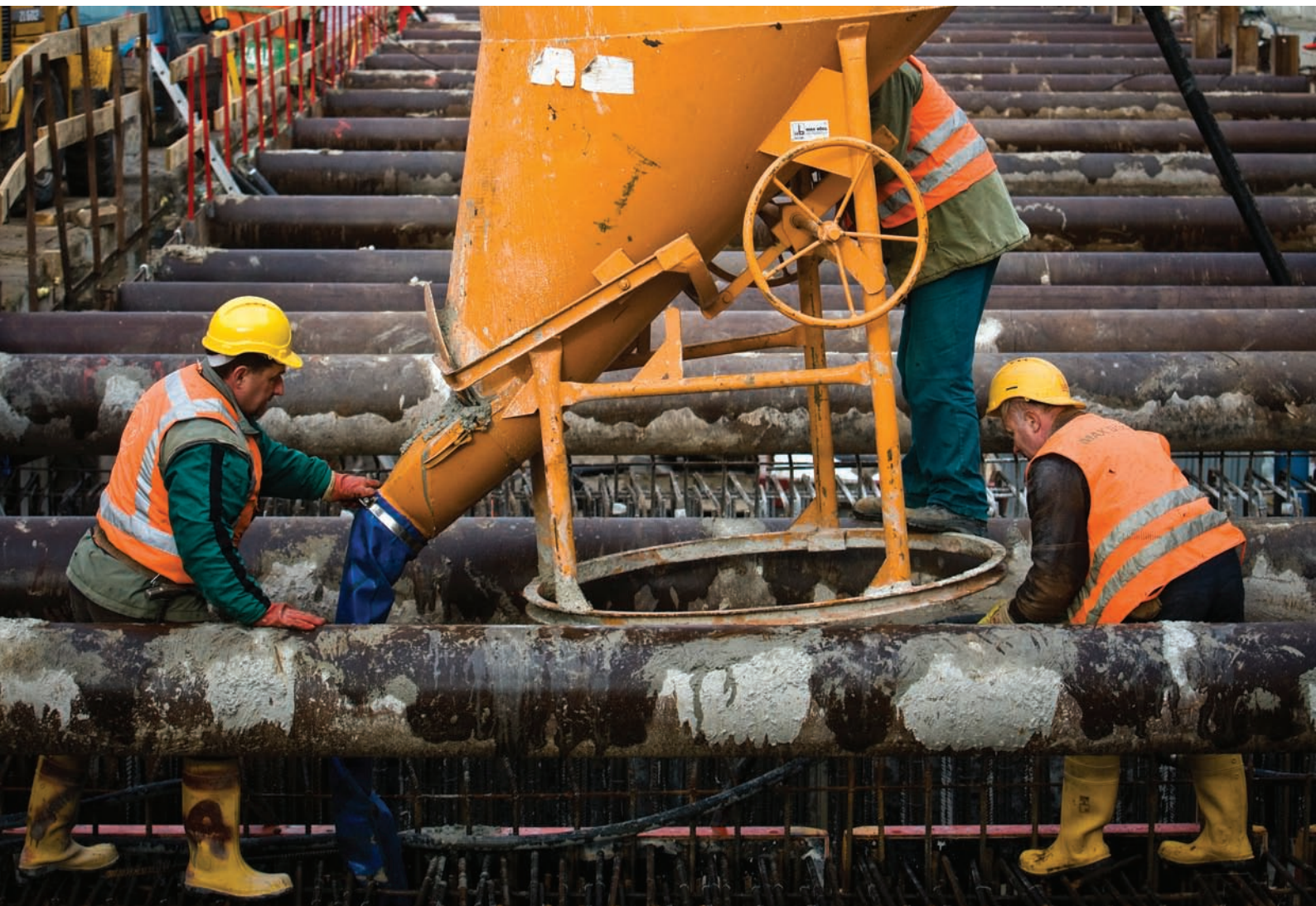


Secondment to the Dutch Construction Industry

Updated to 1 December 2011



This is a publication by the employers' and employees' organisations participating in the Collective Agreement (CAO) for the Construction Industry

Which provisions of the collective agreement (CAO) apply when engaging foreign employees?

Foreign employee has an employment contract with	In the Netherlands seconded to	Applicable CAO provisions	Further information
Foreign construction company	Dutch construction company	CAO for the Construction industry, art. 92: Foreign Employees	This publication, chapters 1 and 2
	Foreign construction company carrying out construction work in the Netherlands	CAO for the Construction industry, art. 92: Foreign Employees	This publication, chapters 1 and 2
Foreign temporary employment agency, i.e.:			
- construction specialist or member of a construction group	Dutch construction company	CAO for the Construction industry, art. 92: Foreign Employees*	This publication, chapters 1 and 2
- other temporary employment agency	Dutch construction company	ABU-CAO for Temporary Agency Workers, art. 46: Temporary Agency Workers with a Foreign Employment Contract (Waga); supplementary provisions of the CAO for the Construction Industry	This publication, chapters 1 and 3

* If the construction specialist is a member of the ABU or the NBBU, the entire ABU-CAO or NBBU-CAO for Temporary Agency Workers and specific sections of the CAO for the Construction Industry become applicable. In that case please refer to chapters 1 and 3 of this publication.

