

## Auxiliary Joint Committee for Employees (JC 200)

*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, CLA's made mandatory by Royal Decree, and which are criminally sanctioned in case of non-compliance.*

*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.*

*The CLA's hereafter can be consulted on the site of the FPS ELSD in Dutch or in French :*

<http://www.werk.belgie.be/searchCAO.aspx?id=4708>

<http://www.emploi.belgique.be/searchCAO.aspx?id=4708>

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## 1. Scope of application

JLC 218 is abolished as from 01/04/2015.

In application of the CLA of 01/04/2015 (126 638 / CO / 200) JLC 200 shall take over the rights and duties of JLC 218 in the field of the transition of employers and workers covered by JLC 200. The collective labour agreements and other agreements of JLC 218 shall be transferred to JLC 200.

Therefore, they shall be fully applicable at the level of the JLC 200 and bind employers and workers covered by the JLC 200.

This file applies to companies which come under the Auxiliary Joint Committee for Employees, for work performed in Belgium.

### **Institution and amendments**

(0)	R. D. 04/11/1974	Belgian Official Gazette 19/12/1974
(1)	R. D. 13/06/1999	Belgian Official Gazette 22/09/1999
(2)	R. D. 30/11/1999	Belgian Official Gazette 12/01/2000
(3)	R. D. 27/01/2008	Belgian Official Gazette 27/02/2008
(4)	R. D. 07/12/2008	Belgian Official Gazette 14/01/2009
(5)	R. D. 10/04/2014	Belgian Official Gazette 25/04/2014

### **Article 1**

Competent for the workers who perform mainly clerical work and their employers, i.e. the workers who mainly perform clerical work and are not governed by their own joint committee and neither by the Auxiliary joint committee for the non-profit sector and their employers.

The Auxiliary Joint Committee for White collar workers is not competent for the workers employed by:

- The representative workers 'and employers' organizations referred to in Article 3 of the Act of December 5, 1968 on collective labour agreements and joint committees as well as the trade unions affiliated to or part of these representative organizations;
- The provincial, regional or local legally separate departments of the aforementioned representative workers' and employers' organizations, as far as their activities include participating in the social dialogue;
- The representative employers' organizations which are members of the Social and Economic Council of Flanders, the Social and Economic Council of Wallonia and the Economic and Social Council of the Brussels-Capital Region or the Social and Economic Council of the German-speaking Community;
- The recognized European workers' and employers' organizations referred to in Article 154 of the Treaty on the Functioning of the European Union as well as the members of the therein incorporated inter-professional workers' and employers' organizations.

## 2. Monthly minimum wages (gross)

### September 2019 : CLA wage increase by 1.1 % (not for GAMMI)

The indexation system applicable to the sector of activity the company belongs to, may be used instead of the system elaborated within the framework of the JLC.

The employers may fluctuate the wages of their employees by linking them to the consumer price index applicable to the blue collar workers in their company.

#### WAGE SCALE I: as from the first year of commencement of employment onward

Experience (years)	Class			
	A	B	C	D
0	1,775.94	1,849.94	1,876.11	2,023.73
1	1,781.30	1,860.55	1,876.11	2,037.11
2	1,786.61	1,871.18	1,918.41	2,050.27
3	1,791.97	1,881.89	1,955.60	2,063.70
4	1,797.39	1,896.32	1,992.79	2,115.75
5	1,802.65	1,911.00	2,030.10	2,162.05
6	1,808.00	1,922.09	2,067.29	2,208.29
7	1,813.28	1,949.85	2,104.62	2,254.43
8	1,818.99	1,977.66	2,141.96	2,300.72
9	1,833.75	2,005.37	2,179.28	2,346.73
10	1,848.57	2,033.29	2,216.49	2,393.21
11	1,861.16	2,056.78	2,253.78	2,439.23
12	1,873.63	2,080.00	2,291.02	2,485.60
13	1,886.29	2,103.50	2,320.45	2,531.74

