

# Posting of employees to the Dutch construction industry

**CAO rules for international posting**

May 2014



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Colophon

# 1. Introduction

## 1.1 About this publication

### European Posting of Workers Directive, Waga and CAO

The Dutch Terms of Employment (cross-border work) Act (Waga) translates the European Posting of Workers Directive 96/71 EC to the situation as applicable in the Netherlands.

The Waga stipulates which of the statutory and collective agreement (CAO) provisions apply to employees who are temporarily posted to the Netherlands while employed by a foreign company. This publication describes the content of those provisions.

The complete text of the Waga core provisions appears in the English document 'Waga Core Provisions for the Construction Industry' available on [www.CAO.szw.nl](http://www.CAO.szw.nl) (see Posting of workers).

### Target groups

This publication is intended for:

- » **The foreign company** that temporarily has its employee carry out construction or infrastructure work in the Netherlands (hereinafter referred to as: company or employer). This may for example be a company that undertakes construction or infrastructure work in the Netherlands, with its own employees. It may also be a company that has its employees undertake construction or infrastructure work in the Netherlands, on behalf of another company.
- » **The employee** who works in the Netherlands on behalf of that company (hereinafter: the employee).

This publication is *not* intended for foreign temporary employment or posting agencies. The CAO rules for those companies appear in 'Posting of temporary employees to the Dutch construction industry'. See [www.NLconstruction.info](http://www.NLconstruction.info).

### Nationality of the employee

- The nationality of the employee has no influence on the CAO rules that apply. The decisive factor is whether the employee is working in the service of a Dutch or a foreign company.
- The nationality of the employee does however influence the rules relating to social security, medical care, residence and employment permits. Information on these subjects is available at [www.posting-workers.eu](http://www.posting-workers.eu) (languages: English and Dutch).

## 1.2 Important terms

### CAO for the Construction Industry

In this publication, all references to the 'CAO for the Construction Industry' or 'the CAO' refer to the generally binding provisions of the collective agreement for the Dutch Construction Industry.

### Construction and infrastructure-related activities

These refer to activities carried out in the area of:

- » residential and non-residential building (e.g. homes and commercial buildings);

- » civil engineering (e.g. the construction of roads, bridges and dykes and non-agricultural earthworks)
- » infrastructure (roads, railway lanes, sewers and cable grids).

### **Employer**

In this publication, this refers to a foreign company (that is not a temporary employment or posting agency) that temporarily has its employees undertake construction or infrastructure work in the Netherlands.

### **Employee**

In this publication, an 'employee' is a person who based on an employment contract not subject to Dutch law is temporarily posted to the Netherlands by his employer, to carry out construction or infrastructure work.

### **Construction site positions and uta positions**

The CAO for the Construction Industry distinguishes between 'construction site positions' and 'uta positions'. Employees in construction site positions (construction site employees) are persons who actually carry out construction or infrastructure activities, such as carpenters, bricklayers, demolishers, road and railway builders. Employees in uta positions (uta employees) occupy management, technical and/or administrative positions with a construction company. Unless otherwise expressly stated, the CAO provisions described in this publication apply to both construction site employees and uta employees.

## **1.3 Reporting abuse**

Have you observed a construction company or temporary employment agency failing to comply with the rules of the CAO? And has that failure led to abuse for the workers in question, or to unfair competition for other companies? Then report the situation to the Office for Compliance & Employment Relations of the Technisch Bureau Bouwnijverheid. See [www.NLconstruction.info](http://www.NLconstruction.info) (various languages: click on Contact).

If this situation relates to non-compliance with statutory rules, for example relating to pay, working conditions or labour market fraud, then you should contact the government body Inspectie SZW. See [www.inspectieszw.nl](http://www.inspectieszw.nl) (languages: Dutch and English).

