

▶▶ The Claeys & Engels 2020 **HR BEACON**

February 2020



For the third year in a row, Claeys & Engels organised a brief questionnaire among its clients during the period from 18 December 2019 until 7 January 2020. We received a total of 204 replies.

We are delighted to share the results with you.

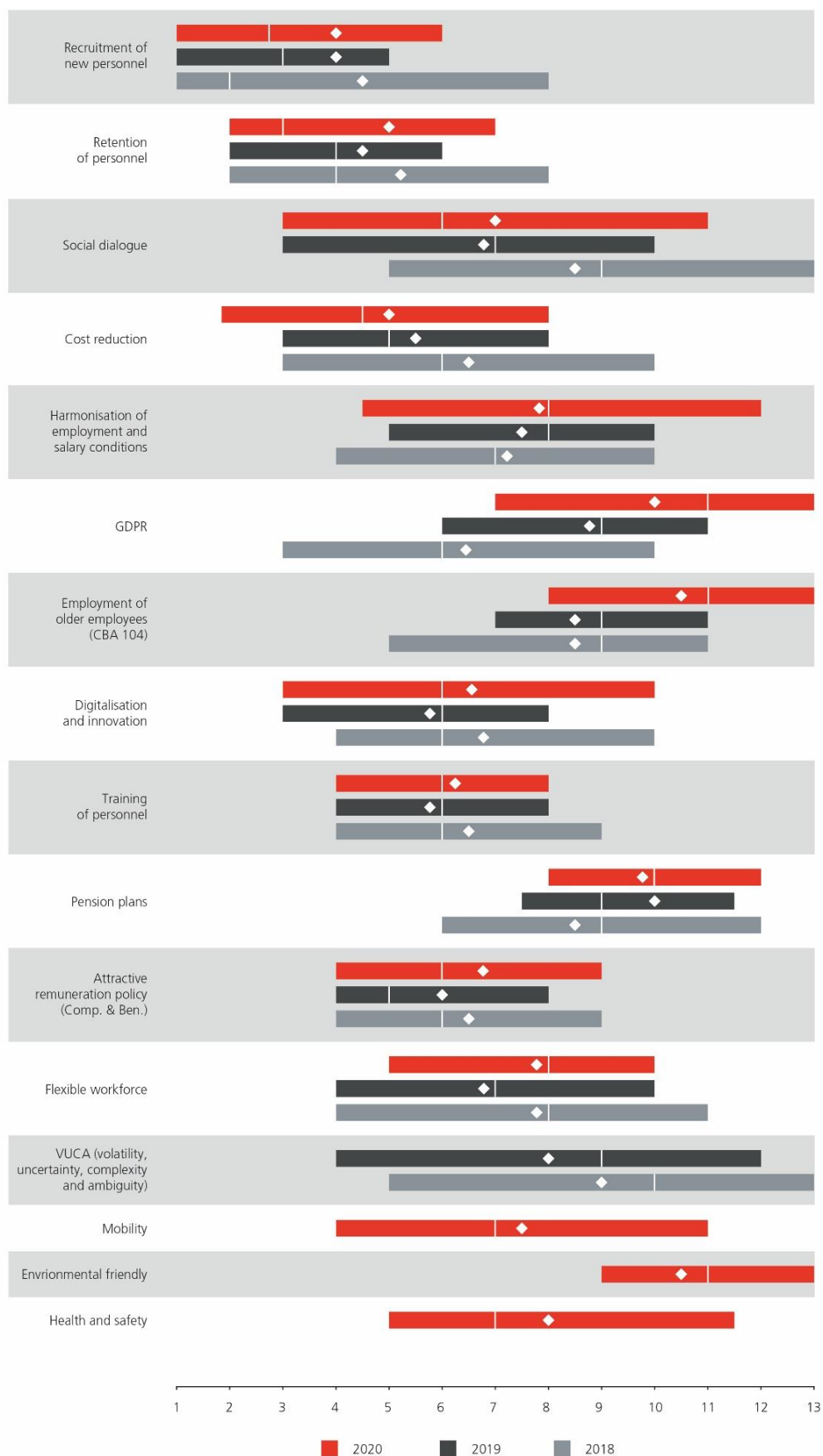
The people who did not give an answer to a question have not been taken into account.

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1 Challenges for 2020

HR Which challenges do you see in your company in terms of HR for 2020?



- Recruitment of new personnel
- Retention of personnel
- Social dialogue
- Cost reduction
- Harmonisation of employment and salary conditions
- GDPR
- Employment of older employees (CBA 104)
- Digitalisation and innovation
- Training of personnel
- Pension plans (rate reduction group insurance, harmonisation blue-collar and white-collar workers etc)
- Attractive remuneration policy (Compensation & Benefits)
- Flexible workforce
- VUCA (volatility, uncertainty, complexity and ambiguity)
- Mobility
- Environmentally friendly
- Health and safety

Analysis

In 2020, the greatest challenge remains the recruitment of new personnel; this trend is now being confirmed three years on. The “**war on talent**” is reaffirmed as a strong second challenge: the retention of current personnel. The social dialogue is slightly weaker in comparison with last year. This is a somewhat strange trend as social elections are taking place this year.

Because VUCA did not lead to much enthusiasm for the previous two surveys, we replaced this topic by "Environmentally friendly" and "Health & Safety".

Environmental friendliness has not become very prominent on the HR agenda yet. An explanation for the relatively low score could be that mobility policy has been on the agenda for a long time and is not only seen as an environmentally friendly topic.

Health and safety: the second new question in the survey has a larger share of the HR agenda. Now it will also depend on the extent to which HR is involved in this topic from company to company. In companies with a prevention advisor, that person will take the lead on safety initiatives and HR will probably have a more supportive role.

Harmonisation of employment and salary conditions has, however, gained in importance on the HR agenda. The whole discussion, especially in Anglo-Saxon countries, about equal working conditions for men and women (the equal pay debate) has led to HR paying more attention to this topic.

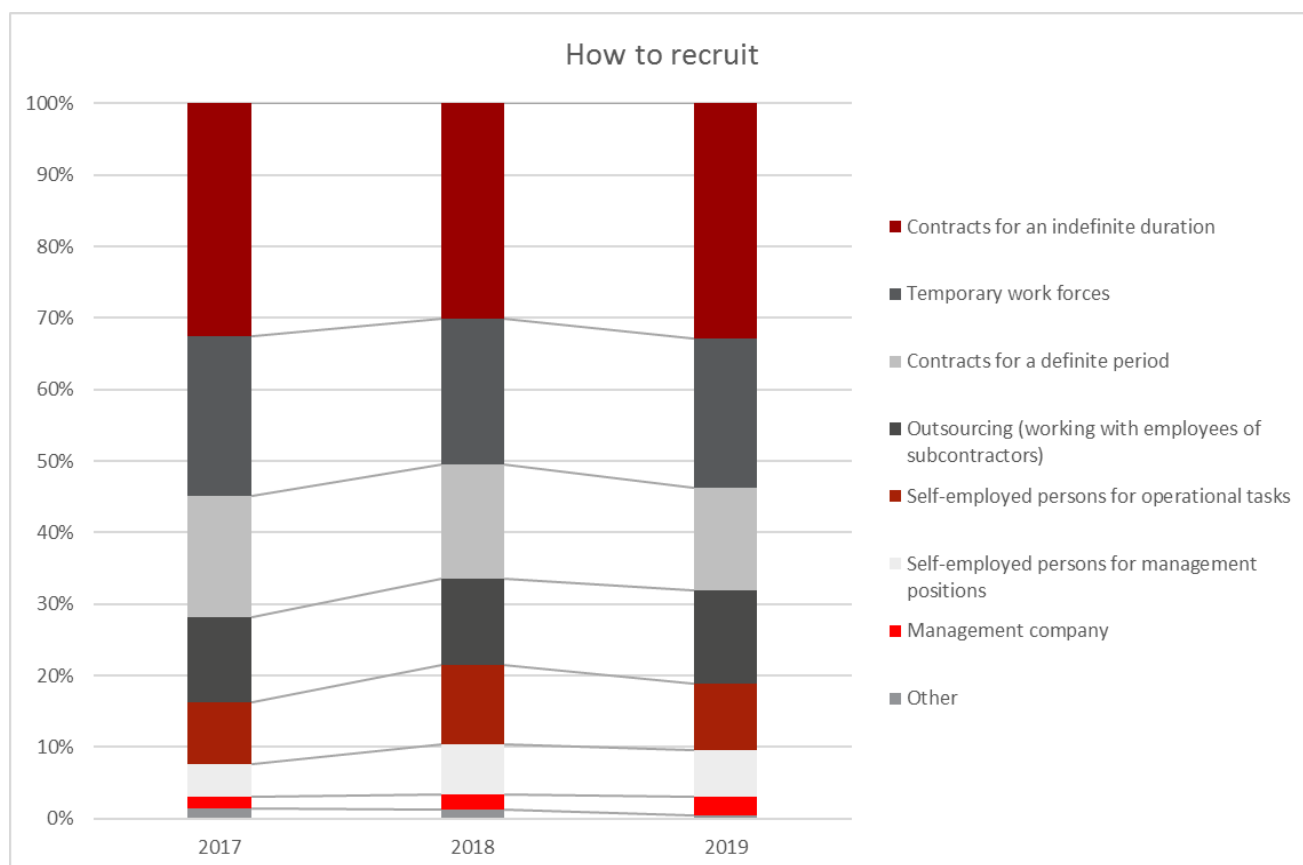
Pension plans has not experienced any real revival. In question 18 below we notice that this matter is not only very complicated but also that it is difficult for many participants.

2 Your recruitment policy

For your recruitment in 2020, you plan to use:

- Contracts for an indefinite duration
- Temporary work forces
- Contracts for a definite period
- Outsourcing (working with employees of subcontractors)
- Self-employed persons for operational tasks
- Self-employed persons for management positions
- Management company
- Other

Other: Student, co-creation, consultant, secondment, self-employed through a provider, combination of these answers.

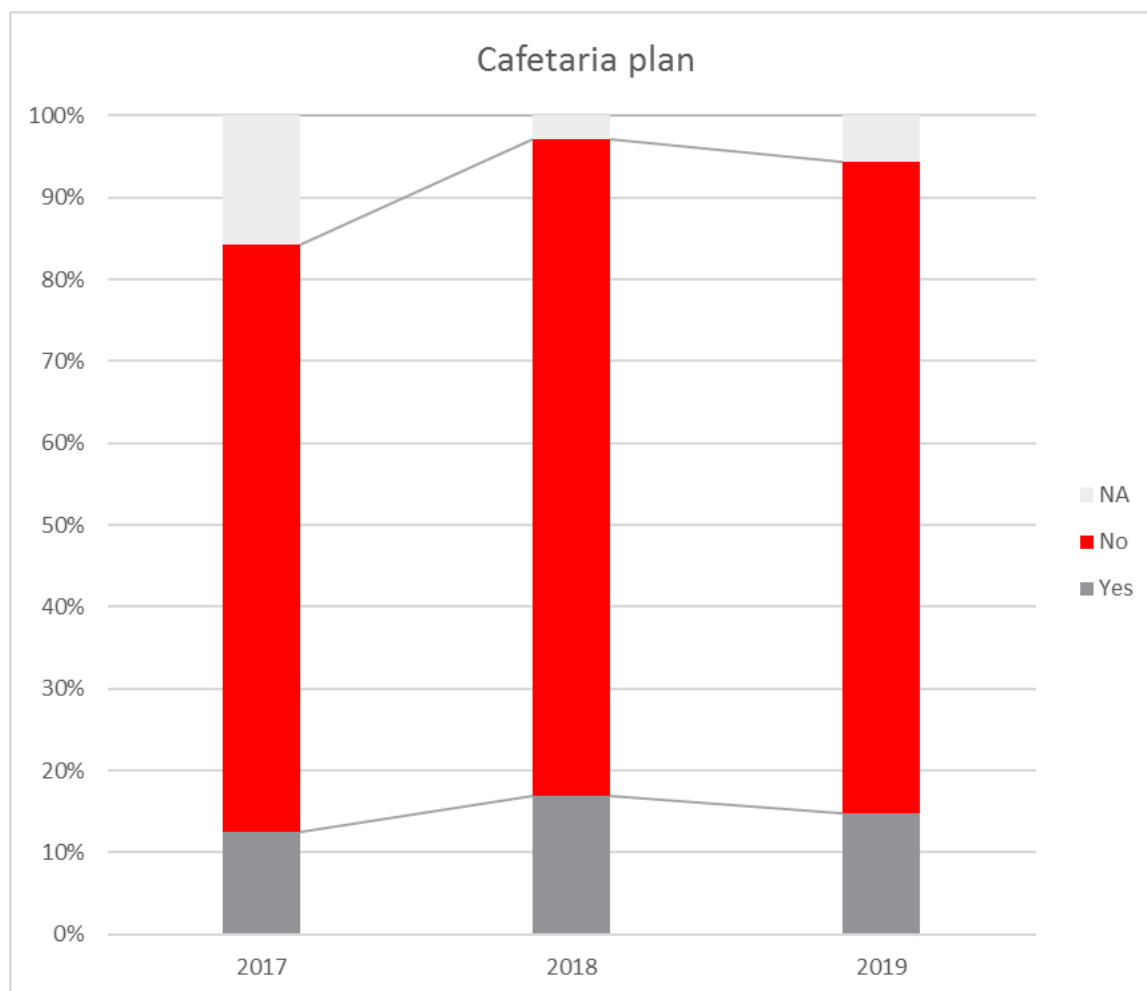


Over the past three years, contracts for an indefinite duration remain the most popular. The fear that indefinite contracts would be used much less appears to have been unfounded afterwards. On the other hand, contracts for a definite period have even lost some of their importance.

