



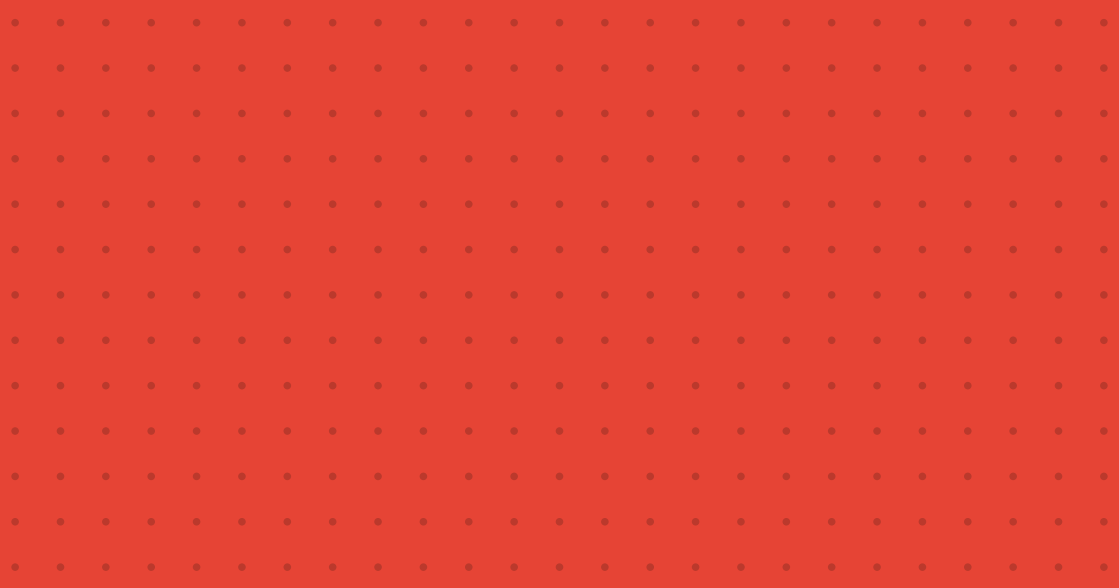
Ministerie van Sociale Zaken
en Werkgelegenheid



Living and working in the Netherlands

Information for European workers in the Netherlands





Living and working in the Netherlands

Are you already working in the Netherlands? Or are you considering working in the Netherlands? If so, this brochure will help you. It contains basic information about work, social security, accommodation, medical expenses, education and learning Dutch. The brochure also explains where you can find further information.

Before you start work

Working

Social security

Accommodation

Medical expenses

Children

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Before you start work

Anyone wanting to (come to) work and live in the Netherlands, needs a valid passport or identity document. You must also have proof that you have access to Dutch medical insurance.

Do you need a permit?

If you have the nationality of a European Union (EU) country, the European Economic Area (EEA) or Switzerland, then of course you may work in the Netherlands. This is known as the freedom of movement of workers.

Workers from the following countries enjoy freedom of movement to the Netherlands:

- Belgium
- Cyprus
- Denmark
- Germany
- Estonia
- Finland
- France
- Greece
- Great Britain
- Hungary
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Norway
- Austria
- Poland
- Portugal
- Slovenia
- Slovakia
- Spain
- Czech Republic
- Iceland
- Sweden
- Switzerland

Freedom of movement does not apply to workers from all other countries. You may only work in the Netherlands if your Dutch employer has a work permit for you. You also need a residence permit. If you have Bulgarian or Romanian nationality a residence permit is not required, but you do still need a work permit.

Citizen Service Number

If you are going to work in the Netherlands and pay tax, you will need a Citizen Service Number (*Burgerservicenummer*, BSN). This is a unique identity number for your contacts with the state. You will get your Citizen Service Number when you register with a Dutch municipality. If you are going to work, give your employer your BSN. Your employer will then arrange a number of things for you, for example with the tax authorities and your pension fund.

If you are not registered with a Dutch municipality and you cannot get a BSN, you can use a so-called 'sofi number' (an abbreviation of social-fiscal number), which you will get from the Tax and Customs Administration.