## 2. CAO rules for posting of employees

### 2.1 Overview of CAO provisions

The following provisions from the CAO for the Construction Industry apply to posted employees from a foreign company (not being a temporary employment or posting agency):

<b>Waga subjects</b>	<b>CAO articles</b>
General	Article 1: <a href="#">Definitions</a> Article 13: <a href="#">Compliance reviews</a> Article 40: <a href="#">Concept</a>
Maximum working hours and minimum resting periods	Article 23: <a href="#">Normal working hours</a> Article 24: <a href="#">Working hours regulations</a> Article 27: <a href="#">Maintenance work on Saturday</a> Article 29 and 31: <a href="#">Overtime</a> Article 32a: <a href="#">Shifted hours Infra</a> Article 32b: <a href="#">Shifted hours Tidal work (work subject to tidal conditions)</a> Article 33: <a href="#">Shift work</a> Article 34: <a href="#">Stand-by duty</a> Article 38: <a href="#">Short-term absence</a>
Minimum number of days' holiday, during which the employer is obliged to pay wages	Article 20a-b: <a href="#">Termination of employment</a> Article 35a-b: <a href="#">Holidays</a> Article 36a-b: <a href="#">Scheduled days' off</a> Article 37: <a href="#">Public holidays</a>
Minimum wages, including overtime allowances and not including additional company pension schemes	Article 30 and 31: <a href="#">Overtime allowance</a> Article 32a: <a href="#">Shifted hours Infra allowance</a> Article 32b: <a href="#">Shifted hours Tidal work allowance</a> Article 33: <a href="#">Shift work allowance</a> Article 34: <a href="#">Stand-by duty allowance</a> Article 41a-b: <a href="#">Job classification</a> Article 42a-c and 43: <a href="#">Guaranteed wages and salary scales</a> Article 44: <a href="#">Wage and salary increases</a> Article 45: <a href="#">Performance-related payment</a> Article 46a-46b: <a href="#">Holiday allowance</a> Article 49: <a href="#">Method of wage payment</a> Article 50 and 54: <a href="#">Travel expenses allowance</a> Article 51: <a href="#">Travel time allowance</a> Article 52: <a href="#">Driver's allowance</a> Article 53: <a href="#">No-claim bonus</a> Article 55: <a href="#">Allowance for working far away</a> Article 56: <a href="#">Allowance for work clothes and tools</a> Article 57: <a href="#">Allowance for cutting and masonry work</a>
Conditions for posting employees	Article 6: Temporary work (see <a href="http://www.NLconstruction.info">www.NLconstruction.info</a> )
Health, safety and hygiene at the workplace	Article 56: <a href="#">Personal protective equipment</a> Article 70a-c: <a href="#">Special provisions regarding safety and working conditions</a> Article 71: <a href="#">Safety during shifted hours Infra</a>

	Article 73 and 74: <a href="#">Unworkable weather</a>
Protective measures with regard to the terms of employment and working conditions of children, young people and women who are pregnant who have recently given birth	Article 29: <a href="#">Prohibition against working overtime for young people</a> Article 45: <a href="#">Prohibition against piecework for young people</a>

## 2.2 Working hours and and time-related bonuses

### Normal working hours and days (art. 23)

- **Forty hours, Monday to Friday:** Customary working hours are forty hours a week and eight hours a day. A customary working week is from Monday to Friday. Employees are not obliged to work on Saturdays, Sundays or recognised Christian public holidays.
- **Daily working hours and rest times:** The daily working hours and rest time are determined by the employer in consultation with the employee. If for personal reasons, the employee wishes to work other hours, the employer will take serious account of the request.
- **Additional rules for construction site employees:**
  - Daily working hours: Between 7 a.m. and 6 p.m.
  - Maximum 11.5 hours: The working hours, obligatory breaks and actual travel time may not add up to more than 11.5 hours. If necessary, working hours will be reduced. Travel time thereby included in working hours will be paid as hours worked.

### Working hours regulations (art. 24)

- **Catch net scheme:** If and in so far as the CAO does not provide for some element of the working hours, the standards of the [Normregeling arbeidstijden](#) from appendix 6 of the CAO apply. See [www.tbbouw.nl](http://www.tbbouw.nl).

### Maintenance work on Saturdays (art. 27)

- **Buildings in use:** The employee is permitted to carry out maintenance and repair work on Saturdays on buildings in use, for example homes, offices, hospitals and industrial buildings.
- **Daytime window:** Working hours are between 7 a.m. and 6 p.m.
- **Compensation:** The employee is entitled to [50% Saturday bonus](#) and a regularly scheduled day off of his choice within the period Monday to Friday, which is not paid for.
- **Conditions:** Maintenance work on Saturday is only permitted if required by the client. The employee cannot be compelled to work on Saturday.