Situations that are *not* discussed in this publication

Foreign employee has an employment contract with	Employed in the Netherlands by	Applicable CAO provisions	Further information
Foreign temporary employment agency	Dutch construction company, <i>via a Dutch temporary employment agency, i.e.:</i>		
	- construction specialist or member of a construction group	CAO for the Construction Industry (in its entirety)*	Complete version of the CAO
	- other temporary employment agency	ABU-CAO or NBBU-CAO for Temporary Agency Workers (in their entirety) plus specific parts of the CAO for the Dutch Construction Industry	Brochure Temporary Work in the Dutch Construction Industry
Dutch temporary employment agency, i.e.:			
- construction specialist or member of a construction group	Dutch construction company	CAO for the Construction Industry (in its entirety)*	Complete version of the CAO
- other temporary employment agency	Dutch construction company	ABU-CAO or NBBU-CAO for Temporary Agency Workers (in its entirety) plus specific parts of the CAO for the Construction Industry	Brochure Temporary Work in the Dutch Construction Industry
Dutch construction company	Dutch construction company	CAO for the Construction Industry (in its entirety)	Complete version of the CAO

* If the construction specialist is a member of the ABU or the NBBU, the entire ABU-CAO or NBBU-CAO for Temporary Workers and specific sections of the CAO for the Construction Industry become applicable. In that case please refer to the brochure [Temporary Work in the Dutch Construction Industry](#).

Table of contents

1	Introduction	<u>5</u>
1.1	About this publication	<u>5</u>
1.2	Important terms	<u>6</u>
2	Secondment by a foreign construction company	<u>8</u>
2.1	Introduction	<u>8</u>
2.2	Working hours and time off	<u>8</u>
2.3	Wages	<u>10</u>
2.4	Allowances	<u>12</u>
2.5	Health and safety	<u>15</u>
3	Secondment by a foreign temporary employment agency	<u>17</u>
3.1	Introduction	<u>17</u>
3.2	Skilled workers and newcomers	<u>18</u>
3.3	Working hours and time off	<u>18</u>
3.4	Wages	<u>20</u>
3.5	Allowances	<u>22</u>
3.6	Health and safety	<u>25</u>
4	Addresses	<u>26</u>
4.1	Parties to the CAO for the Construction Industry	<u>26</u>
4.2	Parties to the ABU-CAO and/or NBBU-CAO for Temporary Agency Workers	<u>26</u>

1 Introduction

1.1 About this publication

The Dutch Terms of Employment (Cross-Border Work) Act (Waga) translates the European Posting of Workers Directive 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 seconded to the Netherlands while employed by a foreign company. These provisions are designed to safeguard fair competition and guarantee certain elementary working conditions for the employees involved.

This publication specifies which sections of the CAO for the Dutch Construction Industry apply to employees and temporary agency workers who have employment contracts based on laws other than those of the Netherlands and who are temporarily seconded to the Dutch construction industry (hereinafter referred to as: secondment from abroad).

This publication discusses the following forms of secondment from abroad:

- » employees seconded to a Dutch construction company by a foreign construction company;
- » a foreign construction company taking on work in the Netherlands and carrying out that work with its own employees;
- » temporary agency workers seconded to a Dutch construction company by a foreign temporary employment agency.

Exactly which CAO provisions apply depends on the form of secondment. The first two forms are discussed in chapter 2; the third (temporary agency work) is discussed in chapter 3.

This publication - published by the employers' and employees' organisations participating in the CAO for the Construction Industry - is intended for:

- » foreign construction companies and foreign temporary employment agencies seconding their employees to the Netherlands;
- » seconded employees working for those companies;
- » Dutch construction companies making use of their services.

The text is available in several languages. Please refer to www.NLconstruction.info

This publication contains a summary of the applicable CAO provisions. Many of the details have been left out. *This means that no rights can be derived from its contents.* The full text of the underlying CAO provisions can be found at www.cao.szw.nl

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. By virtue of article 92 of this CAO, foreign companies are obliged to apply certain CAO provisions to employees seconded by them to the Netherlands for the purpose of carrying out temporary construction-related activities.

Separate CAOs are applied in the Netherlands for a number of construction-related activities, such as those carried out by painters, plasterers and technical contractors.

ABU-CAO for Temporary Agency Workers

The ABU-CAO for Temporary Agency Workers (ABU-CAO) is the generally binding collective agreement for temporary agency workers working in the Netherlands. Foreign companies seconding temporary agency workers to the Netherlands are obliged to comply with a number of provisions of the ABU-CAO. One of those provisions stipulates that certain sections of the CAO for the Dutch Construction Industry are to be applied as a *supplement* regarding temporary agency workers who are seconded to a construction company.

Construction company

In this publication a construction company is a foreign company that:

- » spends more than half of its wage bill on creating, converting, maintaining and/or demolishing structures *and*
- » second its own employees to the Netherlands for the purpose of temporarily carrying out construction-related activities.

