8. Additional technical or regulatory knowledge required;
9. Additional tasks to be performed;
10. Sponsorship or training of other drivers.

Art. 4. Weighting of the differentiation factors for the driving staff

The weighting is done using the attached grid.

The employer determines the function level of the driver by indicating for each of the 10 differentiating criteria the level that most corresponds to what is generally (= most often) required in the function concerned.

In the attached grid, each level has a count score (in the grid to be filled in the right column). The sum of the values in the right-hand column indicates a total.

The total of the counting points is included in the distribution in article 5.

Art. 5. Different classes of driving staff

Class	Function
R1 10-14 points	Driving staff level 1
R2 15-18 points	Driving staff level 2
R3 19-25 points	Driving staff level 3
R4 26-36 points	Driving staff level 4

CHAPTER IV. *Period of validity*

Art. 7. This collective labour agreement is concluded under the suspensive condition that the collective labour agreement still to be drafted concerning the linkage of salaries to the new sectoral job classification (*CLA of 17 November 2022 (177.365) BOG 22/09/2023*) is signed by the parties. It is concluded for an indefinite period and may be terminated by either contracting party.

Driving functions: differentiation criteria and point scores by level

	Criteria	Level	A		B		C		Points
1	Driving licence required		Licence BE or lower	1	Licence C	5	Licence CE	7	
2	Autonomy & planning		The majority of activities are planned for the driver (by dispatchers, computer systems, etc.)	1	The driver plans the activities himself in an optimal way (sometimes even in direct agreement with the customer): order of deliveries according to destinations, time schedule (over several days), choice of time and manner of loading and unloading (e.g. order of loading of cars to be delivered),...	2			
3	Number of delivery addresses per day		Limited (some)	1	High (often 10 or more)	2			
4	Physical efforts		Rather light (main task: driving, possibly loading and unloading with support tools)	1	Rather heavy (physically pulling goods or machinery, climbing stairs,...)	2			
5	Skills needed to handle tools, use applications or make additional technical installations		Limited (e.g. pallet truck, computer screen,...)	1	Medium (e.g. motorised forklift, cars, short-arm crane, simple technical connections, handling of complex equipment with customers,...)	3	High (e.g. complex articulated platforms, multifunctional bulldozers, making complex technical connections (acids, fuels), use complex equipment at customers' sites,...)	6	
6	Level of control at loading level		Very limited (basis = CMR) (e.g. basic quantity and damage control)	1	Sustained control (basis = nature of goods) (e.g. verification of complex quantities, of the entire freight, management of various loading and delivery locations)	3	Rigorous (basis = specific contractual obligations of the customer) (e.g. detailed and internal checks of transported items)	5	



				requiring the association of goods with the corresponding delivery addresses,...)		- such as detailed damage to cars or checking the integrity of its components)			
7	Level of complexity of the loading and unloading process	Limited (process carried out by third parties or simply attaching or detaching the goods)	1	Complex (e.g. containers that are difficult to place, swap bodies, loading as many cars as possible in a small area without damaging them, checking the pressure level of a tanker,...)	2				
8	Additional technical or regulatory knowledge required	Limited (normal)	1	Extended (e.g. "small" ADR, complex administration (incidents), ATP, HACCP,...)	3	Very extended (e.g. "big" ADR; Ecocombi, exceptional transport (knowledge and understanding of various licences), making calculations to secure mobile goods,...)	5		
9	Additional tasks to be performed	None or almost none	1	Commonly (e.g. connecting computers, cleaning tanks in a professional manner, securing the delivery site, tidying up the site,...)	3				
10	Sponsorship / training of other drivers	No	1	Yes	2				
Total points:									

Counting:

10-14 points = level 1

15-18 points = level 2

19-25 points = level 3

26-36 points = level 4



2.2 Bonuses/Allocations

End of year bonus

CLA of 20 October 2016 (138 105)

(Royal Decree 30/08/2017 - Belgian Official Gazette 28/09/2017)

The end of year bonus

CHAPTER III. *Amount of the end of year bonus*

Art. 4

The gross end of year bonus equals 5% of the gross wages to 100%, subject to the Social Security contribution the worker as earned during the reference period with 1 or more employers coming under Article 1 of this CLA.

CHAPTER IV. *Reference period*

Art.5.

For the calculation of the year-end bonus, the reference period shall begin on 1 July of the year preceding that of payment and shall end on 30 June of the payment year.

CHAPTER V. *Payment of end of the year bonus*

Art.6.

The end of the year bonus under this CLA shall be paid by the "Social Fund Road Transport and Logistics"

Art. 7.

The minimum limit for the calculation of the end of year bonus is set at 2,500 EUROS.

The average daily salary of the assimilated days will be taken into account to reach the minimum amount

The amount of the end of year bonus, however, is only calculated on the basis of the effectively declared NSSO wages.

CHAPTER VI. *Validity*

Art. 8 §1. This CLA This CLA comes into effect on 1 January 2015

§2. It is concluded for an indefinite period.