### Overtime construction site employees (art. 29)

- **What is overtime?**
  - work that is carried out for longer than eight hours a day;
  - work that is carried out before 7 a.m. or after 6 p.m.;
  - work that is carried out on Saturdays or Sundays.
- **Employee consent:** The employer may only determine that overtime will be performed if 70% of the employees in question duly agree. However, individual employees cannot be compelled to work overtime.
- **In whole hours:** Overtime is only possible in whole hours.

- **Maximum 13 hours per day:** In the case of overtime, working hours, travel time and breaks may not together exceed a maximum of thirteen hours per day. If necessary, working hours will be reduced. Travel hours falling within the working hours will be paid out as working hours.
- **Prohibition for young people:** Employees under the age of 18 are not allowed to work overtime.
- **Non-structural:** Structural overtime – i.e. working regularly over an extended period – is not permitted.

### **Overtime allowance for construction site employees (art. 30)**

- **Pay or time off:** A construction site employee who performs [overtime work](#) has the choice of being paid the overtime due to him or taking time off. The employee is obliged to make his choice known to the employer within three working days of working overtime.
- **Payment:** In this case, the agreed fixed hourly wage must be increased by the percentage listed in the following table.
- **Time off:** If the employee chooses time off, the time off is calculated by multiplying the overtime hours by the percentages listed in the table. If the employee has accrued eight hours of such time, he can take a day off in consultation with the employer, after the overtime has been worked. Days off that are thus taken will be paid at the agreed fixed rate.
- **Tidal conditions:** For construction site employees performing work that is subject to tidal conditions (high and low tides), the specially adjusted times and percentages apply. See the table below.
- **Overtime during shifted hours Infra:** In the case of overtime in shifted hours, the overtime allowance will be calculated on the fixed agreed wage and not the [shifted hours Infra allowance](#)
- **Overtime in shift work:** In this case, the overtime allowance will be calculated on the hourly wage including [shift bonus](#).

#### **Overtime allowance for construction site employees general scheme**

	<b>bonus</b>
• the first 3 overtime hours per day	25%
• remaining overtime hours between Monday 5 a.m. and Saturday 9 p.m.	50%
• between Saturday 9 p.m. and Monday 5 a.m. and on national holidays	100%

#### **work subject to tidal conditions (high and low tide)**

• from Monday 5 a.m. to Friday 10 p.m.:	
- between 5.00 a.m. and 10 p.m.	25%
- between 10 p.m. and 5 a.m.	50%
• from Friday 10 p.m. to Saturday 9 p.m.	50%
• from Saturday 9 p.m. to Monday 5 a.m.	100%

### **Overtime for uta employees (art. 31)**

- **Non compulsory:** Uta employees cannot be compelled to work overtime.
- **Allowance:** Employees will be notified in writing of the manner in which compensation will be given for any substantial overtime, by the employer. In time off or in money.
- **With no fixed agreement:** If the employer has not made known in what manner overtime will be compensated, employees in positions up to and including level 3 will be paid at least the applicable hourly salary or compensated by time for time.

### Shifted hours Infra construction site employees (art. 32a)

- **What is shifted work?** At infrastructure works, the construction site employee may be required to work in shifted hours. Normal working hours remain forty hours per calendar week.
- **Conditions:** The CAO for the Construction Industry specifies a number of conditions for working in shifted hours. The most important are:
  - shifted hours are only permitted if the client has specified shifted working hours and if and in as much as necessary;
  - the employee cannot be compelled to work in shifted hours Infra;
  - employees aged 55 or over will not work shifted hours for more than thirty weeks per calendar year;
  - if during one week all the shifts of an employee start after 8 p.m. the total number of forty hours can be divided into four shifts;
  - employees are entitled to an uninterrupted rest period of 48 hours per week; once in every two consecutive weeks, the rest period should include the period from Saturday 6 a.m. to Sunday 9 p.m.
- **Safety:** For infrastructure work in the evening and at night in shifted hours, special safety rules apply. See [Safety during shifted hours Infra](#).
- **Shifted hours Infra allowance:** This is a percentage allowance or the fixed agreed hourly wage of the employee. The allowance applies for shifted hours worked before 7 a.m. and after 8 p.m. within the normal working hours per week. See the table below. If the employee performs overtime in shifted hours, the [overtime allowance construction site employees](#) also applies.
- **Unforeseen circumstances:** If it is the intention to only perform work in shifted hours during a given week, but it is not possible to work the full number of normal hours, the employer will pay a 30% allowance on those hours during which work was not possible. In other words, the employee will still receive payment for the full working week with the allowance.

