

# Posting of temporary agency workers to the Dutch construction industry

**CAO rules for international posting**

June 2014



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# 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. In accordance with the Waga Act, the so-called Waga core provisions contained in the Dutch ABU CAO for temporary agency workers apply to temporary agency workers who are temporarily posted to the Netherlands. These are explained in the brochure [Uitzenden naar Nederland](#) ('Placement in the Netherlands'), which is published by the Algemene Bond Uitzendondernemingen (ABU; Federation of Private Employment Agencies). The brochure is available in Dutch, English and Polish.

If temporary agency workers perform work in construction or infrastructure in the Netherlands, part of the CAO for the Construction Industry also applies to them in accordance with the ABU CAO. This publication provides information on which provisions from the CAO for the Construction Industry apply as well as the content of these provisions. The complete text of the applicable provisions from the CAO for the Construction Industry is included in the document 'Waga Core Provisions for the Construction Industry' at [www.cao.szw.nl](http://www.cao.szw.nl) (see Posting of workers).

### Target groups

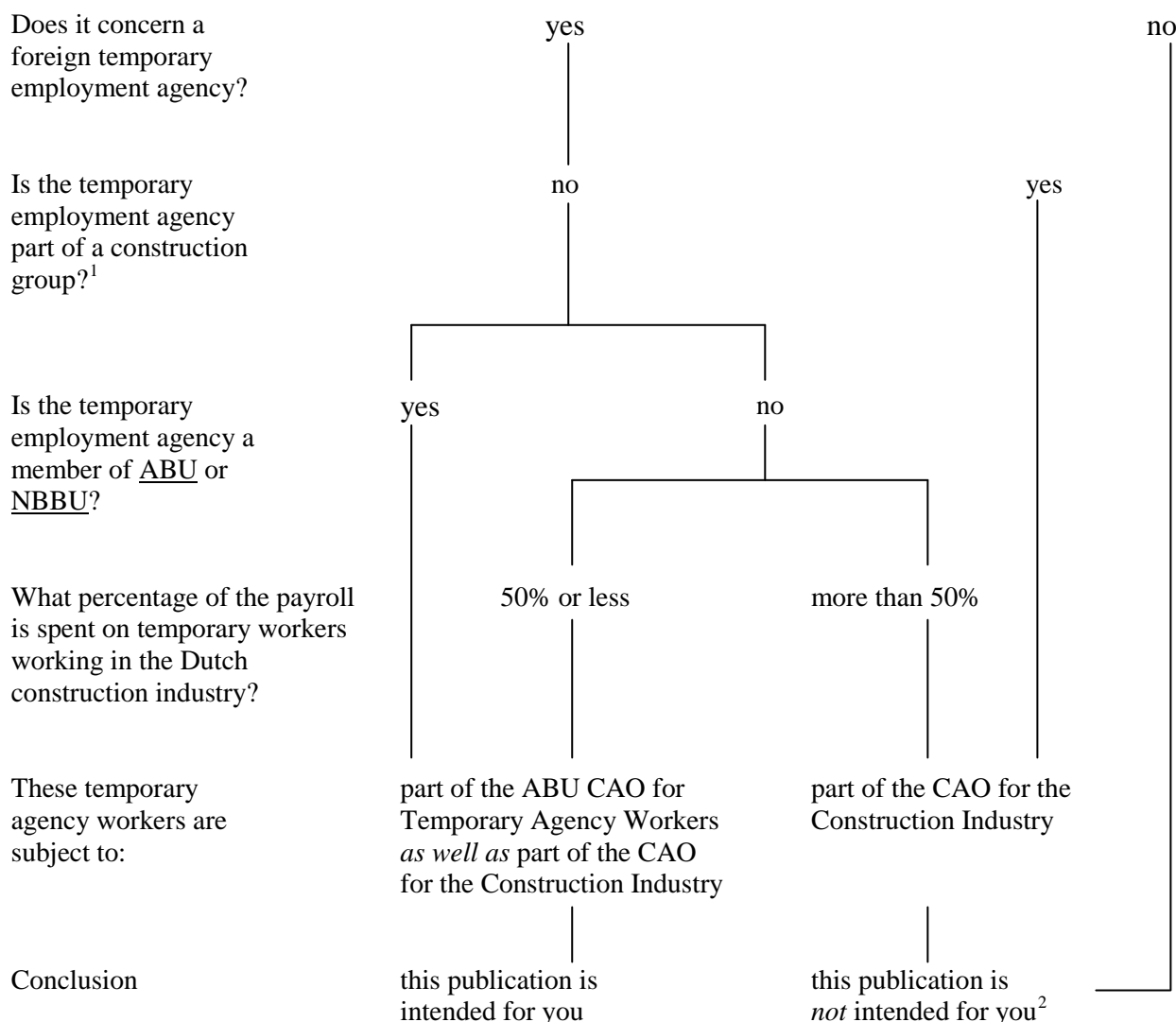
This publication is intended for:

- » **the foreign temporary employment agency or posting agency** that temporarily has its employee carry out construction or infrastructure work in the Netherlands (hereinafter referred to as: temporary employment agency);
- » **the employee** who, on the instructions of the temporary employment agency, performs construction or infrastructure work in the Netherlands on a temporary basis (hereinafter referred to as: temporary agency worker);
- » **the hiring company in the Netherlands** (hereinafter referred to as: hirer).

### Contents of this document

This publication presents an elaboration of the situation in which the temporary employment agency is obliged to apply part of the ABU CAO, as well as part of the CAO for the Construction Industry. The flow chart below shows whether or not this applies to you. If this is *not* the case, the Waga core provisions of the CAO for the Construction Industry apply exclusively. These provisions are described in 'Posting of employees to the Dutch construction industry'. See [www.NLconstruction.info](http://www.NLconstruction.info) (several languages).

## Which CAO rules apply to you?



### Comments

- The CAO regulations described in this publication also apply to a temporary employment agency that has an employee from *another* company perform construction or infrastructure work in the Netherlands on a temporary basis (re-posting).
- The nationality of the temporary agency worker has no influence on the CAO rules that apply. The decisive factor is whether the temporary agency worker is working in the service of a Dutch or a foreign company.
- The nationality of the temporary agency worker 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).

<sup>1</sup> A group of companies that falls under the CAO for the Construction Industry.

<sup>2</sup> Other foreign temporary employment agencies are subject to the CAO rules described in 'Posting of employees to the Dutch construction industry'. The CAO rules for Dutch temporary employment agencies are described in 'Temporary work, posting and payrolling'. Both publications can be found at [www.NLconstruction.info](http://www.NLconstruction.info).

## 1.2 Important terms

### **ABU CAO for Temporary Agency Workers**

The ABU CAO for Temporary Agency Workers (ABU CAO) is the collective agreement which has been declared generally binding for temporary agency workers working in the Netherlands.

### **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.

### **Temporary employment agency**

In this publication, this refers to a foreign temporary employment agency or posting agency that has an employee perform construction or infrastructure work in the Netherlands temporarily and under supervision of the hirer.

### **Temporary agency worker**

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

A temporary agency worker may either be a 'skilled worker' or a 'newcomer'.

### **Skilled workers and newcomers**

Which parts of the CAO for the Construction Industry apply to a temporary agency worker, depends, among other things, on his status: skilled worker or newcomer. Skilled workers and newcomers may be employed in construction site positions as well as uta positions.

A *skilled worker* is a worker who:

- » has performed construction work, as an employee and/or temporary agency worker, for at least twelve months within a period of two years, in and/or outside the Netherlands, immediately prior to and/or during the period of agency work  
*or*
- » works as a temporary agency worker in a construction site position and either follows a vocational training course in the construction industry or has obtained a diploma for such a course  
*or*
- » works as a temporary agency worker in a uta position and has obtained a diploma for a vocational training course in construction at level 2.

A *newcomer* is a temporary agency worker who does *not* meet one or more of these requirements.

If the term 'temporary agency worker' is used in a CAO regulation without the addition 'skilled worker' or 'newcomer', this regulation applies to both groups of temporary agency workers.

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

The CAO for the Construction Industry distinguishes between ‘construction site positions’ and ‘uta positions’. Temporary agency workers in construction site positions are persons who actually carry out construction or infrastructure activities, such as carpenters, bricklayers, demolishers, road and railway builders. Temporary agency workers in uta positions occupy management, technical and/or administrative positions with a construction company. Unless

otherwise expressly stated, the CAO provisions described in this publication apply to temporary agency workers in both construction site positions *and* uta positions.