Seniority allowance

CLA of 15 September 2011 (106 713) as amended by the CLA of 15 June 2017 (140 254)

(Royal Decree 14/01/2013 - Belgian Official Gazette 28/03/2013)

(Royal Decree 11/01/2018 - Belgian Official Gazette 06/02/2018)

Seniority allowance for the mobile and non-mobile personnel of the enterprises for the transport of goods by land on behalf of third parties and/or the handling of goods for third parties

Chapter III. *Seniority allowance*

Art. 3.

The employer pays a seniority allowance to blue collar workers who have the following years of service without a break in his company:

- 1 year of service
- 3 years of service
- 5 years of service
- 8 years of service
- 10 years of service
- 15 years of service
- 20 years of service

Art. 4.

This seniority allowance is paid by the employer to 100 pc. for all hours worked and all hours of availability / waiting hours, and amounts up to:

- 0,0525 EUROS after 1 year of service;
- 0.1075 EUROS after 3 years of service ;
- 0.1625 EUROS 5 years of service ;
- 0.2175 EUROS 8 years of service ;
- 0.2725 EUROS 10 years of service ;
- 0.3275 EUROS 15 years of service ;
- 0.3825 EUROS 20 years of service .

Art. 5.

Said seniority allowance is paid from the month in which the required seniority in the company is reached

From January 1, 2010, the seniority allowance is adjusted annually on 1 January according to the cost of living and as provided for in the collective labour agreement of November 26, 2009 concerning the linking of the salaries and allowances of mobile and the non-mobile blue collar workers of the sector of transport of goods by land on behalf of third parties and the handling of goods for third parties, to the arithmetic average of the health index of the consumer prices

Art. 7.

The seniority allowance is listed separately on the pay slip, since it is considered a separate part of the wage. However, it falls under the concept of 'pay', as defined in Article 2 of the Act of April 12, 1965 "on the protection of the wages of blue collar workers" and therefore it should be taken into account for all replacement incomes, for social security and for all allowances calculated on the basis of the "wage" ..

CHAPTER V. Validity

Art.10.§1. This collective labour agreement comes into effect on 1 January 2012 and is concluded for an indefinite period. *(Art 4. amended from 1 June 2017)*

Premium for night work

CLA of 17 October 2019 (155 156)

(Royal Decree 09/04/2020 - Belgian Official Gazette 25/05/2020)

Determination of a financial compensation for night work for the mobile personnel members employed in companies for the transport of goods by land on behalf of third parties and / or for the handling of goods for third parties

CHAPTER I. *Scope*

Art.1 §2.

"Workers" shall refer to blue-collar workers (m/f), belonging to NSSO category 083 and to the mobile staff.

CHAPTER II. *Conditions for granting*

Art. 2.

Are entitled to the financial compensation for night work as referred to in Article 4, for all worked nights of the calendar month, the workers who meet the following conditions:

- Either in the course of a calendar month having been at least employed 5 consecutive working days in a labour arrangement involving night work performances;
- Either in the course of the calendar month having been at least half of the worked days employed in a labour arrangement involving night performances (starting from the first full worked month);
- Either having been employed in a structured shifts system. In this case, the financial compensation is granted only to workers whose work involves night work performances.

"Night work performances" as defined in this CLA shall mean performances between 8 pm and 6 am. Furthermore, these workers shall have performed more than 5 working or availability hours between 8 pm and 6 am.

CHAPTER IV. *Amount and indexation of financial compensation for night work performances*

Art. 4.

Since 1 January 2019, the financial compensation for night work is 1,5015 EUROS and is annually adjusted on January 1st, as a function of the cost of living, as provided in the CLA of 19 October 2017 (Royal Decree 13.06.2018 - Belgian Official Gazette 13.07.2018 - registration number 143004/CO/140) on the indexing mechanism and linking the wages and bonuses to the index of the Joint Sub-committee for the transport of goods by land and logistics on behalf of third parties.

CHAPTER V. *Validity*

Art.5.§1. This collective labour agreement comes into effect on 1 January 2020 and is concluded for an indefinite period.

Sundays and public holidays

CLA of 17 November 2022 (177 365)

(Royal Decree 18/06/2023 - Belgian Official Gazette 22/09/2023)

Linkage of the wages of the mobile workers to the job classification as set out in the collective labour agreement of 19 June 2014 on the job classification of the mobile workers employed in companies in the sub-sector of transport of goods by land on behalf of third parties and the sub-sector of handling of goods for third parties (registration no.: 123033/CO/140) and provisions of the working conditions of mobile workers

CHAPTER IV. *Definition of time groups*

Art. 8.§1

For the purposes of this collective agreement, a distinction is made between:

1. working time;
2. availability time;
3. service time;
4. breaks between the working hours;
5. rest periods;
6. overtime;
7. permanent residence

§2. Working Hours

1°. Working hours as defined in Article 3, a) "working time " 1. and 2. of the Dir. Eur. Parl. and Council E.C. 2002/15/EC of 11 March 2002, i.e. the time spent on:

- Driving, loading and unloading;
- Cleaning and technical maintenance of the vehicle;
- Procedures to ensure the safety of the vehicle or the load system;
- Procedures to meet legal or regulatory obligations in connection with transport, including the supervision of loading and unloading, administrative formalities with police, customs, etc.