Shifted hours infra allowance construction site employees

Shifted hours worked	Allowance
between Monday 8 p.m. and Friday 7 a.m. 7 a.m.	30%
between Friday 8 p.m. and Saturday 8 p.m. 8 p.m.	50%
between Saturday 8 p.m. and Sunday 7 a.m.	75%
Between Sunday 7 a.m. and Monday 7 a.m. and on national holidays	100%

### Shifted hours Tidal work construction site employees (art. 32b)

- **25 percent** Construction site employees performing work subject to tidal conditions (high and low tides) will receive an allowance over and above the guaranteed hourly wage of 25 percent. This allowance applies for worked hours before 6 a.m. and after 6 p.m., in as much as falling within normal working hours.

### Shift work for construction site employees (art. 33)

- **Boundaries:** For shift work, working hours should be between Monday morning 0.00 hours and Friday evening 24.00 hours. Working hours may not exceed eighty hours in two weeks.
- **Allowance:** For employees working in shifts, the agreed fixed wage will be increased by a percentage allowance. For Industrial construction, a separate scheme applies. Both schemes appear in the table below.
- **Overtime in shift work:** See [Overtime allowance construction site employees](#).

## Allowance shift work construction site employees

General scheme	allowance
Two-shift operation	10%
Three-shift operation	15%

### Industrial construction scheme

If starting before 6 a.m. or finishing after 7 p.m. (excluding overtime):

- hours between 6 a.m. and 7 p.m.	5%
- hours between 7 p.m. and 6 a.m.	25%

## Stand-by duty for construction site employees (art. 34)

- **What is it?** A construction site employee is understood to have stand-by duty if he is required to stand by outside normal daily working hours to be able to carry out any work that cannot be postponed until the following day.
- **Standby allowance:** During standby duty, the employee is entitled to an allowance, even if not called up for work during the duty shift.
- **Amount of the allowance:** The employer determines the amount of the allowance in consultation with the employee. The amounts appearing in the table below represent the lower limit.
- **Weekly or daily allowance:** If the employee has standby duty for a whole calendar week, a weekly allowance will apply. If the duty lasts less than a calendar week, the daily allowance will apply. See the table below. The gross amounts listed in this table represent the lower limit.
- **Overtime allowance:** If and in a much as the employee is called up *to work* during his standby duty, he is also entitled to the [overtime allowance construction site employees](#).

Standby duty allowance construction site employees

Degree to which employee is required to stay at home	Allowance per calendar week	daily allowance (% of weekly allowance)	
		Mon to Fri	Sat/Sun
continuously	€ 176.13	10%	25%
regularly	€ 152.64	10%	25%
minimum	€ 129.16	10%	25%

## 2.3 Holidays and leave

### Holidays and senior days (art. 35a-b)

- **Number of days:** An employee is entitled to the number of holidays and senior days listed in the table below. The numbers in the table apply to an employee with a contract of employment of forty hours per week, who performs work in construction or infrastructure in the Netherlands for a whole year. An employee working part-time or for less than a year in the Netherlands is entitled to a number of days proportional to the time worked.
- **Taking leave days:** The employer determines when the employee can take these days in accordance with the employee's wishes, unless this would interfere with business continuity.
- **Summer holiday:** The construction site employee may take three consecutive weeks' holiday in the summer. The uta employee may also take three consecutive weeks' holiday, in consultation with the employer taking account of the interest of the business.
- **Wage/salary:** The employer is entitled to continued payment of the agreed fixed wage/salary over the holiday taken by him.

- **Holidays and senior days upon termination of employment (art. 20a-b):** If the days' holiday are due but not taken at the moment the employee terminates employment in the Netherlands, the employer will pay out these days or give the employee an opportunity to still take the days before termination of employment. If the employee has taken more days off than entitled, the employer may settle the difference with the employee.