Experience (years)	Class			
	A	B	C	D
14	1,898.67	2,126.78	2,349.78	2,578.01
15	1,911.00	2,150.21	2,379.23	2,616.86
16	1,923.25	2,157.80	2,408.56	2,655.66
17	1,935.55	2,165.32	2,437.97	2,694.45
18	1,947.85	2,173.01	2,446.34	2,733.36
19	1,947.85	2,180.56	2,454.75	2,772.22
20	1,947.85	2,188.18	2,463.20	2,785.98
21	1,947.85	2,195.91	2,471.80	2,799.81
22	1,947.85	2,203.40	2,480.26	2,813.64
23	1,947.85	2,211.01	2,488.91	2,827.34
24	1,947.85	2,218.61	2,497.39	2,840.99
25	1,947.85	2,226.17	2,506.06	2,854.67
26	1,947.85	2,233.78	2,514.57	2,868.38

WAGE SCALE II : employees after they have been employed for 1 year in the same company

experience(years)	Class			
	A	B	C	D
1	1,829.38	1,910.77	1,926.76	2,092.11
2	1,834.84	1,921.69	1,970.22	2,105.62

experience(years)	Class			
	A	B	C	D
3	1,840.36	1,932.69	2,008.40	2,119.39
4	1,845.63	1,947.38	2,046.69	2,173.20
5	1,851.05	1,962.53	2,085.08	2,220.90
6	1,856.42	1,973.97	2,123.30	2,268.39
7	1,861.89	2,002.48	2,161.74	2,315.96
8	1,867.90	2,031.18	2,200.20	2,363.48
9	1,883.04	2,059.66	2,238.55	2,410.95
10	1,898.30	2,088.37	2,276.92	2,458.66
11	1,911.28	2,112.51	2,315.21	2,506.12
12	1,924.09	2,136.39	2,353.50	2,553.74
13	1,937.09	2,160.56	2,383.78	2,601.29
14	1,949.85	2,184.58	2,413.93	2,648.90
15	1,962.53	2,208.60	2,444.22	2,688.85
16	1,975.12	2,216.41	2,474.47	2,728.73
17	1,987.72	2,224.17	2,504.74	2,768.72
18	2,000.33	2,232.11	2,513.32	2,808.67
19	2,000.33	2,239.92	2,521.96	2,848.70
20	2,000.33	2,247.77	2,530.71	2,862.87

experience(years)	Class			
	A	B	C	D
21	2,000.33	2,255.56	2,539.53	2,877.06
22	2,000.33	2,263.34	2,548.22	2,891.28
23	2,000.33	2,271.28	2,557.20	2,905.48
24	2,000.33	2,279.03	2,565.95	2,919.50
25	2,000.33	2,286.81	2,574.86	2,933.50
26	2,000.33	2,294.60	2,583.55	2,947.66

EMPLOYEES YOUNGER THAN 21: percentage of the wage at 0 years experience

Age		Class			
		A	B	C	D
16	75%	1,331.96	1,387.46	1,407.08	1,517.80
17	80%	1,420.75	1,479.95	1,500.89	1,618.98
18	85%	1,509.55	1,572.45	1,594.69	1,720.17
19	90%	1,598.35	1,664.95	1,688.50	1,821.36
20	95%	1,687.14	1,757.44	1,782.30	1,922.54

STUDENTS YOUNGER THAN 21:

Leeftijd		Klasse			
		A	B	C	D
16	75%	1,145.80	1,191.33		
17	80%	1,295.43	1,347.71		
18	85%	1,444.93	1,504.28	1,631.55	1,791.51
19	90%	1,564.52	1,629.50	1,769.04	1,905.49
20	95%	1,624.37	1,692.03	1,837.58	1,972.92

#### BRANCH MANAGERS AND DOOR TO-DOOR SALESMEN

2 cases may occur:

- a) they have a fixed wage;
- b) their wage includes commissions determined according to the amount of trade turnover or according to other criteria.

