

UNDOCUMENTED WORKERS: A GUIDE TO RIGHTS



WARNING: The rules in this guide are general rules. Exceptions are always possible. Ask a specialized organisation to examine your specific situation! Please refer to page 143.

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Undocumented migrant workers, volunteer and professional counsellors, organisations and workgroups may copy this text and use all the information in it.

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You can also get a copy of this Guide from various local branches of ACV-CSC and FGTB trade unions.

You can read and download this Guide for free from our website www.werknemerszonderpapieren.be, where you can find versions in other languages too.
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Glossary

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About this guide



Are you staying in Belgium without a residence permit? Are you working for a Belgian or foreign boss? Do you want more information about your rights as a worker? Then this guide is for you.

❗ Even if you are an undocumented worker, you still have rights in Belgium.

You can read about these rights in this guide. You can learn about your boss' duties and how you can avoid problems. We also let you know how you can stand up for your rights and who can help you do this.

What does it mean to have 'undocumented' work?



Workers, Employers and the Independent Contractor

A **worker** or **employee** is someone who works for a boss. Another word for boss is '**employer**'. An **independent contractor** or **self-employed** works for himself, he is his own boss.

The rights described in this guide are only applicable to workers. When you are your own boss, i.e. a self-employed, you can not claim rights such as a minimum wage or compensation after a workplace accident. On top of that, independent contractors are themselves responsible for paying social security and taxes. A self-employed person is liable himself if he is caught doing undeclared or 'undocumented' work.



Therefore be very careful if your boss proposes you to work as an independent contractor. Do not agree with that. **Associates** who buy parts of the company, are also independent contractors. If then your rights are not respected, it will be much harder to do anything about it. If you do not have a residence permit, you only get more vulnerable.

OR.C.A. has a brochure on being undocumented and working as an independent contractor. You will find it on www.orcasite.be or by sending a message to info@orcasite.be.



Attention: Current legislation does not allow you to **regularize** your residence based on work, not as a employee, nor as a self-employed. If your employer promises that he will arrange the papers once you work for him, he is lying. Should you doubt, contact a specialised service to check whether what the employer is saying is true. Please refer to page 144, 145-150.

'White' (declared) and 'black' (undeclared) work

Every employer must let the government know who works for him and how much they are paid. The people who work for him automatically pay taxes and contribute to the social security. The taxes and contributions are deducted from their pay. Besides this, the employer must pay an extra amount to the government. If your boss does all of that, then your work is **declared**.

People doing declared work can join a health insurance fund. This fund will pay you back a large part of your bills for doctors and medicines. If for some reason you cannot work or if you retire, you will receive a benefit payment. The money that you pay to the social security is used like a kind of insurance for everyone having problems.

'Black (undeclared) work' is work not reported to the government by the boss. This boss could end up paying a big fine. And his workers have no right to a pension or health insurance. As an employee you will not be punished for moonlighting. When there is an inspection of the workplace, you risk ending up in a closed centre and being deported from Belgian territory. If you received benefits, you might be forced to pay these back.

'Undocumented' work

If you are not a Belgian, you need special permission to work here. Some foreigners do not need such a permission. All the others - and definitely when you come from a country outside the European Union - need to have a **work permit**. Those who have no residence permit cannot get a work permit. If you work without permission, you are working 'illegally'; you are an undocumented worker. Your boss can be punished for this. A boss almost never declares undocumented workers. When you are work-

ing without a residence permit, you are probably moonlighting as well. So working clandestinely is working in Belgium without permission to work in Belgium.



Sometimes the fact that you work as a **self-employed** or an employee - even if you do not have a residence permit - is declared to the social security. In that case you do have the right to receive family allowances, health insurance and even a pension. You cannot get unemployment benefits and as long as you have no residence permit, you can be expelled from the country after a control. In this case your work is declared, but you remain undocumented.

What does the law say about your employer?