#### Holidays and senior days construction site and uta employees

position/ age*	number of days holiday per year		senior days	total
	statutory	super-statutory		
<b>construction site employee</b>				
under 18	20	9		29
18 to 54 inclusive	20	5		25
55 to 59 inclusive	20	5	10	35
60 or over	20	5	13	38
<b>Uta employee</b>				
under 18	20	7		27
18 to 54 inclusive	20	5		25
55 to 59 inclusive	20	5	9	34
60 or over	20	5	11	36

\* An employee who only reaches this age during the course of the calendar year will be entitled to these days, proportionally.

#### Scheduled days off (art. 36a-b)

- **Number of days:** Construction site employees are entitled to 22 scheduled days off per calendar year. 12 days are determined in accordance with the employee's request. 10 days are determined by the employer. Uta employees are entitled to 15 scheduled days off per calendar year. All 15 are determined in accordance with the employee's request.
- **Part-time employment or employment for part of a year:** The specified numbers of scheduled days off apply to an employee with a contract of employment for forty hours per week who performs construction of infrastructure work in the Netherlands for a whole year. For employees working part-time or less than a full year in the Netherlands, the number of scheduled days apply proportional to the time worked.
- **Wage/salary:** The employer will continue to pay the agreed fixed wage/salary over the days specified in the table.
- **Scheduled days off upon termination of employment (art. 20a-b):** If at the moment at which the employee's work in the Netherlands is terminated, scheduled days off have not been taken, these days must be taken before his departure. If he has taken more days than the amount to which he is entitled, the employer may settle the difference with the employee.

#### Public holidays (art. 37)

- **Paid leave:** Employees are entitled to paid leave on the following public holidays: Christmas Day and Boxing Day, New Year's Day, Easter Monday, Ascension Day, Whit Monday and King's Day. The employee may take unpaid leave in order to celebrate religious holidays other than Christian holidays.
- **Liberation Day:** Once every five years, the employee will be entitled to paid leave on 5 May. This applies in 2015, 2020, 2025 etc.

### Leave due to exceptional circumstances (art. 38)

- **Three days paid:** Employees are entitled to leave due to exceptional (family) circumstances e.g. to see a doctor, move house, get married or celebrate a wedding anniversary or if the partner gives birth or if one of their family members is admitted to hospital or falls ill or dies. The employer is obliged to continue payment of the employee's salary for a maximum of three days leave taken due to such circumstances.

## 2.4 Income

### Definitions (art. 40)

- **Guaranteed wage:** This is the wage paid by the employer to the construction site employee. The wage table from the CAO for the Construction Industry contains the minimum amounts that construction companies are obliged to pay.
- **Agreed fixed wage:** The guaranteed wage increased by any [performance bonus](#) agreed by the construction site employee.
- **Salary:** The fixed gross amount per period agreed between the uta employee and the employer. This amount excludes holiday allowance and other allowances, fixed and/or variable bonuses, year-end bonuses, and lump sum benefits. The minimum amounts from the salary tables from the CAO for the Construction Industry are the lower limits.

### Job classification construction site employees (art. 41a)

- **Job classification:** The employer assigns the employee to one of the job categories A to E. Assignment is based on the tasks of the employee and the following job classification.

#### Classification in a job group

- A. Unskilled or low skilled work, no experience required, assisting position.
- B. Basic professional skills required, low degree of independence, often works independently on simple, repetitive tasks.
- C. Professional skills required, highly knowledgeable and capable of working independently. Professional craftsmen.
- D. Specialist professional skills required, capable of working independently, often in supervisory positions.
- E. Highly specialised skills required, capable of working independently, usually in supervisory positions.

### Wages for construction site employees (art. 42a-c)

- **Wage tables:** The current wage tables for construction site employees are available on [www.NLconstruction.info](http://www.NLconstruction.info).
- **Elaboration:**
  - 22 years or over: The guaranteed wage for this construction site employee appears in wage table I. Other wages apply to those who supervise at least five employees (the foreman: wage table II).
  - 16 to 21 years old: The guaranteed wage for the construction site employees depends on their age and education level. See wage table III.
  - Entry level scale: The employer pays the employee up to the age of 27 years who has never before worked in the construction industry a wage according to the entry level scale, during the first year of employment. The entry level scale does not apply to an employee who is following a vocational training course in the construction industry or who has obtained a diploma for such a course.

### **Job classification for uta employees (art. 41b)**

- **Job classification:** The employer assigns the employee to a job category in a specific job ladder, at a specific job level, on the basis of the activities of the employee, according to the specification below.