In both cases, and if they are full time employed, their wages should at least equal those of an employee with professional experience level "0", according to the professional scale for class C.

#### SALES REPRESENTATIVES:

For sales representatives with less than 4 years of professional experience, the wage should at least equal the minimum scale according to the professional experience of class C.

For sales representatives with 4 or more years of professional experience, the wage should at least equal the minimum scale according to professional experience of class D.

During the trial period, however, the monthly minimum wage should at least equal the wage of an employee of professional experience level "0" in class A.

This minimum wage is a monthly paid advance on the commission and the final account is annually established on the basis of the wages calculated on an average of 12 months

#### GUARANTEED AVERAGE MINIMUM MONTHLY INCOME (GAMMI)

Age	Seniority (months)		
	0	6	12
18	1,668.37	1,668.37	1,668.37
19	1,668.37	1,712.66	1,712.66
20	1,668.37	1,712.66	1,732.32

THE GUARANTEED AVERAGE MINIMUM MONTHLY INCOME (GAMMI) applies to the employees aged 18 and older who perform a normal full-time job,  
The GAMMI does not apply to employees working in a family business employing usually only blood relatives, relatives or foster children under the sole authority of the father, the mother or the tutor,  
It does not apply either to the employees usually employed for a period of less than one calendar month,

By GUARANTEED AVERAGE MINIMUM MONTHLY INCOME is meant:

- The monthly wage guaranteed by the scales as determined by the joint labour committee, the collective labour agreements at company level or the individual employment agreement
- The equivalent per month in bonuses and other benefits, possibly paid in kind, which are granted under the terms of the end of the year bonus, pursuant to a collective agreement at company level, an individual employment agreement or custom,

However, shall be excluded from the determination of the GAMMI:

- Supplements for overtime
- The benefits provided by Art19 § 2 of the Royal Decree of 28/11/1969 implementing the Act of 27/06/1969 amending the Decree of 28/12/1944 concerning social security for workers
- The bonuses or compensations paid for actual costs borne by the employees,

## **JOB CLASSIFICATION**

### **CLA of June 2016 (134 438)**

(Royal Decree 02/05/2017- Belgian Official Gazette 21/06/2017)

### **Job Classification**

#### CHAPTER II, Job Classification

Art 2 The functions of the white collar workers are sub-divided into four classes, which are determined according to the general criteria set out below:

#### Class A

Executive: Functions marked by the performance of a limited number of simple repetitive tasks

#### Class B

Support: functions which contribute to the realization of a larger mission

#### Class C

Managerial: Functions marked by the achievement of a complete set of tasks that together form one assignment

#### Class D

Advisory: Functions which are characterized by monitoring and developing one company process within the context of a particular objective

The level distinguishing criteria for each class, as well as the list of model functions per class are also included in the appendix to this collective labour agreement, This appendix is an integral part of the Collective Labour Agreement

The specific contents of the model functions included in the list of model functions for each class, listed in Annex of this CLA, will be brought to the attention of employers' and workers' representatives via the social fund,

#### Art, 3 General remarks

§ 1, This classification of white collar functions in classes is meant to give the companies a directive so as to facilitate the implementation of this CLA on the minimum wages

Therefore this job classification is based on level-differentiating criteria such as the complexity, the problem-solving abilities, the impact of errors, the contribution, the autonomy, the work-scheduling, the

supervision, the knowledge, the training, the transfer of information, the contacts and the knowledge of foreign languages,

§ 2, The employer is responsible for the sub-division into classes of the functions based upon the actual job contents in the enterprise,

§ 3, The functions that are given in each class are merely an example, The name of each function is merely an indication for its contents,

§ 4, Classification of specific functions

Each function should be assessed on the basis of the actual job-contents in the enterprise compared to the level-differentiating criteria and the job-content of the model function,

§ 5, When an scaled clerk has the competence to exercise a higher position, this does not mean that he is placed in the corresponding wage category, This can only happen if the function is effectively exercised,