2°. For certain special transports certain types of loading and unloading can be the subject of a derogation from Article 8 §2,1°. , provided prior consent by the Joint Labour Committee for road transport and logistics

3°. Waiting times for loading and / or unloading, where the suspected / expected duration is exceeded.

4.° All other times of physical activity within the framework of the labour agreement of the worker are also regarded as working hours under the general labour legislation.

5°. Only working time as defined in this paragraph 2 is taken into account for the calculation of the average working time referred to in the Labour Act.

§ 3. Availability Time

1°. The availability time, as defined in Article 3 b) 'availability time' of the Dir. Eur. Parl. and Council E.G. 2002/15/EC of 11 March 2002, namely:

- Other than break or rest periods, during which the worker is not required to remain at work, but must be available to answer any follow-up calls to start or resume the ride, or to carry out other work;
- Periods when the worker is transported by ferry or train accompanying a vehicle;
- The waiting time at borders or during loading and / or unloading shall be presumed to be known in advance as defined below:

- 2 hours loading and / or unloading in national transport;
- 4 hours loading and / or unloading in international transport;
- 2 hours for the waiting time at the borders;

unless the employer either before departure or just before the actual start of the period has communicated a different expected duration to the worker;

- The waiting time caused by the imposed driving bans;
 - The time spent during the ride beside the driver or in the cabin;
 - The additional time that the worker needs to bridge the distance to and from the location where the vehicle is stored if not in the usual place;
 - The time associated with the customs, quarantine or medical matters;
 - The time during which the worker resides on board or in the vicinity of the vehicle, so as to ensure the safety of the vehicle and the transported goods, but during which he does not perform work;
 - The time during which no work is performed but during which the presence on board or in the vicinity of the vehicle is required in order to meet the traffic rules or to guarantee road safety.
- The expected duration of the last 2 above mentioned times is presumed to amount to maximum 96 hours per month.

2°. Shall not be considered as availability time:

- The time devoted to the meals;
- The time considered as a break and / or as a rest time in the sense of the within the meaning of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonization of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85;
- The time the worker can make freely use of;
- The time the worker appropriates for himself.

3°. In order to calculate the average working hours, referred to in the Labour Act, the availability time and the following breaks and rest times. are not take into account.

§4.. Service time

The term "service time" means the sum of working hours and availability times, including the train and boat hours for journeys of less than 4 hours, excepted the other train and boat hours and permanent residence.

§5.. Breaks during the working hours:

The sum of the following times:

- a). The regulatory breaks during the driving time;
- b) The time spent on meals;
- c) The time the worker can make freely use of
- d) The time the worker appropriates for himself.

§6.. Rest times:

1°. The daily and weekly rest periods are specified in the applicable regulatory provisions;

2°. The daily rest period comprises:

- a) The time required to get dressed and to wash up before and after work;
- b) The time required to bridge the distance from his home to the company or the location where the vehicle is stored and vice versa;
- c) In case of special transports, when the permanent presence of the worker is legally required, it is understood that, if a residence bonus is paid, the worker has taken at least 8 hours rest. In no case may the payment of any other benefit be combined with the residence bonus.

§7. Overtime

Subject to the provisions of the applicable CLA on the application of the new labour arrangements to the mobile personnel employed in companies in the sub-sector for goods transport by land for the account of third parties and the subsector for the handling of goods for third parties, by "overtime" is meant work conducted, in the sense of Article 3.1. of this CLA, beyond the limits as defined by the Labour Act.

§8.. Permanent residence

"Permanent residence" refers to the fact that the worker, by necessity of the service, does not perform work between two daily rest periods or between a daily and a weekly rest period, as provided for in



Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation provisions relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, outside the home or outside the workplace provided for in the employment contract.

CHAPTER V. *Effective remuneration of working hours and availability time*

Art. 9.

§3. Work on Sundays and on public holidays comes under the public holidays legislation and is paid with a surcharge of 100% (i.e. to 200%).

CHAPTER IX. *Method of calculation of fees and allowances*

Art. 15.

The calculations of the compensation with regard to the hours of availability and allowances in excess of the service hours shall be worked out to the fourth decimal on the understanding that:

- The fourth decimal shall be omitted if it is equal to or less than 2
- The fourth decimal shall be rounded up to five if it is equal to 3 and less than 8;
- The fourth decimal shall be rounded up to the first decimal higher if it is equal to or higher than 8.

CHAPTER XIII. *Validity*

Art.19. This collective labour agreement comes into effect on 1 January 2023 and is concluded for an indefinite period.