Temporary employment agency

In this publication a temporary employment agency is a foreign company that:

- » spends more than half of its wage bill on making employees temporarily available to other companies (hosts) *and*
- » temporarily second employees to the Netherlands for the purpose of carrying out construction-related activities under the supervision of a host.

Construction-related activities

Construction-related activities are activities carried out in the area of:

- » residential and non-residential building;
- » civil engineering (e.g. the construction of roads, bridges and dikes and non-agricultural earthworks);
- » infrastructure (roads, railway lines, sewers and cable grids).

Host

A host is a Dutch construction company that uses employees or temporary agency workers seconded by a foreign company.

Employee

In this publication an employee is a person who, based on an employment contract with a foreign company, has been seconded to the Netherlands for the purpose of temporarily carrying out construction-related activities.

Temporary agency worker

In this publication the term temporary agency worker refers to an employee who has been seconded to the Netherlands by a foreign temporary employment agency for the purpose of temporarily carrying out construction-related activities. A temporary agency worker can be a skilled worker or a newcomer (please refer to [3.2](#)).

Construction site positions and uta positions

The CAO distinguishes between 'construction site' positions and 'uta' positions. Employees in construction site positions (construction site employees) are persons who actually carry out construction-related activities, such as carpenters, bricklayers and demolishers. Employees in uta positions (uta employees) occupy management, technical and/or administrative positions with a construction company.

Unless otherwise explicitly specified, the CAO provisions referred to in this publication apply to both construction site positions and uta positions.

Construction site and uta positions can also be held by temporary agency workers.

2 Secondment by a foreign construction company

2.1 Introduction

Foreign construction companies temporarily assigning their own employees to construction-related activities in the Netherlands are obliged to comply with certain provisions of the CAO for the Construction Industry. This is stipulated in the Waga article of the CAO: article 92, worked out in Annex 16 of the CAO. The Waga article applies both to construction companies carrying out activities with their own employees in the Netherlands and to construction companies assigning their own employees to Dutch construction companies. This chapter outlines the main CAO provisions that are applicable in this respect. The full text of those CAO provisions can be found at www.cao.szw.nl

2.2 Working hours and time off

Working hours

- » **Normal working hours and days:** The normal working hours are forty hours a week and eight hours a day. A normal working week is from Monday to Friday. Employees are not obliged to work on Saturdays, Sundays and public holidays recognised by the CAO.
- » **Daily working hours and rest time:** The daily working hours and rest time are determined by the construction company in consultation with the employees in question. The daily working hours for a construction site employee are between 7 a.m. and 6 p.m. His working hours, obligatory breaks and actual travelling time may not add up to more than 11.5 hours a day. If necessary his working hours will be reduced.
- » **Working shifts:** The customary working hours for a construction site employee working in shifts is between 00:00 hours on Monday and 24:00 hours on Friday. His working hours may not exceed 80 hours for a two-week period. Such an employee is entitled to a shiftwork allowance.
- » **Shifted working hours Infra:** At infrastructural sites employees may work shifted hours, i.e. also before 7 a.m. and after 6 p.m. as well as on Saturdays and Sundays. The customary 40 working hours per calendar week remain applicable. Shifted working hours are subject to an allowance.
- » **Overtime:** Overtime is considered to be:
 - work that is carried out for longer than eight hours a day or forty hours a week;
 - work that is carried out before 7 a.m. or after 6 p.m.;
 - work that is carried out on Saturdays or Sundays.

Construction site employees may only work overtime in exceptional cases. They are not obliged to work overtime, but if they do, they are entitled to an overtime allowance. Employees holding a uta position are also not obliged to work overtime.

- » **Stand-by duty:** Construction site employees are on stand-by duty if they have to be available outside the customary working hours in order to carry out work that cannot wait until the following working day. Such employees are entitled to a stand-by allowance, even if they have not been called up for work. The overtime allowance applies only to the extent that an employee actually *works* while on stand-by duty.
- » **Standards:** To the extent that the CAO does not contain provisions concerning a particular aspect of the working hours, that aspect becomes subject to the working hours standards scheme provided for in Annex 4.

Unworkable weather

- » **No work:** The construction company decides whether the weather is too bad or whether it is too dark to work at the construction site ('unworkable weather'). Construction site employees are entitled to decide for themselves to stop working if the windchill factor reaches -6 degrees Celsius or less. Unworkable hours are paid out in full by the construction company. More information about the windchill factor can be found at www.weerverlet.nl

Days off

- » **Holidays:** All employees are entitled to the appropriate number of holidays specified in the following table. Employees holding a construction site position are entitled to a holiday of three consecutive weeks in summer.
- » **Paid days off (reduction of working hours):** All employees are entitled to the appropriate number of paid days off specified in the following table.
- » **Seniors' days:** All employees in the age group 55 and over are entitled to the appropriate number of seniors' days off specified in the following table.
- » **Conditions:** The numbers of days off specified in the table apply to persons working in the Dutch construction industry throughout the year under a full-time (40 hours a week) employment contract. Part-time employees and employees working in the Netherlands for less than a year are entitled to a proportional number of days off. Construction companies are obliged to continue to pay out wages for the number of days specified in the table.