3 Flexible benefit plans

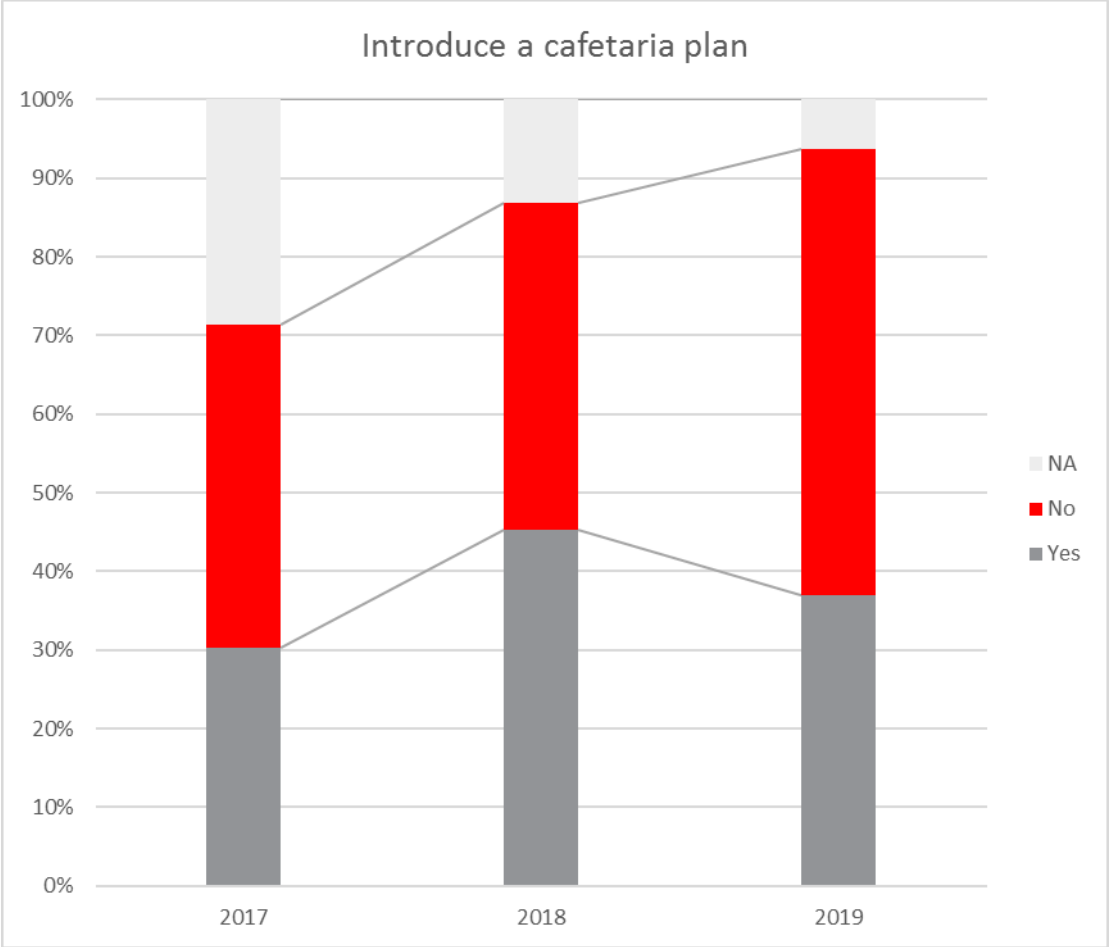
Do you have a flexible benefit plan (*flexible reward*)?

The number of participants who have introduced a flexible benefit plan has decreased slightly compared to last year but still remains above the level of 2017.



If not, are you considering introducing an employee benefit plan?

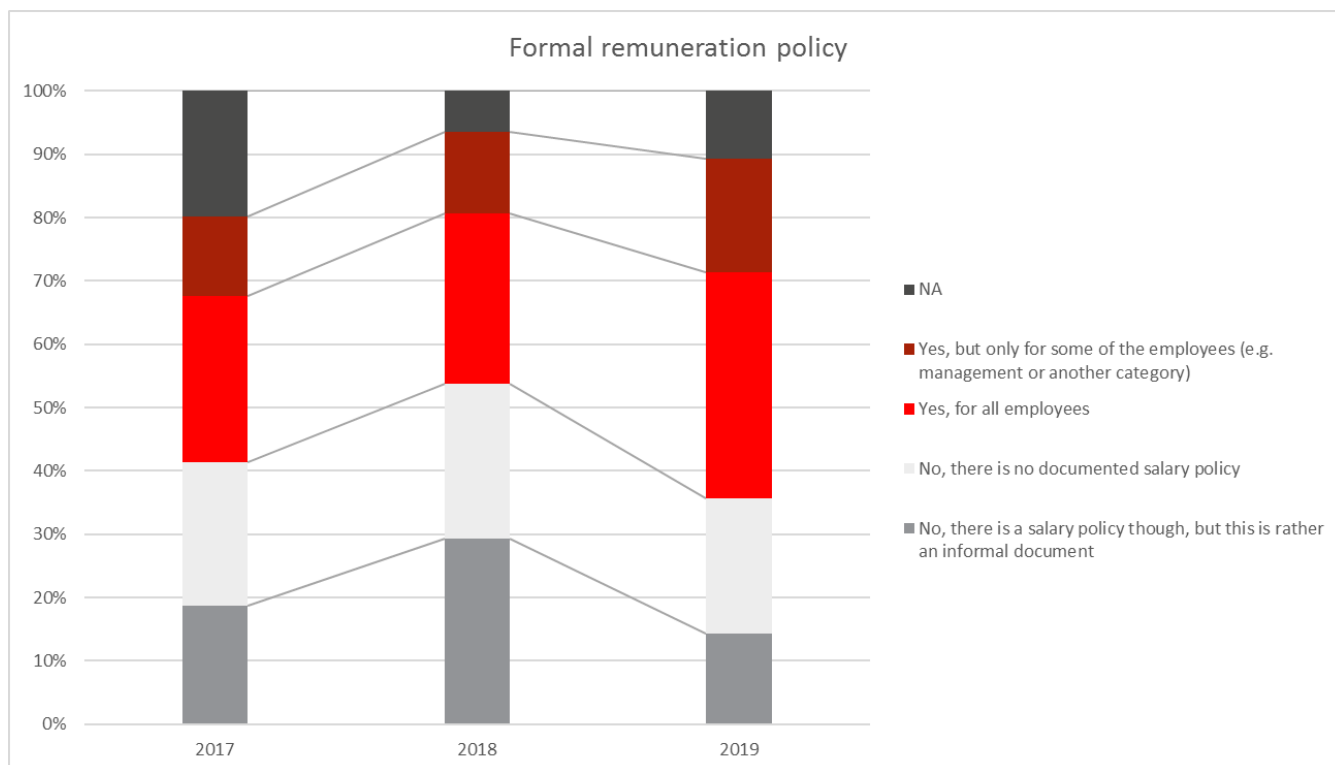
The desire to introduce an employee benefit plan has declined but remains above the level of 2017.



4 Remuneration policy

Does your company have a written salary policy / remuneration policy approved by the board of directors?

- No, there is a salary policy though, but this is rather an informal document
- No, there is no documented salary policy
- N/A
- Yes, but only for some of the employees (e.g. management or another category)
- Yes, for all employees

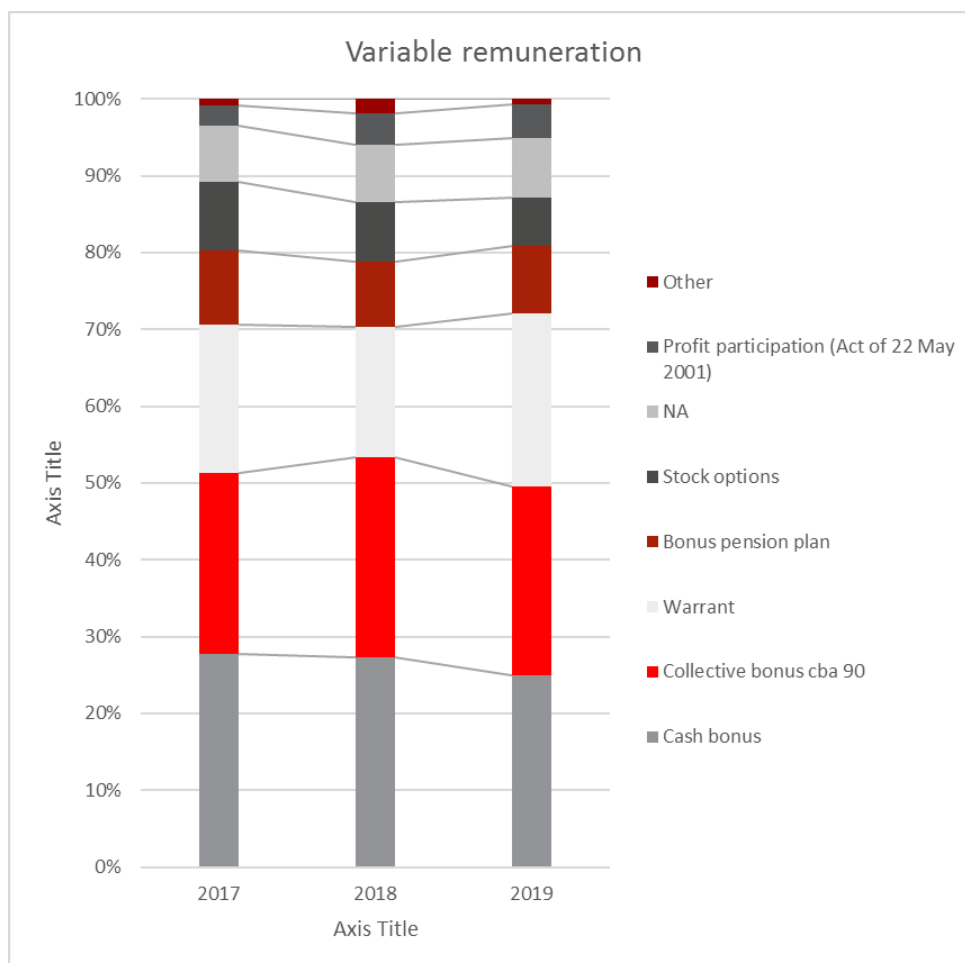


In 2019, a formally approved remuneration policy is still not a generally accepted principle. We do note, however, that a formally approved remuneration policy has gained in importance over the years.

5 Variable remuneration

Under which forms does your company grant variable remuneration to its employees?

- Cash bonus
- Stock options
- Warrants
- Collective bonus CBA 90
- Profit participation (22 May 2001 law)
- Bonus pension plan
- Not applicable
- Other



For the third year in a row the popularity of the cash bonus is declining but it still remains in first place. The collective bonus (CBA 90), whose share was still rising last year, has lost slightly in popularity. The fact that the FPS ELSD has changed its position on collective bonuses is undoubtedly the reason for this. The new stricter control means that the bonus can be used less flexibly and most participants have abandoned this technique as a way of motivating their employees. We see the same evolution for the profit participation/bonus and the stock options.

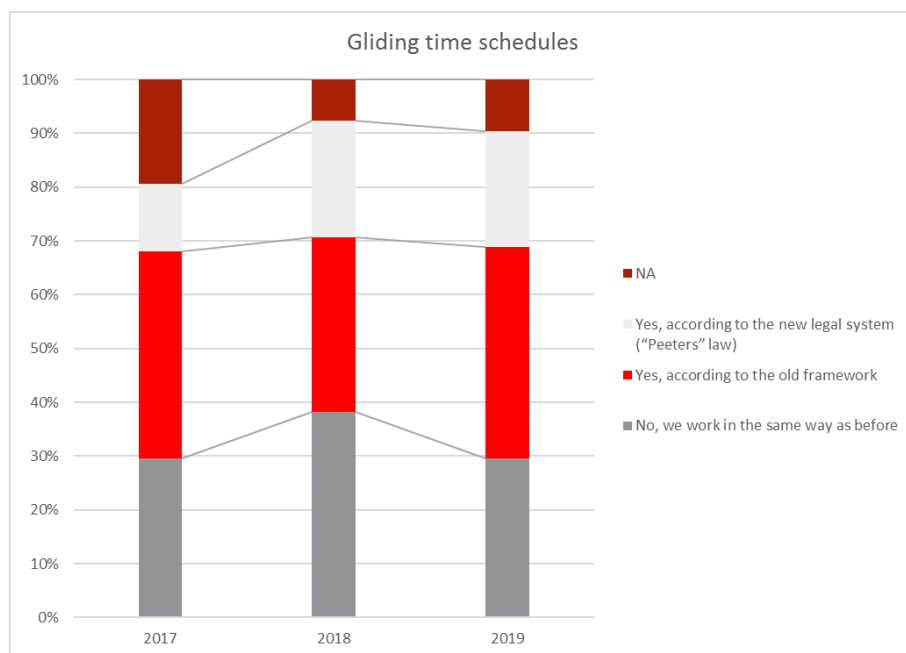
The figures also show that an instrument that makes it possible to motivate employees in an advantageous way or that is much more attractive to the participants. A good example is the warrant, which was less attractive last year but has gained in importance this year.

6 Flexitime

6.1 General

Does your company use flexitime?

- Yes, in accordance with the old framework
- Yes, in accordance with the new legal system (“Peeters Law”)
- Not applicable
- No, we work the same way as before



The regulation of Minister Kris Peeters was not very successful in 2017, but in 2018 we saw an increase in the companies that applied this regulation. In 2019 there was less interest in applying this system.