#### **Classification on a job ladder, at job level**

The following job ladders are relevant for uta employees:

1. Execution
2. Planning and control
3. Planning
4. Calculation
5. Project Development, construction bureau and drawing office
7. Procurement
8. Equipment and materials management
9. Equipment maintenance
10. Quality control asphalt and/or concrete
11. General administration
12. Works administration
17. Programming and system analysis

There are different levels on each job ladder. Select the level that best matches the position of the employee. See appendix 9b to the CAO.

### **Salary scales of uta employees (art. 43)**

- **Salary tables:** The current salary tables for uta employees are available on [www.NLconstruction.info](http://www.NLconstruction.info).
- **Elaboration:**
  - Every job level has a salary scale with a minimum and maximum salary. The monthly salary to which the employee is entitled will be at or above the minimum.
  - Age: 22 years or older: salary table 1; 16 to 21 years: salary table 2.
  - Entry level scale: In the following cases, employers may pay uta employees according to the entry level scale of salary table 3:
    - 22 years or older and unemployed for longer than eight months: maximum one year;
    - 16 to 21 years and classified at job level 1: during the first year the employee works in the construction industry.

### **Wage and salary increases (art. 44)**

- **Structural increases:** Structural wage and salary increases from the CAO for the Construction Industry also apply to employees in the service of a foreign company. These increases have been incorporated in the wage and salary tables referred to above.
- **One-off increases:** The employee is also entitled to any one-off increases based on the CAO.

### **Performance-related payment for construction site employees (art. 45)**

- **On top of guaranteed wage:** The employer can grant the employee a performance-related bonus on top of the guaranteed wage.
- **Work to rate:** The employer may link the performance-related bonus to a performance promotion scheme. Such a scheme has to be jointly drafted and acknowledged in writing by the construction company and the employee.

- **In principle non-inclusion:** The employer should not deduct the performance-related bonus from an increase in guaranteed wage. This *is permitted* in the case of a wage increase relating to placement of the employee in a higher job group.

#### Holiday allowance (art. 46a-b)

- **Eight percent:** The employee is entitled to a holiday allowance of 8% of his fixed agreed wage / salary.

#### Method of wage payment (art. 49)

- **At the time of each wage payment:** The employer is required to provide the construction site employee with a written specification of the gross wage, subdivided into guaranteed wage, overtime, travel time, and other payments and allowances (such as holiday allowance), etc.

## 2.5 Other allowances and bonuses

#### Travel allowance for construction site employees (art. 50)

- **For whom?** The construction site employee is entitled to a travel expenses allowance according to the table below:
  - construction site employees commuting more than a total of 15 km between their temporary residence in the Netherlands and work and/or
  - Travelling during and for work.
- **Non-standard travel allowances:** The employer may agree on a non-standard settlement with his works council, but the settlement may not on balance be less favourable for the employee.

Travel allowance for construction site employees

Means of transport	standard	Amount
public transport	lowest class	100%
bicycle	per working day	€ 0.80
moped	per km	€ 0.07
	per day (minimum)	€ 0.89
motorcycle	per km	€ 0.22
car	per km	€ 0.32

#### Travel time allowance for construction site employees (art. 51)

- **For whom?** Construction site employees working outside the Dutch municipality in which they temporarily reside are entitled to continued payment of their wages for the hours they have spent commuting between their temporary residence in the Netherlands and work. The travel allowance does not apply to the first hour of each day spent commuting.
- **Exception first travelling hour:** The first travelling hour *is eligible* for the allowance if the employee is transporting one or more of his colleagues by car.
- **Hourly allowance:** The travel expenses allowance is equal to the guaranteed hourly wage of the employee.
- **Means of transport:** The travel allowance applies for travel by public transport, by own means of transport and a means of transport provided by the employer.

- **Determining travel time:** By public transport, the duration according to the timetable is regarded as the travel time. For other forms of transport, it is assumed that the employee is capable of travelling the following number of kilometres per hour: on foot 5 km, by bicycle 15 km, by moped 25 km, and by motorcycle 40 km. The travel time by car is determined on the basis of standards that are set according to the length of the fastest route between home and work and vice versa. Please refer to the table below.
- **Unworkable weather:** The employee is also entitled to the travel time allowance if there is a work stoppage due to [unworkable weather](#). This does not apply for situations when the employee should reasonably have known that such a work stoppage would occur.
- **Deviating regulations:** The employer and the works council may have reached agreement on a deviating regulation, but the regulation should on balance at least be equal to this regulation.