Number of holidays, paid days off and seniors' days per calendar year

Position/Age group	Holidays	Paid days off	Seniors' days
Construction site position			
up to 18 years old	29	22	
18 to 54 years old	25	22	
55 to 59 years old	25	22	10
60 years old and over	25	22	13
Uta position			
up to 18 years old	27	15	
18 to 54 years old	25	15	
55 to 59 years old	25	15	9
60 years old and over	25	15	11

- » **Public holidays:** All employees are entitled to paid leave during the following public holidays: both Christmas Days, New Year's Day, Easter Monday, Ascension Day, Whit Monday and Queen's Day (April 30th). All employees are entitled to take unpaid leave in order to celebrate religious holidays other than Christian holidays.
- » **Leave due to exceptional circumstances:** All employees are entitled to leave due to exceptional (family) circumstances, e.g. to see a doctor, move house, get married, celebrate a wedding anniversary, if their partner gives birth, if one of their family members is admitted to hospital, falls ill or dies. Construction companies are obliged to continue payment of the employee's wage for a maximum of three days' leave taken due to such circumstances.

2.3 Wages

- » **Wage tables:** The wage tables for construction site positions contain the *minimum* amounts which construction companies are obliged to pay. The salary tables for uta positions specify minimum and maximum amounts per job level. The current tables can be found at www.NLconstruction.info
- » **Pay slip:** Construction companies are obliged to provide construction site employees with a written specification of the wages they are paid. This pay slip must specify all allowances, overtime and travelling hours separately.
- » **Establishing the wage level:** The amount of wages paid depends on the following factors:
 - job content: the content of the position is determinative for the job classification (construction site employees) and the job level (uta employees) established for the employee by the construction company;
 - age: there are wage scales for employees in the age group 22 and over and for employees in the age group 21 and younger;
 - working hours: the wage tables indicate the amounts for normal working hours; these amounts are applied proportionately to part-time work;

- work experience: in some cases construction site employees who have never before worked in the construction industry - whether in the Netherlands or elsewhere - may temporarily be paid according to an entry-level scale. This also applies to uta employees who have never worked in the construction industry or have not done so for a considerable period of time.

» **Job classification for construction site employees:** Construction site positions under the CAO are classified into five job categories (please refer to the table below). The wages for construction site employees in the age group 22 and over depend on the job category in which their position is classified. The wages for younger construction site employees depend on their age and level of education.

Job categories for construction site employees

A	Unskilled or low-skilled work, no experience required, assisting position (e.g. a construction worker assistant performing basic tasks).
B	Basic professional skills required, low degree of independence, often works independently on simple, repetitive tasks (e.g. a demolisher working under supervision).
C	Professional skills required, highly knowledgeable and capable of working independently. Professional craftsmen (e.g. an all-round tiler).
D	Specialised professional skills required, capable of working independently, often in supervisory positions (e.g. an all-round bricklayer capable of working on sewers and tiling floors, walls and roofs).
E	Highly specialised professional skills required, capable of working independently, usually in supervisory positions (e.g. a foundation specialist or pile-driving foreman).

» **Job ladders for uta employees:** From the uta job ladders described in the CAO, twelve apply to employees seconded from abroad. Each job ladder has a maximum of six job levels.

Job ladders for uta employees

1	Execution (<i>supervision of/at a construction project</i>)
2	Planning and control
3	Project preparation
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

2.4 Allowances

All allowances are specified in gross amounts, unless otherwise indicated in the text.

Construction site employees

- » **Holiday allowance:** This allowance equals 8% of the customary wages.
- » **Performance-related allowance:** Construction companies may grant construction site employees a performance-related allowance in addition to the wages to which they are entitled according to the wage tables. Such an allowance may be linked to a performance promotion scheme (work-to-rate). Such a scheme has to be jointly drafted and acknowledged in writing by the construction company to the employee.
- » **Travel allowance:** Construction site employees commuting more than a total of 15 kilometres between their temporary residence in the Netherlands and work may be eligible for compensation according to the table below.

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	€ 0.31

- » **Driver's allowance:** Construction site employees transporting one or more of their colleagues by car at the request of the construction company are entitled to the following allowances:

Driver's allowance for construction site workers

One-way distance	Daily allowance
0 - 30 km	€ 6
31 - 65 km	€ 9
more than 65 km	€ 12

- » **Travel time allowance:** Construction site employees working outside the Dutch municipality in which they temporarily reside are entitled to continued payment of their wages (excluding possible performance allowances) 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. Time travelled by public transport is understood to be in accordance with the appropriate timetables. 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. Commuting by car: 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. Employees transporting one or more colleagues by car are also reimbursed for the first hour spent travelling.