General Rules:

- ▶ *An employer can receive a severe punishment if he is employing undeclared and/or undocumented workers. This can be a very big fine or imprisonment. The penalty is heaviest for undocumented work.*
- ▶ *The punishment for your boss can be even heavier if he has also broken other rules in the law. You can read about the most important rules in this guide.*

So, do not get afraid right away if your boss says he is going to report you to the police. He, too, will have serious problems if the police come around!



Even helping a friend, for pay or not, is undeclared work. If the inspector catches you doing this, you better don't tell lies. An honest story will keep you from being punished without reason. Voluntary work is officially not allowed for undocumented people, but at the moment it is not being punished. Except if your voluntary work is a hidden form of work. For more information on this subject contact a specialised service. Please refer to page 152-154.

Trafficking in Human Beings

If an employer seriously exploits an undocumented worker, this could make it a case of trafficking in human beings. If you cooperate with the authorities for the

investigation, the law can offer you protection. There can be a case of **trafficking in human beings** if your boss has taken away your passport or ID, has locked you up or if your boss has mistreated you physically or sexually. Contact one of the specialised centres (Please refer to page 151).

Who is my employer?

Employers of undocumented workers often try to hide who they are. So you have to collect as much information about your boss as you can, and also try to collect information about persons and companies working with your boss. Officially someone is your boss if he/she is the one who decides:

- ▶ if you get work
- ▶ how much you get paid.
- ▶ He/She is the one who pays you
- ▶ and tells you what you have to do, when to start and when to stop.



Bosses who have hired undocumented migrants often try to side-step their responsibilities. Be sure you do not lose your rights as a worker by working for your boss as an independent contractor. Do not act as a middleman for your boss by looking yourself for colleagues or by passing them their pay.



Your rights as a worker

As a worker you cannot be punished (with a fine or prison) just because you do undocumented work. Only your boss can be punished for this. When you are caught on the workplace, you risk to receive an order to leave the territory, to be taken to a closed centre, to be deported and to receive an entry ban to the European Union.

What rights do you have? Here is a list of the most important:

Right to be paid

General Rules:

- ▶ You always have a right to legal minimum **wage**.
- ▶ Your wage must be paid to you personally and at regular times;
- ▶ Only you can decide what you do with your wage.
- ▶ There are strict rules for payment in kind (that means being paid with something else than money, for instance, with food or a place to live).
- ▶ Whether you are paid or not may never depend on whether your boss makes or loses money.
- ▶ Your boss must also pay part of the cost for you to get to work.

Minimum wage

Minimum wages apply as well for clandestine work and moonlighting in Belgium. The exact minimum pay that you should get depends on what kind of work you do, your age, what diplomas you have and how long you have worked. Your pay per hour is sometimes also higher when you work many hours or evenings or weekends. If you want to check whether you are being paid the right amount, contact a specialised service. Please refer to page 145-150, 160.

A few examples (this was how things were on 1 January 2013) (these amounts are adjusted almost yearly):

If you work for a building contractor: at least € 13.17 per hour
If you work for a cleaning company: at least € 12.20 per hour

When there is no special minimum wage for a kind of work, then you must receive the general minimum wage. No one in Belgium may earn less than this amount! This wage is also what domestic workers earn.



The General Minimum Wage (since 1 December 2013) is: at least € 9.12 per hour or €1,501.82 per month (for a 38 hours week). This general minimum wage is adjusted regularly.

If you have enough evidence, you can demand your minimum wage officially. Think of this if you ever have to face the inspector or the labour court.

Gross and Net

All the wages set by the law are gross amounts. If you work is declared, your boss has to withhold back one part of that gross wage to pay your taxes and another part to pay your social security contribution. You get in hand what is left over. That leftover amount is what we call your net wage.

Imagine, for example, that you are 22 years old and working legally as a domestic worker. You must receive at least the general minimum wage. If you work 38 hours a week, you are entitled to the following amount per month that you work:

€ 1,501.82	gross wage
-€ 196.29	is held back for your social security contribution
-€ 167.69	is held back for your taxes
€ 1137.84	is what you receive net (is what is paid to you)

❗ If you do undeclared work, you pay no taxes. Then the gross and the net wage are the same.

How do I get my wage?