CLA of 30 September 2005 (77 084)

(Royal Decree 27/09/2006 - Belgian Official Gazette 20/11/2006)

Establishment of an additional bonus for performances on paid public holidays for workers employed in the companies for the transport of goods by land on behalf of third parties and for the handling goods for third parties

CHAPTER II. *Current regulations on the public holiday wages*

Art. 2. Public Holiday Wages in the classic labour arrangement

In companies not applying new labour arrangements, the wages for a non-working holiday equal the average daily wages, pursuant of the provisions of the general Public Holiday Act.

The Royal Decree of January 28, 2005 (Belgian Official Gazette of 10 February 2005) provides a detailed calculation of the average daily wages in the transport of goods and the handling of goods for third parties sector.

Under this Decree, the average daily wage is obtained by dividing all wage components subject to social security for the last 6 months, except the assimilated wages, by the number of gross paid days, except again the assimilated days.

The average daily wages are then multiplied by the number of working days in a quarter (65 days in the 5-day week arrangement and 78 days in the 6-day week arrangement), and then divided by 13 weeks. This yields the average weekly wages.

The average weekly wages are divided by 38 hours (full-time employment) or by the working hours of the worker, stated in his / her labour agreement (part-time employment). Thus one obtains the average hourly wages. The average hourly wages are multiplied by the number of lost working hours, as indicated in the labour arrangement included in the work rules.

For the purpose of this Agreement, the term:

a) "gross paid days" refers to:

- The days when normal actual work was done;
- The days off in lieu;

b) "the last 6 months" refers to:

- The last 6 calendar months preceding the month in which the holiday falls;

c) "all subject to the NSSO elements": refers to:

- All forms for work, including overtime pay;
- The Availability time compensation;



- All gross bonuses, except the end of year-bonus.

Art. 3. The public holiday wages in the flexible labour arrangement

Since the Act of 17 March 1987 on the new labour arrangements provides its own method of calculation of the public holiday wages, offering no derogation possibilities by Royal Decree, this own method of calculation still applies in the companies, applying new labour arrangements namely :

"The wages on public holidays equal 1/5th or 1/6de of the wages of the average weekly working hours of the worker concerned."

In function of this, the availability time does not have to be taken into account. So, the public holiday wages are simply 1/5th of 38 hours or 7, 6 hours in the 5-day week arrangement and 1/6th of 38 hours or 6, 3 hours in the 6-day week arrangement.

CHAPTER III. *Additional public holiday wages bonus in the flexible labour arrangement*

Art. 4.

Given the fact that legal security should be created so as to avoid distortions of competition between employers and that uniform rules should apply to all categories of personnel (mobile and non-mobile personnel and garage workers) employed in the transport of goods by land for the account of third parties and in the handling of goods for third parties, regardless of the labour status (classic or flexible), it is agreed upon that the public holiday wages must be subjected to an assimilation between the workers bound by a classic labour arrangement and the workers bound by a flexible labour arrangement.

For the sake of this assimilation, the employer will calculate and pay as a bonus, for the workers who are employed in a company applying the new labour arrangements, the difference between the public holiday wages calculated for the workers who are employed in a classic labour arrangement, and the public holiday wages for the workers employed in a flexible labour arrangement.

The calculation of the allowance on top of the public holiday pay shall be worked out to the fourth decimal, on the understanding that this fourth decimal shall be omitted if it is equal to or smaller than 2, shall be rounded up to 5 if it is equal to 3 and less than 8 and shall be rounded up to the higher thousandth if it is equal to or higher than 8.

CHAPTER IV. *Validity*

Art.5.§1. This collective labour agreement comes into effect on 1 October 2005 and is concluded for an indefinite period.



Working hours and availability time bonus

CLA of 17 November 2022 (177 365)

(Royal Decree 18/06/2023 - Belgian Official Gazette 22/09/2023)

Linkage of the wages of the mobile workers to the job classification as set out in the collective labour agreement of 19 June 2014 on the job classification of the mobile workers employed in companies in the sub-sector of transport of goods by land on behalf of third parties and the sub-sector of handling of goods for third parties (registration no.: 123033/CO/140) and provisions of the working conditions of mobile workers

*For the Articles 8 and 15 : See **Sundays and public holidays**.*

CHAPTER V. *Effective remuneration of working hours and availability time*

Art.9 § 4. The compensation relating to the availability times on Sundays and public holidays equals 150% of the amount owed pursuant to Article 10§2. and 10§3 of this CLA.

Art.10

§1. The working hours referred to in Article 8§2. of this CLA will be remunerated to a rate of 100% of the basic hourly wage of the relevant category.

§2. The effective availability times referred to in Article 8§3 of this CLA, with the exception of periods during which the worker is transported by ferry or train accompanying a vehicle, shall be paid as follows:

- To 99% of the basic hourly wage of the relevant category.