Health insurance

You must insure yourself against the costs of medical care. Even if you do not live in the Netherlands, but you work here and pay tax, you must arrange health insurance. This also applies if you already have health insurance in your home country and only work in the Netherlands (See 'Medical Expenses').

Registering with a municipality and the IND

The Dutch rules vary according to the length of your stay.

- **Staying longer than three months**

If you are intending to remain in the Netherlands for longer than three months, you must register your stay with the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND). It is then recorded that you are staying in the Netherlands to work. Registration is compulsory, but if you do not register, this currently carries no consequences for your right to stay in the Netherlands. You may stay in the Netherlands in terms of the EU Treaty, even if you do not register. However, if you do not register it could mean that you have no right to any social assistance (benefits), or that you may not apply for a study grant or loan.

You must also register with the municipality where you are living. You perform this registration through the Municipal Personal Records Database (*Gemeentelijke Basisadministratie Persoonsgegevens*, GBA). It is best that you contact the municipality for information about how registration is carried out with the municipality, and what documents you need.

- **Staying less than three months**

Are you staying a maximum of three months in the Netherlands? Then you do not have to register with the municipality or the IND. Nevertheless it could still be useful to have a 'Registration Certificate' from the IND. Other bodies (including the Tax and Customs Administration and banks) may ask for this. You can use it to open a bank account in the Netherlands, for instance.

Note! You can only register with the IND if you are already registered with the Municipal Personal Records Database (GBA) of the municipality where you live.

Working

There are a number of ways in which you can work in the Netherlands.

- **Working for a Dutch employer**

You are employed by a Dutch employer, with whom you have signed a (temporary) employment contract. This could be the employer where you actually work. But it could also be a Dutch temporary employment agency. Through this temporary employment agency, you work for one or more companies. The employment contract includes conditions governing payment, working hours, holidays and leave. You are insured against unemployment, illness and occupational disability.

Employment contract

In legal terms, no documents are needed for signing an employment contract. However, when you start work your employer will ask to see a valid, original identity document. He checks that it is genuine and saves a copy in his records. A driving licence does not count as a valid identity document for this purpose. That is because it does not indicate nationality, and provides no information about your residence status.

Always ask for a written employment contract in your own language or in English. Only sign the contract if you understand what it says.

Collective labour agreement (Collectieve Arbeidsovereenkomst, CAO)

Alongside your contract, certain companies or sectors also recognise a collective labour agreement (CAO). This contains supplementary rules for all employees on payment, working hours, supplementary pension or payment during illness, for example. You can obtain more information about your CAO from your employer, trade union or on the website: www.cao.szw.nl.

- **Seconded as an employee to the Netherlands**

You are working temporarily in the Netherlands for your own employer or a temporary employment agency in your country of origin. You sign an employment contract to this effect. Its terms and conditions must comply with the legal rules in your home country. But some Dutch rules also apply to your employer. In all cases, you must be paid at least the Dutch minimum wage and holiday allowance. Employment conditions and working and rest periods must also comply with the legal minimum requirements. You may remain socially insured in your home country if you have a so-called E101 declaration; a type of secondment declaration. You or your employer may request this form from the social security organisation in your home country.

- **Self-employed**

If you are going to work as self-employed, then you are free to determine your own employment terms, such as the hourly wage you will receive. There are two possibilities for carrying out self-employed work in the Netherlands:

1. As self-employed based in your country of origin

In the Netherlands you must be able to show that you are established as self-employed in your country of origin. This can be done through registration in the commercial register of your country of origin. If you meet certain conditions it is possible to remain insured in your country of origin. You must have the E101 declaration for this.

If you are a foreign 'ZZP' (*zelfstandige zonder personeel*, independent without employees) you may ask the Dutch Tax and Customs Administration in advance to assess your working status in the Netherlands. You may ask the Tax and Customs Administration (www.belastingdienst.nl) for a so-called Independent Contractor Status (*Verklaring Arbeidsrelatie*, VAR), for this. With this declaration your employer knows that he must regard you as an independent entrepreneur and that he must not deduct any income tax/national insurance premiums.