Your boss can pay you in any of several ways:

1. your boss deposits your pay to your own bank account

If you can choose, choose for this method. You can then use your bank statements to prove what you have received. But it is difficult for undocumented migrants to open a bank account. Ask help from specialised services. Please refer to page 152-154.

2. your boss pays you cash in hand

Most bosses pay cash for undocumented work. Write down how much you have received and how much you still have to get. According to the law, if your boss has paid you cash, he has to have you sign a paper that says how much you received. Try to get a copy of this paper, ideally one the boss has signed and dated too.

3. your boss pays you in kind

Employers are allowed to pay part of your wage with something else than euros, for instance with food or a place to stay. That is a payment "in kind".

This is strictly laid down by the law. The rules are complicated. In any case, your boss has to pay you at least 60% of your wage in money. For live-in domestic workers, this is at least half (if you get full lodging and meals). But in many cases, he will have to pay a larger part in euros. Contact a specialised service for more information. Please refer to page 144, 145-150, 160.



Your boss is obliged to pay you regularly for your work. He may never say that you cannot be paid because you have no bank account, residence permit or work permit!

Right to safe work and Right to compensation after a work-related accident

General Rules:

- ▶ *The boss must see to it that the place where you work is healthy and safe. He must give you protective clothing if your work is dangerous.*
- ▶ *A work-related accident is when you have an accident while working or while on the way to work or back. If you can prove that you had a work-related accident, the insurance will pay all your medical costs. You will also receive benefit pay for the time you cannot work because of the accident. If you can never work again because of the accident, you may have a right to a permanent benefit.*
- ▶ *Even if the accident was your own fault (because you were not careful for instance), you still have a right to the benefit. But if you intentionally cause an accident, you lose this right!*

What happens in case of an industrial accident?

In Belgium bosses are obliged to have accident insurance. *This must also cover undocumented workers.* There is a special government office that watches over this. It is called the Industrial Accidents Fund. If your boss has no insurance, the Industrial Accidents Fund can pay the costs after a work-related accident. It will then send the bill to your boss.

A work-related accident must be reported to the insurance company by your employer within 8 days.

- 🕒 If your boss does not do this, you can do it yourself. You should do this as quickly as possible, and certainly within 3 years.
- 🕒 When you report an accident, you have to be able to prove that you had an ac-

cident while you were working for your boss. Collect the evidence you need before anything happens!

▶ If you do not know your boss's insurance company, you can report the accident to the Industrial Accidents Fund.

▶ In case of fatal accidents the family needs to report it. The family has a right to compensation.

It would be best for you to get professional help when reporting an accident, for instance O.R.C.A., the Industrial Accidents Fund or a trade union. Please refer to page 144, 145-150, 163.



The Industrial Accidents Fund and the insurance company sometimes need a lot of time to decide whether they will pay. The first thing you have to do is start the procedure for Urgent Medical Help. Then the medical costs will certainly be paid. For more information on 'urgent medical help', please refer to page 59.

What other rights do I have?

There are many other rights that also apply to you as an undocumented worker. Many of these rights are not respected in practice. In the section on 'What can you do to have your rights respected?' we will give you a few tips on what to do. (See p. 62)

Can my boss just fire me?

General Rules:

- ▶ You may only be **fired** on the spot if you have committed a serious offence (for instance, theft). The boss has to prove this offence.
- ▶ In other cases, the boss has to let you know ahead of time or else has to pay you for that amount of time as if you were working.
- ▶ You may not be fired because you are pregnant or have recently given birth, or because you are a member of a trade union.

These rules also apply when you work without a written contract! If you can prove that you have been unjustly fired, you have the right to compensation.

How many hours may I work?

General Rules:

- ▶ Normally, if you work full-time, your boss cannot let you work more than **38 hours a week**.
- ▶ If you do work more hours, these are called overtime hours. You have to get higher pay for overtime hours (as of 40 hours a week).
- ▶ Your boss may never ask you to work more than 11 hours a day or 50 hours a week.
- ▶ You have a right to 1 full day's rest each week (normally on Sunday).
- ▶ In Belgium there are 10 legal holidays on which you do not have to work (but you are still paid anyway).
- ▶ You have a right to fixed rest periods during working hours to eat and to take a break.

