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**An enjoyable working environment,
isn't that what everyone wants?**

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15 Op the threshold of the labour market

On Friday 1 April, executive representatives from all regions and sectors met at a networking initiative in Antwerp. And they enjoyed it!

Colophon

ACV Kader is the network for professional and managerial staff within ACV. The framework has grown from the LBC-NVK, now ACV Puls and since 2018 also addresses managerial staff and knowledge workers who are affiliated at ACVBIE. This publication appears four times a year and is sent to all members.

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Foreword

About partnerships

Recently, I was a guest at a networking day for HR staff from various companies and organisations. The organiser had invited me to give a presentation on the conditions for a successful transition in the work organisation. I was quite looking forward to it: finally 'really' being among people to tell a story based on one's own experiences as a knowledge worker or executive.

In addition to the content of the event, everything around it mattered at least as much to me: the pleasant setting in a green environment, the connection with the knowledge workers in the room, the affirmative nods, the inspiring testimonies and questions from a genuine interest, but also the critical notes. And definitely the personal exchange during breaks and the more in-depth discussions during lunch in open air. It was well worth the effort of preparation. A workable basis for an imminent partnership between HR and trade unions?

One topic continued to dominate the discussions for some time: learning and developing at and around the workplace. Many organisations struggle with the question of how they can motivate their employees and knowledge workers to follow

trainings courses and learn in a context of continuous change. There is budget. The interest, however, is moderate. We were wondering in our discussions whether HR and employee representation bodies can be close partners in facing this challenge.

The answer to that question was actually included in the closing message of my presentation. It is an important answer to all questions about partnerships between HR and trade unions.

It is an invitation for HR players to use social consultations as an ideal way to enter into a healthy dialogue about what matters to employees. If HR says that social consultations are a waste of time, a necessary evil or only for troublemakers, the chances of a constructive dialogue are reduced. And another thing: actively facilitate communication between employee representatives and their colleagues. If HR tries to limit the interaction, the chances of employee representation bodies adopting a broadly supported view are reduced.

Isn't this a great basis for a partnership between HR services and employee representation bodies?

Sandra Vercammen

Freelancers

Jan Deceunynck



“Purchasing power is becoming more of a concern for freelancers too”

3792. That is the number of cases United Freelancers has already processed. Thus, the freelancers service of ACV is performing satisfactorily. What started as an experiment three years ago has grown into a solid service.

Bart Lanckmans has been one of the drivers of the freelancers service for the last six months. He worked in the financial sector for more than 20 years, but left at the start of the Covid pandemic. “As middle management, we clashed with a CEO focused on controlling micromanagement. For me, that was yet another example of a policy framework being based on mistrust, whereas I always believed in trust until proven otherwise.”

He left and ended up at ACV. “I’m now on the other side of the table,” he laughs. But it isn’t that different. “I have always believed in the power of social dialogue and good agreements. They’re a win-win for all parties involved. If you make sure that the people working for you are looked after, it will have a more positive effect in the long run than if you don’t pay attention to your employees. The cost of frustration and demotivation is not reflected in the accounts. But it can cost you a lot of money.”

More negatives than positives

It’s that conviction that motivates him to now advocate freelancers’ rights. “They find their way to us more and more, because they are being put under increasing pressure. And their position is less comfortable than that of employees, who are legally much better protected. We have been working on solid agreements in various sectors for some time now. Many freelancers are confronted with big players in their sector who try to seize their market and minimise them to ‘small subcontractors’ working for the bigger companies. It has often become some sort of platform work, with immense pressure on the work and pay conditions.

Freelancers determine their own rates less and less, as the big players set those for them. The purchasing power of self-employed people is declining sharply. They are feeling the consequences of the crisis too.”

Take, for example, self-employed camera people. “The golden years in major production companies have long been a thing of the past. And freelancers in that sector now notice that their rates have not changed in the last ten years. I was recently contacted by a self-employed kitchen installer. They are increasingly being paid by their clients per order instead of per hour worked. The answer from those clients is usually: “You have to accept both the negatives and the positives.” But freelancers notice that they experience more negatives than positives.

