

Temporary work, posting and payrolling

CAO regulations for employees of Dutch intermediaries

January 2014



Contents

<u>1. Introduction</u>	<u>3</u>
<u>1.1 About this publication</u>	<u>3</u>
<u>1.2 Collective Agreements for temporary workers</u>	<u>4</u>
<u>1.3 Construction Industry Package (<i>Bouwpakket</i>) and Construction Industry Skilled Worker Package (<i>BouwVakpakket</i>)</u>	<u>4</u>
<u>1.4 Construction site positions and uta positions</u>	<u>5</u>
<u>1.5 Skilled workers and newcomers</u>	<u>5</u>
<u>1.6 Only certified temporary employment agencies</u>	<u>6</u>
<u>1.7 Reporting malpractices</u>	<u>6</u>
<u>2. CAO regulations for Dutch temporary employment agencies</u>	<u>7</u>
<u>2.1 Overview of Construction Industry Package (<i>Bouwpakket</i>) and Construction Industry Skilled Worker Package (<i>BouwVakpakket</i>)</u>	<u>7</u>
<u>2.2 Elaboration</u>	<u>8</u>
<u>2.3 Starting temporary work in the construction industry</u>	<u>8</u>
<u>2.4 Working hours and time-related payments</u>	<u>8</u>
<u>2.5 Holidays and leave</u>	<u>13</u>
<u>2.6 Wages</u>	<u>14</u>
<u>2.7 Other payments</u>	<u>16</u>
<u>2.8 Safety and health</u>	<u>19</u>
<u>2.9 Pension</u>	<u>20</u>
<u>3. Addresses of parties to the Collective Agreements</u>	<u>21</u>
<u>3.1 Parties to the CAO for the Construction Industry</u>	<u>21</u>
<u>3.2 Parties to the ABU and/or the NBBU CAO for Temporary Agency Workers</u>	<u>21</u>
<u>Colophon</u>	<u>22</u>