There are many exceptions to these rules. For instance, the rules are different for domestic workers.

However, you can only work part-time when you have a written contract and a schedule on paper! Contact a specialised service for more information. Please refer to page 145-150, 160.

What do I have to do when I get sick?

General Rules:

- ▶ Whoever is too **sick** to work can stay home without losing his/her job. Your employer can ask a note from your doctor.
- ▶ You have a right to sick pay for a period of time, but the rules for this are rather complicated. Contact a specialised service. Please refer to 145-150, 160.
- ▶ Even those who are undocumented and who are not signed up with a health insurance fund have a right to medical help.

Medical Help for People without Legal Residence

If you cannot pay for medical help and you have no residence permit, you can turn to the procedure for '**urgent medical help**'. The Public Centre for Social Welfare (=OCMW/CPAS) will pay your medical costs.

Ask specialised services what you need to do. Please refer to 155.

- ▶ Ask your doctor to write a 'certificate for urgent medical help'.

- ▶ Take it within a month to the OCMW in the city or town where you live or where you usually stay. Ask to start the procedure 'Urgent medical help'.
- ▶ Explain your situation. Ask explicitly to talk with the social services about this.

And if I am pregnant?

General Rules:

A **pregnant** woman

- ▶ May not be fired because she is pregnant.
- ▶ May not do certain types of dangerous work.
- ▶ May not work overtime.
- ▶ Has the right to maternity leave.

Every woman who works has a right to stay home for a time before and after the birth (this is called maternity leave). If your work is undeclared, you cannot receive any benefit for this time. Yet it is important that you take enough time to rest after giving birth. Try to make a deal with your boss about this.

During your pregnancy and before the birth you can seek guidance from a doctor using the Urgent Medical Help procedure.

What if I am the victim of violence or abuse?

You have rights as a worker, even if you are undocumented. But you also have a right to respect for your person, your body and your property. Police inspectors, too, must always treat you with respect.

General Rules:

- ▶ You have a right to say 'no' to sexual advances that you do not like: touching, comments, or someone who undresses when you are nearby. All these matters can be considered **sexual abuse** or 'sexual harassment'. Rape is a serious crime; it should only shame the offender.
- ▶ Belgium has laws against **discrimination**: it means that when you are being treated badly because of your skin colour, nationality, gender or sexual orientation, you can file a complaint with a complaints centre against racism and discrimination.
- ▶ Even if you are undocumented, people are not allowed to use **violence** against you, to **bully** you, or to **threaten** you, to **steal** your possessions, to **cheat** you, to **blackmail** you, etc.

If you are the victim of abuse at work or elsewhere, you have the right to protection and possibly even compensation.

What can you do if you are the victim of abuse?

- ▶ To get protection and perhaps compensation when you have been the victim of **abuse**, you must make a complaint to the police or go to the court. That is not so easy for undocumented migrants. 'Take someone with you to the police station or contact first a 'victim support centre' (Please refer to page 158).
- ▶ When you are victim of discrimination, you can contact a complaints centre against racism and discrimination. For the addresses refer to page 159;
- ▶ Remember the names of any witnesses. Write out your story as soon as you can, including all details, or have someone do this for you. You will need this information later if you make a complaint.
- ▶ If you are wounded or raped, go immediately to a doctor. Explain what happened, have yourself examined and let the doctor write a report. This can serve later to prove your story.

What can you do to ensure that your rights are respected?



1. Make correct agreements right from the start: your contract

If you declared work the agreement between boss and worker is usually written on paper: in other words, there is a written 'employment contract' or 'labour contract'. This contract contains the names of the boss and the worker, the type of work, the hours worked and the pay. You and the boss must both sign the contract. If you have a contract, keep it in a safe place!

! Never sign anything (a paper/a contract,...) if you do not understand what it says! If you need to, let someone else read the contract and explain it to you before you sign it. Always ask a copy for yourself.