Hub and spokes

Bart was also introduced to other sectors over the last few months, including self-employed career advisors, journalists, recruiters, physiotherapists, etc. Next autumn, intense social dialogue will take place in the performing arts sector, where we will be focusing on minimum rates. Fortunately, Bart can always count on trade union secretaries monitoring the sector for the employees during that social dialogue. “They have a lot of knowhow. They are also a great asset in the social dialogue about freelancers. I sometimes compare it to a wheel. I am the hub, but around me are the spokes. They are trade union secretaries, militants, our research department, the professional service providers of United Freelancers, etc. A wheel cannot turn without all those spokes.



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Creativity

Making collective agreements with clients is no easy task. “But we are making progress, albeit step by step,” Bart explains. “Unlike for employees, there is no mandatory framework to make or enforce agreements for freelancers. On the one hand, that creates more room to come up with creative solutions. The agreements can go either way. There is no set format.” But, on the other hand, everything depends heavily on the willingness to listen of the clients. “It takes a lot of time at first to win the client’s trust and to convince them to make agreements. But we get there. We are, for example, currently working with interpreting agencies on a Charter for Good Practice. And in the media sector, we have even included agreements for freelancers in a CLA. To the extent that we succeed in involving freelancers in our traditional trade unions, we can promote common interests.”

**“If we succeed in involving
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At the same time, it is not always easy to reach collective agreements on the basis of individual cases of freelancers. “The reluctance of freelancers to do so is sometimes still great,” Bart explains. “They are, at times, still afraid to stand up for

their rights. Because they are much less protected. Moreover, their colleagues are also their competitors. That doesn’t make it easy. But our first realisations show that collective willingness to take action benefits all freelancers in a sector”.

Social mistakes

Freelancers are increasingly finding that joining United Freelancers pays off. “Their membership is tax deductible, so the cost is relative,” Bart laughs. “And we really can make a difference. They can also opt to take out legal assistance insurance with an insurer, but it’s not the same.” An insurer adheres strictly to the policy conditions and prefers to intervene as little as possible. As a trade union, we are not focused on profit, but on the service we provide. We want to correct social mistakes. And we’re willing to go far to do so. That’s a different approach to the same issue. They can go to a professional association too, but if one entrepreneur has a conflict with another, it can cause some issues. So United Freelancers is not the worst solution. Consider it to be a solidary insurance, which you hope you never need, and which also offers you other administrative support.”

We also notice that more and more employers are pushing their employees towards freelance work. We are ready to assist them in that process. We provide advice on the difference between the statuses and tell them what they should pay attention to when making the transition to the freer but less protected status. And, of course, they can continue to benefit from our expertise and support as ‘self-employed people’.

Do you have questions about freelance work? Do not hesitate to contact unitedfreelancers@acv-csc.be.

All information can also be found at www.unitedfreelancers.be.

ADVICE ON STARTER SALARIES PUTS SCHOOL LEAVERS ON THE RIGHT TRACK

“Young people have no idea how much their diploma is worth in the labour market”

Now the school year is ending, several thousand young people have finally closed the school gates behind them. The ACV secretariats have noticed that too. For a few years now, school leavers have been able to turn to ACV for advice on their starter salary. Around 700 young people have found their way to this service in the past year.



Sylvie Lebon notices that it's busy again. “But it's very rewarding work,” she says with a twinkle in her eyes. “We are usually confronted with questions from people who are faced with difficulties. But it obviously is a lot more fun to help people at the start of their career. It's always refreshing to be able to tell a positive story for a change.”

Loss for words

It surprises her every year how little schools and universities prepare their graduates for the practical side of their career start. “Young people often have no idea what their diploma is worth in terms of salary.” When their potential employer asks them during an interview how much they think they'll earn, they are at a loss for words. It's something we have also noticed at graduation fairs. Hardly anyone has any idea of their future salary. Crazy, right? But it's good for us, of course,” she adds with a laugh. “Because we are able to provide that information and they can get to know us.”

Over the last few months, the demand for advice has been slowly rising. “But now the requests are coming in quickly. We have just sent out an e-mail to the people who visited our stand at a job fair in Ghent. And quite a few of those graduates are looking for information. We give them an estimation of what they can expect in terms of salary, based on their major or the job they think they will get. It's not one definitive figure, but a range in which their salary will be located, as many other factors influence your salary, aside from your diploma or position. If you start working for a multinational in Brussels, your salary will probably be higher than if you opt for an SME in an industrial zone in Ostend. That is why we work with a salary range.”