### **Hirer**

A hirer is a company that hires temporary agency workers from a temporary employment agency.

### **Construction and infrastructure work**

This includes work in the field 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, railways, sewerage systems and cable networks).

## 1.3 Only certified temporary employment agencies

The CAO for the Construction Industry stipulates that construction companies may only hire temporary agency workers from NEN-certified temporary employment agencies that are registered in the Labour Standards Register. See [www.normeringarbeid.nl](http://www.normeringarbeid.nl).

## 1.4 Reporting malpractices

Have you observed a temporary employment agency or construction company 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 please report the situation to the Bureau naleving & werkingssfeer (Office for Compliance & Employment Relations) of the Technisch Bureau Bouwnijverheid. See [www.NLconstruction.info](http://www.NLconstruction.info) (various languages:click on Contact).

Does your report concern non-compliance with *statutory* regulations with regard to, for instance, wages, working conditions or labour market fraud? Then please contact the government body Inspectorate SZW (*Inspectie SZW*). See [www.inspectieszw.nl](http://www.inspectieszw.nl) (languages: Dutch and English).



## 2. CAO rules for the posting of temporary agency workers

### 2.1 Overview of CAO provisions

The following provisions from the CAO for the Construction Industry apply to temporary agency workers who are posted by a foreign temporary employment agency.  
The provisions marked in yellow are additional rights for [skilled workers](#).

Waga subjects	CAO articles
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 Saturdays</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 depending on the tides)</a> Article 33: <a href="#">Shift work</a> Article 34: <a href="#">Stand-by duty</a>
Minimum number of days' holiday, during which the employer is obliged to pay wages	Article 35a-b: <a href="#">Holidays</a> Article 36a-b: <a href="#">Paid days' off</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 pay</a> Article 50 and 54: <a href="#">Travel expenses allowance</a> Article 51: <a href="#">Travel time allowance</a> Article 55: <a href="#">Allowance for working far away</a> Article 56: <a href="#">Allowance for work clothes and tools</a>
Conditions for posting employees	Article 6: Temporary work (elaborated in this publication)
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>
Protective measures with regard to children, young people and women who are pregnant or 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 time-related payments

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

- **Forty hours, Monday to Friday:** Normal working hours are forty hours per week and eight hours per day. The working week is from Monday to Friday inclusive. Temporary agency workers are not obliged to work on Saturdays, Sundays or recognised Christian public holidays.
- **Daily working hours and breaks:** The hirer determines the temporary agency worker's daily working hours and breaks, in consultation with the temporary agency worker. If for personal reasons, the temporary agency worker wishes to work other hours, the hirer will take serious account of the request.
- **Additional regulations for temporary agency workers in construction site positions:**
  - Daily working hours: These are between 07:00 and 18:00 hours.
  - Maximum of 11.5 hours: Working hours, breaks and travelling time together must not exceed 11.5 hours a day. If necessary, the working hours will be reduced. The travelling hours that fall within working hours as a result of this rule will count as hours worked.

### Working hours regulations (art. 24)

- **Catch net scheme:** If the CAO does not provide for some element of the working hours, the Working Hours Regulations (*Normregeling arbeidstijden*) as included in Appendix 6 to the CAO will apply. See [www.tbbouw.nl](http://www.tbbouw.nl).

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

- **Occupied buildings:** Temporary agency workers may perform maintenance and repair work on Saturdays on buildings that are occupied or in use, for example homes, offices, hospitals or industrial buildings.
- **Daytime window:** Working hours are between 7 a.m. and 6 p.m.
- **Compensation:** Temporary agency workers are entitled to [50% Saturday bonus](#) and a regularly scheduled day off of their choice within the period Monday to Friday, which is not paid for.
- **Conditions:** Maintenance work on Saturdays is only allowed if the hirer's client requires it. Temporary agency workers are not obliged to work on Saturdays.

### Overtime in construction site positions (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 on Saturdays or Sundays.
- **Not obligatory:** Temporary agency workers are not obliged to work overtime.
- **In whole hours:** Overtime is reported in whole hours only.
- **Maximum of 13 hours a day:** In case of overtime, working hours, breaks and travelling time together must not exceed 13 hours a day. If necessary, the working hours will be reduced. The travelling hours that fall within working hours as a result of this rule will count as hours worked.
- **Ban on overtime for young people:** Temporary agency workers under the age of 18 are not allowed to work overtime.