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 50 km per hour
26 km	50 km	based on a speed of 50 km per hour	based on a speed of 50 km per hour
51 km	59 km	1,2	2,2
60 km	70 km	1,4	2,4
71 km	81 km	1,6	2,6
82 km	92 km	1,8	2,8
93 km	105 km	2	3
106 km	or more	actual travel time**	actual travel time**

* The first hour spent travelling has already been deducted.

** The number of reimbursed hours cannot be lower than those reimbursed for a one-way travel distance of 93 to 105 km.

- » **Overtime allowance:** Construction site employees may choose between reimbursement in money and in time off. If they choose for reimbursement in money, their normal hourly wages are increased by the appropriate percentage specified in the table below. If they choose for reimbursement in time, the number of overtime hours is increased by the same percentage. The overtime allowance for employees working in shifts is calculated on the basis of the appropriate hourly wage for shift work. The overtime allowance for employees working during shifted hours Infra is calculated on the basis of their normal hourly wage.

Overtime allowance for construction site employees

Period	Allowance
first 3 overtime hours per day	25%
additional 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%

- » **Shift work allowance:** Construction site employees working in shifts are entitled to an allowance based on a percentage of their customary wages. For a two-shift schedule that percentage is 10. For a three-shift schedule that percentage is 15.

- » **Allowance for shifted hours Infra:** This allowance applies to shifted working hours before 7 a.m. and after 8 p.m., within the normal weekly working hours. The allowance is based on a percentage of the customary hourly wages for the construction site employee involved.

Allowance for shifted hours Infra for construction site employees

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%

- » **Stand-by allowance:** The size of this allowance is determined by the construction company in consultation with the construction site employee. If that employee is placed on stand-by duty for an entire calendar week, a weekly allowance is applied. If his stand-by duty is shorter, a daily allowance is applied. Hours spent *working* while on stand-by duty are considered to be overtime hours.

Stand-by allowance for construction site employees (minimum amounts)

Bound to the residence	Allowance per calendar week	Allowance per day (% of the weekly allowance)	
		Mon. to Fri.	Sat./Sun.
continuously	€ 176,13	10%	25%
at set times	€ 152,64	10%	25%
minimally	€ 129,16	10%	25%

- » **Working clothes and equipment:** Construction companies may provide construction site employees with free working clothes, shoes and equipment. Employees required to purchase those items themselves are entitled to the following net allowances for each working day:

Net allowances for working clothes, shoes and equipment (construction site employees)

Purpose of the allowance	Amount
working clothes	€ 0,87
working clothes for pile-driving company	€ 0,95
boots	€ 0,54
knee boots only	€ 0,43
boots and oilskin suit for coastal and bank protection works	€ 1,11
personal equipment for carpenters/road workers	€ 0,75
personal equipment for bricklayers/tilers	€ 0,54

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- » **Foreman's allowance:** A foreman - a construction site employee in the age group 22 and over and supervising at least five employees - is entitled to an allowance in addition to his customary wages. This allowance is included in wage table II for construction site employees. Please refer to www.NLconstruction.info

Uta employees

- » **Holiday allowance:** This allowance amounts to a minimum of 8% of the annual salary.
- » **Travel allowance:** The following allowance applies to uta employees who are required to travel at the request of the construction company.

Travel allowance for uta employees

Means of transport	Standard	Amount
public transport	lowest class	100%
own motorcycle	per km	€ 0,22
own car	per km	€ 0,31

- » **Overtime allowance:** Construction companies are obliged to inform uta employees how they intend to compensate significant overtime work: in time or in money. If no agreements have been formalised, uta employees with job levels up to and including 3 are entitled to a minimum allowance equal to the applicable hourly wage on a time-for-time basis.

2.5 Health and safety

Construction site employees

- » **General:** Construction companies are obliged within reason to discuss measures in the area of safety and hygiene with construction site employees and subsequently implement them.
- » **Specific:** The CAO also contains a number of specific provisions, such as those relating to:
 - junior employees: restrictions such as relating to overtime and working with machines, cranes, etc.;
 - personal protection equipment required by law, such as safety helmets, safety shoes and safety vests; construction companies are obliged to provide such equipment free of charge, and construction site employees are obliged to use it (this also applies to uta employees working at the site);
 - indoor work: in the period between 1 September and 1 May, all work must be carried out as draft-free as possible; the use of solvent-rich substances is prohibited;
 - physical loads: maximum values for lifting resources and materials;
 - dangerous substances and pollution: various prohibitions and regulations;
 - hoisting/cranes: attention to expertise and safety;

-
- scaffolding: safety guidelines;
 - infrastructure: each employee must have taken a course in safety at work;
 - shifted hours Infra: special rules for evening and night work.

Uta employees

- » **Courses:** Once a year, foremen are entitled to attend an information/ instruction day dealing with the promotion of good working conditions.
- » **Hazardous substances:** Foremen are required to possess a list of safety-threatening 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.

3 Secondment by a foreign temporary employment agency

3.1 Introduction

Foreign temporary employment agencies seconding employees to the Netherlands are obliged to comply with a number of provisions of the ABU-CAO for Temporary Agency Workers, as provided for in the Wage article of the ABU-CAO: article 46, explained in Annex IV of that CAO. The relevant CAO provisions are described in the publication entitled Placement in the Netherlands, published by the Dutch Federation of Private Employment Agencies (ABU). The publication is available in Dutch, English and Polish.