§3. The periods during which the worker is transported by ferry or train accompanying a vehicle shall be paid to 90% of the basic hourly wage of that category, except where the worker may take his normal daily rest period or a normal or reduced weekly rest period in accordance with the provisions of Article 9 of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, namely :

- In derogation of Article 8 of Regulation (EC) No 561/2006, the normal daily rest period or a reduced weekly rest period may be interrupted no more than twice by other activities which, taken together, do not last more than one hour.
- During the normal daily rest period or the reduced weekly rest period, the driver must be provided with a cabin, bed or couchette;
- With regard to the normal weekly rest period, exceptions are only possible if:
 - the planned journey takes at least 8 hours;
 - the driver has access to a cabin on board the ferry or train.

CHAPTER XIV. *Validity*

Art.19.

This collective labour agreement comes into effect on 1 January 2023 and is concluded for an indefinite period.



Overtime Remuneration

CLA of 17 November 2022 (177 365)

(Royal Decree 18/06/2023 - Belgian Official Gazette 22/09/2023)

Linkage of the wages of the mobile workers to the job classification as set out in the collective labour agreement of 19 June 2014 on the job classification of the mobile workers employed in companies in the sub-sector of transport of goods by land on behalf of third parties and the sub-sector of handling of goods for third parties (registration no.: 123033/CO/140) and provisions of the working conditions of mobile workers

*For the Articles 8 and 15 : See **Sundays and public holidays.***

CHAPTER IV. *Overtime Remuneration*

Art. 11. Definition and remuneration of overtime

Subject to the provisions of the applicable CLA on the application of new labour arrangements for the mobile workers employed in companies of the sub-sector for goods transport by land for the account of third parties and for the handling of goods for third parties is meant by overtime: the work done in the sense of Article 3.1. of this CLA, pursued beyond the limits of the Labour Act.

§2. If overtime remuneration is due, it amounts to 50% of the hourly wage set out in the Article 3 of this CLA.

Any overtime remuneration payable on Sundays and public holidays pursuant of the Labour Act, is already included in the bonus referred to in Article 9§3.

CHAPTER V. *Validity*

Art.19

This collective labour agreement comes into effect on 1 January 2023 and is concluded for an indefinite period.

CLA of 30 September 2005 (77 063)

(Royal Decree 22/03/2006 - Belgian Official Gazette 20/04/2006)

Overtime in the sub-sectors for the transport of goods by land on behalf of third parties and for the handling of goods for third parties

CHAPTER III. *Increase of some compensatory rest limits*

Art. 3.

This chapter covers the overtime due to an extraordinary increase in work (Article 25, Labour Act of 16 March 1971) or work required due to an unforeseen necessity (Article 26, § 1, 3 ° of Labour Act of 16 March 1971).

The number of hours of compensatory rest which the worker may choose not to recover in lieu but to be paid out, has been increased from 65 to 130 hours per calendar year.

The limit of 65 hours on top of the average working hours, allowed during the reference period (Labour Act of 16 March 1971), is increased from 65 hours to 130 hours during that reference period.

CHAPTER IV. *Validity*

Art.5. This collective labour agreement comes into effect on 1 October 2005 and is concluded for an indefinite period.

Bonuses for exceeding the average service hours

CLA of 17 November 2022 (177 365)

(Royal Decree 18/06/2023 - Belgian Official Gazette 22/09/2023)

Linkage of the wages of the mobile workers to the job classification as set out in the collective labour agreement of 19 June 2014 on the job classification of the mobile workers employed in companies in the sub-sector of transport of goods by land on behalf of third parties and the sub-sector of handling of goods for third parties (registration no.: 123033/CO/140) and provisions of the working conditions of mobile workers

*For the Articles 8 and 15: See **Sundays and public holidays**.*

CHAPTER VII. *Bonuses for exceeding the average service hours*

Art. 12§1.

On the basis of an average weekly service time calculated over a period of one month, over 60 h of service time, a bonus of 50% of the hourly wage referred to in article 3 of this collective labour agreement is due.

§2. The above mentioned limits are monthly calculated as follows:

In the 5-day arrangement

The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 12 hours per assimilated day or permanent residence during the workweek.

"Assimilated day" refers to the assimilated days as provided in the Annual Holiday Act ,recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.

In the 6-day arrangement

The maximum monthly service time of 260 hours (with respect to the limit of 60 hours) is reduced by 10 hours per assimilated day or permanent residence during the workweek.

"Assimilated day" refers to the assimilated days as provided in the Annual Holiday Act, recuperation days or recovery rest in the sense of overtime excepted, provided that these days are taken as entire days.

Other labour arrangements are pro-rated.

CHAPTER XIII. *Validity*

Art.19

This collective labour agreement comes into effect on 1 January 2023 and is concluded for an indefinite period.

GRLP allowance

CLA of 19 November 2015 (131 219)

(Royal Decree 15/07/2016 - Belgian Official Gazette 23/09/2016)

Determination of the residence and GRLP allowances

CHAPTER III. *GRLP allowance*

Art. 5

A GRLP allowance of currently EUR 1.2910, shall be granted per attendance hour. Per pay period, the attendance hours or portions thereof are totalled. If the sum thus obtained is a decimal number, it is always rounded up to the next unit.

