



## Newsflash

# Harmonisation of supplementary pensions: 1st status update on industry progress

*On 7 June 2016, the National Labour Council published a first status update on the progress made in all joint labour committees (JLCs) in view of the harmonisation of industrial supplementary pension schemes for blue- and white-collar workers.*

*The status update shows that several JLCs have already started the harmonisation process together with their equivalent blue- or white-collar JLC. Difficulties arise in industries where no equivalent JLC is present or hard to identify.*

### **Industries to take harmonisation initiative**

Following an amendment in May 2014, the Supplementary Pensions Act (the Act) states that all differences in treatment between blue- and white-collar workers in relation to supplementary pensions should be abolished by 1 January 2025.

The Act provides for a gradual process towards full harmonisation in 2025. In Belgium, supplementary pension schemes at industry and company level are closely connected, which is why the industries are the first to take initiative and initiate the harmonisation process. The objective is for equivalent JLC's to conclude "protocol agreements" on how their schemes will be harmonised to allow employers to correctly anticipate the

additional efforts required at company level. These protocol agreements should lead to collective bargaining agreements by 2023. The National Labour Council will follow-up on the progress made at industry level based on bi-annual reports submitted by all equivalent JLC's. The National Labour Council will subsequently evaluate the initiatives taken by the industries.

A first status update has now been published.

### **Difficulties to identify harmonisation partner**

The status update shows that many JLCs are having difficulties in identifying their equivalent JLC, with whom they must consult, as not all JLCs for blue-collar workers have an equivalent for white-collar workers and vice versa. Many JLCs have a mixed scope of application and overlap with multiple JLCs (e.g. the construction industry has a specific JLC for blue-collar workers (JLC 124), whereas for white-collar workers, it is the general JLC for white-collar workers (JLC 200) which is competent).

To help JLCs identify their partner(s), an overview of JLC's with overlapping activities has been prepared by the Minister of Labour's administration<sup>1</sup>.

The National Labour Council's report also provides an overview of all activities already pursued at industry level<sup>2</sup>.

It is now up to all JLCs, who have not yet done so, to reach out to their harmonisation partner(s), begin discussions on how to eliminate discriminations at industry level and conclude a protocol agreement in the short term.

All JLCs must submit a new status update on their activities by 1 January 2018.

### **Specific situation of JLC 200**

JLC 200 reunites white-collar employees from various industries, meaning that it will have to consult with many blue-collar worker JLC's to organise its complex process.

Since the conclusion of one general pension plan for all JLC 200 employees will not be effective in view of harmonisation, the National Labour Council suggests for separate plans to be implemented in each field of professional activities covered by JLC 200 (e.g. one plan for all white-collar workers in the construction industry, where blue collar JLC 124 is competent for employers as well).

### **What can employers do in the meantime?**

Although the initiative is with the industries, employers cannot passively await the outcome at industry level.

The Act provides that employers should “engage in a harmonisation track” for existing inequalities to be further accepted as non-discriminatory (until the cut-off date of 31 December 2024). This means that they should be able to demonstrate that they are “dealing” with the harmonisation process and that all their actions and initiatives related to supplementary pension schemes promote harmonisation, as everything they do should fit into this harmonisation track.

**Employers are therefore advised to already map their situation (existing schemes, differences, causes of differences, etc.), think of ways to remedy differences, estimate costs involved and undertake internal discussions (management board, social bodies, employees, etc.) and consult with external providers (insurance company, benefits consultant, lawyer, etc.).**

This is especially relevant for employers subject to equivalent JLCs who have already established that there is no difference in treatment between their blue- and white-collar industry schemes. Companies operating within these JLCs can already start harmonising their company supplementary pension schemes (if relevant).

### Conclusion

Little progress is made at industry level but this should not withhold employers from starting up their own harmonisation track at company level.

### Status update for some JLC's

	JLC	STATUS	OUTCOME
111	Blue-collar workers metal, mechanical and electric construction	Ongoing	/
116	Blue-collar workers chemical industry	Finalised	No difference in treatment
124	Blue-collar workers construction	Ongoing	/
140	Blue-collar workers transport and logistics	Ongoing	/
200	White-collar workers	Not yet started	/
201	White-collar workers independent retail	Ongoing	/
207	White-collar workers chemical industry	Finalised	No difference in treatment
209	White-collar workers metal and technology	Ongoing	/

**330** Health care

Finalised

No difference  
in treatment

<sup>1</sup> Annex 2 of the Report no. 97 of the National Labour Council of 7 June 2016 ([Dutch](#) | [French](#)).

<sup>2</sup> Annex 1 of the Report no. 97 of the National Labour Council of 7 June 2016 ([Dutch](#) | [French](#)).

**Valérie Vuurstaek, Advocaat/Avocat, Tel.: + 32 2 800 70 17, E-mail:**

**[vvuurstaek@laga.be](mailto:vvuurstaek@laga.be)**

**Astrid Herremans, Advocaat/Avocat, Tel.: + 32 2 800 70 85, E-mail:**

**[aherremans@laga.be](mailto:aherremans@laga.be)**

**Heleen Franco, Advocaat/Avocat, Tel.: + 32 2 800 71 58; E-mail: [hfranco@laga.be](mailto:hfranco@laga.be)**



Laga

Berkenlaan 8B  
1831 Diegem  
Belgium

A top legal practice in Belgium, Laga is a full service business law firm, highly recommended by the most authoritative legal guides. Laga comprises approximately 140 qualified lawyers, based in Brussels, Antwerp and Kortrijk. Laga offers expert advice in the fields of banking & finance, commercial, corporate/M&A, employment, IT/IP, public/administrative, insolvency and reorganisations, real estate, tax law, tax and legal services for high-net-worth families and individuals (Greenille by Laga), and litigation. Where appropriate to ensure a seamless and comprehensive high-quality service, Laga lawyers work closely with financial, assurance and advisory, tax and consulting specialists, and with select EU and US law firms.

Laga provides thorough and practical solutions tailored to the needs of clients ranging from multinational companies, national large and medium-sized enterprises, and financial institutions, to government bodies.

© 2016, Laga, Belgium - The content and layout of this communication are the copyright of the law firm Laga or its contributors, and are protected under copyright and other relevant and intellectual property rights laws and regulations. No reproduction in any form or through any medium is allowed without the explicit consent of Laga or its contributors.