The advice also refers to the gross-net calculator of ACV. “Because that is another thing young people forget: your gross salary is not paid in full into your bank account. And it is good to keep that in mind when making plans,” Sylvie laughs.

Young people in the labour market

Values and standards are a priority

How do young employees view their careers? What do they think is important in a job?



Valuable work

Five years ago, **Kevin Flynn** moved from Ireland to Brussels, where he works for the international trade union Eurocadres. Because of his job, he views the labour market from both a personal and a professional perspective.

“Employers have become extremely demanding. Speaking four languages and having two master’s degrees is the norm nowadays. But young people are, in turn, also increasingly making their own demands.” That includes Kevin. “I want flexibility. Working from 9 to 5 or at a fixed location belongs to the past. I want to be given the confidence to organise my own work. This also benefits the employer. Employees are more productive when they are given flexibility and confidence.”

“Working for a trade union is line with who I am and what I believe in. I want to perform valuable work and make progress.” On mental health, for example. Our work should not have a negative impact on our health. It’s important to me that an employer is aware of that.”

Choosing to work for Eurocadres meant he had to leave his home country Ireland. “I’m from a small town in Ireland. So for my higher education and job, I had to move to Dublin or abroad. I chose the latter because I like to get to know different people and cultures. It was no easy decision, but I don’t regret it. I really like what I do here and the opportunities that are given to me. I could have had a higher salary in Ireland, but that is not my main motivation. Besides, I would have less of my income left in Ireland because everything is more expensive and all public services have been privatised. I prefer working in Belgium, where I still have enough of my income left to do fun things.”



Looking for a challenge

Two years ago, in the middle of the Covid pandemic, **Stijn Boodts** started working as an analytical chemist at a water company. He says it's his first 'real' job. It's taken him a few years to find it, but now he really feels at home.

"I think it's really important to be challenged in a job," he explains. And he doesn't just mean intellectually challenged. "Hierarchically, I am not a manager, but in practice I do coach a number of employees. I find that very interesting. I put a lot of time in it, but it is also very rewarding."

"What I do must also be relevant. The water company that I work for is a non-profit company. The quality of the drinking water is more important to us than making a profit. It's more important to me than a hefty salary. It is of course a luxury to be able to say that. But I'm definitely not an exception. Many young people I know feel the same way."

Although Stijn is not looking for another job, he does call himself ambitious. "I want to grow and constantly be challenged. If, at some point, I see more of a challenge elsewhere, I would switch. That would be better for everyone. If the challenge disappears, so does my motivation. And nobody wants an unmotivated employee, right?"

He has a wide range of interests. "I never really knew what I wanted to study or be. Even now, that is still the case. Being a baker, working in construction or in a restaurant, etc. It all seems interesting. I could be doing something completely different in five years' time. As long as the job presents enough of a challenge."



Mirrors and windows

Valentina Vicencio left the HR and temporary employment sector last year. She is now studying to become a nurse. "I had enough of the sector. After finishing secondary school at 18, I started working in the sector. But the longer I was working, the less right it felt. After 10 years, I was exhausted."

Valentina went back to school in September. "A four-year VDAB training course. Three more to go," she laughs. "I didn't like school when I was younger. I was a bad student. But it feels much better now. I'm interested in what I'm studying. And I have matured a bit, which helps." She combines her education with an allowance. "Fortunately, that is an option. Because I wouldn't be able to do this otherwise, as a single mother."

She isn't convinced that she will earn less as a nurse than as an employment agency worker. "It will probably be around the same amount," she thinks. "I might no longer have a company car, but there won't be too much difference otherwise. When I worked as an employment agency worker, it was mainly the bonuses that made a difference. But you don't always get them. And I won't miss the pressure to meet those targets."

As a woman with foreign roots, she thinks diversity is extremely important. At work, too. "That is something I care a lot about. I want mirrors and windows in a job. I want to see myself and our society represented in my job. That was also a problem at my previous job. Women were already a minority, and women of colour even more so. Sometimes, I was even taken off cases because I refused to respond to discriminatory demands from clients. No, that was not in line with my values and standards."