6.2 Time registration

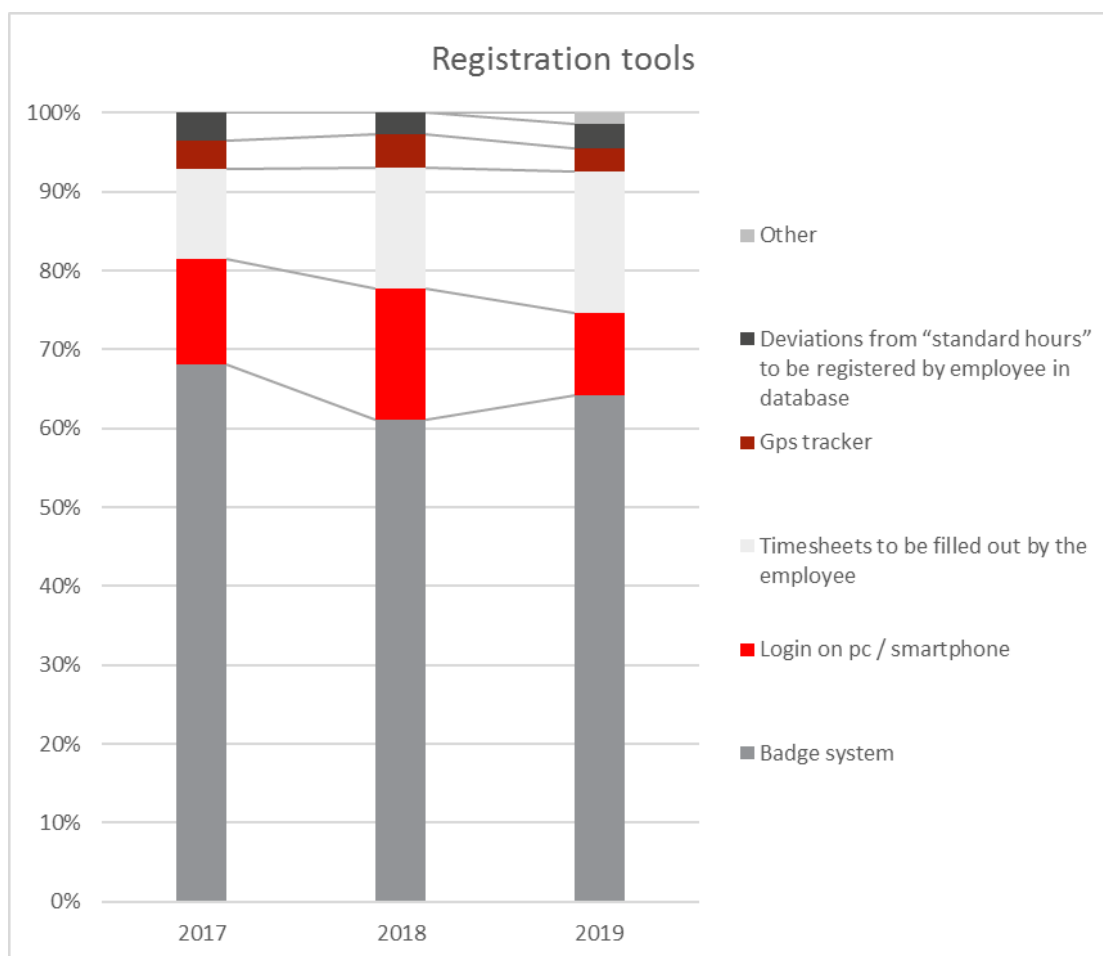
Do you have a system for time registration in this regard?



With flexitime, monitoring is becoming more common, with most of the participants providing a system for time registration. The trend of 2018 has been confirmed.

If so, which one?

- Login on pc / smartphone
- Timesheets to be filled out by the employee
- Not applicable
- GPS tracker
- Deviations from “standard hours” to be registered by employee in database
- Badge system



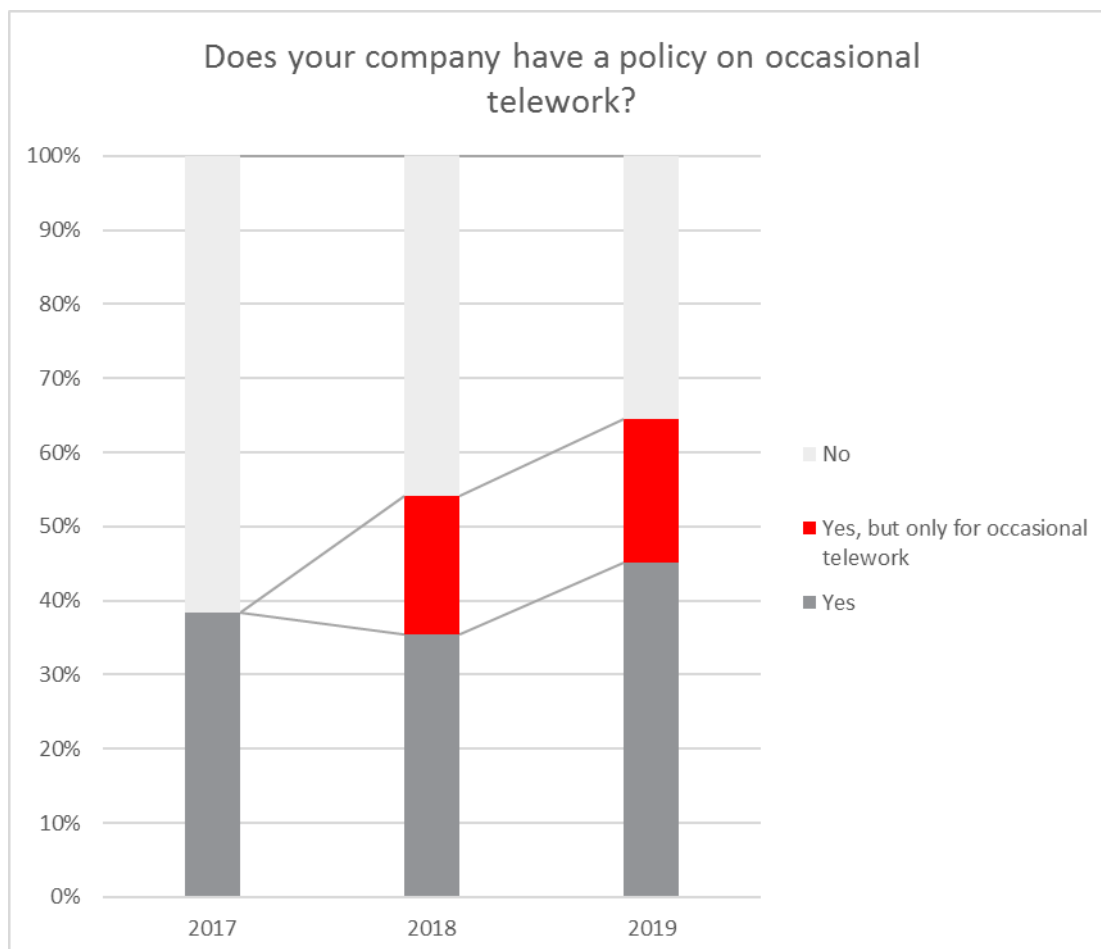
The first choice as a follow-up system remains the badge. It has clearly remained the preferred follow-up system throughout the years.

The timesheet has clearly gained in importance compared to previous years. The login on PC or via smartphone has decreased again.

7 Occasional telework

Does your company have a policy on occasional telework?

- Yes
- Yes, but only for occasional telework
- No

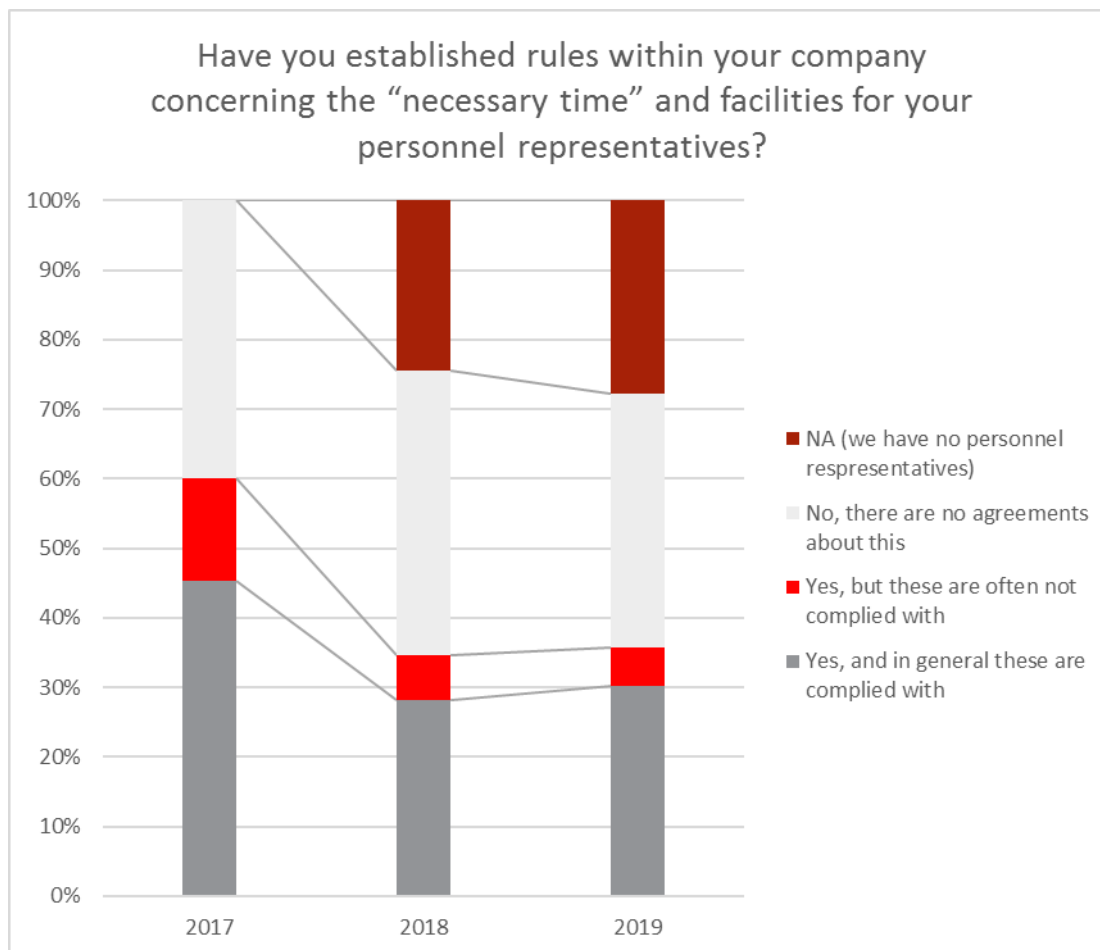


In 2019, 62 percent of the companies already had a policy on (occasional) telework. The trend to have a policy is clearly noticeable. We can only encourage this development because problems often arise when employees do not exactly know what is expected of them.

8 Employee representatives

Have you established rules within your company concerning the “necessary time” and facilities for your personnel representatives?

- Yes, and in general these are complied with
- No, there are no agreements about this
- Yes, but these are often not complied with
- N/A (we have no personnel representatives)



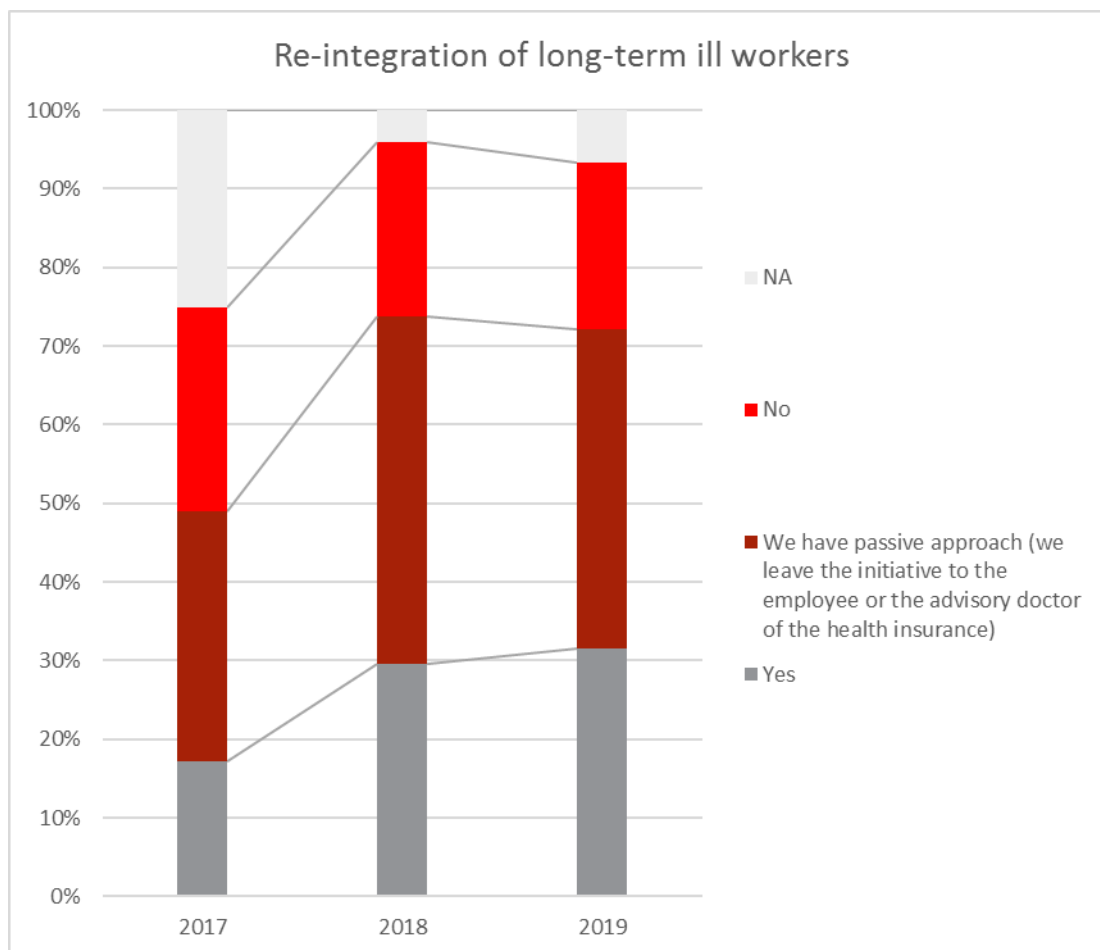
Again this year, only a limited proportion (36 percent) of the participants who have personnel representatives have laid down rules on the time and facilities that personnel representatives may have at their disposal. When rules are in place, it seems that they are generally respected.

Now that the social elections of 2020 have started, it may be useful to draw up such rules in your company. Now seems to be the perfect time to prepare yourself by the time the next team is elected so that you can make good arrangements with them. That is why you should now work on the drawing-up / refreshing of the internal rules of your Committee for Prevention and Protection at Work or Works Council.

9 Reintegration procedure

Have you worked out a policy regarding the reintegration of your long-term ill workers?

