

### Dutch Act Implementing the EU Directive on Transparent and Predictable Working Conditions

<b>Subject:</b>	<b>Change:</b>	<b>Transitional law:</b>
<p><b>Additional obligations of the employer to provide information</b></p>	<p>The current obligation for employers to provide information will be expanded to include:</p> <ul style="list-style-type: none"> <li>• fixed/alternating place of work;</li> <li>• the duration of the employment contract;</li> <li>• other forms of statutory leave: care leave, parental leave, partner leave, etc.;</li> <li>• the procedure and requirements for terminating employment contracts;</li> <li>• the duration and conditions of probationary periods;</li> <li>• remuneration: the initial basic amount, the separate pay elements, and the frequency and method of payment;</li> <li>• predictable work patterns (where applicable): the length of the standard working day/week, arrangements for overtime, and arrangements for shift changes;</li> <li>• unpredictable work patterns (where applicable): confirmation of variable working hours, a guaranteed number of paid hours, remuneration for non-guaranteed hours, mandatory working days and working hours, and the time slots in which employees may be called to work;</li> <li>• the identity of the user undertaking (where applicable);</li> <li>• if employees are posted abroad for more than 4 consecutive weeks: the duration, housing, social security, the currency used to pay the remuneration, reimbursements, and the manner of repatriation;</li> <li>• training (where applicable); and</li> <li>• the identity of the social security institutions.</li> </ul>	<p>In the case of employment contracts that already exist on 1 August 2022, employers must provide the relevant statement within 1 month after an employee's request to that effect.</p>

<b>Requirements for providing information by electronic means</b>	<p>Effective 1 August 2022, when information is provided in digital form in response to an obligation to provide information, the confirmation of transmission or receipt must be retained and the employee must be able to print the information.</p>	<p>No transitional law applies. This means that these rules will apply immediately to existing employment contracts with effect from 1 August 2022.</p>
<b>Restriction on the possibility to prohibit sideline activities</b>	<p>Clauses that prohibit or restrict an employee's possibilities to perform work <u>outside</u> the hours when work must be performed for the employer will not be permitted, unless this is justified for objective reasons, e.g.: to protect confidentiality of business information, to ensure the employee's health/safety or to safeguard against violation a statutory regulation.</p>	<p>No transitional law applies. This means that these rules will apply immediately to existing employment contracts with effect from 1 August 2022.</p>
<b>Restrictions on study-cost clauses</b>	<p>The possibilities to recover study costs from employees will be limited. If the study costs arise from training that the employer is required to offer by law or based on a collective bargaining agreement, under the new rules the employer will be obliged:</p> <ul style="list-style-type: none"> <li>i) to offer the training free of cost, without recovering the costs from the employee through other means;</li> <li>ii) to regard the time associated with the training as working time; and</li> <li>iii) where possible, to have the training provided during working hours.</li> </ul>	<p>No transitional law applies. This means that these rules will apply immediately to existing employment contracts with effect from 1 August 2022.</p>
<b>Opportunity to submit requests for a more predictable employment relationship</b>	<p>In addition to the Dutch Flexible Working Act (<i>Wet flexibel werken</i>), under the new law employees will have the right to submit requests to their employers for a more predictable employment relationship, e.g. an open-ended employment contract, or an employment contract for a fixed number of working hours. Although employers will be obliged</p>	<p>No transitional law applies. This means that these rules will apply immediately to existing employment contracts with effect from 1 August 2022.</p>

	<p>to reply to the requests in writing and provide substantiation for their decisions, they will not be required to agree or comply. Moreover, no legal requirements will apply to granting or rejecting requests.</p>	
<p><b>Stronger position of employees with unpredictable work patterns</b></p>	<p>The position of employees with work patterns that are entirely or mostly unpredictable, other than on the basis of an on-call contract, will be strengthened:</p> <ul style="list-style-type: none"> <li>• the employer must establish a written record of reference days, i.e. days and time slots during which employees may be required to work;</li> <li>• the employee may only be scheduled to work on those days and during those time slots;</li> <li>• employees are not obliged to work on other days for which they have been scheduled;</li> <li>• in addition, as is already the case at present with on-call contracts, the employee must know at least 4 days in advance what dates and times they are required to work; and</li> <li>• if employees' shift is cancelled within those 4 days prior to the date on which they were scheduled to work, they will still be entitled to remuneration.</li> </ul>	<p>No transitional law applies. This means that these rules will apply immediately to existing employment contracts with effect from 1 August 2022.</p>