Art. 6.

For the purposes of this Agreement, the term "attendance hour" means each working hour and / or each hour of availability

Art. 7.

Under the Memorandum of Understanding dated 24 June 2015 for the years 2015 and 2016, the GRLP allowance is increased by 0.08 EUROS as of the 1st January 2016.

Art. 8

From 1st January 2010 onwards, the amounts are annually adapted on January 1st, as a function of the cost of living as provided for in the collective agreement of November 26, 2009(also), linking the wages and bonuses of the mobile and the non-mobile workers of the sectors for the goods transport by land on behalf of third parties and for the handling of goods for third parties, to the arithmetic average of the health index of consumer prices.

Art. 9.

If simultaneously an increase of the GRLP and / or residence allowances and an indexing is provided, the anticipated conventional increase shall be applied first and only then shall the conventional indexing be calculated.

Art. 10

The adjustment of the thus calculated GRLP and / or residence allowances takes effect from the 1st day of January of the year concerned.

CHAPTER V. *Validity*

Art.12. This collective labour agreement comes into effect on 1 January 2016 and is concluded for an indefinite period.



3 Reimbursement of Travel, Board and Lodging expenses

As from 30 July 2020, the allowances will have to be paid to posted workers only under the conditions mentioned in Article 5, paragraph 1, subparagraph 2, of the Act of 5 March 2002 concerning the working, remuneration and employment conditions in case of posting of workers in Belgium and the monitoring thereof. In other words, they will only have to be paid when the posted workers have to move to or from their usual workplace in Belgium, or when they are temporarily sent by their employer from that workplace to another workplace).

On the other hand, they may not apply to travel between the country of origin and the workplace in Belgium.

Flat residence allowance

CLA of 19 November 2015 (131 219)

(Royal Decree 15/07/2016 - Belgian Official Gazette 23/09/2016)

Determination of the residence and GRLP allowances

CHAPTER II. *Flat residence allowance*

Art. 2.

A flat residence allowance of currently 36.1265 EUROS per initiated portion of 24 hours is granted to the workers when they are obliged, by necessity of the service, to take their daily and / or weekly rest, as provided for in the Social Regulation EC No 561 / 06 of 15 March 2006, outside their place of residence or outside their working place as provided in their labour agreement.

Art. 3.

However, the amount of the flat residence allowance is limited to currently 14.6440 EUROS in the 2 following cases:

- a) for the 1st daily rest, as determined under Article 2, when the composite working and availability hours prior to the said rest are less than 8 hours and if they are not part of a multi-day trip;
- b) when the absence from home is less than 24 hours and it concerns only one daily rest as referred to under Article 2.

Art. 4.

In case of permanent residence in Belgium or abroad, to compensation under Article 2 a is supplemented by a complementary flat compensation of currently 9.8220 EUROS.

For the purposes of this Agreement, by the terms "permanent residence" is meant that the worker, by necessity of the service, does not perform any work between two daily rest periods or between a daily and a weekly rest period, as provided for in the Social EC Regulation No 561/06 of 15 June 2006, taken outside of his place of residence or outside the working place provided for in his labour agreement.

CHAPTER V. *Validity*

Art.12. This collective labour agreement comes into effect on 1 January 2016 and is concluded for an indefinite period.



Contribution to the travel expenses between home and work

CLA of 20 October 2022 (176 494)

(RD 07/05/2023- BOG 29/09/2023)

Determination of the employer's contribution to the travel expenses between home and work of workers employed in companies engaged in the transport of goods by land on behalf of third parties and in the handling of goods on behalf of third parties

CHAPTER I. *Scope*

Article 1 § 2. "Workers" shall refer to manual workers (m/f), belonging to NSSO category 083.

CHAPTER II.- Public transport

Art. 2. § 1. For workers using public transport organised by the SNCB, the employer's contribution to the price of the ticket is increased to 80% of the price of the 2nd class train card for the corresponding distance, regardless of the number of kilometres.

§ 2. Companies are recommended to conclude a third-party payer agreement with the SNCB for train transport, providing for the public authorities to pay the remaining 20% so that the worker benefits from free train transport for their journeys between home and workplace, without extra cost for their employer and via a simplified administrative procedure.

Under the terms of this third-party payer agreement, the SNCB undertakes to issue free validation tickets to the workers of the company concluding a third-party payer agreement. The costs are immediately recovered 80% from the employer and 20% from the authorities.

Art. 3. § 1. Where workers use public transport other than the railways, the employer's contribution to the price of the subscriptions is also increased to 80% of the actual costs.

§ 2. This provision applies when the price of transport is proportional to the distance as well as when the price is fixed irrespective of the distance.

Art. 4. § 1. Where the worker combines the train (2nd class) with one or more other means of public transport, the employer's contribution is also set at 80% of the actual cost.