- We would rather take a reactive position (leave the initiative to the employee or the advisory doctor of the health insurance)
- No
- N/A
- Yes

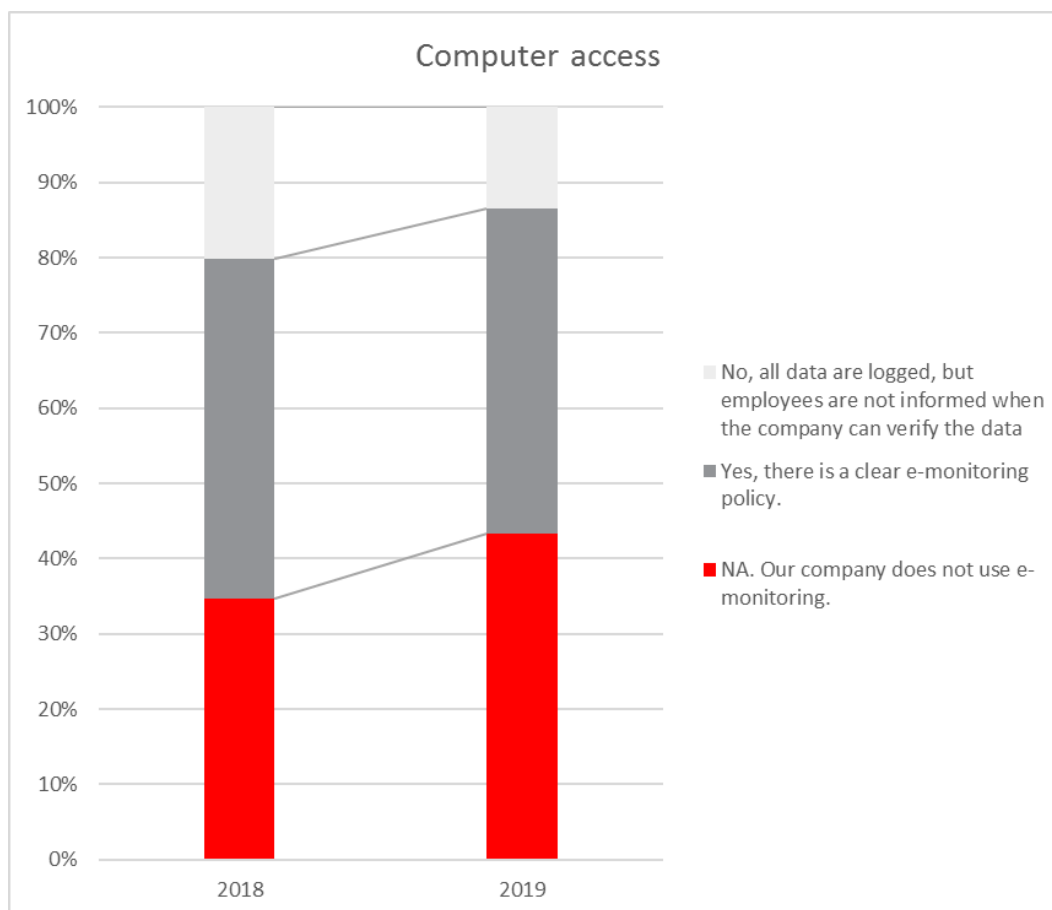


The trend of 2018 will continue in 2019 with more participants who have developed a policy. A passive attitude is used less compared to last year but is still larger than in 2017. It is noteworthy that the number of participants that tick “not applicable” has fallen greatly over the past two years.

10 Privacy of your employees

Do you give transparent information to your employees in which cases and how much their activities on the computer can be monitored?

- N/A. Our company does not use e-monitoring.
- Yes, there is a clear e-monitoring policy
- No, all data are logged, but employees are not informed when the company can check the data



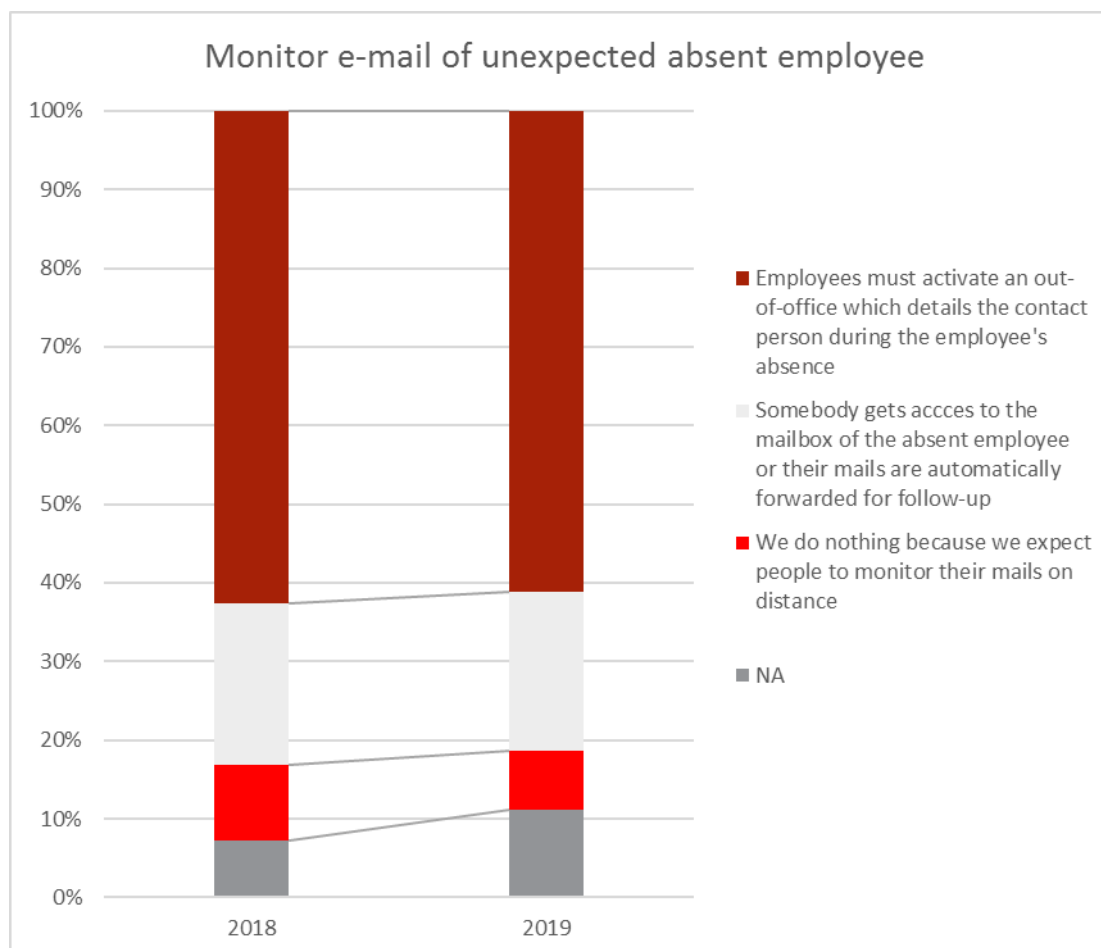
More participants compared to last year do not organise e-monitoring. The increase is probably due to the strict GDPR rules.

On the other hand, it is noteworthy that a number of participants still indicate that they are doing e-monitoring without informing their staff. It is recommended that clear guidelines are provided, not only to eliminate insecurity among employees, but also to be able to take appropriate action in the event of a breach of policy. In addition, the evidential value of monitored e-mails may be compromised.

A good e-monitoring policy can help prevent and/or detect fraudulent data leaks. The GDPR legislation requires a company to deal transparently with data of its employees but also of its customers. This includes being able to enforce correct behaviour on the part of your employees.

What happens with the monitoring of the e-mail account of an unexpectedly absent employee?

- Nothing, because we expect people to monitor their mails at a distance.
- Employees must activate an out-of-office message which details the contact person during the employee's absence.
- Somebody gets access to the mailbox of the absent employee or their mails are automatically forwarded for follow-up.
- Not applicable.



Monitoring of e-mails of an unexpectedly absent employee is a difficult matter which many companies are struggling with. Not only is the sender of the e-mail not aware that his e-mail will possibly not be processed by the recipient, but getting access to that e-mail can potentially be a breach of the privacy of the sender and the recipient (except when you have their permission in advance).

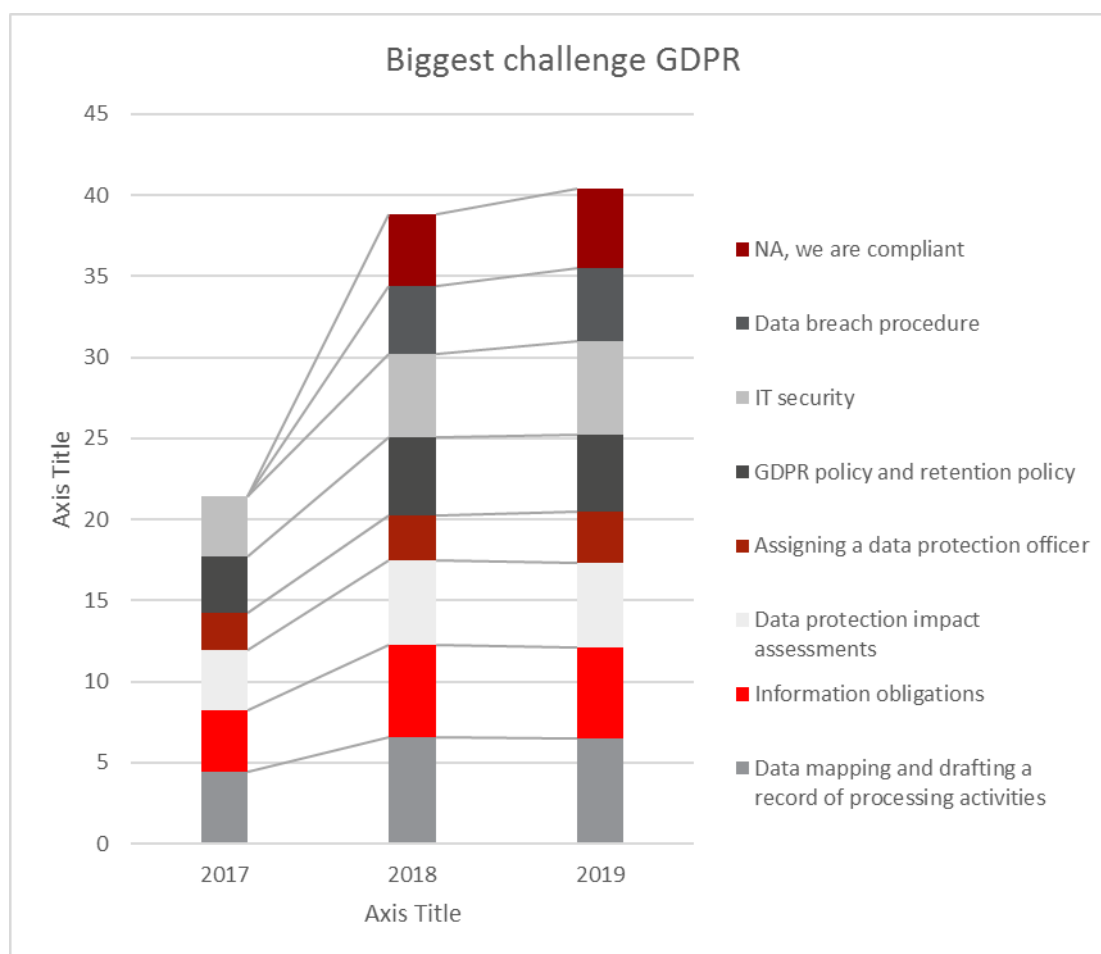
Most participants ask their employees to set up an out-of-office message. In our opinion, this is a good approach to the problem of still being able to correspond with the company's contacts, even if the employee is absent.

Simply giving access to another employee seems to us a risky path, unless the mailbox has no personal characteristics (e.g. info@onderneming.be).

11 GDPR

What is your main challenge with regard to GDPR compliance?

- Data mapping and drafting/updating a record of processing activities
- Information obligations
- Data protection impact assessments
- Assigning a data protection officer
- GDPR policy and retention policy
- IT security
- Data breach procedure
- N/A, we are compliant

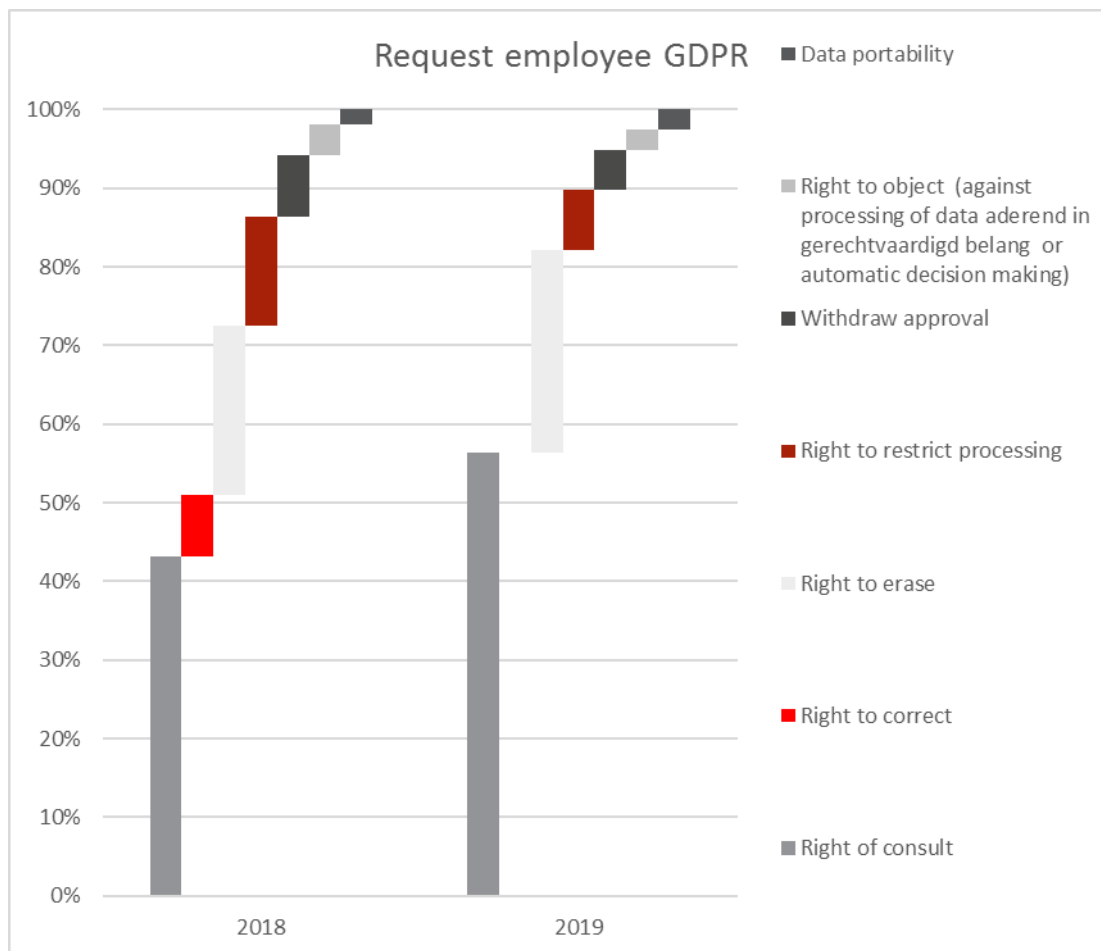


This year, to make the comparison easier, we have chosen to assign a weighted average to each of the challenges. This weighted average consists of, on the one hand, the importance that the participants attach to the challenge and, on the other hand, the number of participants that found this challenge important.