2. As a Dutch one-man-company as so-called 'independent contractor without staff' (ZZP)

When establishing your company in the Netherlands as a Dutch taxpayer you are socially insured in accordance with Dutch legislation. This means that you accumulate an old-age pension (AOW), that you are eligible for family allowances (including child benefit, child-linked budget), and that you are insured for surviving dependents' benefits (ANW) and exceptional medical expenses (AWBZ). As an independent contractor you are not automatically insured against unemployment, illness and occupational disability. You can however arrange your own cover with a private insurer. You are responsible for paying taxes and accumulating pension yourself. As an independent contractor you must ask the Dutch Tax and Customs Administration for an Independent Contractor Status (VAR) to evaluate your working status.

If you want to begin as an independent contractor in the Netherlands, you may approach the Chamber of Commerce (www.kvk.nl).

Wages

The Netherlands enforces a legal minimum wage. This is adjusted twice each year (on 1 January and 1 July). Every worker between the ages of 23 and 65 in employment enjoys at least the right to this minimum wage. Minimum youth wages apply to employees younger than 23. The minimum wage also applies to employees of a foreign company or temporary employment agency working in the Netherlands. You can find the current minimum wage amounts on the website: www.szw.nl (click on 'English' above right).

The minimum wage is based on the total working hours applying in a sector. In practice this lies between 36 and 40 hours a week. If you get the minimum wage for an average working week of 60 hours, for example, then you are being underpaid. If you receive less than the legal minimum wage, you may appeal to your employer. You may discuss a solution with him. If this is not successful, you can then approach the Labour Inspectorate or local court. Employers who pay employees less than the legal minimum wage will be forced by the Labour Inspectorate to pay an immediate fine.

It is also possible that the company or the sector in which you work has agreed its lowest wage scale will be above the legal minimum through its collective labour agreement (CAO). If you are working for a Dutch company or temporary employment agency, this arrangement also applies to you. Foreign employers with staff seconded temporarily to the Netherlands must also pay in accordance with the CAO.

Equal treatment and remuneration

Equal treatment at work means that your employer may not treat you any differently from other employees on the basis of religion, beliefs, political affiliation, race, gender, nationality, sexual orientation, marital status, age, handicap or chronic illness, type of contract (temporary or permanent) and working hours (full-time or part-time). These are the so-called discrimination grounds. Equal treatment applies to all aspects of your work.

Discrimination and intimidation in the workplace

An employer is obliged to prevent discrimination and intimidation by employees among themselves. An employer must ensure a good working atmosphere. This includes preventing discrimination and intimidation by employees towards each other.

Right to equal payment

The right to equal payment is part of the right to equal treatment. All employees within a company doing equivalent work must receive an equivalent wage. This does not however mean that everyone in the same position receives exactly the same wage. An employer may, for example, pay a higher wage to someone with greater experience, than to someone who is just beginning.

Leave

Every employee in the Netherlands has the right to a paid holiday. You are also entitled to leave days, either with full or partial salary in the case of disaster (unforeseen personal circumstances) or for certain family events (including pregnancy, maternity, marriage or death). On www.szw.nl you will find the various types of leave listed. Different or supplementary arrangements may have been agreed in a CAO.

Holidays

The legal number of leave days per year is at least four times the number of working days per week. For a full-time job this is therefore $4 \times 5 = 20$ days per year. Leave days are accumulated throughout the year. Have you worked less than a year somewhere? Then your holidays are calculated proportionately.

Your salary continues to be paid during your holiday. In addition you have the right to a holiday allowance of eight per cent of your gross annual salary. The holiday allowance is paid by your employer and is paid out at least once per year. Usually this is at the end of May or beginning of June. Other arrangements may have been made in a CAO about, for example, the number of leave days or the payment and extent of the holiday allowance, but never less than the legal minimum.

Working hours

Dutch rules impose restrictions on employees' working hours. Per shift you may only work up to 12 hours consecutively, and a maximum of 60 hours per week. If you consider your working hours over a longer period, then over 16 weeks you may only work a maximum of 48 hours per week.

Breaks and resting

When you work longer than 5,5 hours, you have the right to a break of at least 30 minutes. If you work longer than 10 hours, then it is a minimum of 45 minutes. The CAO which applies to the sector or company in which you work stipulates whether the break is paid or not. Generally breaks are not paid.

After a working day you have the right to at least 11 hours of consecutive rest. After a working week you may not work for 36 hours consecutively.