§ 6, When an scaled clerk executes simultaneously and permanently multiple functions of various classes, This should be taken into consideration for determining his wages,

§ 7, The implementation of this classification may not give rise to a revision of the classifications that have been agreed upon at company level according to other standards,

Annex 1 to CLA of 28 September 2009 modifying chapter II – Job classification –of CLA of 29 May 1989 on the pay and working conditions

Class A	Class B	Class C	Class D
<b>Example functions</b>			
Filler Administrative Assistant redactor Van driver Invoices checker House caretaker Assistant cashier Assistant shipment / mail Typist / data feeder	Administrative assistant Administrative Assistant purchase Clerk economist Clerk data treatment Assistant Laboratory Technician Cashier Quality assistant Assistant logistics Merchandiser Operator / receptionist Front office technician Tele-operator (call centre)	Desk clerk sales Accountant clerk Debtors and creditors administration clerk Expedition clerk Staff administration clerk Commercial administrative clerk back office dispatcher Documentalist Helpdesk operator Quality Controller laboratory technician Warehouse manager After sales clerk Layout clerk Measurement and control technician Warehouse assistant Operator ICT PC technician Tour guide Travel consultant Search assistant Secretarial assistant Technical assistant worksite Tele-adviser Buildings responsible	Purchaser Laboratoty analyst Human resources assistant Clerk planning and preparation (construction) Accountant Calculator Communications assistant Consultant recruitment and selection (selection bureau) Database administrator Head of department Cost analyst Marketing analyst Assistant Executive Secretary Foreman Designer Prevention advisor Programmer Editor System administrator Team leader (call centre) Technical commercial assistant Translator Representative Webmaster

### 3, Working hours

Average weekly working hours on an annual basis: 38 hours / week.

In companies occupying both employees and blue collar workers, the weekly working hours and working time arrangements for the executive employees supervising the blue collar workers, are the same as those of the blue collar workers.

Notwithstanding the legal provisions, in companies or sectors in which specific collective labour agreements have been agreed upon, implementing specific arrangements in terms of the organization of the working hours to the blue collar workers, those same modalities shall apply to the executive employees of these companies or sectors, provided this staff comes under JLC 200.

#### 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)

#### 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.

## 4, Bonuses/Allocations

### End of the year bonus

#### CLA of 9 June 2016 (134 421)

(Royal Decree 30/08/2017 - Belgian Official Gazette 21/09/2017)

#### End of the year bonus

##### Chapter II – Provisions

##### Art, 2

To the extent that there is compliance with the conditions below, a bonus equal to the monthly wage shall be paid to the employees,

Except for other provisions agreed upon at company level, this bonus is paid no later than either at the moment of the filing of the company accounts, either at the end of the calendar year, in December,

##### For sales representatives

- whose wages are wholly or partly variable: the bonus is calculated on the monthly average of the fixed and variable part of the wages of the last 12 months. This monthly average is however limited to the highest amount of the 4th category of the scale,
- whose entire wages are variable: the bonus is calculated on the monthly average of the wages of the last 12 months. This monthly average is however limited to the highest amount of the 4th category of the scale,
- whose wages are partially variable: the bonus is calculated on the monthly average of the wages of the last 12 months. This monthly average is however limited to the highest amount of the 4th category of the scale unless the fixed part is higher than the stated amount, In the latter case, the premium is limited to the fixed part,

##### Art,3,

The conditions to be fulfilled are the following:

- being linked by an individual labour agreement for employees at the time of payment of the bonus, except for the cases mentioned below;
- having a seniority of at least 6 months at the time of payment of the bonus;
- having started working in the company not later than on the first day of the considered working year;

##### Art,4,

The amount of the bonus may be reduced in proportion to the absences in the course of the year, which do not arise from the application of the legal, regulatory and contractual provisions on annual leave, public holidays, short absences, paternity leave, paid educational leave, union leave, occupational disease, industrial accident and maternity leave and of 60 days of illness or accident,