Data mapping has proven over time to be a major challenge, as well as the information obligation. In recent years, IT security and the data breach procedure have gained in importance. There are also already a number of participants who indicate that they are fully compliant.

Have you received a request from an employee regarding his rights under the GDPR over the past few months? If so, which right did it concern?

- Right to consult
- Right to correct
- Right to erase
- Right to restrict processing
- Withdraw approval
- Right to object (against processing of data based on legitimate interest or automatic decision making)
- Data portability

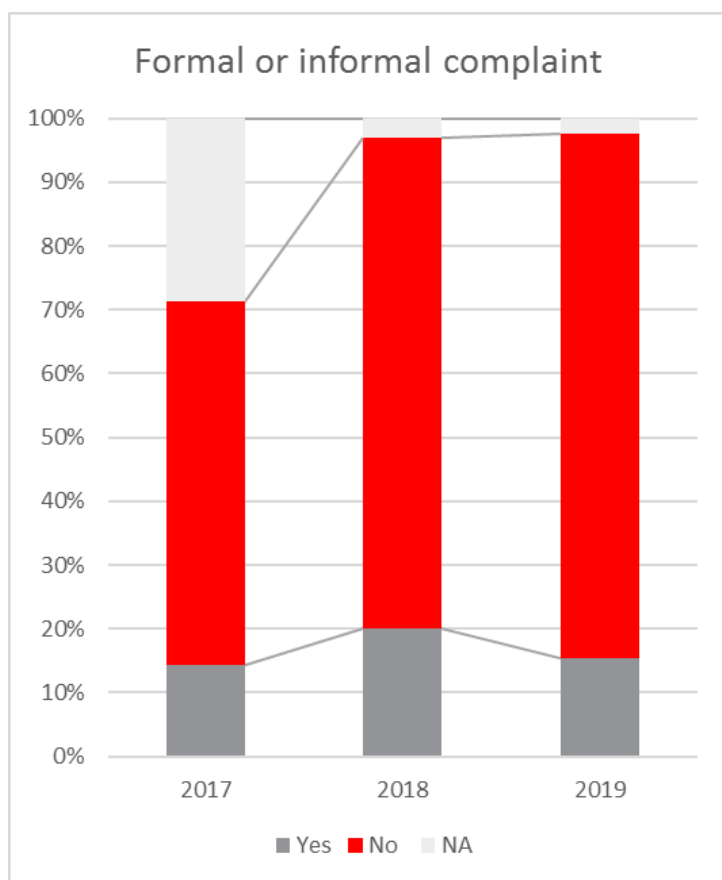


When employees exercise their rights under the GDPR, in most cases they exercise their right to consult the personal data which is processed about them. The trend that started in 2018 has also been reinforced this year. It is important that each company is prepared for potential requests from their employees to respond on a proper way and act within the legal deadlines. Efficient procedures and template forms could help with this.

The right to rectify data has not been invoked where the right to erase data has been used slightly more than last year.

12 Discrimination at work

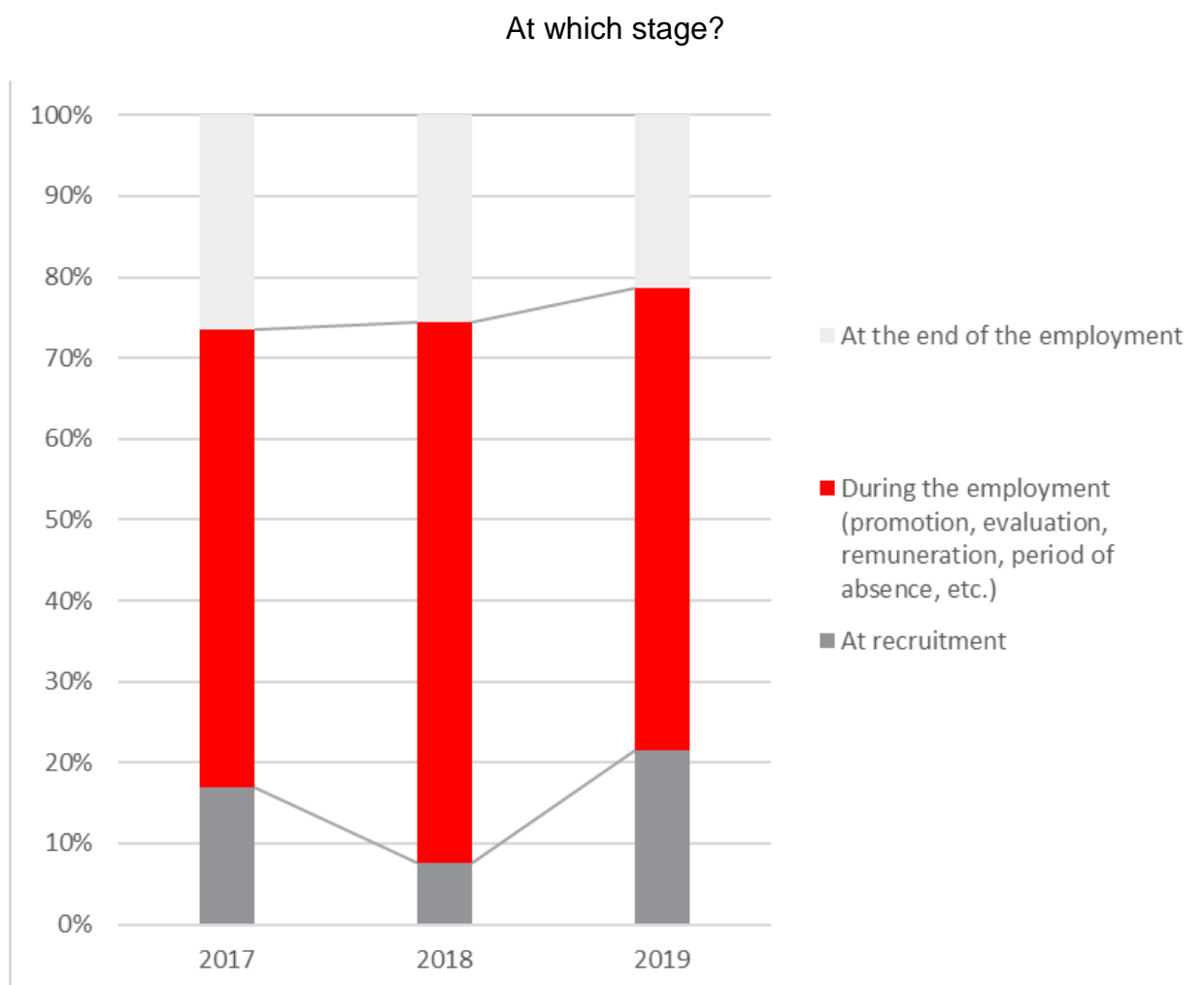
Have you ever received a formal or an informal complaint based on discrimination at work?



Complaints on grounds of discrimination decreased compared to 2018 but are still slightly higher compared to 2017. The number of complaints remains rather limited (only 19 complaints in 2019).

If so, at what stage of the employment process was this?

- At recruitment
- During the employment (promotion, evaluation, remuneration, period of absence, etc.)
- At the end of the employment

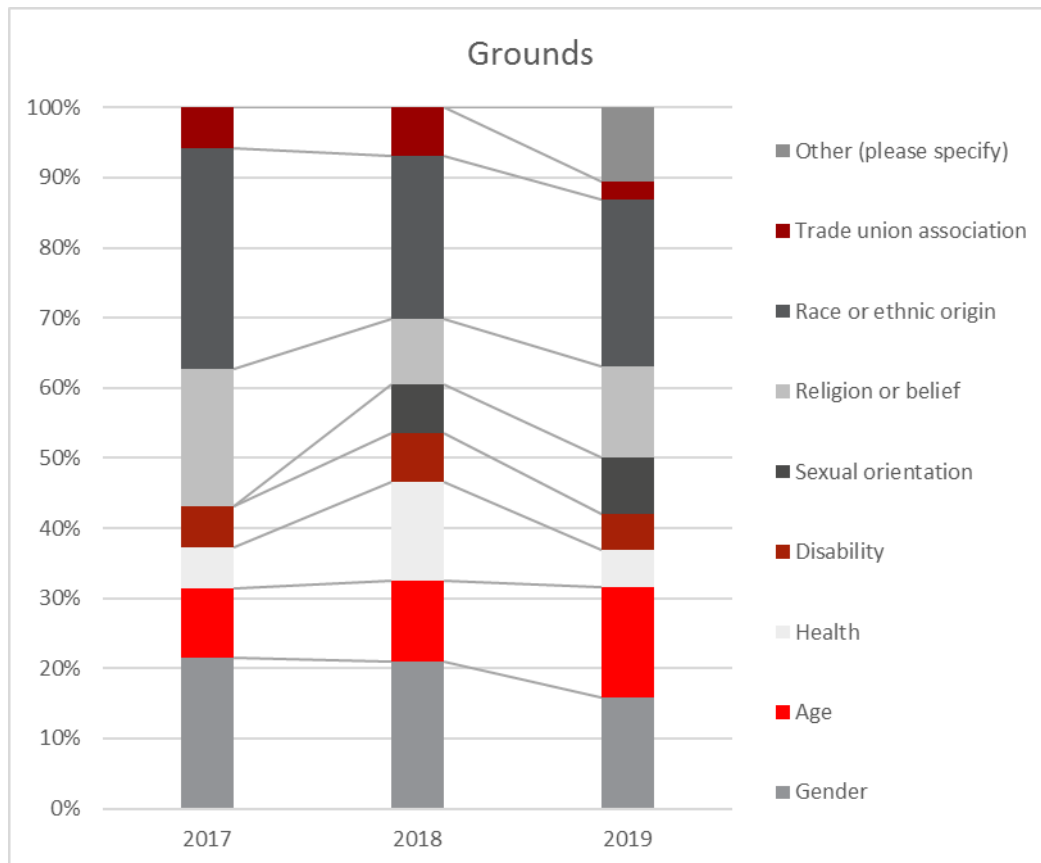


Most complaints still seem to arise during employment. Contrary to 2018, we notice in 2019 that there are significantly more complaints about discrimination during the recruitment process. This is a remarkable situation as complaints during the recruitment process will be more difficult to prove. When we want to find out how such a complaint is substantiated, we often notice that the complaints are based on communications from persons involved in the recruitment process. It is therefore recommended that these people are properly briefed so that they do not accidentally share unwanted information with the candidate.

Remarkably, however, there are relatively few complaints at the end of the employment.

On what discrimination criterion (criteria) was this complaint based?

- Gender
- Age
- Health
- Disability
- Sexual orientation
- Religion or belief
- Race or ethnic origin
- Trade union association



Discrimination complaints based on gender decline every year. Complaints based on race or ethnic origin continue to account for the lion's share of discrimination each year.

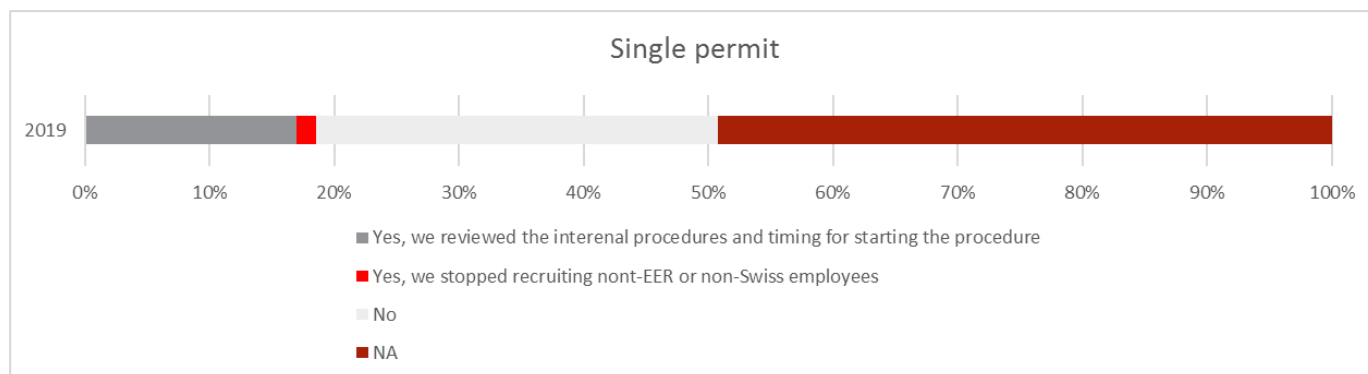
In recent years we have seen more discrimination complaints for all forms of discrimination, which may be explained by the increased awareness and the very active role of Unia.

In the category "Others" we found an interesting complaint in the open comments based on the language regime in the company.

13 Mobility and illegal employment

Do the longer deadlines for the granting of a single permit and the new substantive rules for the granting of a work permit have an impact on your policy on the recruitment of foreign (non-EEA or non-Swiss) workers?

