



MEMENTO

OF THE EMPLOYER 1



TOPIC

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NEW REQUIREMENTS TO TAKE UP UNEMPLOYMENT WITH CORPORATE ALLOWANCE (RCC/SWT) FROM 2015

Provisions were included in last October's government accord to continue and, as from 1 January 2015, speed up a tightening of the requirements for taking up unemployment with corporate allowance (RCC or SWT – the old early pension scheme). Their aim is to limit the take-up of RCC/SWT, which allows workers to quit the labour market at an earlier stage. The government's intentions have been embodied in the enactment of the Royal Decree of 30 December 2014, amending the Royal Decree of 3 May 2007 establishing the scheme of unemployment with corporate allowance (Official Gazette, 31.12.2014, ed. 3). In this *Memento*, we take stock of the current situation as applying on and after 1 January 2015.

01

INTRODUCTION

To take up unemployment with corporate allowance (the old early pension), a dismissed employee has to meet a number of conditions pertaining mainly to age and seniority.

The age threshold has to be complied with at the time of effective contract end (i.e. the end of the notice period or the time at which the contract is terminated with a payment of compensation in lieu

of notice) and either during the validity period of a CBA dealing with unemployment with corporate allowance (RCC/SWT) or during a period in which a CBA applies extending the initial CBA, providing always in that situation that the (extension) CBA made provision for the same age threshold.

The seniority threshold has to be met at actual contract end.



02

AGE AND CAREER THRESHOLDS (AS OF 1 JANUARY 2015)

1 GENERAL RULE: STANDARD AGE THRESHOLD SET AT 62 YEARS (NO LONGER AGE 60)

Principle – As from 1 January 2015, RCC/SWT can only be taken up by workers aged **62** or more at contract end. However, there are two transitional measures in this respect (see below). Regardless of the age threshold, dismissed workers also have to prove a working career as a salaried worker at the time the employment relations are ended. Moreover, the career threshold is progressively rising and is as shown in the table below as of 1 January 2015 (R.D. of 3 May 2007, section 2(1)).

Transitional take-up age of 60 years – As mentioned, the take-up age of **60** for RCC/SWT is still retained in two cases.

- 1) **The first** concerns workers meeting all of the following conditions:
 - they were dismissed before 1 January 2015;
 - they are 60 by 31 December 2016 and at the end of their employment contract. In this case, they can turn 60 after 31 December 2016 but must be 60 by the end of their employment contract if the notice period determined according to law or a CBA ends after 31 December 2016.

In determining this notice period, no account is taken of any time by which it is extended due to suspension provided for by sections 38(2) and 38bis of the Act of 3 July 1978;

- the CBA must be signed and lodged before 01.07.2015 and come into effect no later than 1 January 2015;
 - they have to prove they meet the working career criteria set out above at the end of their employment contract.
- 2) **The second case** concerns workers who simultaneously meet all the following conditions:
 - they are dismissed during the validity period of a CBA other than CBA no. 17;
 - that CBA is signed and lodged before 1 July 2015 and comes into effect no later than 1 January 2015;
 - this CBA that RCC/SWT cannot be taken up before age 60;
 - they reach at least age 60 no later the end of their employment contract and during the validity period of the CBA referred to above;
 - they have to prove they meet the working career criteria set out above at the end of their employment contract.

Year in which early retirement starts (62 yrs.)	Career threshold to be proved by:	
	men	women
As of 1 January 2015	40 years	31 years
As of 1 January 2016	40 years	32 years
As of 1 January 2017	40 years	33 years
As of 1 January 2018	40 years	34 years
As of 1 January 2019	40 years	35 years
As of 1 January 2020	40 years	36 years
As of 1 January 2021	40 years	37 years
As of 1 January 2022	40 years	38 years
As of 1 January 2023	40 years	39 years
As of 1 January 2024	40 years	40 years



2 DEROGATION: MINIMUM TAKE-UP AGE OF 58

Based on a sectoral or company CBA or a collective accord, RCC/SWT can potentially be taken up from age **58** in certain cases.

➔ For workers in the construction sector – in the case of night working – strenuous occupations

Principles – As of 1 January 2015, RCC/SWT can be taken up by workers aged **58** or more at the end of their employment contract whose **working life** as a salaried worker extends over **33 years** at least and who can prove (section 3(1), second and third paragraphs) that:

- either, they were employed by an employer in the **construction sector** and hold a certificate issued by a works doctor confirming their inability to continue their occupational activity;
- or they worked for at least **20 years under a night working schedule** referred to in CBA no. 46;
- or they were employed in a **strenuous occupation**.