- **Ban on structural overtime:** Structural overtime is not allowed. Overtime is called structural overtime if it has occurred during several consecutive weeks at fixed times.

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

- • **Overtime pay or time off:** Temporary agency workers who perform [overtime work](#) have the choice of being paid the overtime due to them or taking time off. They will inform the temporary employment agency, within three working days of working overtime, which of the options they choose.
- **Payment:** In this case, the agreed fixed hourly wage must be increased by the percentages listed in the following table.
- **Time off:** Temporary agency workers receive one hour off for each hour overtime worked, increased by the applicable percentage from the following table. If they have accrued eight hours in this way, they can take a day off in consultation with the hirer. They will receive the agreed fixed wage for that day.
- • **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 positions**

<b>period</b>	<b>allowance</b>
• first three hours of overtime per day:	25%
• other 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 public holidays:	100%

### **Overtime and overtime allowance for uta positions (art. 31)**

- **Not obligatory:** Temporary agency workers in uta positions are not obliged to work overtime.
- **Allowance:** Temporary employment agencies will decide how temporary agency workers in uta positions are compensated for any substantial overtime. Temporary employment agencies will inform temporary agency workers of their decision in writing.
- **With no fixed agreement:** In such cases, temporary employment agencies will at least pay temporary agency workers in positions up to and including job level 3 an allowance at the rate of the applicable salary per hour or they will be compensated on a time for time basis.

### **Shifted hours Infra for employees in construction site positions (art. 32a)**

- **What is this about?** In infrastructure works, temporary agency workers are allowed to work shifted hours. Normal working hours remain forty hours per calendar week.
- **Conditions:** The CAO for the Construction Industry sets a number of conditions for working shifted hours, of which the most important are:
  - it is only allowed if the hirer's client requires it and insofar as it is necessary;
  - the hirer informs temporary agency workers at least two weeks in advance when they are required to work shifted hours;
  - temporary agency workers are not obliged to work shifted hours Infra;
  - a limit of thirty weeks per year applies to employees of 55 and over;
  - if during one week all the shifts start after 8 p.m., the total number of forty hours can be divided into four shifts;

- temporary agency workers are entitled to an uninterrupted rest period of 48 hours per week; once in every two weeks, this rest period should include the period from Saturday 6 a.m. to Sunday 9 p.m.
- **Safety:** Special safety measures apply when shifted hours are worked at infrastructure sites in the evening or at night. See [Safety during shifted hours Infra](#).
- **Shifted hours Infra allowance:** This allowance is based on a percentage of the agreed fixed hourly wage of the temporary agency worker. The allowance applies to shifted hours worked before 7 a.m. and after 8 p.m. within the normal working hours per week. See the following table. If the temporary agency worker performs overtime during shifted hours, the [overtime allowance for employees in construction site positions](#) also applies.
- **Unforeseen circumstances:** If the intention was to work only during shifted hours in a particular week, but the temporary agency worker is unable to work the normal number of working hours, the temporary employment agency will pay an allowance of 30% for the hours he was unable to work. In other words, the temporary agency worker will still receive payment for the full working week with the allowance.

#### Shifted hours Infra allowance for employees in construction site positions

shifted working hours	allowance
between Monday 8 p.m. and Friday 7 a.m.	30%
between Friday 8 p.m. and Saturday 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 public holidays	100%

#### Shifted hours Tidal Work for employees in construction site positions (art. 32b)

- **25 percent:** Temporary agency workers in construction site positions who perform work that is subject to tidal conditions (high and low tides), will be paid an allowance on top of the guaranteed hourly wage of 25%. This allowance applies to worked hours before 6 a.m. and after 6 p.m. insofar as they fall within normal working hours.

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

- **Boundaries:** The normal weekly working hours for shift work are between midnight Sunday and midnight Friday. Working hours may not exceed eighty hours in two weeks.
- **Allowance:** Temporary agency workers working in shifts are paid a percentage of the agreed fixed wage on top of their wages. An alternative regulation applies to industrial construction work. Both regulations are shown in the table below.
- **Overtime in shift work:** See [Overtime allowance for employees in construction site positions](#).