- Yes, review internal procedures and timing for starting the procedure
- Yes, stop hiring non-EEA or non-Swiss employees
- No
- Not applicable

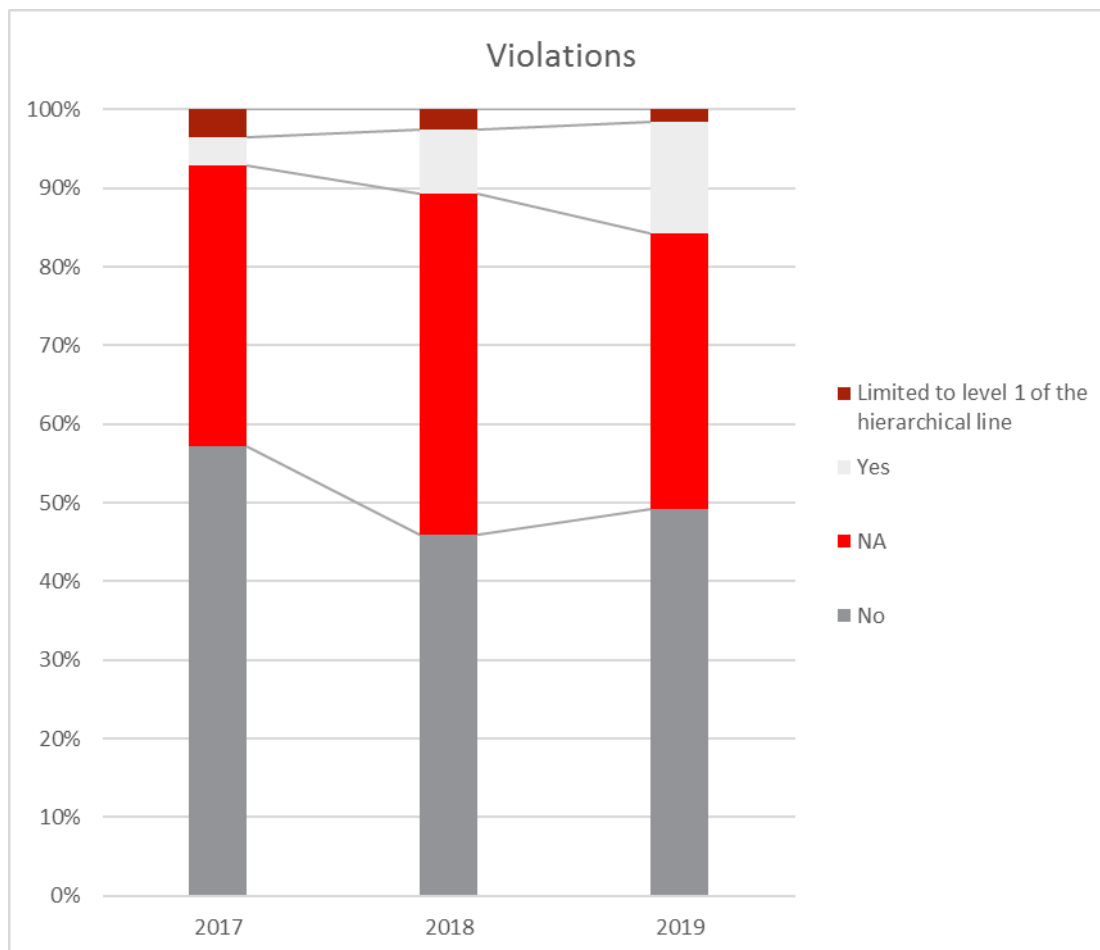


Entirely new question this year. For about 32 percent of the participants, the new rules and procedure did not have an impact on their policy on the recruitment of foreign (non-EEA or non-Swiss) employees, while it did have an impact for about 19 percent. For 49 percent of the participants, the new rules do not apply.

14 Violations of employment law and prevention legislation

Have you also experienced lately that in case of serious violations of employment law and the laws on health and safety, the social inspection more easily drafts a summons in which not only the company but also all members of the hierarchical line are held responsible?

- No
- Not applicable
- Yes
- Limited to level 1 of the hierarchical line
- Limited to level 2 of the hierarchical line



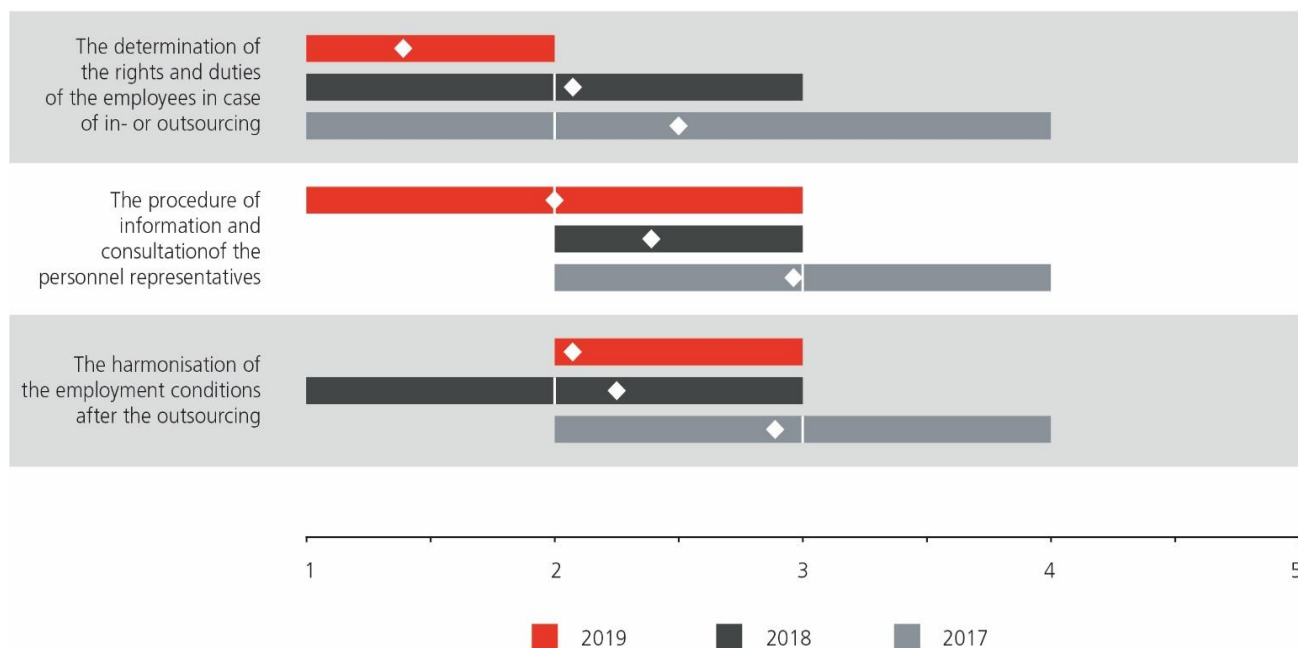
Among the participants who have been in a situation where serious violations of employment law and prevention legislation were found, the majority reports that they have not experienced that one passes on more quickly to formal proceedings, whereby not only the company but also all members of the hierarchical line are held liable.

However, we notice that over the years the proportion of cases in which the hierarchical line is involved has increased. Moreover, it is an established fact that breaches of the Welfare at Work legislation (especially after a serious industrial accident) increasingly lead to criminal prosecution, at least of the company(ies) involved.

15 Challenges in case of in- or outsourcing

What is your main challenge for *in- or outsourcing*? (1 = main challenge, 3 = least important challenge)

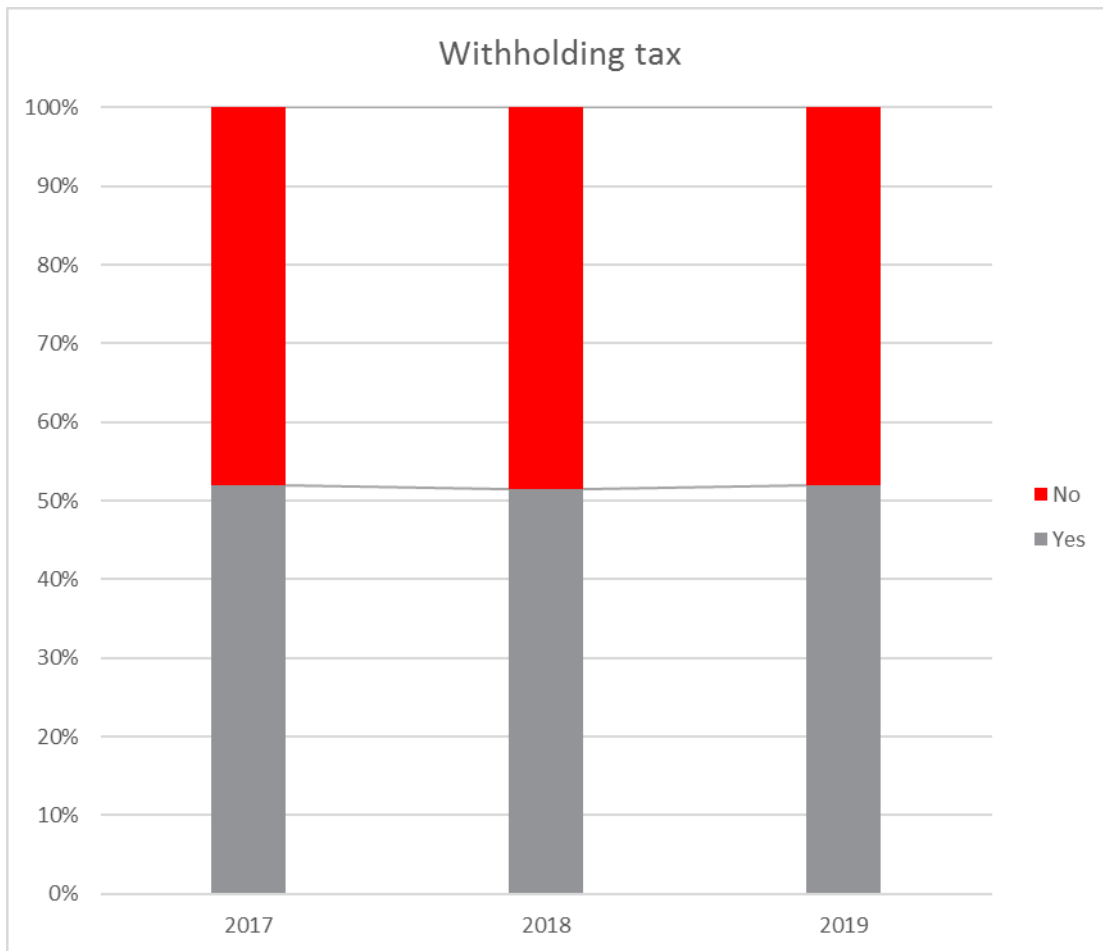
- The determination of the rights and duties of the employees in case of in- or outsourcing
- The harmonisation of the employment conditions after the outsourcing
- The procedure of information and consultation of the personnel representatives



The greatest challenge in outsourcing no longer lies solely in determining the rights and obligations of employees. In 2018, the second concern was the equalisation of working conditions. In 2019, the information and consultation of staff representatives is the second most important element to be taken into account. It will be exciting to see how the trend develops over several years.

16 Withholding tax

Does your company use the partial exemption for the payment of income tax on wages?



Approximately half of the participants uses the partial exemption for the payment of income tax on wages. The trend has now been confirmed for three years in a row.

If so, which one?

- Work in shifts - work at night
- Research and development
- Overtime hours
- Other



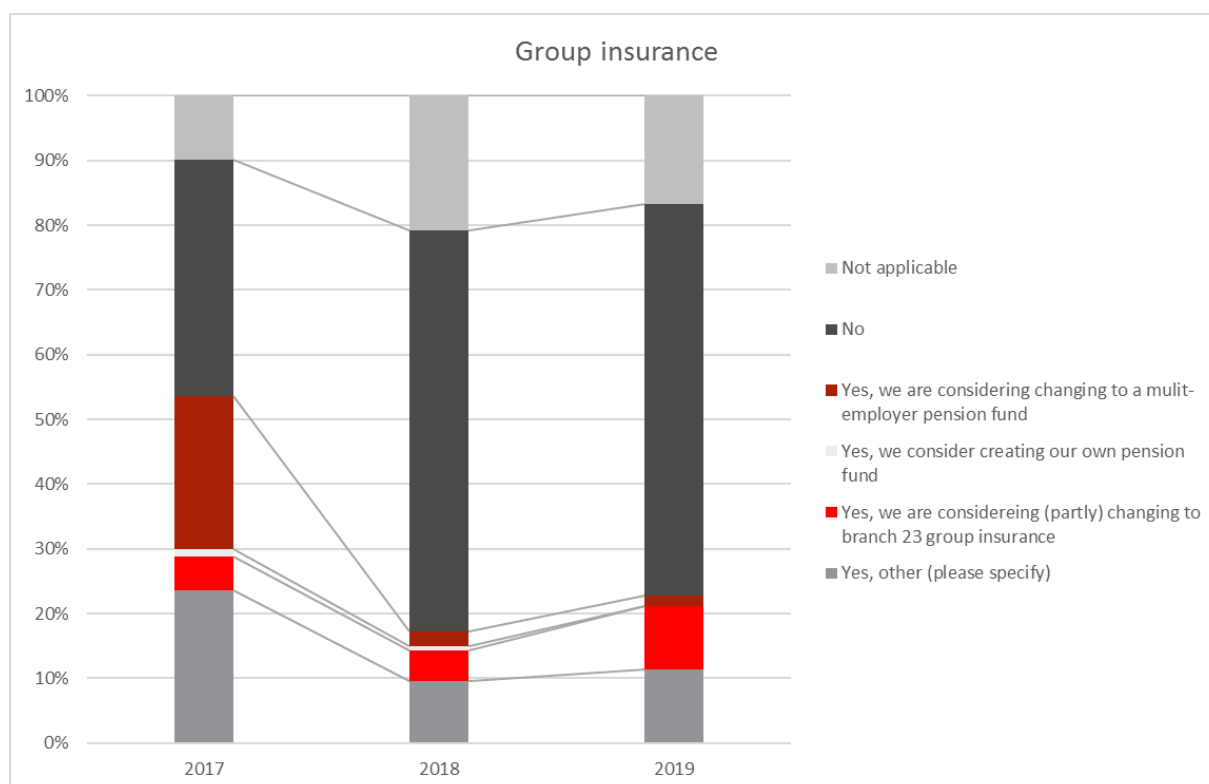
Further analysis shows that when the exemption is used, there is a fairly equal distribution of the reason on which the exemption is based. The underlying ratios hardly change: research and development (31 percent in 2020 - 37 percent in 2018 - 35 percent in 2017), overtime (35 percent in 2020 - 31 percent in 2018 - 33 percent in 2017) and shift work (33 percent in 2020 - 31 percent in 2017-2018).