For the 33 years of their working life, they have to be able to prove:

- either they worked for five years in a strenuous occupation (calculated according to precise dates) during the ten calendar years (calculated according to precise dates) preceding the end of the contract;
- or they worked for seven years in a strenuous occupation (calculated according to precise dates) during the 15 calendar years (calculated according to precise dates) preceding the end of the contract.

“Strenuous occupation” means (section 3(1)):

- work in successive teams, meaning work in at least two teams each comprising at least two workers carrying out the same work in terms of actual activity and scope and who succeed each other during the working day without interruption between the successive teams and without the overlap exceeding a quarter of their daily tasks, provided the worker alternately changes teams;
- work in interrupted shifts in which the worker is constantly occupied in daytime work where at least 11 hours separate the start and end of the working time with an interruption of at least three

hours and at least seven hours actually worked. “Constant” means that the interrupted shift is the worker’s habitual work roster and that they are not occupied under such a roster on an occasional basis;

- work under a work schedule in teams entailing night work as well as other forms of work involving night working (= work under a roster falling under CBA no. 46).

Workers falling under section 1 of CBA no. 46 are deemed to include crew engaged in air transportation work who are habitually occupied under work rosters involving working between 8 p.m. and 6 a.m., but excluding:

- workers whose work is exclusively performed between 6 a.m. and 12 midnight;
- workers whose work habitually starts at or after 5 a.m.

Framework agreement – As from a date to be set on a recommendation from the National Labour Council, the age of 58 will be raised to **60** (section 3(1), second paragraph (2°)).

However, the rise to age 60 will not apply if all the following conditions are met:

- a framework CBA signed within the National Labour Council and made generally binding by royal decree is in force for the period 2015-2016 and provides for an age limit of less than 60 years, without being able to be lower than age 58;
- the framework CBA has to be signed on a fixed-term basis without any tacit renewal clause and may not exceed two years;
- the worker must be dismissed during the CBA’s validity period;
- the joint committee (or sub-JC) competent for the worker must have entered into a sectoral CBA in application of the framework agreement and for that agreement’s validity period.

The CBA signed within the National Labour Council may be extended or amended after 2016, with the minimum being progressively raised in accordance with a set timetable.

Important note – The 56-year age threshold that applied before 1 January 2015 in the aforementioned cases is temporarily retained under some conditions (R.D. of 30 December 2014, section 16(3)). See below.



➔ **For workers in strenuous occupations**

Principles – RCC/SWT can be taken up by workers at age **58** if, at the time their employment contract ends, they can prove **they have worked for 35 years** as a salaried worker and were employed in a strenuous occupation (section 3(3)). Of these 35 years, they have to evidence:

- either they worked for five years in a strenuous occupation (calculated according to precise dates) during the ten calendar years (calculated according to precise dates) preceding the end of the contract;
- or they worked for seven years in a strenuous occupation (calculated according to precise dates) during the 15 calendar years (calculated according to precise dates) preceding the end of the contract.

The notion of “strenuous occupation” is the same as defined above.

Framework agreement – As from a date to be set on a recommendation from the National Labour Council, the age of 58 will be raised to **60**.

The rise to age 60 will not apply if certain conditions are met, including in particular a CBA signed within the National Labour Council for the period 2015-2016.

➔ **For disabled employees/ seriously physically challenged employees**

Principles – Based on CBA no. 105 of 28 March 2013 signed within the National Labour Council (which extends agreement no. 91 of 20 December 2007), it was conceivable to take up RCC/SWT no earlier than age 58 for older dismissed workers who could prove a 35-year working life at the end of their contract and who:

- either qualified as a disabled employee as recognised by a relevant authority;
- or were seriously physically challenged due fully or partly to their occupational work such that they were unable to continue in that work.

Enacted on the basis of section 3(6) of the Royal Decree of 3 May 2007, CBA no. 105 (made gener-

ally binding by the R.D. of 14 October 2013 – Official Gazette 24 October 2013) came into effect on 1 January 2013 and ceased to be of effect on 31 December 2014.

Disabled workers falling under CBA no. 105 that were aged under 58 by 31 December 2014 and were dismissed before 1 January 2015 can therefore still claim RCC/SWT (albeit on condition they prove a 35-year working life at the end of their employment contract).

It should furthermore be particularly noted that section 3(6) of the R.D. of 3 May 2007 has not been repealed, and therefore a new CBA signed within the National Labour Council could in the next while extend the measure in favour of disabled/seriously physically challenged workers for the years 2015-2016.

➔ **For workers with a long working life**

For workers with a long working life, it was provided on the basis of section 3(2) of the Royal Decree of 3 May 2007 that they could take up RCC/SWT at age 58 provided their working life extended over at least 40 years. It had nevertheless been decided to raise this age threshold to 60 effective as of 1 January 2015.

This provision (section 3(2)) has now been repealed, without transitional measure!