1. Introduction

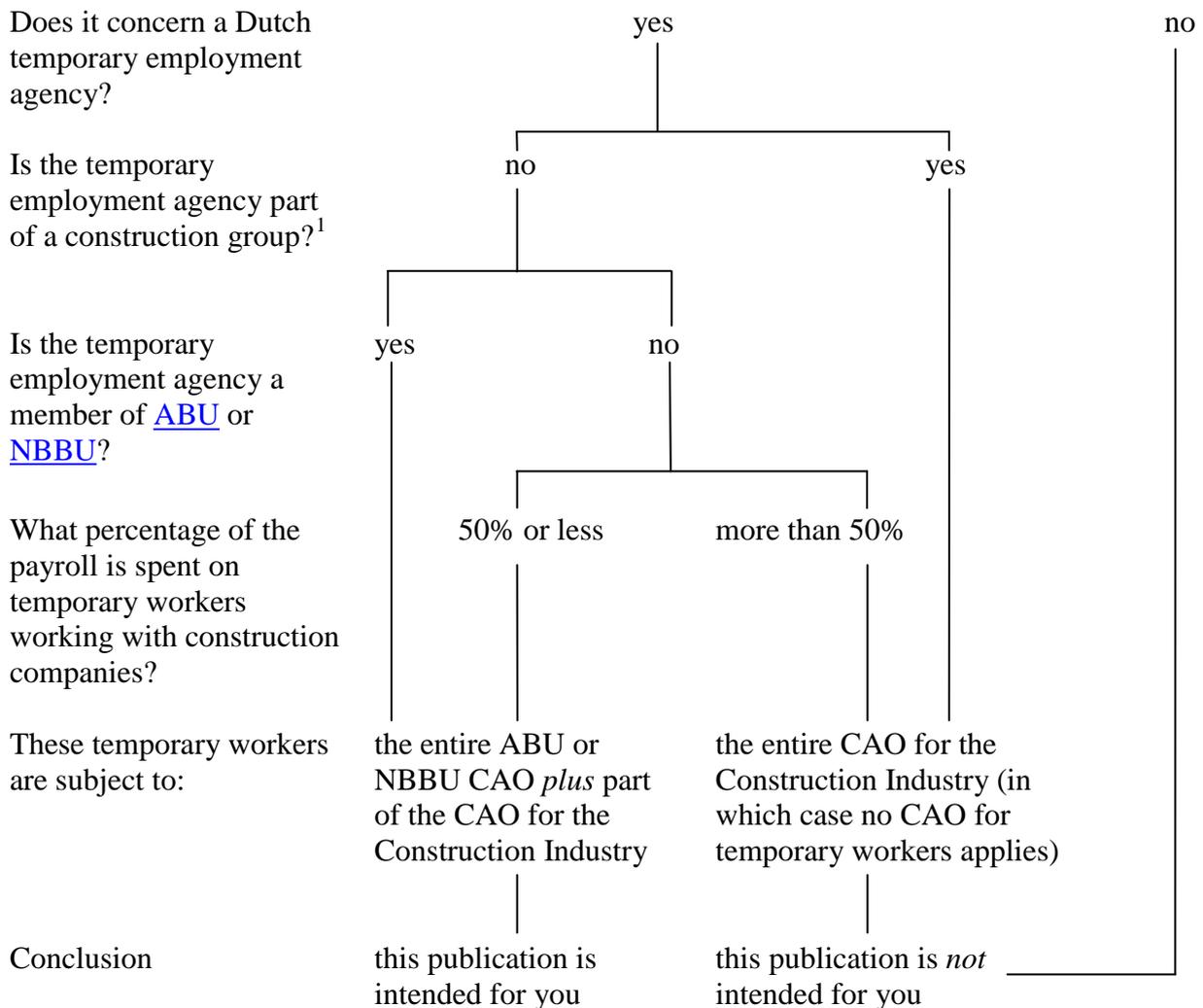
1.1 About this publication

Target groups

This publication is intended for:

- [Dutch temporary employment agencies, posting agencies or payroll agencies](#) that place employees with construction or infrastructure companies (further referred to as: temporary employment agencies);
- [employees](#) who, on the instructions of a temporary employment agency, carry out work activities at a construction or infrastructure company (further referred to as: temporary workers);
- [hiring construction or infrastructure companies](#) (further referred to as: hirers or construction companies).

The flow chart below shows whether or not this publication is of interest to you.



¹ A group of companies that falls under the CAO for the Construction Industry.

Contents of this document

As is shown from the above chart, (part of) the CAO for the Construction Industry will always apply to employees of temporary employment agencies who are posted to construction companies.

This publication presents an elaboration of the situation in which the temporary employment agency is obliged to apply a collective agreement for temporary workers as well as *part of the* CAO for the Construction Industry. In other cases, the *entire* CAO for the Construction Industry applies.

Comments

- The CAO regulations described in this publication also apply to a temporary employment agency that posts an employee from *another* company to a construction company (re-posting).
- The regulations that apply to foreign temporary employment agencies differ in some respects to those applying to Dutch temporary employment agencies. See www.NLconstruction.info.
- The applicable CAO regulations are not determined by the nationality of the temporary agency worker. What is decisive is whether the temporary agency worker is employed by a Dutch temporary employment agency or a foreign one.

1.2 Collective Agreements (CAOs) for temporary agency workers

The temporary employment agencies and temporary agency workers that belong to the target group of this publication are subject to part of the CAO for the Construction Industry, in addition to one of the CAOs for temporary agency workers. Which of the CAOs for temporary agency workers applies, depends on the temporary employment agency by which the temporary agency worker is employed.

- The ABU CAO for Temporary Agency Workers applies to temporary employment agencies that are a member of the [ABU](#) and - if the ABU CAO has been declared generally binding - also to temporary employment agencies that are not affiliated with the ABU or the NBBU;
- The NBBU CAO for Temporary Agency Workers only applies to temporary employment agencies that are a member of the [NBBU](#).

More information on the legal position of temporary agency workers can be found at www.abu.nl and in the ABU brochure [Een samenvatting van de CAO voor Uitzendkrachten 2012-2017](#).

1.3 Construction Industry Package (*Bouwpakket*) and Construction Industry Skilled Worker Package (*BouwVakpakket*)

For temporary agency workers in the construction industry, the so-called 'wage ratio rule', also called 'hirer's remuneration' is applicable from their first working day. In addition, several other provisions apply from the CAO for the Construction Industry.

These provisions, which must be applied by the temporary employment agencies that belong to the target group of this publication, are grouped into two packages:

- *Construction Industry Package (Bouwpakket)*: This package of employment conditions applies to *all* temporary agency workers, from their first working day, who work in the construction industry on the instructions of the temporary employment agency.
- *Construction Industry Skilled Worker Package (BouwVakpakket)*: This package only applies to skilled workers. It contains a number of *extra* provisions from the CAO for the Construction Industry, which apply *in addition to* the Construction Industry Package. The latter provisions have been marked in yellow in this publication.