§ 2. This provision applies not only when a single ticket is issued to cover the total distance (without this ticket being subdivided by means of public transport), but also when several tickets are issued to cover the total distance. In the latter case, the amounts of the employer's contribution for each ticket must be added together.

§ 3. If a train card is combined with a STIB transport ticket, it is also possible for the companies referred to in Article 1 to conclude a third-party payer agreement with the SNCB, without these companies having to pay any additional costs either and also benefiting from a simplified administrative procedure. The 20% contribution from the authority is therefore granted both for second-class rail travel and for travel made by means of the STIB.

In the case of travel by means of TEC or De Lijn transport, no intervention is planned by the authority.

Art. 5. The provisions contained in Articles 7 to 10 of the National Labour Council's collective labour agreement No. 19octies on the financial contribution by employers to the price of transport of workers remain fully applicable.

Chapter III - Private transport

Art. 6. *Private means of transport*

Workers using a private means of transport to travel for a distance of minimum 1 kilometre are also entitled, at the employer's expense, to an intervention in the price of travel between home and workplace

This intervention initially provided for in the CLA of 4 May 2009, adapted according to the cost of living by means of the CLA of 13 February 2014, is extended with an intervention from 1 kilometre upwards. The amounts of the intervention are set out in the table annexed to this CLA.

The results of this calculation are set out in the table annexed to this CLA.

However, the workers who actually use an (electric) bicycle to get to work on a regular basis are entitled, as of 1 January 2022, to a bicycle allowance of EUR 0.24 per km, round trip. This bicycle allowance is only payable for the days on which the worker uses the bicycle to get to work.

Art. 7. For workers making the journey between home and workplace by private means of transport, the monthly allowance, as set out in the annexed table and which depends on the number of kilometres to be covered, may be converted into a daily amount on the basis of the following formula:
- multiply the monthly amount for the corresponding distance by 3 and divide by 65 (5-day week);
- multiply the monthly amount for the corresponding distance by 3 and divide by 78 (6-day week).

For the sake of order, the results of this calculation are also shown by kilometre section in the annexed table.

For working arrangements other than 5 or 6 days a week, a similar calculation is made to determine the daily amount, which consists of multiplying the monthly amount by 3 and dividing this result by the normal number of working days to be worked in a period of 3 months.

The daily amount thus obtained shall be multiplied for each payment period by the number of working days actually worked during which the journey between home and workplace was made by a private vehicle.

CHAPTER IV. *Common provisions*

Art. 8. Without prejudice to the provisions of chapters II and III of this collective labour agreement, the more favourable conditions for transport expenses between home and workplace at company level shall be maintained.

Art. 9. Where the employer provides free transport for their workers by their own means or by their intervention, the workers may not claim payment of the cost of the journey to and from work.

Art. 10. The payment of the home-workplace intervention is made at least once a month.

CHAPTER V. *Duration of validity*

Art. 11. This collective labour agreement comes into force on 1 January 2022 and is valid for an indefinite period.

Appendix to the collective labour agreement of 20 October 2022

Km	Weekly employer contribution	Daily amount per 5-day week	Daily amount per 6-day week	Monthly employer contribution	3Monthly employer contribution	Annual employer contribution	Employer contribution for part-time workers
1	5.34	0.8301	0.6917	17.99	50.14	178.76	5.89
2	5.34	0.8301	0.6917	17.99	50.14	178.76	5.89
3	5.34	0.8301	0.6917	17.99	50.14	178.76	5.89