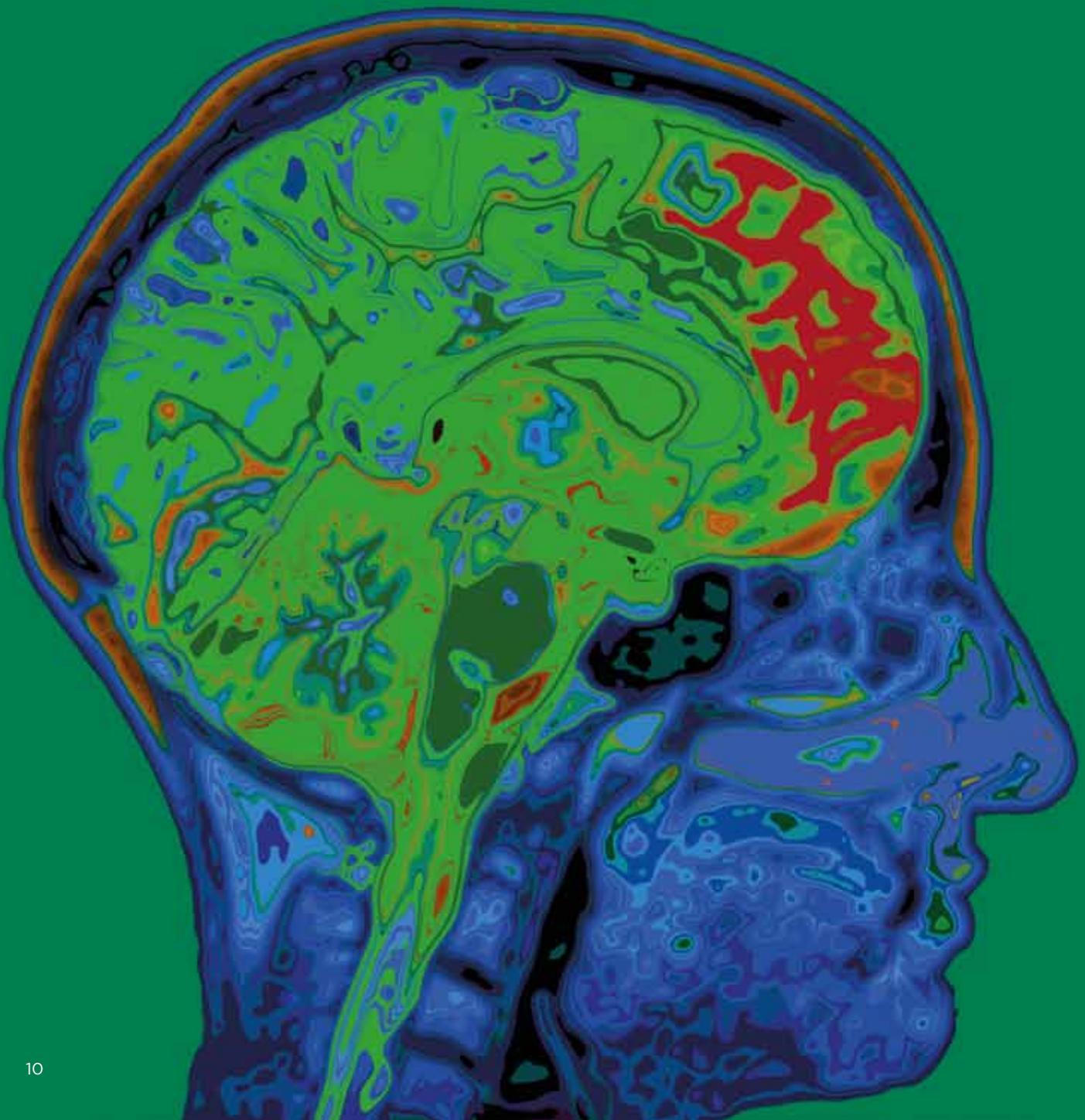
Intellectual property

Bram Van Goethem

WHO IS THE OWNER OF AN INVENTION?