The packages apply both to temporary agency workers in construction site positions and to temporary agency workers in uta positions.

1.4 Construction site positions and uta positions

As in the CAO for the Construction Industry, this publication distinguishes between:

- *temporary agency workers in a construction site position*: they actually carry out construction work, such as carpentry, bricklaying, demolition and road and railroad construction;
- *temporary agency workers in a uta position*: they hold a supervisory, technical and/or administrative position at a construction company.

The content of the Construction Industry Package and the Construction Industry Skilled Worker Package is different for temporary agency workers in a construction site position than for temporary agency workers in a uta position.

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

1.5 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 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 at level 2 or 3 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 or higher.

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.

1.6 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. All ABU members and nearly all NBBU members have the required NEN certificate. The NEN requirement does not apply to temporary employment agencies that are part of a construction group², nor does it apply to construction training institutes.

1.7 Reporting malpractices

Have you noticed that a certain construction company or temporary employment agency does not observe the CAO regulations?

And does this lead to malpractices against the temporary agency workers involved or to unfair competition with other companies?

Then please report it to [Bureau naleving & werkingssfeer](#). This bureau was initiated by the employers' and employees' organisations that are party to the CAO for the Construction Industry.

² A group of companies that falls under the CAO for the Construction Industry.

2. CAO regulations for Dutch temporary employment agencies

2.1 Overview of Construction Industry Package (*Bouwpakket*) and Construction Industry Skilled Worker Package (*BouwVakpakket*)

Articles from the CAO for the Construction Industry that apply to temporary agency workers who are employed by Dutch temporary employment agencies

Starting temporary work in the construction industry

- Introduction at the construction company (art. 18)

Working hours and time-related payments

- Normal working hours and working days (art. 23)
- Different regulation: average of 40 hours per week (art. 23)
- Working hours regulations (art. 24)
- Part-time work (art. 25)
- Four-day working week for skilled workers of 55 and over (art. 26a-b)³
- Maintenance work on Saturdays (art. 27)
- Overtime in construction site positions (art. 29)
- Overtime allowance for employees in construction site positions (art. 30)
- Overtime and overtime allowance for employees in uta positions (art. 31)
- Shifted hours Infra for employees in construction site positions (art. 32a)
- Shifted hours Tidal Work for employees in construction site positions (art. 32b)
- Shift work for employees in construction site positions (art. 33)
- Stand-by duty for skilled workers in construction site positions (art. 34)³

Holidays and leave

- Extra days holiday for skilled workers of 55 and over (art. 35a-b)³
- Scheduled days off for skilled workers (art. 36a-b)³

Wages

- Job classification and wages of construction site employees (art. 41a, 42a-c)
- Job classification and salaries of employees in uta positions (art. 41b en 43)
- Wage/salary increases
- Performance allowance for skilled workers in construction site positions (art. 45)³

Other payments

- Travel allowance for employees in construction site positions (art. 50)
- Travel time allowance for skilled workers in construction site positions (art. 51)³
- Travel allowance for employees in uta positions (art. 54)
- Moving allowance for employees in uta positions (art. 54)
- Allowance for working at a remote work location for construction site employees (art. 50, art. 55)

³ The CAO provisions that are marked in yellow are additional provisions from the Construction Industry Skilled Worker Package.

- Allowance for working at a remote work location for employees in uta positions (art. 54)
- Personal protective equipment, work clothes and tools for employees in construction site positions (art. 56)

Safety and health

- Special provisions regarding safety and working conditions (art. 70a-c)
- Safety during shifted hours Infra for employees in construction site positions (art. 71)

Pension

- Pensions for temporary workers and construction workers (art. 85a-b)

2.2 Elaboration

The content of the Construction Industry Package (*Bouwpakket*) and the Construction Industry Skilled Worker Package (*BouwVakpakket*) is elaborated in the following sections. For clarity's sake, a brief description is given, leaving out as many details as possible. This means that no rights can be derived from the text of this publication.

A full and valid description of the agreements regarding temporary work in the construction industry can be found in the following places:

- CAO for the Construction Industry, Article 6 and Appendix 2 (www.NLconstruction.info);
- ABU CAO for Temporary Agency Workers, Article 21 and Appendix II (www.abu.nl);
- NBBU CAO for Temporary Agency Workers, Article 37 and Appendix 10 (www.abu.nl).