If the temporary employee in question performs *construction-related tasks* in the Netherlands, an additional number of provisions of the CAO for the Construction Industry becomes applicable. This is regulated in the ABU-CAO for Temporary Agency Workers, article 21, and the CAO for the Construction Industry, article 19. Which of the articles from the CAO for the Construction Industry are applicable, is explained in this chapter.

In exceptional cases, however, foreign temporary employment agencies are regarded as foreign *construction companies*. These cases are:

- » the temporary employment agency in question is a 'construction specialist' (spending more than half of its wage bill on temporary agency workers performing construction-related activities) and is not a member of the employers' organisations ABU or NBBU, or
- » the temporary employment agency in question is a member of a construction group (subject to the CAO for the Construction Industry).

In these cases the foreign temporary employment agencies in question are obliged to apply the same CAO rules as a foreign construction company. Please refer to chapter 2. The ABU-CAO in that case is not applicable.

Based on the CAO, Dutch construction companies may only take on temporary agency workers from NEN-certified temporary employment agencies. Whether or not a temporary employment agency is certified can be checked on www.normeringarbeid.nl

The NEN-requirement does not apply to temporary employment agencies that are members of a construction group.

3.2 Skilled workers and newcomers

Which sections of the CAO for the Construction Industry apply to a temporary agency worker assigned by a foreign temporary employment agency depends, among other things, on the status of this employee: skilled worker or newcomer. Skilled workers and newcomers can hold construction site positions as well as uta positions.

A *skilled worker* is a person who:

- » as an employee or temporary agency worker, has worked - in or outside the Netherlands - in the construction industry, for a total of at least twelve months within a period of two years, *or*
- » as a temporary agency worker holding a construction site position, follows a level 2 or 3 vocational training course in the construction industry, or has obtained a certificate for such a training course, *or*
- » as a temporary agency worker holding a uta position, has obtained a certificate for such a vocational training course, at level 2 or higher.

A *newcomer* is a temporary agency worker who does *not* meet (any of) these requirements.

Some of the CAO provisions apply to skilled workers only. Those provisions are listed in a yellow box in this chapter. The remaining provisions described in this chapter apply to skilled workers as well as to newcomers. Where in the following text the general term 'temporary agency worker' is used, the provision in question applies to both categories.

3.3 Working hours and time off

Working hours

- » **Normal working hours and days:** The normal working hours are forty hours a week and eight hours a day. A normal working week is from Monday to Friday. Temporary agency workers are not obliged to work on Saturdays, Sundays and Christian public holidays. Christian public holidays are: Good Friday, Easter Sunday and Easter Monday, Ascension Day, Whit Sunday and Whit Monday, Christmas Day and Boxing Day.
- » **Daily working hours and breaks:** The daily working hours and breaks for temporary agency workers are established by the host in consultation with those employees. The daily working hours for temporary agency workers with construction site positions are between 7 a.m. and 6 p.m. Their individual working hours, obligatory breaks and actual travelling time may not add up to more than 11.5 hours a day. If necessary their working hours will be reduced.
- » **Working shifts:** The normal working hours for temporary agency workers working in shifts are between 00:00 hours on Monday and 24:00 hours on Friday. For a two-week period the maximum number of working hours may not exceed eighty hours. Such employees are entitled to a shiftwork allowance.

» **Shifted hours Infra:** Temporary agency workers holding construction site positions at infrastructural sites may work shifted hours, i.e. before 7 a.m. and after 6 p.m. as well as on Saturdays and Sundays. However, the normal 40 working hours per calendar week remain applicable. Shifted working hours are subject to an allowance.

- » **Overtime:** Overtime is considered to be:
- working longer than eight hours a day or forty hours a week;
 - working before 7 a.m. and/or after 6 p.m.;
 - working on Saturdays and/or Sundays.

Working overtime is only allowed in exceptional cases. Temporary agency workers are not obliged to work overtime. Temporary agency workers holding construction site positions are entitled to an overtime allowance.

Additional for skilled workers

» **Stand-by duty:** Skilled workers holding construction site positions are considered to be on stand-by duty if required to be available outside the normal working hours to carry out work that cannot wait until the following working day. Such employees are entitled to a stand-by allowance, even if they have not been called up for work. The overtime allowance applies only to the extent that a skilled worker actually *works* while on stand-by duty.

» **Standards:** To the extent that the CAO does not contain provisions concerning a particular aspect of the working hours, that aspect becomes subject to the working hours standards scheme provided for in Annex 4.

Days off

» **Holidays:** Temporary agency workers are entitled to the appropriate number of paid days off specified in the ABU-CAO for Temporary Agency Workers.

Additional for skilled workers

» **Paid days off (reduction of working hours):** Skilled workers are entitled to the appropriate number of paid days off specified in the following table. Temporary employment agencies are entitled to compensate paid days off in money.

