

Excellency,

A Good Offices Commission for the staff employed in diplomatic missions has been set up on May 23, 2013. It is composed of members of the Social Legislation Supervision Directorate General of the of the FPS Employment, Labour and Social Dialogue, the Protocol Services of the SPF Foreign Affairs, the International **Directions** Service of the National Social Security Office, the International Relations Directorate of the FPS Finance, the Social Inspectorate of the FPS Social Security and the Trade Union organizations.

The Director General of the Social Legislation Supervision chairs the Good Offices Commission and the Deputy Chief of Protocol is its Vice-president.

The main tasks of the Good Offices Commission consist in analysing the disputes between the staff of diplomatic missions and consular posts recruited in Belgium and their employers, and in informing the diplomatic missions and consular posts on their obligations, as well as in providing advice so as to find amicable settlements and make proposals to improve the working conditions of the aforementioned staff.

Since July 1, 2003, public employers, in the broad sense (including the embassies), are also subject to the obligation to establish work rules.

What are the work rules?

The work rules are a very important document in Belgian social legislation. They constitute a document in writing, brought to the attention of the workers in the manner prescribed by law. The work rules remain valid as long as they are not changed and they apply to every worker. They constitute a binding document both for the workers and the employer.

What does such document contain?

The work rules contain the conditions applicable to the employment relation. Their requirements complement the content of the employment contract and form a set of guarantees for the workers and the employer.

Applicable to whom?

The work rules apply to all persons working in the Diplomatic Mission: the locally recruited staff.

→ The employer shall, at each recruitment, hand a copy of the work rules to the worker. This is a mandatory procedure.

Mandatory information in the Work Rules

Several mandatory mentions must be inserted in the work rules, those prescribed by the act of April 8, 1965 introducing the work rules.

which are :

- Information on the working days and rest intervals: the rules must indicate the beginning and the end of the regular working day, time and duration of rest intervals, the days of regular work stoppage
- Wage information
- Information on notice and serious reasons
- Penalties and fines

The adoption of the work rules shall not have the effect of reducing the benefits acquired so far.

For the convenience of diplomatic missions, the Good Offices Commission has drafted work rules for the staff employed in the diplomatic missions, which you will find enclosed, in English and French.

You just have to fill in the data of your diplomatic mission and of your workers.

The work rules must be laid down in one of the Belgian official languages (French, Dutch or German). However, the Good Offices Commission accepts a copy of the work rules in English.

A specific procedure has been provided for establishing and modifying the work rules in diplomatic missions.

This procedure is provided in the Royal Decree of December 9, 2015 laying down the procedures for the establishment and modification of work rules applicable to staff employed in diplomatic missions and consular posts, published in the Belgian Official Gazette of December 21, 2015 (see attached document)

Implications for the Diplomatic Missions

ALL the diplomatic missions occupying staff are strongly advised to use the standard work rules and to establish them in accordance with the procedure specified in the Royal Decree.

The diplomatic mission, as an employer, must provide a copy of the work rules to each worker, this is mandatory.

Procedure for establishing the work rules

Once the standard work rules drafted by the Good Offices Commission have been completed with the data of the diplomatic mission, the following procedure shall be followed:

1. The draft work rules established by the employer shall be brought to the attention of the workers through posting.
2. For 15 days as from the posting, the employer shall make available a register to the workers, in which they can record their observations, either individually or with the intervention of the staff delegation.
3. During the same period, the workers or their representatives may also submit duly signed comments in writing to the Inspector – directorate-chief.
Their names shall not be communicated or disclosed.
4. After this period, the employer sends the register to the Social Legislation Supervision.
5. If no observations were notified and if the register contains no observations, the work rules or the amendments enter into force on the 15th day after the posting.
6. If observations were made or if the register contains such observations the Inspector directorate-chief communicates these to the employer within 4 days and attempts to reconcile the divergent views within 30 days.
If successful, the work rules or the amendments come into force on the eighth day following conciliation.
7. If the official fails in his conciliation attempts, he draws up a record of non-conciliation and immediately forwards a copy thereof to the employer. This latter thereupon establishes the work rules.
8. The new work rules or the amended version of the existing work rules come into force

fifteen days after the date of the decision of the employer, unless another date has been set by the employer for the entry into force.

9. The new work rules or the amended version of the existing work rules are dated and signed by the employer.

Transmitting a copy of the work rules to the Good Offices Commission

Within 8 days of the entry into force of the work rules or the amended version of the existing work rules, the employer sends a copy thereof to the Social-Inspector Directorate-Chief of the Social Legislation Supervision Directorate in Brussels through the Good Offices Commission at the following address:

Good Offices Commission for staff employed in diplomatic missions,

rue Ernest Blerotstraat 1,

1070 Brussels

commissiondesbonsoffices@emploi.belgique.be

Questions ?

Please contact the secretariat of the Good Offices Commission for all further questions on this subject: commissiondesbonsoffices@emploi.belgique.be