Travel time calculation for car use (construction site employees)

commuter traffic: one way distance in km		travel time reimbursement per day	
from	up to and including	passenger or employee driving alone*	employee transporting colleague(s)
0 km	25 km	0	based on a speed of 60 km/h
25 km	50 km	Based on a speed of 60 km/h (max. 0.8 hours)	based on a speed of 60 km/h
50 km	59 km	1.0	2.0
59 km	70 km	1.2	2.2
70 km	81 km	1.4	2.4
81 km	92 km	1.5	2.5
92 km	105 km	1.8	2.8
105 km	Or more	actual travel time**	actual travel time**

\* The first hour spent travelling has already been deducted

\*\* With a minimum of 1.8 hours.

### Driver's allowance for construction site employees (art. 52)

- **Allowance per day:** The employer will pay the construction site employee a driver's allowance according to the following table if two conditions are met:
  - the employee transports one or more colleagues at the request of the employer or has already done so in practice for at least two weeks;
  - the car was not supplied by the employer.

Driver's allowance for construction site employees

one-way distance	daily allowance
0 - 30 km	€ 6
31 - 65 km	€ 9
More than 65 km	€ 12

### No-claim bonus for construction site employees (art. 53)

- **Only for professional drivers:** A construction site employee who has driven a full calendar quarter without any damage caused through his fault is entitled to a no-claim bonus.
- **Amounts:** The bonus is €10.57 in the first quarter. This amount will be increased by €1.24 for every consecutive quarter without an accident. The maximum is €12.91 per quarter. After damage caused by the fault of the employee, the bonus will be reduced to €10.57

- **Bonus:** After three years of driving without any accidents, an extra bonus will be paid of €18.20 per year, as well as for every immediately following accident-free year.

#### **Travel expenses allowance for uta employees (art. 54)**

- **Full payment:** The employer will reimburse all travel expenses of the uta employee who is required to work outside his fixed work location, on the orders of the employer.
- **Allowance per kilometre:** If the employee, in the opinion of the employer is required to use his own car or motorcycle, an amount of €0.32 (car) or €0.22 (motorcycle) will be reimbursed per kilometre driven.
- **Other cases:** If the employee is *not* subject to the schemes referred to above, for commuter travel between his temporary place of residence in the Netherlands and work, the employee is entitled to an allowance of €0.19 per km provided the employer has not arranged company transport or provided the employee with an OV card (public transport pass).

#### **Allowance for working far away, for construction site employees (art. 55)**

- **Accommodation costs:** If the construction site employee is required to work so far from his work of residence that he cannot return home every day, the employer is responsible for his food, adequate housing and other accommodation expenses. The employer can arrange and pay for these facilities himself, or leave the arrangements to the employee, and reimburse the costs incurred. Even if the employer arranges and pays for everything himself, he must provide the employee with a food allowance of €6.65 per day.

#### **Personal protective equipment, work clothes and tools for construction site employees (art. 56)**

- **Personal protective equipment:** The employer will provide the construction site employee with free legally required protective equipment.
- **Work clothing:** The employer may provide construction site employees with free work clothes. If he fails to do so, the construction site employee is entitled to a financial allowance. See the table below. If the employer decides to continue work on frost days, he is obliged to provide suitable winter work clothing, free of charge.
- **Own tools:** If the employee is required to use his own tools by the employer, he will be paid a net allowance per worked day as follows: carpenter or road worker €0.75; bricklayer or tiler €0.54.

#### **Allowance for working clothes construction site employees**

<b>type of clothes</b>	<b>net allowance per worked day</b>
working clothes	€0.87
working clothes, for pile driving company	€0.95
boots	€0.54
knee boots only	€0.43

#### **Allowance for cutting and masonry work construction site employees (art. 57)**

- **€7.91 per week:** Construction site employees who perform cutting and masonry work on dykes or coastlines will be paid an allowance of €7.91 per week. The same applies for offshore breakwaters.