» **Seniors' days:** Skilled workers in the age group 55 and over are entitled to the appropriate number of seniors' days off specified in the following table.

» **Conditions:** The numbers of days off specified in the table apply to employees working in the Dutch construction industry throughout the year under a full-time (40 hours a week) employment contract. Part-time employees and employees working in the Netherlands for less than a year are entitled to a proportional number of days off. Temporary employment agencies are obliged to continue payment for the appropriate number of days specified in the table.

Numbers of paid days off and seniors' days per calendar year for skilled workers

Position/Age group	Paid days off	Seniors' days
Construction site position		
up to 54 years old	22	
55 to 59 years old	22	10
60 years old and over	22	13
Uta position		
up to 54 years old	15	
55 to 59 years old	15	9
60 years old and over	15	11

3.4 Wages

- » **Wage tables:** The wage tables for temporary agency workers with construction site positions contain the *minimum* amounts which temporary employment agencies are obliged to pay. The salary tables for temporary agency workers holding uta positions contain minimum and maximum amounts per job level. The current tables can be found at www.NLconstruction.info
- » **Establishing the wage level:** The amount of the wages depends on the following factors:
 - job content: the content of the position is determinative for the job category (construction site positions) and job level (uta positions) established for a temporary agency worker by the temporary employment agency;
 - age: there are wage scales for temporary agency workers in the age group 22 and over and for temporary agency workers in the age group up to 21;
 - working hours: the wage tables contain the amounts that apply to normal working hours; these amounts apply proportionately to part-time work;
 - work experience: in some cases temporary agency workers who have never before worked in the construction industry - whether in the Netherlands or elsewhere - may be temporarily paid on the basis of an entry-level scale. This also applies to temporary agency workers holding uta positions who have never worked in the construction industry or have not done so for a considerable period of time.
- » **Job classification for temporary agency workers with construction site positions:** Construction site positions under the CAO are classified into five job categories (please refer to the next table). The wages for temporary agency workers with construction site positions in the age group 22 and over depend on their job classification. The wages for *junior* temporary agency workers depend on their age and level of education.

Job classification for temporary employees with construction site positions

A	Unskilled or low-skilled work, no experience required, assisting position (e.g. a construction worker assistant performing basic tasks).
B	Basic professional skills required, low degree of independence, often works independently on simple, repetitive tasks (e.g. a demolisher working under supervision).
C	Professional skills required, highly knowledgeable and capable of working independently. Professional craftsmen (e.g. an all-round tiler).
D	Specialised professional skills required, capable of working independently, often in supervisory positions (e.g. an all-round bricklayer capable of working on sewers and tiling floors, walls and roofs).
E	Highly specialised professional skills required, capable of working independently, usually in supervisory positions (e.g. a foundation specialist or pile-driving foreman).

» **Job classification for temporary agency workers with uta positions:** Twelve of the uta job ladders described in the CAO apply to temporary agency workers seconded from abroad. Each job ladder has a maximum of six job levels.

Job ladders for temporary employees with uta positions:

1	Execution (supervision of/at a construction project)
2	Planning and control
3	Project preparation
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

3.5 Allowances

All allowances are specified in gross amounts, unless otherwise indicated in the text.

Temporary agency workers with construction site positions

Additional for skilled workers

- » **Performance allowance:** If a performance allowance is applied at the construction site or in the construction company of the host, the same allowance is paid to skilled workers by the temporary employment agency. A performance allowance is an allowance in addition to the guaranteed wage for the temporary agency worker concerned.
- » **Travel allowance:** Temporary agency workers holding construction site positions and commuting more than a total of 15 kilometres between their temporary residence in the Netherlands and work may be eligible for compensation according to the table below.

Travel allowance for temporary employees with 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*

*Tax-free reimbursement as applicable in 2011 and 2012.

Additional for skilled workers

- » **Travel time allowance:** Skilled workers holding construction site positions and working outside the Dutch municipality in which they temporarily reside are entitled to continued payment of their wages (excluding possible performance allowances) 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 travelling. Time travelled by public transport is understood to be in accordance with the appropriate timetables. For other forms of transport it is assumed that an 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. Commuter traffic by car: 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 next table.

Travel time calculation for car use (temporary agency workers holding construction site positions)

Commuter traffic: one-way distance in km		Travel time reimbursement per day*
From	Up to and including	
0 km	25 km	0
26 km	50 km	based on a speed of 50 km per hour
51 km	59 km	1,2
60 km	70 km	1,4
71 km	81 km	1,6
82 km	92 km	1,8
93 km	105 km	2
106 km	or more	actual travel time**

* The first hour spent travelling has already been deducted.

** The number of reimbursed hours cannot be lower than those reimbursed for a one-way travel distance of 93 to 105 km.

- » **Overtime allowance:** Temporary agency workers holding construction site positions may choose between reimbursement in money and in time off. If they choose for money their normal hourly wages are increased by the appropriate percentage specified in the table below. If they choose for reimbursement in time, the number of overtime hours is increased by the same percentage. The overtime allowance for employees working in shifts is calculated on the basis of the hourly wages that apply to shift work. If an employee works overtime during shifted hours *Infra*, the allowance for overtime is calculated on the basis of his customary hourly wages.