Creative in employment

Many employees are creative and innovative in the workplace. They work out ideas, make presentations, design logos or write computer programs. Many inventions are also created through the intellectual efforts of employees. But do the property rights belong to the employer or the employee? Not an unimportant question, as the answer will help determine who will receive the financial and other recognition.



The employment contract often contains a clause determining that the intellectual property rights belong solely to the employer. Whether such clauses are legal is determined by, among other things, the Economic Law Code. The law makes a distinction according to the type of intellectual creation.

Copyrighted works

The law protects the author of a 'work of literature or art'. It concerns any intellectual creation of the author that is expressed in a specific and original form, such as a book, scientific text, lecture, photo, logo, song, presentation, etc.

As soon as a work meets the conditions of originality and specific form, it is protected by copyright without further formalities. The author has property rights (e.g. right of reproduction, adaptation, lending, etc.) and the moral rights (e.g. right of paternity) to the work.

The property rights enable the author to exploit their work and thus to benefit financially from it. These property rights belong to the author, even if the work is created in execution of an employment contract. The employee can transfer the property rights to the work to the employer in the following circumstances:

- the work was created in execution of an employment contract;
- this transfer of rights is explicitly provided for in a contract;
- and the creation of the work falls within the scope of the employment contract.

In principle, the moral rights to the work cannot be transferred in their totality. In any case, the author reserves the right to oppose to any distortion, mutilation or other modification of the work or any other impairment of the work that could harm their honour or reputation.

Computer programs

A separate framework has been developed for computer programs. Contrary to other works protected by copyright, the law explicitly states that the property rights to computer programs commissioned by the employer belong to the employer, unless explicitly stated otherwise in the employment contract. Therefore, all property

rights are automatically and fully transferred to the employer, unless otherwise agreed.

Inventions

In principle, the inventor has the right to apply for a patent for their invention. If an employee invents something, the rights connected to this invention in principle belong to the employee ('inventor's principle'). In practice, however, a distinction is traditionally made in the employment contract between three categories: service inventions, dependent inventions and free inventions

Service invention

The inventing is a direct consequence of normal work tasks of the employee (research or tasks that include inventiveness). The rights to the invention belong, in principle, to the employer (so-called 'fruits of labour' principle).

Dependent invention

This does not concern a service invention, but there is a connection with the employment contract in the sense that the employer contributes to important parts of the invention (knowhow, financial support, materials, tools, etc.) In that case, the rights to the invention are disputable. Even if the employee remains the holder of all rights, they will have to respect the obligation of confidentiality and the non-competition obligation, among others, if they wish to exploit the invention. Based on the principle of contractual freedom, the employee may transfer the property rights to the employer.

Free invention

There is no connection to the employment contract. The employee is the holder of all rights connected with the invention. Based on the principle of contractual freedom, the employee may transfer the property rights to the employer. However, the transfer of rights to all future inventions to the employer is unlawful.

Leading
Jan Deceunynck

STAFF SHORTAGE IN THE HEALTHCARE SECTOR

Building bridges between employer and employee



The healthcare sector sounded the alarm in June. Due to staff shortages, it is becoming increasingly difficult to provide healthcare. Ingrid Hoeben has noticed it too. She coordinates the admission planning at the Heilig Hart Hospital in Leuven. “We have to close beds more than before, due to staff shortages,” she says. “The Covid pandemic has taken a lot out of our staff. We still feel the consequences.”

Ingrid has been working at the hospital for eleven years now. She graduated as an educator, but after a break in her career to take care of her children, she started working at the hospital. She started as a receptionist, but gradually climbed up the staff hierarchy. She has been coordinating the admission planning for three years now.

Rough start

It was a rough start, she recalls. “It is a puzzle and you need to think logically. But then again, it’s not brain surgery,” she laughs. “There is also a lot of negotiating with the parties involved. But I like that. Coordinating and leading are talents I have discovered in myself in recent years. I would like to do that more. At the moment, due to staff shortages, I often have to help drawing up the planning and I don’t always get around to coaching or teamwork, which is quite unfortunate.”