The derogation of age 58 (scheduled to be age 60 in 2015) with a working life of 40 years or more therefore does not apply as from 1 January 2015.

3 DEROGATION: TAKE-UP FROM MINIMUM AGE 57

Under section 3(4) and (5) of the Royal Decree of 3 May 2007, RCC/SWT could be taken up until 31 December 2014:

- by workers aged **57** after a **working life of 38 years**, provided the age threshold was laid down in a CBA (or collective accord) lodged with the registry of the General Collective Labour Relations Directorate no later than **31 May 1986** and applicable without interruption since that date;



- by workers aged **57** after a **working life of 38 years**, provided the age threshold was laid down in a CBA (or collective accord) lodged with the registry of the General Collective Labour Relations Directorate no later than **31 May 1987** that had remained applicable without interruption since that date.

In principle, these CBAs or collective accords ceased to be of effect on 31 December 2014.

It has nevertheless been decided that RCC/SWT can still be taken up at age 57 by workers with a working life of 38 years or more after 31 December 2014 if they simultaneously meet all of the following conditions (R.D. of 30 December 2014, section 16(4)):

- they were dismissed before 1 January 2015;
- they turned 57 no later than 31 December 2014 and were 57 at the end of their employment contract;
- they can prove a working life of 38 years or more as at the end of their employment contract.

4 DEROGATION: TAKE-UP AT MINIMUM AGE 56

➔ For workers proving a working life of 40 years

Principles – Based on sections 47 and 48 of the Act of 12 April 2011 (Official Gazette 28 April 2011, 2nd edition) amending the Crisis Measures Act of 1 February 2011, RCC/SWT could be taken up by workers aged 56 and over who were dismissed between 1 January 2011 and 31 December 2015 provided they could prove a 40-year career as a salaried worker at the time their employment contract ended.

However, this 56-year age threshold is raised to 58 as of 1 January 2015 under section 7 of the R.D. of 30 December 2014.

The same provision also lays down a new rise in the age threshold to **60** as from 1 January 2017.

Transitional measure – Notwithstanding the rise in the age threshold scheduled for 1 January 2015 (age 58), section 16(5) of the R.D. of 30 December 2014 nonetheless provides that RCC/SWT can still be taken up at age **56** by workers simultaneously meeting all of the following conditions:

- they were dismissed before 1 January 2016;
- they were 56 by 31 December 2015 and at the end of their employment contract;
- they can prove a **working life of 40 years** or more as at the end of their employment contract.

Framework agreement – The rise in the age threshold to **60 years** (on 1 January 2017) will not apply if all the following conditions are simultaneously met:

- a framework CBA signed within the National Labour Council and made generally binding by royal decree is in force for the period 2015-2016 and provides for an age limit of less than 60 years, without being able to be lower than age 58;
- the framework CBA has to be signed on a fixed-term basis without any tacit renewal clause and may not exceed two years;
- the worker must be dismissed during the CBA's validity period;
- the joint committee (or sub-JC) competent for the worker must have entered into a sectoral CBA in application of the framework agreement and for that agreement's validity period.

The CBA signed within the National Labour Council may be extended or amended after 2016, with the minimum being progressively raised in accordance with a set timetable.

➔ For certain workers proving a 33-year working life

On the basis of a CBA, the **56-year** age threshold as in force before January 2015 temporarily remains in effect for workers meeting all the following conditions (R.D. of 30 December 2014, section 16(3)):

- they were dismissed before 1 January 2015;
- they were 56 by 31 December 2014 and at the end of their employment contract;
- they can prove a **working life of 33 years** or more as at the end of their employment contract;
- at the end of their employment contract, they are in one of the following situations:
 - either they worked for 20 years under a work scheme with night working (CBA no. 46);
 - or they were employed by an employer in the construction sector and hold a certificate issued by a works doctor confirming that they are unable to continue in that work.



5 DEROGATIONS FOR BUSINESSES IN DIFFICULTIES/RESTRUCTURING: THRESHOLD AT AGE 55

Principles – The age threshold has to be laid down in a CBA made generally binding by royal decree, failing which a CBA or collective accord approved by the Minister of Employment (R.D. of 3 May 2007, section 18(7), first paragraph).

For businesses recognised as being **in difficulties** and businesses recognised as **in restructuring**, the threshold for taking up RCC/SWT is progressively being raised according to the following table (R.D. of 3 May 2007, section 18(7), second paragraph).

It will particularly be noted that workers subject to collective dismissal and that want to take up RCC/SWT have to have reached the required age (55) at the time the employer notifies its intention to effect the lay-offs (R.D. of 3 May 2007, section 18(7), eighth paragraph).