For more information about the content of any of the CAOs, please contact one of the employees' and employers' organisations that are party to that particular CAO. The names and addresses are listed in [Chapter 3](#).

2.3 Starting temporary work in the construction industry

Introduction at the construction company (art. 18)

- **Duty of the hiring employer:** The hiring employer ensures that the temporary agency workers is properly introduced. This includes paying attention to matters such as the company's organisation, what the work entails, getting acquainted with colleagues, employment conditions, working conditions, safety and employee participation.

2.4 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 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 a temporary

agency worker wishes to work alternative hours for private reasons, the employer will take this into serious consideration.

- **Additional rules for employees 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.

Different regulation: average of 40 hours per week (art. 23)

- **7 to 9 hours a day:** Companies may decide to have variable working hours of seven to nine hours a day, while wages are paid on the basis of eight hours per day. In such cases, temporary agency workers who work more than eight hours (maximum of nine hours) a day, will not be paid overtime. Within a working week, the daily working hours are the same every day. The average number of working hours per week - measured over a period of thirteen weeks - must be forty hours.
- **Preconditions:** In case of a working week of on average forty hours, the daily working hours are between 07:00 and 18:00 hours for all employees. Working hours, mandatory breaks and actual travelling time together must not exceed 11.5 hours a day. If this number is exceeded, the hirer must reduce the working hours. The travelling hours that fall within working hours as a result of this rule will be paid as hours worked.

Working hours regulations (art. 24)

- **Safety net regulation:** 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.

Part-time work (art. 25)

- **Yes, unless...:** Temporary agency workers are allowed to work part time at their request, unless the hirer demonstrates that the situation at his company does not permit this.
- **4 x 8:** Working 4 x 8 hours per week is also possible.

EXTRA FOR SKILLED WORKERS

Four-day working week for skilled workers of 55 and over (art. 26a-b)

- **At the employee's request:** If skilled workers of 55 and over want to reduce their working week to four days and 32 hours per week, they must ask for the approval of the hirer and notify the temporary employment agency. Their choice of a four-day working week is not irreversible.
- **Use of days off:** In order to make it possible to have a four-day working week while keeping full-time pay, skilled workers use their [holidays, seniors' days, scheduled days off and public holidays](#). However, they must have fifteen days left for their summer holidays.
- **Too few days off?** Using days off cannot provide a sufficient number of days for employees to be able to work four days a week throughout the year. Skilled workers may take unpaid leave to make up the deficit or work five days a week for a number of weeks.
- **More information?** See the online publication 'De vierdaagse werkweek 55-plus voor bouwplaats- en uta-werknemers' (only in Dutch), which can be found at www.NLconstruction.info.

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, such as houses, offices, hospitals or industrial buildings.
- **Normal working day:** The normal working day is between 07:00 and 18:00 hours.
- **Compensation:** Temporary agency workers are entitled to a [50% Saturday allowance](#) as well as an unpaid weekday off as desired.
- **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 more than eight hours per day (except if the company applies the [alternative regulation](#) of forty hours per week on average);
 - work before 07:00 and after 18:00 hours;
 - work on Saturdays or Sundays.
- **Not obligatory:** Temporary agency workers are not obliged to work overtime.
- **In whole hours:** Overwork 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 in several consecutive weeks at fixed times.

Overtime allowance for employees in construction site positions (art. 30)

- **In money or time:** Temporary agency workers who work [overtime](#), can choose to be paid in money or time off. They will inform the hirer, within three working days of working overtime, which of the options they choose.
- **Compensation in money:** Temporary agency workers are paid the agreed fixed hourly wage for each hour overtime worked, increased by the applicable percentage from the following table.
- **Compensation in time:** 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.
- **Shift work and overtime:** In such cases, the overtime allowance is calculated on the basis of the applicable hourly wages for [shift work](#).
- **Overtime during shifted hours Infra:** In such cases, the overtime allowance is calculated on the basis of the agreed fixed wage, *not* on the basis of the allowance for shifted hours Infra.