##### Art,5

For employees entered in service of the company after the first day of the considered working year and having an effective presence in the company of at least 6 months, the bonus is calculated in proportion to the number of months of effective performance,

Have a right to a bonus proportionally their performances in the current working year, the employees who during the year left the company and as far as they can prove a seniority in the company of at least 5 years,

The end of the year bonus will also be paid proportionally to the employees who were recruited with an individual labour agreement for a fixed term or for a specific work of at least six months and who have left the company before the payment of the bonus,

The right to the bonus, calculated in proportion to the performances of the current work year, is granted per performed full calendar month,

The above mentioned provisions shall not apply to:

- The companies granting in the course of the year an equivalent advantage, whatever its denomination, be it in the form of a conventional bonus, or by way of a gift;
- the companies arranging the wages and other working conditions of their employees on company level by agreement, provided the joint benefits granted in this agreement equal at least the benefits provided by this Collective Labour Agreement,

## **Annual bonus**

### **CAO van 9 July 2015 (128 828)**

(Royal Decree 01/04/2016 - Belgian Official Gazette 17/05/2016)

### **Purchasing power - annual bonus under the Act of April 28, 2015 establishing the maximum margin for the wage cost development for the years 2015-2016**

Art, 2, Annual bonus

§ 1, All full time white collar workers with full reference period are annually awarded a gross bonus of EUROS 250, hereafter named "annual bonus",

For part-time white collar workers the annual bonus is granted in proportion to their part-time work scheme in accordance with Article 9 of the CLA no, 35 of the National Labour Council

§ 2, The annual bonus is granted from 2016 onward, and is paid each time during the month of June,

§ 3, The amount of the annual bonus is calculated in proportion to the effectively performed and assimilated days during the reference period,

By "effectively performed and assimilated days" are to be understood either the days of effective performance and the suspensions of the employment contract for which wages were paid, plus the days of paternity leave and maternity leave,

By "reference period" is meant the 12-month period that runs from the month of June of the calendar year preceding the calendar year in which the annual bonus is paid until May of the calendar year in which the annual bonus is paid,

§ 4, The pro rata arrangement as defined in § 3 shall also apply to the white collar workers that have left the company in the course of the reference period prior to the payment of the bonus in June, except for the white collar workers whose employment contract has been terminated by the employer for serious reasons, for whom the annual bonus does not apply, The white collar workers who have left the company before the payment of the annual bonus in June 2016 shall be granted a pro rata amount based on the effectively performed and assimilated days in 2016,

The pro rata amount of the annual bonus is paid at the moment they leave the company along with their regular pay slip,

§ 5, The amount of the annual bonus as specified in § 1, is linked as from 2017 to the evolution of the smoothed health index according to the procedures laid down in Chapter IV of the Collective Agreement of 9 May 1989 relating to the pay and working conditions,

§ 6, The annual bonus does not apply to white collar workers who were granted for the duration of the collective labour agreement according to the terms proper to the company effective increases in wages and /or other equivalent benefits in purchasing power,

The increases and / or benefits in purchasing power of any kind are to be charged per white collar worker, for their total cost, to the wage cost (gross wage. employers' Social Security) of the annual bonus,

§ 7, Moreover the annual bonus is not applicable to sectors with white collar workers within the Auxiliary Joint Committee for the white collar workers that have for their blue collar workers a sectorial supplementary pension scheme, and that provide an equivalent sectorial additional pension scheme

for their white collar workers of an equivalent amount to that of the annual bonus, provided a specific CLA is concluded in the Auxiliary Joint Committee for the white collar workers no later than 31 October 2015 and in compliance with the provisions of the Act of 5 May 2014 amending the retirement pension and the survivor's pension and establishing a transitional allowance to the pension scheme for white collar workers and phasing out progressively the differences in treatment based on the distinction between blue collar workers and white collar workers in the field of additional pensions.