Furthermore, regardless of what age a worker is when taking up RCC/SWT, they have to prove at the time when the employment relations terminate (R.D. of 3 May 2007, section 18(8)):

- either a working life of **10 years** as a salaried worker in the sector during the 15 years preceding contract-end;
- or a working life of **20 years** as a salaried worker.

Framework agreement – The rise in the age threshold to 56 years as of 1 January 2016 will not apply if all the following conditions are simultaneously met (section 18(7), ninth and tenth paragraphs):

- a framework CBA signed within the National Labour Council and made generally binding by royal decree is in force for the period 2015-2016 and provides for an age limit of less than 56 years, without being able to be lower than age 55;
- the framework CBA has to be signed on a fixed-term basis without any tacit renewal clause and may not exceed two years;
- the date from when recognition applies (as a business in difficulties or restructuring) has to lie in the validity period of that CBA;
- the CBA or collective accord providing for RCC/SWT to be set up has to contain a provision stating explicitly that the take-up of RCC/SWT is established in application of the said framework CBA.

The CBA signed within the National Labour Council may be amended after 2016, progressively raising the minimum take-up threshold to reach age 60 in 2020.

Year in which early retirement starts	Minimum age threshold
As of 1 January 2015	55
As of 1 January 2016	56
As of 1 January 2017	57
As of 1 January 2018	58
As of 1 January 2019	59
As of 1 January 2020	60



6 AT A GLANCE: SOME OF THE THRESHOLDS FOR TAKING UP RCC/SWT (AS AT 01.01.2015)

Age	Qualifying conditions	Years of working life to be proved by the worker		
		Year early retirement starts	For men	For women
As of age 62	<p>For workers whose dismissal is based on either CBA no. 17 or a CBA or collective accord providing for benefits at least equivalent to those under CBA no. 17.</p> <p>Note! Transitional rules for take-up at age 60 for:</p> <ul style="list-style-type: none"> Workers dismissed before 1 January 2015 and aged 60 by 31.12.2016 and at contract end. Workers dismissed on the basis of a CBA signed and lodged before 01.07.2015 and in force as of 01.01.2015. 	As of 01.01.2015	40 years	31 years
		As of 01.01.2016	40 years	32 years
		As of 01.01.2017	40 years	33 years
		As of 01.01.2018	40 years	34 years
		As of 01.01.2019	40 years	35 years
		As of 01.01.2020	40 years	36 years
		As of 01.01.2021	40 years	37 years
		As of 01.01.2022	40 years	38 years
		As of 01.01.2023	40 years	39 years
		As of 01.01.2024	40 years	40 years
As of age 58	<p>On the basis of a CBA and for workers who:</p> <ul style="list-style-type: none"> worked 20 years under a schedule comprising night work (CBA no. 46); falling within the construction sector (JC no. 124) and holding a medical certificate issued by a works doctor providing they are unable to continue in that work; who have been employed in a strenuous occupation (min. 5 years during the last 10 years before contract end or at min. 7 years during the last 15 years). <p>Note! Rise to age 60 as from a date to be set on recommendation of National Labour Council, but possible derogation based on a framework CBA.</p>	33 years of working life		



Age	Qualifying conditions	Years of working life to be proved by the worker
As of age 58	For workers employed in a strenuous occupation (e.g. work in successive teams, work in interrupted shifts, work in teams entailing night working and falling under CBA no. 46). Over a career of min. 35 years, the worker must prove: <ul style="list-style-type: none"> • either they worked in a strenuous occupation during the last 10 years; • or they worked in a strenuous occupation during 7 of the last 15 years. <p>Note! Rise to age 60 as from a date to be set on recommendation of National Labour Council, but possible derogation based on a framework CBA.</p>	35 years of working life
	<p>For disabled/seriously physically challenged workers (= "medical early retirement"), on the basis of CBA no. 105 of 28 March 2013. CBA no. 105 applied up till 31.12.2014 but could still be extended to cover 2015-2016.</p>	35 years of working life
As of age 57	On the basis of a CBA (or collective accord) lodged by 31 May 1986 and applicable without interruption from that date or on the basis of a CBA (or collective accord) lodged by 31 May 1987 and applicable without interruption from that date, provided the worker: <ul style="list-style-type: none"> • was dismissed before 1 January 2015; • was 57 by 31.12.2014 and at contract end; • proves a working life of 38 years. 	38 years of working life
As of age 56	Despite rise in age threshold to 58 as of 1 January 2015, take-up still possible from age 56 for workers meeting all the following conditions: <ul style="list-style-type: none"> • dismissed before 1 January 2016; • aged 56 by 31.12.2015 and at contract end; • prove a working life of 40 years. <p>Note! Age threshold raised to 60 as of 1 January 2017, but possible derogation based on a CBA signed within the National Labour Council.</p>	40 years of working life