The exemption for research and development has lost importance in the past year.

17 Group insurance

Have the rate decreases that were introduced in recent years by the group insurers in branch 21 group insurances had an impact on your group insurance?

- No
- Not applicable
- Yes, other (please specify)
- Yes, we are considering (partly) changing to a branch 23 group insurance
- Yes, we are considering changing to a multi-employer pension fund
- Yes, we are considering creating our own pension fund

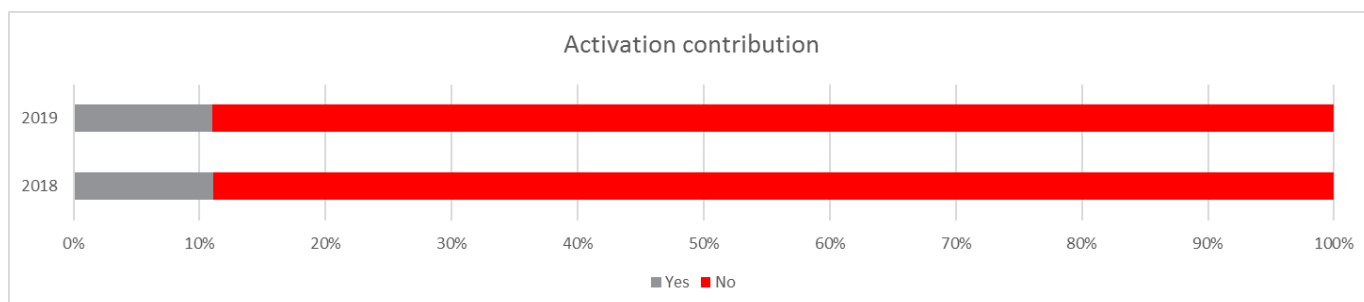


In 2018, 62 percent of the participants indicated that the rate reduction of the group insurers so far has had no impact on the organisation of their group insurance “branch 21”. In 2019, this was 61 percent of the participants. In 2018 and 2019 there was much less enthusiasm to switch to other products or solutions in comparison with 2017.

The open comments show that in 2019 several participants have switched from a group insurance to a pension fund. This is a trend that we also notice in our practice, often it involves a switch to a multi-employer pension fund. Among the participants, several are negotiating with other group insurers with higher returns. It also appears that more and more participants are switching to a branch 23 group insurance. Two participants indicate that the financing of group insurance deserves special attention if problems want to be avoided. In our practice we do notice that the assessment of the future cost of group insurance remains a point of attention for companies.

18 Activation contribution

Activation contribution: Does the introduction of an activation contribution have the consequence that you allow a conventional exemption of performance?

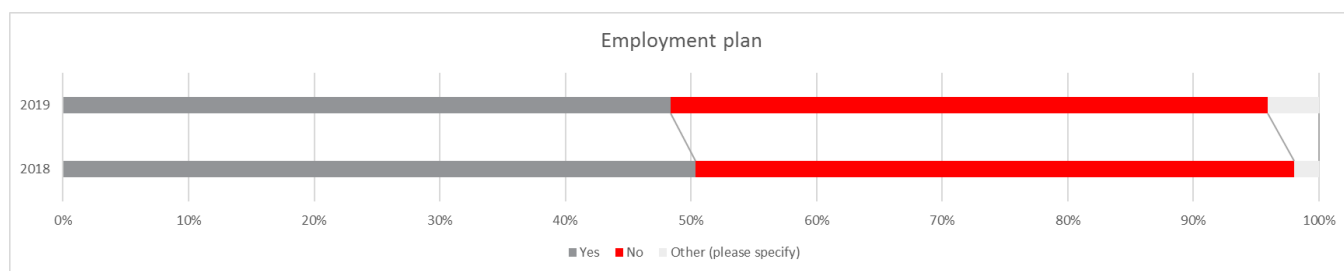


The activation contribution has clearly the consequence that the majority of the companies no longer allow a conventional exemption of performance. At least, no activation contribution is due in case of the exemption of performance during the period of notice.

The trend from 2018 clearly continued in 2019.

19 Employment plan for older employees

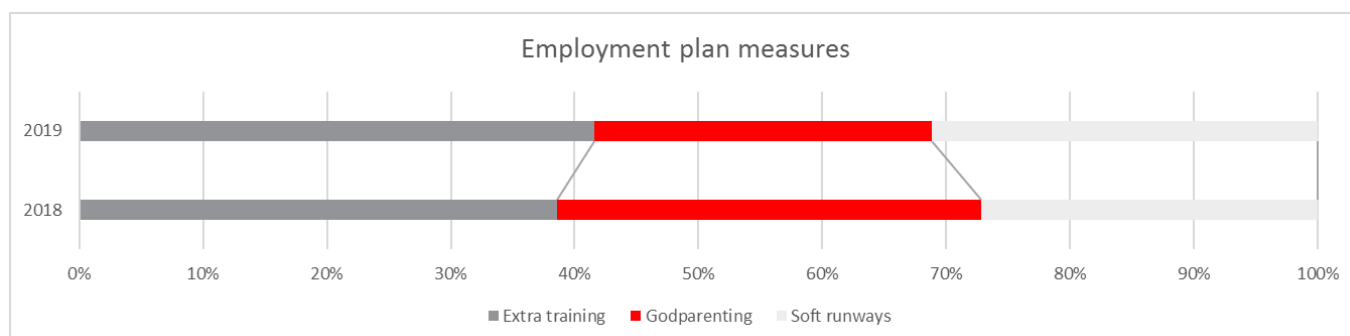
Do you have an employment plan for older employees?



50 percent of the participants already has an employment plan for older employees. In 2019 we notice that most participants do not have an activation plan. It is only a small difference with 2018.

If so, which measures do you provide in this plan?

- Soft runways
- Godparenting
- Extra training

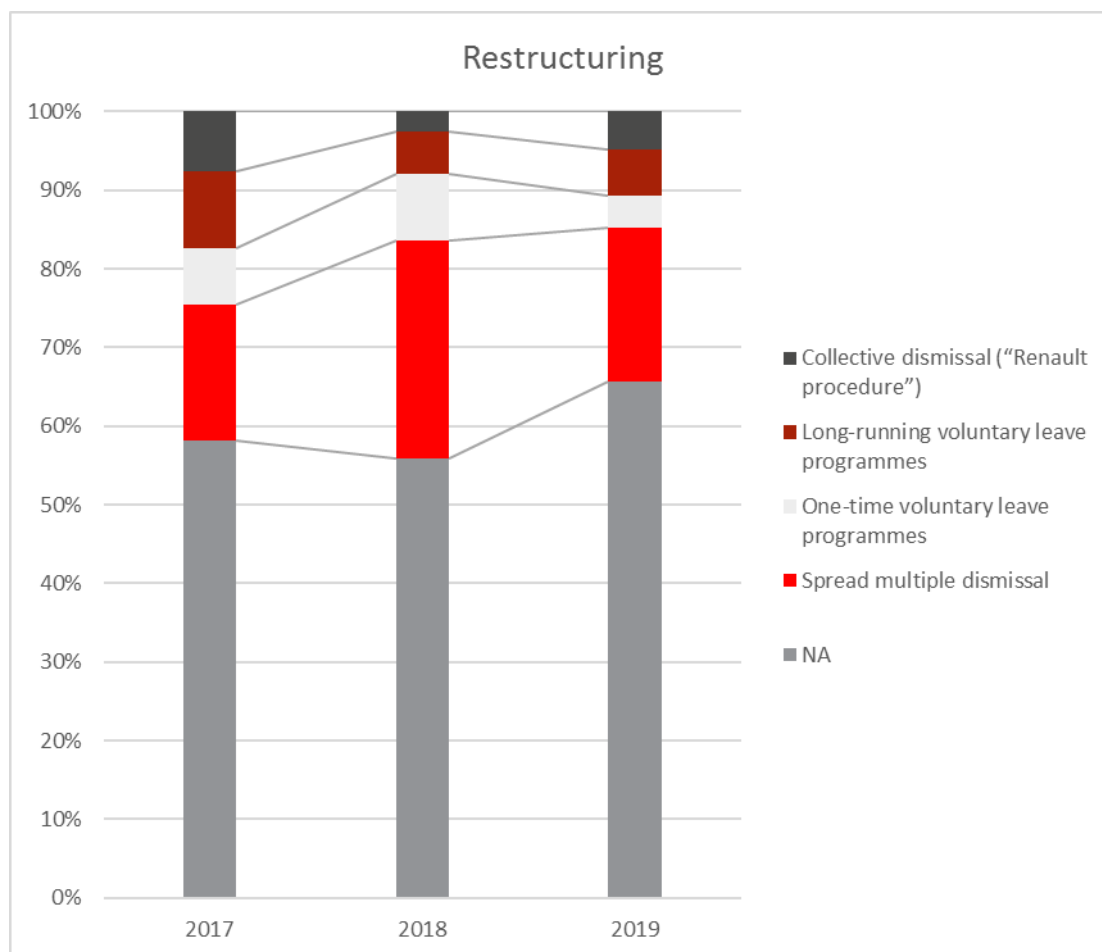


Extra training is even more successful compared to last year. Godparenting has been reduced to third place and the soft runway system now has a larger share in the measures taken.

20 Reorganisation

In 2020 in the framework of a possible reorganisation, would you rather work with:

- Spread multiple dismissal
- Collective dismissal ("Renault procedure")
- Long-running voluntary leave programmes
- One-time voluntary leave programmes
- Not applicable



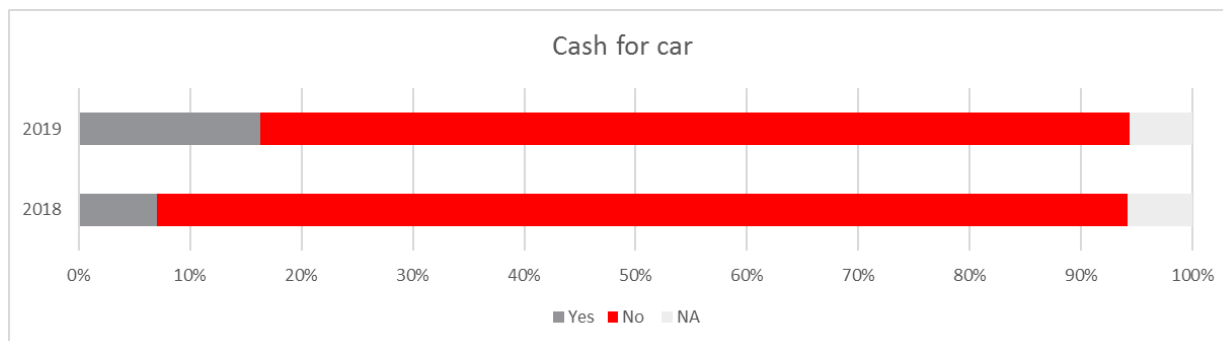
The least number of restructurings are planned for 2020 compared to the previous two years. For those companies that would restructure, the preference is still for spreading multiple dismissals. We note that this preference is less pronounced compared to 2018.

Long-running voluntary leave programmes are decreasing. The Renault procedure has gained some importance but is still below the level of 2017.

21 Cash for car - Mobility budget

Have you introduced *cash for car*?

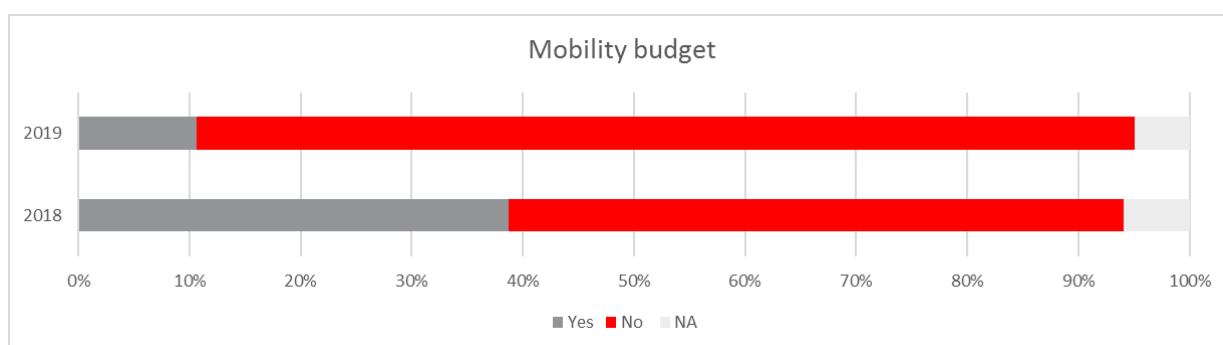
- Yes
- No



The whole legislation about cash for car had little impact and in all likelihood will have none in the future. A judgment of the Constitutional Court of 23 January 2020 annulled the cash for car legislation, as a result of which it – at least in its original form – will no longer have an impact from 2021 onwards. The practical impact of this annulment is relatively limited as it is clear that most companies have not put much energy into it. Only 7 percent had set up the scheme in 2018; in 2019 the number increased to 17 percent. An increase in 2020 is therefore – in view of the repealing of the cash for car legislation – in all likelihood excluded and at least only of a temporary nature.

Have you introduced a mobility budget?

- Yes
- No
- NA



Whereas in 2018 there was still a lot of interest in the mobility budget with 39 percent of the participants, there is much less interest in 2019 compared to 2019. Only 11 percent of the participants introduced such a budget.

When we look at the reasons given why the mobility budget or cash for car is not introduced, we notice that this is mainly due to:

Mobility problems: Some companies cannot really introduce a mobility budget because public transport is not a viable alternative.