Night duty

For night duty, you may not work more than 10 hours per night shift. If your night duty ends after 02.00, then you have the right to at least 14 hours of rest. You are working on night duty if you work at least one hour between midnight and 06.00 in the morning.

Independent contractors

If you work as an independent contractor then the rules do not apply to you, except if you are in situations where the safety of third parties is involved, such as in the transportation sector.

Working safely

Employers and employees in the Netherlands ensure safe working conditions together. To avoid and limit hazards, your employee must advise you well on the work you will perform and its associated safety and health risks. He must also indicate to you the measures for preventing or limiting risks. As an employee you are obliged to comply with these instructions.

You can report complaints and accidents at work to the Labour Inspectorate. If you work for a temporary employment agency, responsibility for safety and health does not actually lie with that agency, but with the company where you are working at that time.

Identification obligation

In addition to showing your identification document when taking up employment, as an employee you are also required to carry your identity document with you – even if you are working as a temporary employee. If there is a workplace inspection by the Labour Inspectorate for example, you must be able to identify yourself with your original identity document.

Social security

The Netherlands has an extensive social security system. It offers a safety net when things go badly. But its basic principle is getting back to work as soon as possible.

Entitlement to provisions such as benefits and allowances applies from the moment premiums have been deducted for these. These rights also depend on the way in which you are working in the European Union, and how long.

Your Dutch employer must deduct premiums from you for the Dutch social security legislation. Independent contractors (ZZP in Dutch, see definition earlier) are only obliged to be insured for old-age pension (AOW), family allowances, surviving dependents' benefits (ANW) and exceptional medical expenses (AWBZ). They will need to take out supplementary insurance to cover illness and occupational disability. Independent contractors are not insured against unemployment.

If you work in the Netherlands as an employer or an independent contractor for a company based in your country of origin or a temporary employment agency, you may continue to be socially insured in your country. You do however then have to have an E101 declaration.

Illness

If you become sick, then Dutch employers will continue to pay you for a maximum of two years. The extent of this continued payment is at least 70 per cent and at most 100 per cent of your salary.

Your CAO or employment contract will specify the salary you get. You must do everything possible to resume work again as quickly as possible. Your employer will guide you in this, or will leave it to a specialised occupational health and safety service (ARBO in Dutch).

Employment contract expires?

If your employment contract expires during your illness or you worked for a Dutch temporary employment agency, you may be entitled to a sickness benefit from the Institute for Employee Benefit Schemes (*Uitvoeringsinstelling Werknemersverzekeringen*, UWV). Your employer will notify the UWV that you are ill.

Sick while in your home country?

If you become ill while in your home country, then you should report sick to the organisation in your home country which pays out benefits during illness. This organisation will arrange the medical examination.

Sick and E101 declaration?

Do you have an E101 declaration? Then the rules of another treaty or EU/EEA country apply to you. You will receive benefits in accordance with the rules of the country which issued this form (generally your home country). You report sick in accordance with the rules of that country.

Recuperate in your own country?

You become ill in the Netherlands and want to recuperate in your own country? Then you need permission from your employer's ARBO (occupational health and safety) service or from the UWV. A doctor checks that this will not delay your recovery.

Ill for more than two years?

If you are ill for more than two years, you may request an occupational disability benefit (WIA benefit in Dutch) from the UWV if you are 35 per cent work-disabled or more. The UWV will send you an application form for a WIA benefit. A doctor (in your home country or in the Netherlands, depending on where you are living) determines your abilities. The UWV then makes a definitive assessment of your occupational disability. If you are more than 35 per cent work-disabled, you may be considered for an occupational disability benefit. If you also have the right to an occupational disability benefit in your home country, this will be deducted from the Dutch benefit.

Unemployed

You are working in the Netherlands, but you lose your job? Then there are several options. Did you request an E101 form when you started work in the Netherlands? Then the social insurance system of your home country applies to you. If you do not have an E101 declaration then it depends on how often you have travelled home and back between your home and working country:

Benefits in the Netherlands

If you become unemployed and you do not travel daily or weekly from your home country to the Netherlands, then you may be eligible in the Netherlands for an unemployment benefit from the UWV. In this case you do however have to remain in the Netherlands and seek work actively. It is important that you register as seeking employment with the *UWV WERKbedrijf* immediately when you become unemployed. *UWV WERKbedrijf* will assess your possibilities for getting back to work again quickly.