Age	Qualifying conditions	Years of working life to be proved by the worker
As of age 56	<p>Based on a CBA in force before 1 January 2015 and for workers meeting all the following conditions:</p> <ul style="list-style-type: none"> • dismissed before 1 January 2015; • aged 56 by 31.12.2015 and at contract end; • prove a working life of 33 years; • at contract end, in one of the following situations: <ul style="list-style-type: none"> • worked 20+ years under a schedule comprising night work (CBA no. 46); • fall within construction sector and holder of a certificate confirming they are unable to continue in that work. 	<p>33 years of working life</p>
As of age 55	<p>Based on a CBA made binding by royal decree or CBA or collective accord approved by the Minister of Employment for businesses in difficulties or restructuring. Age threshold progressively raised.</p> <p>As of 1 January 2015: 55 As of 1 January 2016: 56 As of 1 January 2017: 57 As of 1 January 2018: 58 As of 1 January 2019: 59 As of 1 January 2020: 60</p> <p>Note! Possibility that age threshold not be raised to 56 as of 1 January 2016 on basis of a CBA signed within the National Labour Council.</p>	<p>Either 10 years of working life in the sector during 15 years preceding contract end.</p> <p>Or 20 years of working life as salaried worker.</p>



03

REPLACEMENT OF EARLY RETIREES

Since 1 January 2015, employers have in principle been under an obligation to replace workers who take unemployment with corporate allowance if they were younger than 62 at contract end.

For contracts ending after 31 December 2014, it will be more especially necessary to verify whether or not workers had turned 60 by 31 December 2014:

- if the worker **has turned 60** as at that date: **replacement is not obligatory**;
- if the worker has **not turned 60** as at that date: **replacement is obligatory**.

! NOTE!

This age change (shifted from age 60 to age 62) does not apply to workers taking RCC/SWT under CBA no. 17 (i.e. aged 60 or more and with 40 years of seniority).

The replacement must be unemployed and in receipt of full benefits (or equivalent) and must be hired in the period between the first day and fourth month preceding commencement of the RCC/SWT and the third calendar month following actual take-up of RCC/SWT.

The replacement obligation will continue in existence for **36 months**.

Francis Verbrugge, Senior Legal Counsel



SOCIAL NEWS

PERMITTED INCOME THRESHOLDS FOR PENSIONERS IN 2015

In order to avoid an impact on the granting of the pension, the pensioner cannot exceed a certain income threshold. This threshold varies according to the year in which the professional activity is performed, the nature of the performed activity, the type of pension (old-age pension or survivor's pension), the age of the beneficiary, the start date

of the pension and according to whether the pensioner has one or more dependent children.

The income thresholds are indexed on an annual basis. **For 2015** the permitted income thresholds are fixed as indicated in the table below.

Permitted income thresholds for pensioners in 2015				
Nature of the performed activity	Pensioner before the normal age of oldage pension	Pensioner who only benefits from survivor's pension before the age of 65	Pensioner who has reached the normal age of pension	Pensioner 65 years of age or older with a minimum career of 42 years
Salaried activity				
	<ul style="list-style-type: none"> Pensioner without dependent children Pensioner with dependent children 	€ 7.793,00 gross € 11.689,00 gross	€ 18.144,00 gross € 22.680,00 gross	€ 22.509,00 gross € 27.379,00 gross
Self-employed activity				
	<ul style="list-style-type: none"> Pensioner without dependent children Pensioner with dependent children 	€ 6.234,00 net € 9.351,00 net	€ 14.515,00 net € 18.144,00 net	€ 18.007,00 net € 21.903,00 net
Other activity, mandate, assignment or office				
	<ul style="list-style-type: none"> Pensioner without dependent children Pensioner with dependent children 	€ 7.793,00 gross € 11.689,00 gross	€ 18.144,00 gross € 22.680,00 gross	€ 22.509,00 gross € 27.379,00 gross
Simultaneous or successive performance of various activities as described above (total of the net income of the selfemployed activity + 80% of the gross income of the salaried activity)				
	<ul style="list-style-type: none"> Pensioner without dependent children Pensioner with dependent children 	€ 6.234,00 € 9.351,00	€ 14.515,00 € 18.144,00	€ 18.007,00 € 21.903,00

Francis Verbrugge, Senior Legal Counsel



SOCIAL NEWS

COMPANY CARS: BASELINE CO₂ EMISSIONS 2015

If a company car is made available to workers or company managers a taxable benefit of all kind originates when the car may be used for private ends. To calculate the taxable benefit for the income year 2015 a baseline CO₂ emissions percentage must be applied.

The CO₂ percentage must be at least 4%. The maximum CO₂ percentage amounts to 18%.

