



# Posting workers to Belgium

## the importance of correctly assessing the applicable joint committee

What every posting employer should know about joint committees.

---

In Belgium, all employers active in the private sector belong to a joint committee relating to the business activities performed on Belgian territory. A joint committee exists for each specific type of industry, such as the construction sector, metal industry, transportation industry,...

A posting employer must comply with the employment terms and conditions laid down in collective bargaining agreements (CBAs) that are concluded at the joint committee level.



advocaten  
avocats  
lawyers



[www.altius.com](http://www.altius.com)

# Joint Committees at a glance

## What is a joint committee? What is a sector CBA?

A joint committee (paritair comité or commission paritaire) is a body consisting of representative employer and employee organisations. One important competence of a joint committee is to negotiate and to agree on sector level CBAs.

Sector CBAs provide for various industry-specific employment terms and conditions including minimum wages, a salary indexation mechanism, working time, the reimbursement of transportation costs, a shift premium, an end-of-year premium,...

Some joint committees are more favourable than others. Wage costs and worker flexibility vary significantly from industry to industry. The applicable joint committee can impact the profitability of a posting employer's operations in Belgium.

## Why is it important to know the applicable joint committee?

The Posted Workers Act requires a posting employer to comply with the employment terms and conditions laid down in sector level CBAs provided that they are declared generally-binding, which is almost always the case. Therefore, it is crucial to know to which joint committee a foreign employer belongs when posting workers to Belgium.

## How to assess the applicable joint committee?

Assessing the applicable joint committee is not always an easy exercise. Nuances are often subtle. It is important to have a clear view of the exact scope of the principal activities exercised by the posted workers on Belgian territory. The posting employer's activities in the home country are not relevant.

## Who decides about the applicable joint committee?

It is the posting employer itself that decides which joint committee applies, but the decision can be overruled by the social inspection services or by a labour court.

In case of doubt, the Federal Public Service of Employment, Labour and Social Dialogue can be requested to provide an opinion about the competent joint committee(s). While such an opinion has an important authority it does not bind the courts.

#Employment #Posting #Limosa #Mobility #Global #Belgium

## Different joint committees exist for blue-collar workers and white-collar employees

If you post an entire team to Belgium composed of both blue-collar workers and white-collar employees, then different joint committees might apply. Joint committees starting with the number 1 apply to blue-collar workers, joint committees starting with the number 2 apply to white-collar employees, and joint committees starting with the number 3 apply to both blue-collar workers and white-collar employees.

## Are you a posting employer active in the construction sector?

Although its material scope of application is very wide, it would be too easy to conclude that joint committee n° 124 for construction work always applies. Depending on the exact scope of the works, it might be that joint committee n° 111 for the metal industry applies, or even joint committee n° 149.1 for electricians.

*Did you know that...*

*...additional formalities and obligations might apply if you are involved in works to immovable goods ('werken in onroerende staat' or 'travaux immobiliers'), such as the checkin@work registration and the declaration of works obligation?*

## Good to know

This information sheet is intended for posting employers employing individuals with an employee status.

---

***ALTIUS' Employment team is available to assist foreign employers considering posting workers to Belgium. Furthermore, the Altius' employment team can provide further guidance regarding any additional employment and immigration-related formalities, registrations and obligations triggered by a posting set-up.***

***If you have any specific questions or would like more detailed information about this topic, then please contact [Emma Van Caenegem](#), [Sven Demeulemeester](#) or [Philippe De Wulf](#). More information is also available in [our brochure](#).***