Overtime allowance for employees in construction site positions

period	allowance
• first three hours of overtime per day:	25%
• other overtime hours between Monday 5 am and Saturday 9 pm:	50%
• between Saturday 9 pm and Monday 5 am and on public holidays:	100%

Overtime and overtime allowance for employees in 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.
- **If agreements have not been recorded:** 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, i.e.: they can also work before 07:00 and after 18:00 hours and on Saturdays and Sundays. Normal working hours are still 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;
 - the normal weekly working hours of forty hours may be spread over four shifts, if all the shifts in that week start after 20:00 hours;
 - temporary agency workers are entitled to an uninterrupted break of 48 hours once a week; once in every two weeks, this break must be between Saturday 06:00 hours and Sunday 21:00 hours.
- **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 temporary agency workers in a construction site position. The allowance applies to shifted hours worked before 07:00 hours and after 20:00 hours that fall within the normal weekly working hours. See the following table. If temporary agency workers work overtime during shifted hours, the [overtime allowance](#) applies.
- **If things do not go according to plan:** If the intention was to work only during shifted hours in a particular week, but the temporary agency workers are unable to work the normal number of working hours, the temporary employment agency will pay an allowance of 30% for the hours they were unable to work. This way, they still get paid an allowance over the entire working week.

Shifted hours Infra allowance for employees in construction site positions

shifted working hours	allowance
between Monday 20:00 hours and Friday 07:00 hours	30%
between Friday 20:00 hours and Saturday 20:00 hours	50%
between Saturday 20:00 hours and Sunday 07:00 hours	75%
between Sunday 07:00 hours and Monday 07:00 hours 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%. The allowance applies to shifted hours worked before 06:00 hours and after 18:00 hours that fall within the normal weekly working hours.

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

- **Limits:** The normal weekly working hours for shift work are between midnight Sunday and midnight Friday. Moreover, a limit has been set on working hours per two weeks of eighty hours.
- **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.

Shift work allowance for employees in construction site positions

General regulation	allowance
Two-shift system	10%
Three-shift system	15%
Industrial construction regulation	
when starting before 06:00 hours or ending after 19:00 hours (excl. overtime hours):	
- hours between 06:00 hours and 19:00 hours	5%
- hours between 19:00 hours and 06:00 hours	25%

EXTRA FOR SKILLED WORKERS

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

- **What is this about?** 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 stated in the table below are regarded as the lower limits.
- **Allowance per week or per day:** 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](#).

Stand-by duty allowance for skilled workers in construction site positions (gross; minimum amounts)

extent to which the skilled worker is tied to home	allowance per calendar week	allowance per day (% weekly allowance)	
		Mon to Fri	Sat/Sun
continuous	€176.13	10%	25%
regular	€152.64	10%	25%
minimal	€129.16	10%	25%

2.5 Holidays and leave

Holidays

- **CAOs for temporary agency workers:** The rules from the ABU or NBBU CAOs for Temporary Agency Workers apply to regular holidays. According to both CAOs, 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 scheduled 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 the 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 or in money.

Seniors' days for skilled workers of 55 and over

age	number of seniors' days per year *	
	construction site positions	uta positions
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. This applies to skilled workers who have worked for hirer(s) in the construction industry for forty hours per week throughout the year. Skilled workers in construction site positions can take 12 of the 22 paid days off whenever they choose. 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. This applies to skilled workers who have worked for hirer(s) in the construction industry for forty hours per week throughout the year. Skilled workers in uta positions can take 15 of the 17 paid days off whenever they choose. The temporary employment agency will pay the remaining 2 days as additional wages.

- **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 paid days off in proportion to the time worked.
- **Wages/salary:** The temporary employment agency pays the 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 deduct the difference from his wages.

2.6 Wages

Definitions

- **Guaranteed wage:** The wage that the temporary employment agency must at least pay temporary agency workers in construction site positions in accordance with the CAO.
- **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 in accordance with the CAO. This amount does not include holiday allowance and other allowances, fixed and variable bonuses, year-end bonuses and lump sum benefits.

Job classification of employees in construction site positions (art. 41a)

- **Job classification:** The temporary employment agency classifies the temporary agency worker into a job group. This is done on the basis of the duties to be performed by the temporary agency worker and the job lists included in the CAO (CAO Appendices 9a-1 and 9a-2). There are five job groups: A to E, inclusive. The wage amount depends on the job group.