The baseline CO₂ emissions are laid down each year by Royal Decree.

LUMP SUM ESTIMATE OF THE BENEFIT

Since 1 January 2012 the benefit of all kind generated by the provision of a company car to a worker or a company manager has been calculated as follows:

$$\text{(List price x degressive coefficient)} \\ \text{x 6/7 x CO}_2 \text{ percentage}$$

BASELINE CO₂ EMISSION DETERMINES CO₂ PERCENTAGE

In order to determine the CO₂ percentage the CO₂ emission of the car is compared to the baseline CO₂ emission. The baseline CO₂ emissions for **2014** were:

- 112g/km for cars with petrol, LPG or natural gas engines;
- 93g/km for cars with diesel engines.

The base CO₂ percentage is 5,5% for the baseline CO₂ emissions given above. When the emission of the concerned vehicle is higher/lower than the baseline CO₂ emission the base percentage is increased/decreased by 0,1% per gram CO₂.

BASELINE CO₂ EMISSIONS 2015

The baseline CO₂ emissions for the income year 2015 are lower than the baseline CO₂ emissions for the income year 2014:

- the baseline CO₂ emission for diesel cars is **91g/km**;
- the baseline CO₂ emission for cars with petrol, LPG or natural gas engines is **110g/km**.

This means that the taxable benefit for the workers and company managers shall be higher in 2014 as the CO₂ percentage has risen.

EXAMPLE

The worker disposes of a company car with a petrol engine that he may use for private ends. The CO₂ emission of the car is 120g/km. The baseline CO₂ emission for company cars with petrol engines is 110g/km for 2015. The CO₂ percentage for 2015 is 6,3% (= 5,5% + [(120 - 110) x 0,1]%). In 2014 the CO₂ percentage was 5,9% (= 5,5% + [(120 - 112) x 0,1]%).

Peggy Criel, Legal Counsel



SOCIAL NEWS

MAXIMUM ATTACHABLE & ASSIGNABLE AMOUNTS IN 2015

A creditor seeking payment of amounts owed can recover his claim directly from the debtor's employer. This can be done in two main ways: through attachment or assignment.

Attached or assigned amounts are deducted from the worker's net earnings, i.e., after deduction of social security contributions, PAYE income tax deductions and any amounts withheld for paying into a supplementary social security benefit scheme, not counting any other sums or amounts withheld. Also, only a part of the net earnings amount can be attached or assigned. Statutory pay bands have been fixed within which to calculate the amount that can be attached or assigned. This is known as the attachable or assignable portion. These portions are calculated differently for earned income and income replacement benefits.

Furthermore, a protected earnings rate was introduced for workers with dependent children on 1 February 2007. The protection rate reduces the amount of the assignable or attachable portion of earnings.

The amounts (or income thresholds) on which to calculate attachable or assignable portions in 2015 are as shown in the table at the bottom of this page. The protected earnings rate for dependent children is maintained at €66. The new amounts of attachable or assignable portions as shown in the table should be used for all payments made from 1 January 2015, even if the deductions are made from income to which the entitlement arose before 1 January 2015. Conversely, for earnings for January 2015 paid in advance before 1 January 2015, the limits for 2014 will apply.

! REMINDER

No limits apply where the attachment or assignment is the result of a court order for payment of maintenance/child support or payment of earnings under Article 221 of the Civil Code (allotment of wages order). The pay band system mentioned above does not apply here, and the full amount of the worker's earnings can be attached or assigned. Attachment or assignment for these purposes is an absolute priority claim over any other attachments or assignments.

Net monthly income	Attachable or assignable portion of	
	Earned income (employed or selfemployed)	Income replacement benefit
Up to € 1.069	Nothing	Nothing
€ 1.069,01 – € 1.148	20% of the amount between these two amounts, i.e., € 15,80	20% of the amount between these two amounts, i.e., € 15,80
€ 1.148,01 – € 1.267	30% of the amount between these two amounts, i.e., € 35,70	40% of the amount between these two amounts, i.e., € 47,60
€ 1.267,01 – € 1.386	40% of the amount between these two amounts, i.e., € 47,60	40% of the amount between these two amounts, i.e., € 47,60
Above € 1.386	Full amount attachable or assignable	Full amount attachable or assignable

Francis Verbrugge, Senior Legal Counsel



WAGE ADJUSTMENTS

WAGE ADJUSTMENTS IN JANUARY 2015

Index figures for December 2014

Consumer price index 2013:	▶ 99.98 (-0.11)
Health index 2013:	▶ 100.40 (+0.12)
Averaged quarterly health index:	▶ 100.26 (+0.07)

Collectively-negotiated indexations and increases: Selected forecasts

Joint Bargaining Committee (CP) 218:	▶ approx. +0.90% indexation in January 2016
Average monthly minimum wage/Welfare benefits:	▶ +2% in July 2015