#### Shift work allowance for employees in construction site positions

General regulation	allowance
Two-shift system	10%
Three-shift system	15%

#### Regulation for industrial construction

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%

## Extra for SKILLED WORKERS

### Stand-by duty for skilled workers in construction site positions (art. 34)

- **What is it?** Skilled workers in construction site positions are on stand-by duty if they need to be available outside normal working hours to perform work that cannot wait until the following working day.
- **Stand-by allowance:** Skilled workers on stand-by duty are entitled to an allowance, even if they are not called up for work during the stand-by period.
- **Amount of the allowance:** The temporary employment agency determines the amount in consultation with the skilled worker. In principle, this will be in line with the hirer's payment scheme. The amounts appearing in the table below represent the lower limit.
- **Weekly or daily allowance:** A weekly allowance applies, if the skilled worker has stand-by duty for a whole calendar week. If the duty period is less than a calendar week, the temporary employment agency will pay a daily allowance. See the following table.
- **Overtime allowance:** If the skilled worker is called up for work while on stand-by duty, he is also entitled to an [overtime allowance for employees in construction site positions](#).

#### Stand-by duty allowance for skilled workers in construction site positions

extent to which the skilled worker is required to stay at home	allowance per calendar week	allowance per day (% of weekly allowance)	
		Mon to Fri	Sat/Sun
continuously	€176.13	10%	25%
regularly	€152.64	10%	25%
occasionally	€129.16	10%	25%

## 2.3 Holidays and leave

### Holidays

- **CAOs for temporary agency workers:** The ABU CAO for Temporary Agency Workers applies with regard to regular holidays. According to this CAO, temporary agency workers are entitled to 24 paid holidays per year.
- **Extra days off:** Moreover, the provisions concerning extra days holiday for employees of 55 and over and paid days off which are stipulated in the CAO for the Construction Industry apply to temporary agency workers who are also skilled workers.

## Extra for SKILLED WORKERS

### Extra days holiday for skilled workers of 55 and over (art. 35a-b)

- **Seniors' days:** The temporary employment agency grants several extra days holiday to skilled workers of 55 and over: the so-called 'seniors' days'. See the following table.
- **Working part-time or part of the year:** Part-time workers and those who work in the construction industry only part of the year are granted a number of seniors' days in proportion to the time worked.
- **Wage payment:** The temporary employment agency pays skilled workers the agreed fixed wage / regular salary for the seniors' days.
- **Seniors' days on termination of work:** If a skilled worker stops working for the hirer, the temporary employment agency will settle any surplus or deficit of seniors' days with him, either in time off or in money.

## Seniors' days for skilled workers of 55 and over

age	number of seniors' days per year *	
	construction site position	uta position
55 to 59 years incl.	10	9
60 years or over	13	11

\* Temporary agency workers who reach the age of 55 or 60 in a given year are entitled to a proportional number of days for that year.

### Extra for [SKILLED WORKERS](#)

#### **Paid days off for skilled workers (art. 36a-b)**

- **Number of days in a construction site position:** Skilled workers in construction site positions are granted 22 paid days off per year by the temporary employment agency. 12 days are determined in accordance with the employee's request. The temporary employment agency is entitled to pay compensation for these days in money. The remaining 10 days are determined by the hirer, in consultation with the employees.
- **Number of days in a uta position:** Skilled workers in uta positions are granted 17 paid days off per year by the temporary employment agency: 2 days as additional wages and 15 days to be taken whenever they choose.
- **Working part-time or part of the year:** Part-time workers and those who perform construction or infrastructure work in the Netherlands only part of the year, are granted a number of paid days off in proportion to the time worked.
- **Wage/salary:** The temporary employment agency pays skilled workers the agreed fixed wage / regular salary for the paid days off.
- **Paid days off on termination of work:** If the temporary agency worker has some paid days off left when his work for the hirer is due to end, he must take the remaining days before he leaves. If he is a few days short, the temporary employment agency basically is not allowed to settle the difference with the temporary agency worker.