Wages of employees in construction site positions (42a-c)

- **The same wage as permanent employees:** From their first working day, temporary agency workers in the construction industry are entitled to the same wages as permanent employees of the construction company, who do the same work.
- **Wage tables:** The current wage tables for temporary agency workers in construction site positions can be found at www.nlconstruction.info.
- **Explanation:**
 - Aged 22 or over: The guaranteed wage for this group of temporary agency workers can be found in wage table I (2nd column). Different wages apply to (a) temporary agency workers who follow a BBL training course at level 2 or 3, or have obtained a diploma for such a course (wage table I, columns 3 and 4), and (b) foremen or apprentice teachers (wage table II).
 - Aged 16 to 21, inclusive: The guaranteed wage for this group of temporary workers depends on age and training level. See wage table III.
 - During BBL training: For temporary agency workers who follow a BBL training course at level 2 or 3, the tables V and VI also apply.
 - Entry scale: Temporary employment agencies can pay temporary agency workers under the age of 27, who have not worked in the construction industry before, according to wage table IV during the first year of their employment.

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

- **Job classification:** Each temporary agency worker is assigned to a particular job level by the temporary employment agency. This is done on the basis of the duties to be performed by the temporary agency worker and the job structure as stated in the CAO (CAO Appendix 9b).

Salaries of employees in uta positions (art. 43)

- **The same salary as permanent employees:** From their first working day, temporary agency workers in the construction industry are entitled to the same wages as permanent employees of the construction company, who do the same work.
- **Salary tables:** The current salary tables for temporary agency workers in uta positions can be found at www.nlconstruction.info.
- **Explanation:**
 - **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; one-off payments do not. Structural wage and salary increases have been incorporated in the wage and salary tables at www.nlconstruction.info.

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 construction 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.
- **Not incorporated, in principle:** Temporary employment agencies may not set off the performance allowance against an increase of the guaranteed wage. However, they *are* allowed to do so if the temporary agency worker gets a pay increase because of being placed in a higher job group.

2.7 Other payments

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 employees in 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 15 kilometres in total daily between home and work, and/or
 - need to travel during work or in connection with work.
- **Choices of transportation:** The hirer decides which means of transport can be used by temporary agency workers. Travelling between home and work is done in groups whenever possible.
- **Alternative travelling expenses schemes:** 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 employees in construction site positions

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	€0.19*
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 in construction site positions who work outside their place of residence, are paid an allowance for the hours spent travelling to and from work. This does not include the first hour spent travelling of each day.
- **Allowance per hour:** The travel time allowance per hour equals 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:** When travelling by public transport, the timetable is used to determine the travel time. With other means of transport, it is assumed that skilled workers can travel the following distances 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 from home to work and back. See the following table.

Calculation of travel time in case of car use (construction site positions)

home-to-work traffic: one-way distance in km		daily travel time allowance*
more than	up to and including	
0 km	25 km	0
25 km	50 km	on the basis of a speed of 60 km per hour (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 could have known beforehand that they did not need to go to work.
- **Alternative travel time schemes:** 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 employees in uta positions (art. 54)

- **For whom?** Temporary agency workers in uta positions are entitled to a travel allowance according to the table below if they:
 - are required to work outside their regular work location on the instructions of the hirer and need a means of transport to get there;
 - (if the above does not apply:) is required to use their own transportation for regular home-to-work travel. If public transport is used, this allowance only applies if the hire has not provided the temporary agency worker with an OV pass.
- **Choices of transportation:** The hirer decides which means of transport can be used by temporary agency workers.
- **Alternative travelling expenses schemes:** 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 employees in uta positions

means of transport	standard	amount
public transport	lowest class	100%
motorcycle	per km	€0.19*
car	per km	€0.19*

* This is the tax-exempt allowance for 2014.

Moving allowance for employees in uta positions (art. 54)

- **For whom?** Temporary agency workers in uta positions who are required to work in another municipality than their original work location and are moving there at the request of the hirer, are entitled to a moving allowance.
- **Allowance:** Temporary agency workers are paid a reasonable allowance for expenses in connection with the move.

Allowance for working at a remote work location for construction site employees (art. 50, art. 55)

- **Allowances:** Temporary agency workers in construction site positions, who are required to work at such a distance from their place of residence that they are unable to return home every day, are entitled to the following allowances:
- **Travelling expenses:** In addition to an allowance for the travelling expenses incurred at the work location, temporary agency workers are paid an allowance for the travelling expenses incurred to travel to and from home once a week. This allowance is based on the usual [travel allowance](#).
- **Subsistence expenses:** For as long as a temporary agency worker is working away from home, the temporary employment agency is responsible for his food, adequate housing and other things that are necessary for his stay there. The temporary employment agency can arrange and pay for this itself, but can also leave this to the temporary agency worker and pay his expenses. Even if the temporary employment agency arranges and pays for everything itself, the temporary agency worker will be paid a daily food allowance of € 6.65.