Wage indexations and adjustments in January 2015

100	Auxiliary joint bargaining committee for manual workers: Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
102.8	Marble quarries and sawmills throughout Belgium: Introduction of a new job classification and new pay scales.
105	Non-ferrous metals: Recurring bonus of €192.07 or equal to 0.90% of full gross wage amount payable annually into a statutory company pension scheme (established not later than 30.06.2001). Recurring bonus of €331.83 payable annually into a statutory company pension scheme.
106.1	Cement works: +0.07% indexed increase on minimum wages only. Increase of 0.50% of average hourly reckonable wage for calculating shift work bonuses and adjustments of shift work bonuses.
109	Clothing and tailoring industry: First phase of introduction of new job classification with corresponding pay scales from 01.12.2014. Pay scales for young workers in sandwich training scrapped from 01.12.2014. New concept and adjusted student wage introduced on 01.12.2014.
110	Textile care: +0.04% indexed increase on all wages.
113.4	Tile works -0.09% index adjustment on all wages.
116	Chemical industry: Limburg plastics processing industry: performance-related bonus for workers with a length of service equal to at least half the qualifying period. Qualifying period from 01.01.2014 to 31.12.2014 (or 01.04.2014 to 31.03.2015). Paid in the month after the annual accounts have been approved and, if applicable, certified by the auditor. Prorated for part-timers.
117	Oil industry and trade: +0.07% indexed increase on minimum wages only.
118.1-22 except 3	Food industry: +0.04% indexed increase on all wages.
118.3	Industrial and artisan bakeries, artisan confectioners, tearooms attached to an artisan confectioner's: +0.04% indexed increase on all wages. Adjustment of weekend working bonus.



Wage indexations and adjustments in January 2015

119.1-3	<p>Food retail trade: +0.04% indexed increase on all wages.</p> <p>Only undertakings with 50 or more workers:</p> <p>Gross annual bonus of €165.42 if employed throughout the whole of 2014. Calculated as for the award of the year-end bonus. Prorated for part-timers. Not applicable if an equivalent employee benefit is granted.</p> <p>Only undertakings with 50 or more workers:</p> <p>Gross annual bonus of €78.54 if employed throughout the whole of 2014. Calculated as for the award of the year-end bonus. Prorated for part-timers. Not applicable if an equivalent employee benefit is granted.</p>
121	<p>Cleaning: -0.30% index adjustment on all wages.</p> <p>Adjustment of the subsistence security allowance.</p> <p>Category 8 manual workers (industrial cleaning) and manual workers performing their work at the company head office: annual award of eco-vouchers to a value of €0.83 per day worked, unless equivalent employee benefit provided by works collective agreement concluded before 01.01.2012.</p>
124	<p>Construction: -0.40% index adjustment on minimum wages and wages actually paid (up to the same amount) (the social partners have decided by collective agreement not to apply the index decrement, but it will be factored in at the next index adjustment).</p> <p>Index decrement adjustment to food and housing allowances.</p>
125.1	<p>Forestry: Index decrement, which the social partners have decided by collective agreement not to apply.</p>
125.2	<p>Sawmills and allied industries: Index decrement, which the social partners have decided by collective agreement not to apply.</p>
125.3	<p>Timber trade: Index decrement, which the social partners have decided by collective agreement not to apply.</p>
128.1-2-3-5	<p>Tanning and retail trade of raw hides and skins; footwear industry, boot and shoemakers; leather goods and glove industries; saddlery, belting and industrial leather goods:</p> <p>Adjustment of subsistence security allowance.</p>
129	<p>Production of pulp, paper and paperboard: -0.21% index adjustment on all wages (the social partners have decided by collective agreement not to apply the index decrement, but it will be factored in at the next index adjustment).</p>
130	<p>Printing, graphic arts and newspapers: Adjustment of meal allowance.</p> <p>Job classification adjustments with corresponding pay scales.</p> <p>Manual workers in service on 24.04.2014 (phase two of the introduction of new job functions): maximum +€0.75/hour of the positive difference between the actual wage and the pay scale wage.</p>
136	<p>Paper and paperboard converting -0.21% index adjustment on all wages (the social partners have decided by collective agreement not to apply the index decrement, but it will be factored in at the next index adjustment).</p>
136.1	<p>Fabrication of paper tubes: -0.10% index adjustment on all wages.</p>
140.1	<p>Buses and coaches VVM (national bus company) operating personnel:</p> <p>Award of a gift voucher to a value of €35.</p>
140.3	<p>Road transport and contract haulage:</p> <p>Garage staff, operating and non-operating personnel: +0.02% indexed increase on minimum wages and wages actually paid (up to the same amount).</p> <p>Adjustment of seniority supplement amounts, supplementary sickness benefit, night work bonus and RGPT (health and safety at work regulations) and subsistence allowances</p>



