



YOUR OCTOBER SALARY MUST INCREASE OF 2% !

Why is that ?

In Belgium, salaries increase when the cost of life (inflation) increases. It is quite normal. If it were not so, if the price of food, rents, diesel...increased while your salary did not, you would get poorer every time. This mechanism is called indexation.

The wage increase happens when the cost of life exceeds a certain threshold index (indice-pivot). It is the Bureau du Plan (Office of Planning and Budget), a public body, that is in charge of economical forecasting for the government, that establishes when the threshold index will be exceeded. And last time, it was in August 2018 !

When the threshold index is exceeded, first are increased of 2% the social benefits (unemployment and medical incapacity benefits), the month following the index overtaking, then after 2 months, the wages of civil servants and administration contract employees.

What about the Diplomatic Missions Staff ?

Since the Law Epis of January the 15th 2018, all staff members of Diplomatic Missions who do not have a protected status by the Vienna Convention, are considered as private sector workers, included in Joint Committee N°337. They can therefore benefit from all the rights granted by national Collective Labour Agreements (CLA), and those of this Joint Committee.

Within this Joint Committee, the Union Representatives and the Employers Federation have signed, on December the 6th 2016, a CLA on indexation.

This CLA states that :

- *Article 2 : Both the expected and actually paid wages, are linked to the health index established every month by the Ministry of Employment and Economy, and published in Moniteur Belge*
- *Article 4 : Every time that the health index reaches one of the threshold indexes, the amounts referred to in article 2 of the present CLA, are re-calculated by adding or withdrawing 2% (! Decrease can only happen in times of rude recession, author's note)*
- *Article 6 : the increase or decrease of salaries (...) shall apply from the first day of the second month following the month of index overpassing justifying the modification*
- *Article 7 : the coupling mechanism linking the 2 indexes does not apply if, at the moment of entry into force of the present convention, existed [within the organization] an internal system of indexation at least equivalent to the one established in the present CLA, granted by an internal CLA, by the règlement de travail, or by customs.*



Concretely, what does it mean ?

It means that your October salary must be increased of 2% by your employer.

The only exception to this rule is the case when, since December 2016 at the latest, your Diplomatic Mission already had a system of salary indexation, equivalent or better than the one established in the CLA of Joint Committee 337.

Be careful ! The Joint Committee has interpreted the CLA précisant that the pre-existing 'home-made' system has to be an indexation system, linked with the cost of life increase, and not

- A salary increase (in % or amount) due to salary scales based on seniority
- A salary increase (in % or amount) due to collective bargaining (salary revision)
- A salary increase (in % or amount) due to performance related mechanism

If your employer increases your salary thanks to one of these 3 mechanisms, it does not exempt him from increasing your salary in October, and every time there will be an indexation.

And the Law on protection of remuneration forbids him to reduce any of the other types of wages increase, in order to compensate or to pay indexation. Those mechanisms are cumulated with indexation, not deducted from it!

What can I do if my employer refuses to increase my salary ?

In this case please contact us as soon as you can so we can send a formal demand to comply to his obligations.

We write a first mail to explain the law, then a second to remind the legal framework, and if your employer does not comply to his obligations, we have him summoned by the Deputy Head of Protocol.

And finally, we send a formal notice to the Diplomatic Mission, with copy to the Belgian Protocol, and to the Ministry of Foreign Affairs in the sending State. None of these mails is sent without your consent, after the needed time for you to proceed to all the modifications you want.

We can also, if you decide it, take your individual or collective case to court to force the Diplomatic Mission to comply with the obligation of indexation. There are many solutions. Do not hesitate to contact us to discuss them.

When will happen the next indexation after this one ?

According to the Bureau du Plan, next overtaking of the threshold index will happen in December 2019. Thus, the social benefits will increase of 2% in January 2020, and your salary in February 2020.

Questions ? Reactions ? Contact us !

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