Ingrid started in her new position right before the Covid pandemic turned the hospital upside down. “That was an extremely tough period. Obviously, it was tough on medical staff, but the support services suffered as well. Without nurses, no hospital. But no hospital without support services either. It was a difficult period for everyone.

“Without nurses, no hospital, but the support services deserve attention too.”

The maintenance department had to clean the beds and rooms, the technical department had to install partitions to create separate wards, managers had their hands full with adjusting schedules and replacing sick colleagues. And we in the admission department had to rearrange the planning constantly because departments were being closed

to free up more beds, or vice versa. It required enormous flexibility from everyone.”

“Corona was heavy. First, we had to reserve wards for Covid patients, then our capacity was limited due to staff shortages.”

Staff shortages

Even now, the aftermath of the pandemic is still causing issues. “A relatively large number of colleagues is still ill because of the crisis. Others have left the sector. Things are starting to get back to normal, but the pandemic has been tough. First, we had to reserve wards for Covid patients, then our capacity was limited due to staff shortages.”

One of her own team members has been absent for quite some time now. And in a small hospital, with small teams, that means that the team leader has to take on extra work on top of the usual workload. “At the moment, most of my time is spent on drawing up the admission planning. But there is a lot of work to do besides that: communicating with patients, optimising and digitising the admissions flow via an app, etc.”

The staff shortage is therefore one of the most important topics in the social dialogue, which Ingrid has been part of since 2020. “The issue with the staff shortage isn’t so much the inflow, but the retention. New colleagues start regularly. There are only a few specific departments in which inflow is an issue, for example geriatrics. It’s difficult finding staff for these departments.” But retaining staff is more difficult. “Especially nurses can job hop these days. A few become self-employed, others take the opportunity to work at another hospital as head nurse.”



© Daniel Rye

because I know people, it's easier for me to say to management what needs to be said. I always try to work with others to improve our working environment. Isn't that what everyone wants? Of course, there are opposing interests from time to time. Sometimes the employer gets his way, sometimes we do. But the dialogue is pretty well respected."

"I always try to build bridges between the employer and the employees. I am in a good position as a manager. But because I know people, it's easier for me to say to management what needs to be said."

Empathy

Sometimes, there is also tension between the various staff groups. "A lot of attention is paid to nurses. And rightfully so, their job is very demanding. But the ancillary services also deserve attention. The hardest battle is often fought by the nurses, which makes the other services often feel sidelined. And because the blue-collar workers are a minority at the hospital, they often feel like their concerns are not sufficiently addressed. It does sometimes take some empathy to pay enough attention to everything," Ingrid has noticed. "It is important that we, as employees, are all on the same page. That is the only way we can move forward."

Looking for creative solutions

So, together with the employer, they are looking for other ways to be an attractive working environment. "We're going to have to be creative to solve the staff shortage. Wages are fixed. You can't do much with that. Adding something else isn't easy", Ingrid knows. An important asset of the Heilig Hart Hospital is its small scale and the friendly atmosphere that comes with it. "With around 200 beds, we are a small regional player. And that has its advantages. Our approach is a lot more personal than that of bigger hospitals, which appeals to people. Better working hours and good arrangements for working overtime are important topics, so as a trade union, we try to focus on them."

In the social dialogue, she tries to make a difference through her role in hospital management. "I like that double role. I always try to build bridges between the employer and the employees. I am in a good position as a manager to do so. I know the decision-making processes and I am able to contextualise things better for employees. But

NETWERK DAY FOR ACV KADER

Finally in person again



On Friday 1 April, executive representatives from all regions and sectors met at a networking initiative in Antwerp. It was good to meet each other ‘in real life’ again after a long period of virtual meetings and digital conferences.

It was good to meet each other ‘in real life’ again after a long period of virtual meetings and digital conferences.



The people present exchanged experiences on how they connect with their colleagues and discuss possibilities for improvement in their companies during various workshops and info sessions. An enriching experience!

On the agenda were also fascinating lectures on the use of social media, the importance of a strong welcome for new employees, the need to discuss the right to disconnect during social dialogue and the assets of a learning network.



But there was also plenty of time to get to know others and learn how colleagues approach certain topics in an informal setting during the coffee and lunch breaks. ACV Kader is always there for you. You never work alone.



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Never work alone

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