Wage indexations and adjustments in January 2015

140.4	Airport ground handling staff: +0.02% indexed increase on minimum wages and wages actually paid (up to the same amount). Adjustment of the Sunday and public holiday working supplements.
140.5	Removal services: operating personnel: +0.05% on all wages from 01.12.2014 (new annualized indexing system).
142.1	Metal recovery: +0.03% indexed increase on minimum wages (+ wage differential) and wages actually paid.
142.4	Miscellaneous materials recovery: +0.03% indexed increase on all wages.
144	Agriculture: +0.03% indexed increase on all wages.
145.1-5 except 4	Horticultural enterprises: +0.03% indexed increase on all wages. Frustrating event layoff allowance introduced on 01.05.2014.
145.4	Planting and upkeep of parks and gardens: +0.03% indexed increase on all wages.
149.1	Electricians: installation and distribution: +0.03% indexed increase on minimum wages (+ wage differential) and wages actually paid. Adaptation of temporary layoff for economic reasons benefit.
200	Auxiliary joint bargaining committee for non-manual workers: industry average minimum monthly wage (RMMM): sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
201	Independent retail trade: Adjustment of the average monthly minimum guaranteed wage.
202 A / B	Non-manual workers in the food retail trade: Adjustment of the average monthly minimum guaranteed wage. Sliding scale percentages for workers aged 19 scrapped
202.01	Medium-sized food companies: Adjustment of the average monthly minimum guaranteed wage.
216	Non-manual workers in notary/solicitors' firms: -0.02% index adjustment on all wages.
218	National auxiliary joint bargaining committee for non-manual workers: +0.03% indexed increase on all wages.
219	Technical control and conformity assessment services and agencies: Overhaul of the age-related pay scales: transitional measure extended until 30.06.2015.
220	Non-manual workers in the food industry: +0.04% indexed increase on all wages. Award of eco vouchers to a value of €250 unless equivalent employee benefit provided. Qualifying period from 01.01.2014 to 31.12.2014. Prorated for part-timers.
221	Non-manual workers in the paper industry -0.21% index adjustment on all wages (the social partners have decided by collective agreement not to apply the index decrement, but it will be factored in at the next index adjustment).
222	Non-manual workers in the paper and paperboard converting industry: -0.21% index adjustment on all wages (the social partners have decided by collective agreement not to apply the index decrement, but it will be factored in at the next index adjustment).
302	Hospitality industry: +0,036% indexed increase on all wages. Adjustment of clothing allowance, extra pay for night work and flexibility-related wage supplement in contract catering firms.
306	Insurance companies: +0.02993% indexed increase on minimum wages only.
308	Mortgage, savings and pension funding companies: +0.03% indexed increase on minimum wages only.
309	Brokerage firms: +0.02990% indexed increase on minimum wages and wages actually paid (up to the same amount).
310	Banks: +0.03% indexed increase on minimum wages only.



Wage indexations and adjustments in January 2015

311	Large retail companies: Adjustment of the average monthly minimum guaranteed wage. Sliding scale percentages for workers aged 19 scrapped
312	Department stores/supermarkets: Sliding scale percentages for workers aged 19 scrapped
322	Temporary work agencies and licensed providers of community-based work or services: Increase in the CP 302 pension contribution matching amount, paid by the temporary work agency fixed at 0.66% (manual workers) and 0.68% (non-manual workers) of the temporary worker's gross pay for the period from 01.01.2015 to 31.12.2015. Increase in the CP 323 pension contribution matching amount, paid by the temporary agency fixed at 1.98% (manual workers) or 2.05% (non-manual workers) of the temporary worker's gross pay for the period from 01.01.2015 to 31.12.2015.
323	Building management, estate agents and domestic workers: +0.03% indexed increase on all wages.
326	Gas and electricity industry: +0.07% indexed increase on minimum wages only.
327	Adapted work enterprises and social workshops: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
333	Tourist attractions: +0.03% indexed increase on all wages.
334	Public lotteries: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
335	Services and support to businesses and self-employed contractors: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
336	Professions: Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
337	Non-profit sector: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
339	Approved social housing companies: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).
340	Orthopaedic technologies: Non-manual workers in service at 01.04.2014: +0.03% indexed increase on minimum wages only.
341	Intermediation in banking and investment services: industry average minimum monthly wage (RMMM): Sliding scale percentages for workers aged 18, 19 and 20 scrapped (3rd and final phase).



If you are affiliated to the payroll and HR services bureau but are looking for information on index forecasts for other industries that concern you, please e-mail previsionsindex@partena.be.

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