If you cannot get a written contract, but still work for someone and get paid for working, then you have an **oral contract**. This is **just as valid** as a written contract, but is more difficult to prove later. An oral contract is always for an indefinite period; this means that it only ends officially if you quit or are fired according to the correct procedure.

In any case, try to make clear agreements. If you get along well with your boss, tell him/her about the information in this guide. Be aware that you have rights and ask that everything be done to respect them.

2. Collect evidence

Proof of your work is always important. Especially when you do not have a written contract.



Therefore keep as much information as you can. Start today. Write down everything. You will then be prepared should you have trouble. The following tips can help you to collect useful evidence.

- ▶ Keep everything that you have on paper or take copies of it: badges, notes, receipts, ... If possible, have your boss sign agreements. Make sure the date is mentioned.
- ▶ Collect information on your boss. If your boss also works for other companies, collect as much information as possible on those companies as well.
- ▶ Note down where and when you have worked. Note down as much details as possible.
- ▶ Make a description of your job and your workplace.
- ▶ Take identifiable pictures and make identifiable video films of your workplace or yourself at work. If possible, try and record a conversation with your employer or with customers.
- ▶ When an accident happens at work, keep all paperwork from the doctors and the hospital where you were. Tell them that you have had an industrial accident. Ask them to record it as such in their certificates.
- ▶ Look up the **CORRECT** and **COMPLETE** name of your employer's company. That name is mentioned on official documents, such as an order form, an invoice or a business card. If you don't find such a document, try and keep as much information as possible, in order to look up the correct name: the address, what the company does, names of other companies of your employer, etc.

- ▶ Try and know as much as possible about people and companies that are customers of your boss or who your boss regularly works with.
- ▶ Try to find out your boss's VAT number or trade register number. That way, much information can be looked up.
- ▶ Note down the registration plate numbers of the cars that are involved with your work. For instance, of the car of your boss, of the customer where you are working or of other people who are working there.
- ▶ Don't forget to write down the name of the street and the house number of your workplace(s). Maybe also of the houses and shops nearby.
- ▶ Give a short description of the workplace (e.g. the inside of a house or a working area.) That's a way to prove that you really were at that place. .
- ▶ Note down personal details of your boss and colleagues, e.g. their holiday periods, what you know about their families, ...
- ▶ Make sure to keep all telephone numbers.
- ▶ Ask neighbours, colleagues, etc. if they are willing to testify for you. Write down their telephone numbers as well.
- ▶ Do you know the family names of the people you work with?
- ▶ Sometimes the name you address somebody with, is not the official name (e.g. Mieke's real name is actually 'Maria'.) Try and find out the real name.
- ▶ Write down the exact date (day/month/year) as much as possible, when you note down something. The more accurate your story is, the stronger it is.
- ▶ Note down the names of the companies that deliver at your workplace as well.
- ▶ Who brought you to work? Who let you in?
- ▶ On larger working areas there sometimes is a security company who registers who enters and leaves. Make sure to write down the name of that company. Keep badges or make a copy.
- ▶ Keep all text messages from your boss. Make sure not to delete voicemail messages he/she left you.
- ▶ If you get emails from your boss or messages via Facebook, keep them.



It is forbidden to give a **fake name** or to use someone else's name. If this is ever discovered, you and the person whose name you used can both be punished. Documents with a fake name will not be easily accepted as proof!

What to do if your rights are not respected

1. Talk about it with your boss

Some employers are willing to talk. Maybe other workers will help you. But if your boss mistreats you or does not pay you, it is better for you to leave. Employers who say they will pay you later often do not pay at all.



Be careful that you do not commit a punishable offence in trying to get your rights. Never turn to physical violence or theft. This can endanger your rights.

2. Ask for help

It sometimes helps if someone with a residence permit goes with you when you talk to your boss or talks for you. This often has more chance of success than an official complaint. But you may have to give in a little, and you have to be able to trust that your boss will do what he promises. Your boss's clients can also have an influence. If you cannot agree with your boss, having someone else there as witness can be useful if you have to take other steps.