## 2.4 Income

### **Definitions**

- **Guaranteed wage:** This is the wage the temporary employment agency pays the temporary agency worker in a construction site position. The wage tables from the CAO for the Construction Industry contain the minimum amounts that they are obliged to pay.
- **Agreed fixed wage:** The guaranteed wage plus any [performance allowance](#) the skilled worker in a construction site position is entitled to.
- **Salary:** The agreed fixed gross amount per period, which the temporary employment agency must pay the temporary agency worker in a uta position. This amount does not include holiday allowance and other allowances, fixed and 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 of employees in construction site positions (art. 41a)**

- **Job classification:** The temporary employment agency assigns the temporary agency worker to one of the job groups A to E. Assignment is based on the tasks of the temporary agency worker 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. These are the real 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 of employees in construction site positions (art. 42a-c)**

- **Construction wage:** Temporary agency workers working in the construction industry are paid in accordance with the CAO for the Construction Industry from their first working day.
- **Wage tables:** The current wage tables for temporary agency workers in construction site positions can be found at [www.nlconstruction.info](http://www.nlconstruction.info).
- **Explanation:**
  - Aged 22 or over: The guaranteed wage for this group of temporary agency workers appears in wage table I. Other wages apply to temporary agency workers who supervise at least five employees/temporary agency workers (the foreman; wage table II).
  - Aged 16 to 21, inclusive: The guaranteed wage for this group of temporary agency workers depends on their age and training level. See wage table III.
  - Entry scale: The temporary employment agency pays the temporary agency worker up to the age of 27 years who has never before worked in the construction industry a wage according to the entry level scale of wage table IV, during the first year of employment. The entry level scale does not apply to a temporary agency worker who is following a vocational training course in the construction industry or who has obtained a diploma for such a course.

### **Job classification of employees in uta positions (art. 41b)**

- **Job classification:** The temporary employment agency assigns the temporary agency worker to a specific job ladder, at a specific job level. This is done on the basis of the duties to be performed by the temporary agency worker and the following job classification.

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

The following job ladders are relevant for temporary agency workers in uta positions:

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. Computer Programming and Systems Analysis

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

### **Salaries for uta positions (art. 43)**

- **Construction salary:** Temporary agency workers working in the construction industry are paid in accordance with the CAO for the Construction Industry from their first working day.
- **Salary tables:** The current salary tables for temporary agency workers in uta positions can be found at [www.nlconstruction.info](http://www.nlconstruction.info).
- **Elaboration:**
  - Salary classification: Each job level has a salary scale with a minimum and maximum salary. The monthly salary to which a temporary agency worker is entitled is either at or above the minimum. Temporary employment agencies inform temporary agency workers of the criteria used to determine their salaries.
  - Age: 22 or over: salary table 1; 16 to 21, inclusive: salary table 2.
  - Entry scale: Temporary employment agencies can pay temporary agency workers in uta positions according to the entry scale of salary table 3 in the following cases:
    - aged 22 or over and unemployed for longer than eight months: up to a year;
    - aged 16 to 21, inclusive, and classified at job level 1: during the first year of working in the construction industry.

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

- **Structural increases:** Structural wage and salary increases based on the CAO for the Construction Industry also apply to temporary agency workers. These have been incorporated in the wage and salary tables at [www.NLconstruction.info](http://www.NLconstruction.info).
- **One-off payments:** Temporary agency workers are also entitled to any one-off payments based on the CAO.

### Extra for SKILLED WORKERS

#### **Performance allowance for skilled workers in construction site positions (art. 45)**

- **If common practice:** If a performance allowance applies at the hirer's company or on the construction site where the skilled worker is working, the temporary employment agency will pay the same allowance to the skilled worker. A performance allowance is an allowance paid on top of the guaranteed wage that applies to the temporary agency worker.
- **In principle non-inclusion:** Temporary employment agencies should not deduct the performance-related bonus from an increase in guaranteed wage. However, this is permitted in the case of a wage increase relating to placement of the temporary agency worker in a higher job group.
- **Ban on overtime for young people:** Temporary agency workers under 18 are not permitted to work on a piece-work basis.



## 2.5 Other allowances and bonuses

### Attention!

- **Taxability of allowances:** Temporary employment agencies are only required to pay the following allowances insofar as they are exempt from wage tax and social security premiums.