## 2.6 Health and safety

### Special provisions regarding safety and working conditions (art. 70a-c)

- **Examples:** The CAO for the Construction Industry contains a number of special provisions regarding safety and working conditions. A few examples:
- **Personal protective equipment** (safety helmet, safety shoes, etc.): These are provided free of charge by the employer and construction site employees are obliged to use this equipment.
- **Hazardous substances:** The employee is entitled to refuse highly polluting activities, if insufficient protective measures have been taken by the employer.
- **Role of the foreman:** Foremen are required to keep a list of safety or health-threatening substances and products that are used or processed at the construction site. The list also has to specify the precautionary measures that must be taken.
- **Forbidden:** The processing or use of asbestos or tar are in principle forbidden. The same applies to solvent-rich products during interior work.
- **Lifting:** Under no circumstances may a construction site employee lift more than 25 kg. Building blocks and glue blocks weighing 14 kg or more may only be handled by means of mechanical equipment.
- **Draught-free interior work:** In the period 1 September to 1 May, when working indoors, the employer is required to ensure that the construction site employee is able as far as possible to work draught-free.
- **Infrastructure work:** Construction site employees are only permitted to undertake this work if they have completed a safe working course.
- **Young employees:** A construction site employee under 18 is not permitted to work overtime, near pile driving equipment or on a piecework basis.

### Safety during shifted hours Infra for construction site employees (art. 71)

If infrastructure work during the evening and night-time is carried out in shifted hours, the following safety measures must be considered:

- **Informing employees:** Before commencement of the work, the employer ensures that the construction site employees are informed of the safety regulations.
- **Safety vests compulsory:** During all work, the employee must wear a safety vest.
- **Road barriers:** The section of road on which work is being undertaken must be completely closed off for traffic.
- **Night frost:** Only urgent activities may be carried out during night frost. The health and safety of the employee must be guaranteed.

### Unworkable weather conditions construction site employees (art. 73)

- **Evaluation:** In reasonable consultation with the employees involved, the employer will decide if work can be carried out given adverse weather conditions or too little light (unworkable weather).
- **Winter weather:** If in the case of winter weather, employer and employees are unable to agree if the weather is unworkable, the following applies. An employee has the independent right to stop work during outside activities which involve direct exposure to the open air if one or more of the following conditions apply:
  - a wind chill factor of -6 degrees Celsius or lower (this is not subject to whether it is freezing) and/or
  - conditions are freezing and one or more of the following circumstances arises:
  - no winter clothes or all-weather clothing have been provided by the employer;

- roads or walkways on the site are not passable;
- the work object or workplace is covered by a layer of snow which cannot simply be removed (with a broom or snow shovel).

If one of the above situations still occurs at 10.30 a.m. at the latest, the employee is entitled to leave work.

- **Doubt?** In the case of doubt on the workability of certain winter conditions, the employee and employer can consult the website [www.weerverlet.nl](http://www.weerverlet.nl). Anyone with no access to a computer or smartphone can call 085 - 4010733. This service provided by CAO parties for the Construction Industry is only available in Dutch.
- **Scaffolding:** At a wind chill temperature of -6 degrees Celsius or lower, scaffolders and construction workers are only permitted to work outdoors for a maximum of four times 1.5 hours per day. In between these periods, the scaffolding worker is entitled to a (paid) warming up break of at least fifteen minutes. The employer is permitted to deploy this employee for indoor work in industrial scaffolding.

#### **Wage/salary during unworkable weather (art. 73 and 74)**

- **Continued payment:** On unworkable days, the employer continues to pay the agreed fixed wage/salary.

### 3. Parties to the CAO for the Construction Industry

#### Employers' organisations

- Bouwend Nederland: [www.bouwendnederland.nl](http://www.bouwendnederland.nl)
- Aannemersfederatie Nederland Bouw en Infra: [www.aannemersfederatie.nl](http://www.aannemersfederatie.nl)
- NVB Vereniging voor ontwikkelaars & bouwondernemers: [www.nvb-bouw.nl](http://www.nvb-bouw.nl)
- Vereniging van Waterbouwers: [www.waterbouwers.nl](http://www.waterbouwers.nl)

#### Employees' organisations

- FNV Bouw: [www.fnvbouw.nl](http://www.fnvbouw.nl)
- CNV Vakmensen: [www.cnvvakmensen.nl](http://www.cnvvakmensen.nl)

## **Colophon**

The text from this publication is available in various languages. Please consult [www.NLconstruction.info](http://www.NLconstruction.info).

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