3. Send a complaint to the social inspection

The social **inspection** services can be considered safe. Their first job is to protect the rights of workers. This includes your rights! The inspection has to track and fight clandestine work as well. That is why most undocumented workers are afraid to contact the inspection. But once you understand how the social inspection works, it can also help you! In any case, you are better off bringing your **complaint** against your employer to the inspection and not to the police. The inspectors know the laws that have to do with work. And, besides, they can help you without passing on your name to the Immigration Service. It is much more difficult for the police to do that.

The inspection services can investigate the matter in two ways:

1. You can make a complaint. If the complaint is serious enough, the inspection will investigate it. A complaint is always confidential unless you give them permission to use your name. Your name will not be passed on to anyone. You can even make an anonymous complaint. You do not have to give your name at all.

2. The inspection can decide on its own initiative to inspect the workplace. If then

they find undocumented aliens (foreigners without papers) at work, they have to send their names to the police and the Immigration Service. You and other workers then run the risk of receiving an order to leave the territory, to be taken to a closed centre, to be deported and to receive an entry ban to the European Union. Before you make a complaint, you can ask the inspector if he plans to inspect the workplace after your complaint.

What should I do if the inspector catches me when he inspects the workplace?

You will not be punished for doing clandestine work. Only your employer can be punished for that. *You can only benefit from telling the truth to the inspector. You will not lose anything. Remember that the inspector his main job is to see to it that the rights of workers are respected!*

▶ Always tell how long you have worked and how much money you earned. The inspector will check to see if you are still owed money. You can ask for that money later!

▶ Also be sure to tell the inspector your (real) name. If you are deported, give your name to someone you trust in Belgium and let them know how to reach you: a social service, O.R.C.A., a union... Please refer to pages 144, 145-150. They can check later to see whether you can get your pay or other matters, even when you are no longer in Belgium!

▶ If you receive benefits from the social service, you have to know that you will probably not get further benefits when you are caught moonlighting.

▶ The inspection can suggest that the boss make good an infraction of the law. For instance, it can ask the boss to give the workers the money that he has not paid them.

▶ The inspection can take the matter to court.

▶ If court decides not to prosecute, the inspection can impose an administrative fine



Attention: When an undocumented worker is caught on the shop-floor, the inspection assumes - by a new law - that you have worked for this employer for at least three months. So you can ask for at least three months of minimum wage. Only when the employer can prove that you have worked for less than three months for him, you are not entitled to those three months. You do not receive this wage automatically. Ask for help from an organisation that can support you. (For addresses, please refer to pages 144, 145-150.)

When the inspection finds undocumented workers on the shop-floor during an inspection, it is obliged to report this to the Immigration Service. There is a chance that you will be deported.

4. Go to the court

Making a civil claim

If after inspecting the workplace, the inspection considers the matter serious enough, the inspector can write an official report (called a 'PV') and give it to the court. The **court** decides whether your boss has to appear before the judge. If your boss has to appear before the judge and he is condemned, he will probably have to pay fines and taxes. In serious cases, your boss may also go to prison. The money that he must pay goes to the state.

If you want to claim compensation or back pay, you have to ask this separately from the judge: you have to make a civil claim. That means you have to give your name. It is best to seek professional legal help for this (a trade union or a lawyer).

You start a lawsuit against your employer yourself

If the court does not take your employer to labour court after your complaint, you can sue him yourself. You must certainly have **enough evidence**. You definitely need professional legal help (through a union or a lawyer).



If you go to the court too long after the facts, the judge is no longer allowed to pass a verdict. The sooner you act the better. Currently courts in Belgium work very slowly, though. A court case can take a few years.

If you are unsure about the risks of certain steps, ask for advice from a counsellor, a friend who does have a residence permit, your union, ... They can ask for information without passing on your name. Be as honest and complete as possible when speaking to the people you ask for help. They can only help you if you are honest with them.

Where can you go with your questions?



In this part you can read about the organisations and institutions that can help you. You will find the addresses and telephone numbers in the address list.