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

- **For whom?** Temporary agency workers in construction site positions are entitled to a travel allowance according to the table below if they:
  - need to travel more than a total of 15 km between their temporary residence in the Netherlands and work and/or
  - need to travel during work or in connection with work.
- **Non-standard travel allowances:** The hirer may agree on a non-standard settlement with his works council, but the settlement may not on balance be less favourable for the temporary agency worker.

#### Travel allowance for construction site positions

Vehicle	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	€0.19 *
car	per km	€0.19 *

\* This is the tax-exempt allowance for 2014.

#### Extra for SKILLED WORKERS

### Travel time allowance for skilled workers in construction site positions (art. 51)

- **For whom?** Skilled workers 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.
- **Hourly allowance:** The travel time allowance is equal to the guaranteed hourly wage of the skilled worker.
- **Means of transport:** The travel time allowance applies to time travelled by public transport, private means of transport or vehicles made available by the temporary employment agency or the hirer.
- **Determining travel time:** If public transport is used, the duration according to the timetable is regarded as the travel time. For other means of transport, it is assumed that skilled workers are capable of travelling the following number of kilometres per hour: on foot 5 km, by bicycle 15 km, by moped 25 km, by motorcycle 40 km. A standard regulation applies to travelling by car, which is based on the fastest route between home and work and vice versa. See the following table.

#### Travel time calculation for car use (construction site positions)

home-to-work traffic: one-way distance in km		travel hours to be reimbursed per day*
from	up to and including	
0 km	25 km	0
25 km	50 km	based on a speed of 60 km/h (max. 0.8 hours)
50 km	59 km	1.0
59 km	70 km	1.2
70 km	81 km	1.4
81 km	92 km	1.5
92 km	105 km	1.8
105 km	or more	actual travel time**

\* *The first hour spent travelling has already been deducted.*

\*\* *With a minimum of 1.8 hours.*

- **Unworkable weather:** Skilled workers are also entitled to the travel time allowance if they are unable to work because of bad weather. This does not apply if they should reasonably have known that they did not need to go to work.
- **Deviating regulations:** The hirer can agree on an alternative scheme in consultation with the works council. However, this regulation should, on balance, at least equal the existing scheme.

#### Travel allowance for uta positions (art. 54)

- **Full payment:** Temporary agency workers in uta positions are entitled to reimbursement of all travel expenses if they are required to work at a location other than their regular work location, on the orders of the hirer.
- **Allowance per kilometre:** If the temporary agency worker is required to use his own car or motorcycle, the hirer will pay him the tax-exempt allowance. This amounts to €0.19 per kilometre in 2014.
- **Other cases:** If the temporary agency worker is *not* subject to the schemes referred to above for commuter travel between his temporary place of residence in the Netherlands and work, he is entitled to an allowance of €0.19 per km, provided the hirer has not arranged company transport or an OV card (public transport pass).

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

- **Accommodation costs:** If the temporary agency worker is required to work so far from his place of residence that he cannot return home every day, the temporary employment agency is responsible for his food, adequate housing and other accommodation expenses. The temporary employment agency can arrange and pay for this itself, but can also leave this to the temporary agency worker and reimburse his expenses. Even if the temporary employment agency arranges and pays for everything itself, the temporary agency worker will be paid 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 hirer provides temporary agency workers in construction site positions with the legally required protective equipment, free of charge.

- **Work clothing:** The hirer may provide the necessary work clothes free of charge. Failing this, temporary agency workers in construction site positions are entitled to an allowance. See the following table. If the hirer requires that the work continues during frost, temporary agency workers will be provided with winter clothing, free of charge.
- **Own tools:** If the hirer requires temporary agency workers to use their own tools, they will be paid the following net allowances per worked day: carpenter or roadworker €0.75; bricklayer or tiler €0.54.