4	5.89	0.9005	0.7504	19.51	54.50	195.11	6.87
5	6.76	1.0263	0.8552	22.24	63.22	224.54	8.07
6	7.19	1.0967	0.9139	23.76	66.49	237.62	8.72
7	7.52	1.1671	0.9726	25.29	70.85	252.88	9.37
8	7.96	1.2275	1.0229	26.60	74.12	267.05	9.81
9	8.39	1.3080	1.0900	28.34	78.48	281.22	10.25
10	8.83	1.3583	1.1319	29.43	82.84	295.39	10.68
11	9.37	1.4589	1.2158	31.61	87.20	311.74	11.23
12	9.81	1.5092	1.2577	32.70	91.56	325.91	11.55
13	10.25	1.5595	1.2996	33.79	95.92	343.35	12.10
14	10.68	1.6602	1.3835	35.97	100.28	357.52	12.43
15	11.12	1.7105	1.4254	37.06	103.55	371.69	12.86
16	11.66	1.7859	1.4883	38.70	109.00	388.04	13.19
17	12.10	1.8614	1.5512	40.33	112.27	402.21	13.63
18	12.54	1.9117	1.5931	41.42	116.63	417.47	13.95
19	13.08	2.0123	1.6769	43.60	122.08	433.82	14.39
20	13.52	2.0626	1.7188	44.69	125.35	447.99	14.82
21	13.95	2.1381	1.7817	46.33	129.71	462.16	15.15
22	14.39	2.2135	1.8446	47.96	134.07	478.51	15.59
23	14.93	2.2890	1.9075	49.60	138.43	494.86	16.02
24	15.37	2.3393	1.9494	50.69	142.79	510.12	16.35
25	15.70	2.4399	2.0333	52.87	147.15	525.38	16.68
26	16.35	2.4902	2.0752	53.96	151.51	541.73	17.33
27	16.68	2.5657	2.1381	55.59	155.87	555.90	17.66
28	17.00	2.6663	2.2219	57.77	160.23	571.16	17.99
29	17.66	2.7166	2.2638	58.86	163.50	586.42	18.31
30	17.99	2.7669	2.3058	59.95	167.86	600.59	18.64
31 - 33	18.75	2.9178	2.4315	63.22	176.58	628.93	19.40
34 - 36	20.27	3.1191	2.5992	67.58	188.57	674.71	20.93
37 - 39	21.47	3.3203	2.7669	71.94	201.65	718.31	22.13
40 - 42	22.89	3.5215	2.9346	76.30	213.64	763.00	23.54
43 - 45	24.20	3.7228	3.1023	80.66	226.72	809.87	24.85
46 - 48	25.72	3.9240	3.2700	85.02	238.71	853.47	26.05
49 - 51	26.92	4.1755	3.4796	90.47	251.79	899.25	27.80
52 - 54	27.80	4.3265	3.6054	93.74	260.51	930.86	28.89
55 - 57	28.89	4.4271	3.6892	95.92	268.14	959.20	29.98
58 - 60	29.98	4.5780	3.8150	99.19	277.95	992.99	31.07
61 - 65	31.07	4.7289	3.9408	102.46	288.85	1,030.05	32.16
66 - 70	32.70	4.9805	4.1504	107.91	303.02	1,082.37	34.34
71 - 75	33.79	5.2320	4.3600	113.36	317.19	1,131.42	36.52
76 - 80	35.97	5.4332	4.5277	117.72	330.27	1,180.47	37.61
81 - 85	37.06	5.6848	4.7373	123.17	345.53	1,232.79	39.79
86 - 90	38.70	5.9363	4.9469	128.62	359.70	1,282.93	41.42
91 - 95	40.33	6.1375	5.1146	132.98	373.87	1,336.34	43.06
96 - 100	41.42	6.3891	5.3242	138.43	386.95	1,383.21	45.24
101 -	43.06	6.6406	5.5338	143.88	402.21	1,435.53	46.87



106 -	44.69	6.8922	5.7435	149.33	357.52	1,487.85	47.96
111 -	46.33	7.0934	5.9112	153.69	430.55	1,536.90	49.60
116 -	47.96	7.3449	6.1208	159.14	445.81	1,593.58	51.23
121 -	49.05	7.5462	6.2885	163.50	459.98	1,640.45	53.41
126 -	50.69	7.7977	6.4981	168.95	474.15	1,691.68	54.50
131 -	52.32	8.0492	6.7077	174.40	488.32	1,745.09	56.68
136 -	53.96	8.3008	6.9173	179.85	502.49	1,793.05	56.68
141 -	55.59	8.5020	7.0850	184.21	515.57	1,841.01	58.86
146 -	57.77	8.8038	7.3365	190.75	535.19	2,020.86	61.04
151 -	57.77	8.9548	7.4623	194.02	542.82	1,941.29	- -
156 -	59.95	9.1560	7.6300	198.38	556.99	1,989.25	- -
161 -	61.04	9.4075	7.8396	203.83	571.16	2,037.21	- -
166 -	62.13	9.6088	8.0073	208.19	584.24	2,086.26	- -
171 -	64.31	9.8603	8.2169	213.64	597.32	2,134.22	- -
176 -	65.40	10.1118	8.4265	219.09	611.49	2,182.18	- -
181 -	67.58	10.2628	8.5523	222.36	624.57	2,231.23	- -
186 -	68.67	10.5143	8.7619	227.81	637.65	2,279.19	- -
191 -	69.76	10.7658	8.9715	233.26	651.82	2,327.15	- -
196 - ...	71.94	10.9671	9.1392	237.62	664.90	2,376.20	- -



4 Working hours

Working hours on an annual basis: 38 hours.

* CLA of 28 September 1999 (53 852) RD 15/03/2001 - BOG 03/05/2001

This CLA comes into effect on 1 January 1999 for an indefinite period.

10 Public Holidays (Royal Decree 18 April 1974 art.1) :

New Year's Day (1/1)

Easter Monday

Labour Day (1/5)

Ascension

Whit Monday

National Holiday (21/7)

Ascension (15/8)

All Saints day (1/11)

Armistice Day (11/11)

Christmas (25/12)

More information on the site of the FPS ELSD:

<https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/public-holidays>

20 Legal Holidays (in five-day system) :

The legal holidays which the worker is entitled to, shall be calculated annually as a function of the sum of the number of worked days and equivalent days in the holiday service year.

More information on the site of the FPS ELSD:

<https://employment.belgium.be/en/themes/international/posting/working-conditions-be-respected-case-posting-belgium/minimum-paid>