Overtime allowance for temporary agency workers holding construction site positions

Period	Allowance
first 3 overtime hours per day	25%
additional 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%

- » **Shift work allowance:** Temporary agency workers holding construction site positions and working in shifts are entitled to an allowance based on a certain percentage of their normal wages. For a two-shift schedule that percentage is 10. For a three-shift schedule that percentage is 15.
- » **Allowance for shifted hours *Infra*:** This allowance applies to shifted working hours before 7 a.m. and after 8 p.m., within the normal weekly working hours. The allowance is based on a certain percentage of the normal hourly wage for these temporary agency workers holding a construction site position.

Shifted hours Infra allowance for temporary agency workers holding 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%

Additional for skilled workers

» **Stand-by allowance:** The size of this allowance is established by the temporary employment agency in consultation with the skilled workers holding a construction site position. In principle the reimbursement scheme of the host is applied. For skilled workers on stand-by duty for an entire calendar week a weekly allowance is applied. If their stand-by duty is shorter, a daily allowance is applied. Hours spent *working* while on stand-by duty are considered to be overtime hours.

Stand-by allowance for skilled workers holding construction site positions (minimum amounts)

Bound to the residence	Allowance per calendar week	Allowance per day (% of the weekly allowance)	
		Mon. to Fri.	Sat./Sun.
continuously	€ 176,13	10%	25%
at set times	€ 152,64	10%	25%
minimally	€ 129,16	10%	25%

» **Working clothes and equipment:** Hosts may provide temporary agency workers holding construction site positions with the necessary free of charge working clothes, shoes and equipment. If those employees are required to purchase these items themselves, they become entitled to the following net allowances for each working day.

Net allowances for working clothes, shoes and equipment (construction site positions)

Purpose of the allowance	Amount
working clothes	€ 0,87
working clothes for pile-driving company	€ 0,95
boots	€ 0,54
knee boots only	€ 0,43
boots and oilskin suit for coastal and bank protection works	€ 1,11
personal equipment for carpenters/road workers	€ 0,75
personal equipment for bricklayers/tilers	€ 0,54

-
- » **Foreman's allowance:** Foremen - temporary agency workers in construction site positions in the age group 22 and over, supervising at least five employees - are entitled to an allowance in addition to their normal wages. This allowance is included in wage table II for construction site employees. Please refer to www.NLconstruction.info

Temporary agency workers with uta positions

- » **Travel allowance:** The following allowance applies to temporary agency workers holding uta positions who are required to travel at the request of the host.

Travel allowance for temporary agency workers holding uta positions

Means of transport	Standard	Amount
public transport	lowest class	100%
own motorcycle	per km	€ 0,19*
own car	per km	€ 0,19*

* Tax-free reimbursement as applicable in 2011 and 2012.

- » **Overtime allowance:** The extent to which significant overtime is compensated in time or in money is determined by the temporary employment agency in consultation with the host. If no agreements have been made, temporary employees holding uta positions up to and including job category 3 are entitled to a minimum allowance equal to their hourly wages on a time-for-time basis.

3.6 Health and safety

- » **The same rules apply here as to permanent staff:** The rules for temporary agency workers regarding occupational health and safety conditions are the same as for the host's permanent staff. The CAO for the Construction Industry contains provisions for the use of safety helmets, lifting, hazardous substances and precautionary measures when carrying out roadwork.
- » **Role of the host:** The host is responsible for enforcing all prevailing occupational health and safety regulations. He is obliged to provide temporary agency workers with clear and relevant instructions.
- » **Role of the temporary agency worker:** Temporary agency workers are obliged to comply with all occupational health and safety instructions provided by the host.

4 Addresses

4.1 Parties to the CAO for the Construction Industry

Employers' organisations

- Bouwend Nederland
www.bouwendnederland.nl
- NVB Vereniging voor ontwikkelaars & bouwondernemers
www.nvb-bouw.nl
- Aannemersfederatie Nederland Bouw en Infra
www.aannemersfederatie.nl
- Vereniging van Waterbouwers
www.waterbouwers.nl
- Ondernemersvereniging Bestratingsbedrijven Nederland (OBN)
www.obn.nl

Employees' organisations

- FNV Bouw
www.fnvbouw.nl
- CNV Vakmensen
www.cnvvakmensen.nl

4.2 Parties to the ABU-CAO and/or NBBU-CAO for Temporary Agency Workers

Employers' organisation ABU-CAO

- Algemene Bond Uitzendondernemingen (ABU)
www.abu.nl

Employers' organisation NBBU-CAO

- Nederlandse Bond van Bemiddelings- en Uitzendondernemingen (NBBU)
www.nbbu.nl

Employees' organisations ABU-CAO and NBBU-CAO

- FNV Bondgenoten
www.fnvflex.nl
- CNV Dienstenbond
www.cnvdienstenbond.nl
- De Unie
www.unie.nl
- Landelijke Belangenvereniging (LBV)
www.lbv.nl

Colophon

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