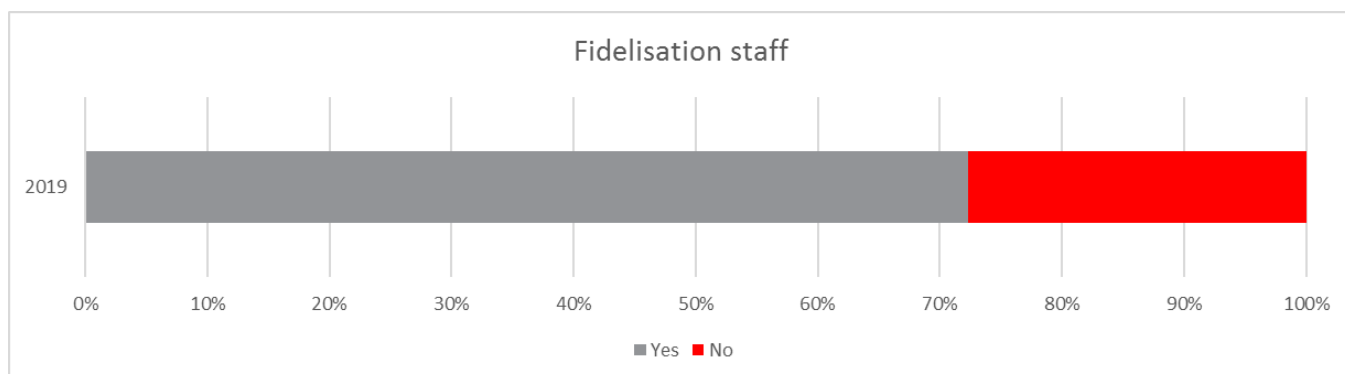
Complexity: Many participants note that the system of cash for car and/or the mobility budget involves a great deal of administrative burden. Some participants even state that the size of their department does not allow the administrative burden to be absorbed. One participant commented that cash for car does not grow with the person's career, after a promotion you cannot allocate a higher amount and that makes the system less attractive.

Interest: A number of participants indicate that there is little demand from employees and that most employees are more likely to ask for a car. Some also do not have a company car and therefore cannot exchange it.

22 Fidelisation of staff

Are you making efforts to retain your personnel?

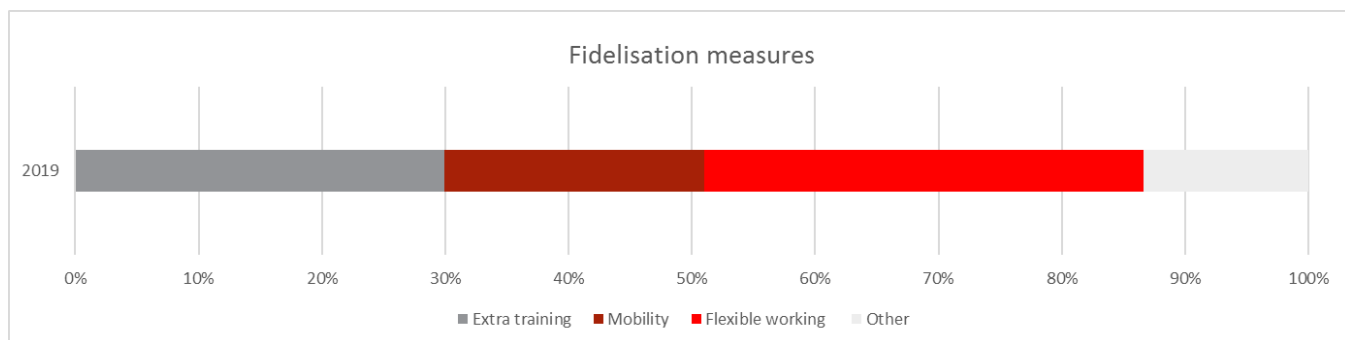
- Yes
- No



The vast majority (72 percent) of participants make efforts to retain their staff.

If so, what measures do you envisage in that plan?

- Additional training
- Mobility
- Flexible working
- Other (please specify)



When looking at which measures are most commonly used, flexible work is the most popular measure. Directly followed by extra training.

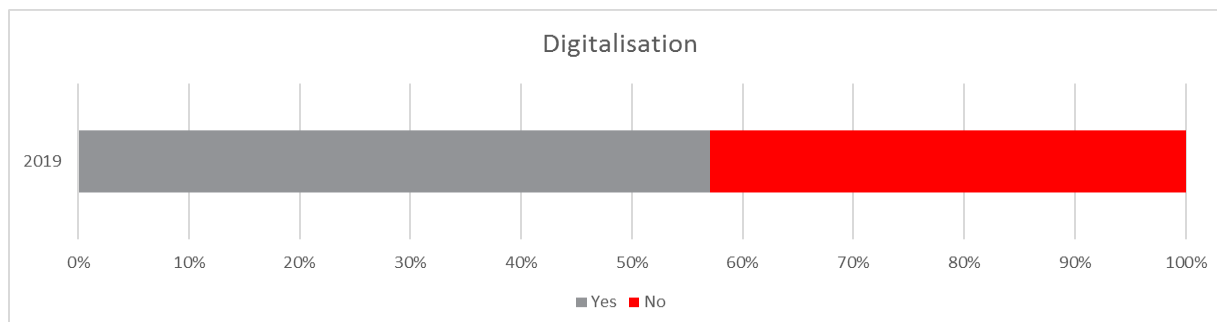
The analysis of the other techniques shows us that most companies are focusing on:

- Improving pay and working conditions;
- Team building and coaching, and;
- Career opportunities (including internal promotions).

23 Digitalisation

Do you expect an impact of digitalisation on your personnel policy in 2020?

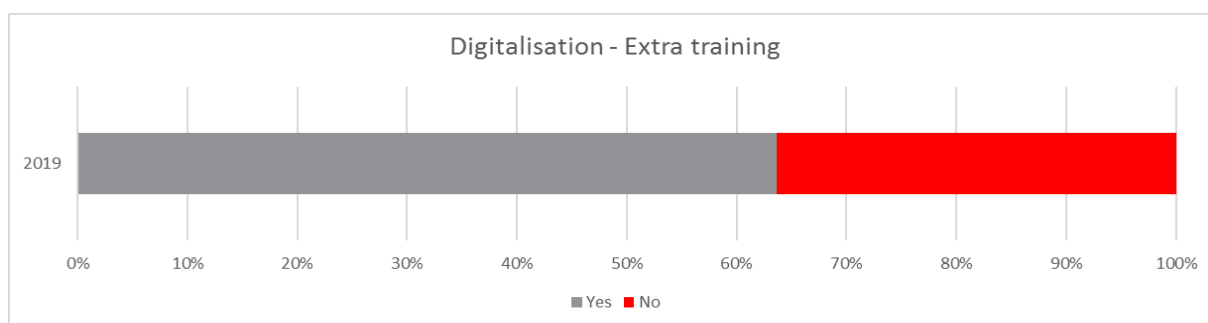
- Yes
- No



57 percent of the participants expect an impact of digitalisation on their personnel policy.

Do you provide extra training to train your employees?

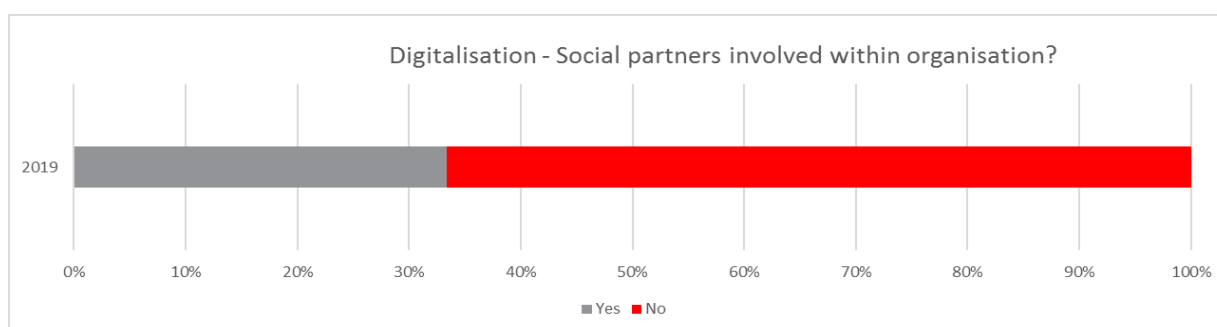
- Yes
- No



Most participants also indicated that they are committed to additional training for their staff (63 percent).

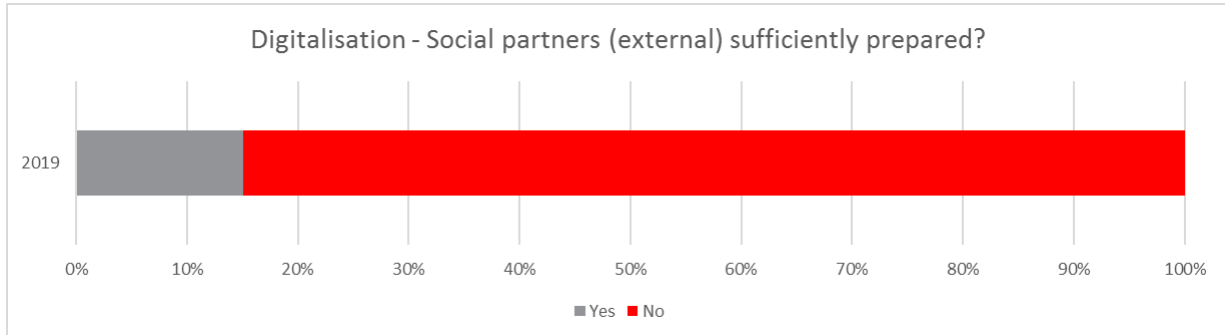
Are your internal social partners involved in the topic of digitalisation in your company?

- Yes
- No



Most participants do not involve the internal social partners in the company's digitalisation.
Are the external trade unions sufficiently occupied with this theme?

- Yes
- No



Only 15 percent of the participants feel that the external trade unions are sufficiently prepared for the subject of digitalisation.

This may explain why most participants do not involve the internal social partners in the company's digitalisation strategy.

24 Overview

For the year 2018, we received 280 responses; in 2019, 224; in 2020, 204.

24.1 Profiles

We received responses from participants that match the following profiles (including open responses).

Title	2017	2018	2019
HR Manager	25.36%	26.79%	21.08%
HR Director	19.29%	17.86%	22.06%
Compensation & Benefits Manager	9.64%	10.71%	10.29%
HR Business Partner	8.21%	11.61%	7.84%
In-house Lawyer	6.07%	9.82%	9.31%
HR Officer / Coordinator	5.00%	4.46%	5.88%
CEO / Managing Director	4.29%	4.02%	6.37%
Payroll Officer	3.57%	2.23%	1.96%
Financial Director	2.86%	2.23%	4.90%
Responsible social relations	1.79%	3.13%	3.92%
Other	5.00%	7.14%	6.37%

24.2 Size of the companies that participated

Companies with differing numbers of employees are represented. Companies with between 50 and more than 1,000 employees account for more than 80% of the results.

Number of workers FTE	2017	2018	2019
More than 1.000	20.36%	24.55%	24.51%
Between 500 and 1.000	13.21%	14.73%	14.22%
Between 300 and 500	11.07%	12.05%	8.82%
Between 200 and 300	10.36%	12.05%	11.27%
Between 100 and 200	13.93%	11.61%	16.67%
Between 50 and 100	11.43%	10.71%	9.80%
Between 10 and 50	6.79%	10.71%	10.78%
Between 5 and 10	1.43%	1.34%	2.94%
Fewer than 5	1.79%	2.23%	0.98%
#N/A	9.64%		

24.3 Sectors

The number of sectors is very diverse. Below, we give an overview of 83% of the responses indicating in which sectors the participants to the survey were employed:

Sector	2017	2018	2019
Banking / financial sector		7.14%	7.88%
Catering industry		2.23%	1.48%
Chemical	4.64%	9.38%	9.85%
Construction	3.93%	3.57%	4.93%
Consultancy	10.36%	3.13%	5.91%
Energy	2.50%	4.46%	2.46%
Entertainment industry	1.07%		0.49%
Finance	1.79%		7.88%
Food service industry	4.29%	5.80%	3.94%
Hospital	4.29%	1.34%	1.97%
Industrial	1.07%	6.70%	5.42%
Insurance	1.79%	4.02%	3.45%
IT & Telecom	4.64%	8.04%	4.93%
Logistics	4.29%	2.68%	4.43%
Metal		5.36%	2.46%
Non-profit	7.50%	4.02%	6.90%
OtherUnanswered	9.29%	12.50%	11.33%
Pharmaceuticals	2.14%	4.46%	3.94%
Printing & publishing	1.07%	1.34%	0%
Public sector	6.43%		1.48%
Real estate	2.14%	0.89%	0.49%
Retail	1.79%	6.70%	10.84%
Schools / education	2.14%		0.49%
Steel production	1.43%	0.89%	0%
Temporary agency work		1.79%	2.46%
Transportation	5.00%	3.57%	1.48%

24.4 Replies per question

Question	2017	2018	2019
Challenges for 2020	181	180	147
Recruitment	240	176	141
Variable salary	236	177	141
Benefit plan	236	179	142
Cash for car		171	141
Mobility budget		168	141
Activation contribution		162	127
Withholding tax	229	171	133
Group insurance	222	168	132
Documented salary policy	223	171	136
Gliding work schedules	224	170	136
Occasional telework	224	172	136
Reintegration procedure	278	172	136
Privacy of the employees	201	166	134
GDPR	183	140	112
Discrimination	202	162	124
Secondment and illegal employment	201	160	0
Single permit			124
Violations of the employment law and the prevention legislation	199	159	121
Employee representatives	200	156	126
Challenges in case of in- and outsourcing	182	134	104
Reorganisation	196	152	123
Clauses in the employment contract	191		
Public sector	43		
Employment plan		152	122
Fidelisation of staff			123
Impact of digitalisation			121

Brussels

Boulevard du Souverain 280
1160 Brussels
T 02 761 46 00

Liège

Parc d'affaires Zénobe Gramme
Square des Conduites d'Eau 7
Bat. H - 2nd floor
4020 Liège
T 04 229 80 11

Antwerp

City Link
Posthofbrug 12
2600 Antwerp
T 03 285 97 80

Ghent

Ferdinand Lousbergkaai 103
box 4-5
9000 Gent
T 09 261 50 00

Kortrijk

Ring Bedrijvenpark
Brugsesteenweg 255
8500 Kortrijk
T 056 26 08 60

Hasselt

Kuringersteenweg 172
3500 Hasselt
T 011 24 79 10

Partners with you.