1. Organisations that help with problems at work

The unions

The **trade unions** in Belgium are unincorporated associations that represent the employees in the public interest. They are based on the fundamental values 'equality' and 'social justice'. That means that they are not part of the government. They work completely independent, thanks to the contributions of their members, which works as a binding agent of solidarity. Trade unions were founded over 100 years ago as a reaction to the bad labour conditions of many (Belgian) employees. Thanks to the trade unions labour conditions have improved enormously. There are three major trade unions in Belgium: a christian trade union (ACV), a socialist trade union (ABVV) and a liberal trade union (ACLVB).

The trade unions help their members, who pay their contributions, which depends on their situations (unemployed, undocumented, ...). The trade union will, however, only defend your case in labour court, when you have been a member for at least six months. To get information from a trade union you do not need to be a member, not even when you are an undocumented worker.

Undocumented workers can become a trade union member. Your name will not be passed on to the authorities. Becoming a member of a trade union is interesting for an undocumented worker. It gives you access to a service that you will not receive elsewhere. Contact a trade union to get to know its membership conditions.

The trade union in a nutshell:

- The trade union has a large knowledge of and much experience with labour rights
- is independent of government and employers
- defends and organises all employees

Keep in mind that some trade union people have built up expertise in the field of employees with a precarious licence or undocumented workers.

Do not be afraid to contact a union, even if you are not a member. Explain your situation and ask what they can do for you. You will usually get advice about the first steps to take.

OR.C.A. (Organisation for Undocumented Migrant Workers)

OR.C.A. is an organisation that defends the rights of undocumented workers. You can go there for free information on your rights and for help if you have problems at work.

The various government inspection services

You can request information about your rights from various inspection services (Please refer to 160, 162, 164.). There are offices in every large city where you can ask your questions by telephone or anonymously and for free at a help desk. Do not be afraid to use these services!

The Industrial Accidents Fund

(=Fonds voor Arbeidsongevallen or Fonds des Accidents de Travail)

If you have a work-related accident, you can contact the Fund for information about your rights and the correct procedures. There are branch offices in various cities. The Industrial Accidents Fund is not concerned about residence permits.

2. Other Aid Agencies

General Information

There are many types of aid agencies. Some are set up especially for foreigners. Still others help anyone who has problems with children or housing, or needs psychiatric help, who has suffered abuse, ... In the address list we have listed a few reference organisations. They can help you find the right organisation that can help you with your problem. *Please refer to 152-154.*

The Public Centres for Social Welfare (=OCMW)

The OCMW helps people with financial problems. Undocumented migrants without legal residence permits can also ask for some types of help from the OCMW. The

OCMW does not report undocumented migrants to the police. They are subject to professional secrecy.

3. Help with legal matters

You can get a lot of advice about laws and rules from social services, unions and so on. You can also go to a **legal assistance office**. There you can get advice if you plan to make a complaint or to make a civil claim in court.

For a real lawsuit and for several other procedures, you need a **lawyer**. Organisations that work often with undocumented migrants usually know a few good lawyers specialised in the law governing foreigners. Unions and OR.C.A. might be able to give you names of lawyers specialised in labour law.

A good lawyer is honest and tells you what is possible and what is not. He/she will give you access to all documents. Do not trust a lawyer if he promises that everything will turn out alright by itself, or if you get no information about what he or she is doing for you.

What does a lawyer cost?

- ▶ **Ask for a clear agreement about the price** during your first visit. Ask to put this on paper.
- ▶ If you cannot pay for a lawyer, you can ask the offices for legal assistance for a 'pro deo' (free) lawyer. However, undocumented migrants can be refused for matters not concerning a residence permit. Ask about it.
- ▶ **Unions help their members for free** to defend their rights as workers, but only after they have been a member for a while (6 months to 1 year). That means you have to be a member of the union before your problems start.



What else do you find in this guide?

Address list

On the last pages of this guide you will find a list with useful addresses of organisations, unions and official institutions.

Fill-in Forms

It is very important to keep all information from the first day you start working on. You will find two examples of fill-in forms to help you keep the correct information on 1) your working hours and 2) your employer. Do not forget to read carefully the tips on pages 62 and 63.