Allowance for working at a remote work location for employees in uta positions (art. 54)

- **Travel, food and accommodation expenses:** Temporary agency workers in uta positions who are required to work at such a distance from their regular work location, that they are unable to return home every day, are entitled to a reasonable allowance for the additional expenses incurred for travelling, food and accommodation.
- **Travelling home once a week:** Temporary agency workers can travel home once a week. The travelling expenses connected with this are compensated.

Personal protective equipment, work clothes and tools for employees in construction site positions (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 clothes:** 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 free winter clothing.
- **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 employees in construction site positions

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

2.8 Safety and health

Combined action of hirer and temporary agency worker

- **The same rules as those applying to permanent employees:** The same statutory regulations and CAO regulations with regard to safety and working conditions (arbo) apply to temporary agency workers as those that apply to permanent employees of the hirer.
- **Role of the hirer:** The hirer is responsible for observing the regulations with regard to safety and working conditions. Temporary agency workers are provided with clear instructions on this.
- **Role of the temporary agency worker:** Temporary agency workers must observe the regulations with regard to safety and working conditions that are prescribed by the hirer.

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

- **Examples:** Below some examples are given of provisions regarding safety and working conditions from the CAO for the Construction Industry.
- **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 can refuse highly polluting work if the hirer has not provided sufficient protection. Temporary agency workers in construction site positions are in principle not allowed to perform any work that involves asbestos or tar. This also applies to high-solvent products used in interior work. 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.
- **Lifting:** Temporary agency workers in construction site positions are not allowed to lift anything heavier 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, near pile-driving equipment or on a performance basis.

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

Moreover, the following safety measures apply when shifted hours are worked at infrastructure sites in the evening or at night:

- **Informing temporary agency workers:** The hirer ensures that temporary agency workers are acquainted with the safety regulations before starting work.
- **Safety vests are mandatory:** Temporary agency workers must wear safety vests when carrying out road construction work.
- **Fencing:** The area where work is carried out must be completely fenced off to prevent traffic from driving through.
- **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.

2.9 Pension

Pension for temporary workers

- **Conditions:** Temporary agency workers from the age of 21, who have worked for a temporary employment agency for at least six months, participate in the StiPP pension scheme. This applies, in any case, to temporary agency workers who are newcomers to the construction industry.
- **More information:** www.stippensioen.nl

EXTRA FOR SKILLED WORKERS

Pension for construction workers (art. 85a-b)

- **Conditions:** Skilled workers are obliged to participate in the bpfBOUW pension scheme, if they meet the following conditions:
 - they already participated in the bpfBOUW pension scheme before they started working as a temporary worker *or*
 - they have worked as a skilled worker in the construction industry for one year at least.
- **More information:** www.bouwpensioen.nl (employees) and www.administratienet.nl (employers).

3. Addresses of parties to the CAOs

Parties to the CAO for the Construction Industry

Employers' organisations

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

Employees' organisations

- FNV Bouw (Dutch Building and Woodworkers Union) www.fnvbouw.nl
- CNV Vakmensen (Dutch Federation of Christian Trade Unions) 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
- Nederlandse Bond van Bemiddelings- en Uitzendondernemingen (Dutch Federation of Mediation and Temporary Employment Agencies) (NBBU CAO) www.nbbu.nl

Employees' organisations (ABU CAO and NBBU CAO)

- FNV Bondgenoten (FNV Allies) www.fnvbondgenoten.nl
- CNV Dienstenbond (CNV Services Federation) www.cnvdienstenbond.nl
- De Unie (The Union) www.unie.nl
- LBV (Landelijke Belangenvereniging; National Interests Association) www.lbv.nl

Colophon

The text of this publication is available in several languages. See www.NLconstruction.info.

Published by

Parties to the CAO for the Construction Industry,
the ABU CAO for Temporary Agency Workers and
the NBBU CAO for Temporary Agency Workers.
c/o [Technisch Bureau Bouwnijverheid](#), Harderwijk.

Edited by

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

Design

Mieneke van der Wekken (StudioTof!, Swifterbant)

No rights can be derived from this publication.

January 2014