#### **Work clothing allowance for construction site positions**

<b>type of clothing</b>	<b>net allowance per worked day</b>
work clothes	€0.87
work clothes for pile-driving work	€0.95
boots	€0.54
knee boots only	€0.43

## 2.6 Safety and health

### **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. These also apply to temporary agency workers in construction positions and/or uta positions. Some examples:
- **Personal protective equipment** (safety helmet, safety shoes, etc.): This equipment is provided free of charge by the hirer. Every temporary agency worker working on a construction site is obliged to use them.
- **Hazardous substances:** Temporary agency workers are entitled to refuse highly polluting work if the hirer has not provided sufficient protection.
- **Role of the foreman:** If any work is performed involving hazardous substances and products, the supervisor must have a list of these substances/products and the relevant precautionary measures.
- **Forbidden:** The processing or use of asbestos or tar are in principle forbidden. The same applies to high-solvent products used in interior work.
- **Lifting:** Temporary agency workers in construction site positions are not allowed to lift more than 25 kg. If they process building blocks and glue blocks weighing 14 kg or more, they must use mechanical equipment to lift them.
- **Draught-free interior work:** The hirer ensures that temporary agency workers in construction site positions who carry out interior work in the period from 1 September to 1 May can work under draught-free conditions as much as possible.
- **Road construction work:** Temporary agency workers in construction site positions are not allowed to perform any road construction work, until they have followed a safe working course.
- **Young people:** Temporary agency workers in construction site positions under the age of 18 are not allowed to work overtime, work near pile-driving equipment or work on a piece-work basis.

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

The following additional safety measures apply when infrastructure work is carried out in shifted hours, in the evening or at night:

- **Informing temporary agency workers:** The hirer ensures that temporary agency workers in construction site positions are acquainted with the safety regulations before starting work.
- **Safety vests compulsory:** Temporary agency workers must wear safety vests when carrying out road construction work.
- **Road barriers:** The section of road where work is carried out must be completely closed off for traffic.
- **Night frost:** Temporary agency workers are only allowed to carry out urgent activities during night frost. The safety and health of temporary agency workers must be ensured.

### 3. Cao parties

#### 3.1 Parties to the CAO for the Construction Industry

##### Employers' organisations

- **Bouwend Nederland (Dutch Construction and Infrastructure Federation):** [www.bouwendnederland.nl](http://www.bouwendnederland.nl)
- **Aannemersfederatie Nederland Bouw en Infra (Dutch Construction and Infrastructure Contractors Federation):** [www.aannemersfederatie.nl](http://www.aannemersfederatie.nl)
- **NVB Vereniging voor ontwikkelaars & bouwondernemers (Dutch Association of Developers and Construction Contractors):** [www.nvb-bouw.nl](http://www.nvb-bouw.nl)
- **Vereniging van Waterbouwers (Dutch Association of Hydraulic Engineers):** [www.waterbouwers.nl](http://www.waterbouwers.nl)

##### Employees' organisations

- **FNV Bouw (Dutch Building and Woodworkers Union):** [www.fnvbouw.nl](http://www.fnvbouw.nl)
- **CNV Vakmensen (Dutch Federation of Christian Trade Unions):** [www.cnvvakmensen.nl](http://www.cnvvakmensen.nl)

#### 3.2 Parties to the ABU and/or the NBBU CAO for Temporary Agency Workers

##### Employers' organisations

- **Algemene Bond Uitzendondernemingen (Federation of Private Employment Agencies) (ABU CAO):** [www.abu.nl](http://www.abu.nl)
- **Nederlandse Bond van Bemiddelings- en Uitzendondernemingen (Dutch Federation of Mediation and Temporary Employment Agencies) (NBBU CAO):** [www.nbbu.nl](http://www.nbbu.nl)

##### Employees' organisations

- **FNV Bondgenoten:** [www.fnvbondgenoten.nl](http://www.fnvbondgenoten.nl)
- **CNV Dienstenbond:** [www.cnvdienstenbond.nl](http://www.cnvdienstenbond.nl)
- **De Unie:** [www.unie.nl](http://www.unie.nl)
- **LBV (Landelijke Belangenvereniging; National Interests Association):** [www.lbv.nl](http://www.lbv.nl)

## **Colophon**

The text of this publication is available in several languages at [www.NLconstruction.info](http://www.NLconstruction.info).

### *Published by*

On the instructions of the parties to the CAO for the Construction Industry:  
[Technisch Bureau Bouwnijverheid](#), Harderwijk, the Netherlands.

### *Edited by*

Joyce van Dongen (Technisch Bureau Bouwnijverheid) and Teun Baak (Tekst & Beleid bv, Bleiswijk)

### *Translation*

Translation agency “De Drechtsteden”

### *Design*

Mieneke van der Wekken (Studio Tof!, Swifterbant)

June 2014

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