You may also receive a Dutch benefit if you still work (partially) for an employer in the Netherlands, or if you are not working because of extreme weather conditions (unworkable weather such as frost, snowfall, high water) or other unforeseen circumstances (such as fire or economic decline). Here too the rule is that you must remain in the Netherlands. The extent of your benefits, and how long you receive them, depends on a variety of factors such as where you worked, for how long and what you earned. Your work in your home country also counts. You must indicate this work with the E301 form.

If you return to your home country, you apply for benefits there. Under certain conditions it is possible to continue receiving your Dutch benefits for a maximum of three months. You need to request an E303 form for this from the UWV.

Benefits in your home country

If you live in your own country, you are no longer working for a Dutch employer and you travel back and forth to your home country daily or weekly, then you must request the benefit in your home country.

Family allowance

The Netherlands pays a contribution to bringing up children below 18 years old: the family allowance. You apply for the family allowance from the Social Insurance Bank (*Sociale Verzekeringsbank*, SVB) nearest to your employer. Your personal situation or that of your partner has an influence on the right to, or extent of the family allowance. You can find more information at www.svb.nl.

Pension

In the Netherlands you accumulate general old-age pension (AOW). This applies to both employees and independent contractors. Each year that you work in the Netherlands, you accumulate two per cent AOW. From your 65th birthday you will receive a basic pension based on the AOW. You can find more information at www.svb.nl.

In the Netherlands you also often accumulate a company pension. You can request this pension in the Netherlands from your pension fund. The amount of pension you get depends on your salary and the duration of pension accumulation. You can also arrange a supplementary pension for yourself in the Netherlands. You can organise this via a (pension fund) agent.

Death

Should you die, this will have financial consequences for your partner and/or children. Based on the Surviving Dependents Act (*Algemene Nabestaandenwet*, ANW), your surviving relatives may be eligible for surviving dependents' benefits. Orphaned children may also be eligible for benefits. You can find more information at www.svb.nl. If your partner and/or children also receive surviving dependents' benefits from your home country, then the SVB will deduct these from the Dutch benefits.

Accommodation

If you come to work in the Netherlands, first you can ask your employer or temporary employment agency about housing at a reasonable price. Should they not be able to help you, you can approach the municipality, where you will be assisted further. Accommodation is also offered in municipalities via www.woningnet.nl. Here you can register as seeking accommodation, and can respond to any available accommodation. You do have to have registered with the municipality however.

Renting

Whether a rental price is reasonable depends on a number of issues. Often there is a boarding contract, certainly when arranging accommodation for a short period. You will then be in a hotel or guesthouse. Legally there is no maximum rental fee for these. In this case you have to decide for yourself whether you think the price is reasonable. Your employer may also be able to offer you accommodation and deduct the rental directly from your salary. If you have a normal rental contract, in other words you are simply renting an independent living area, you can ask the Rent Assessment Committee what would be reasonable. For addresses of the Rent Assessment Committees and their interview times see www.huurcommissie.nl.

Rent allowance

You may be entitled to a rent allowance. The state will then pay part of your rent. Whether you get this allowance depends on the type of accommodation, rental, income and means. You can find more information at www.toeslagen.nl.

Rent protection

In the Netherlands tenants are protected against cancellation of the rental contract by the owner or tenant. The tenant must provide a valid reason for ending the rental contract. For labour migrants there is often a boarding contract with a hotel or guesthouse, for example. This contract stipulates when you can be evicted from the house or room. This may be the case if the employment contract ends, for example, or you do not pay your rent or you cause a disturbance. If you have a company house you may be evicted at the end of the employment contract.

Medical expenses

In the Netherlands you have to insure yourself against the costs of medical care. Even if you do not live in the Netherlands, but work and pay tax here, you must arrange medical expenses insurance. This also applies if you already have medical insurance in your home country and only work in the Netherlands.

If you work in the Netherlands, your partner if you have one, and your children (if they do not have their own income) can also obtain medical care in their home country on the basis of the Dutch insurance. For registering any family members ask your health insurer for a so-called E106 treaty form.

Health insurers

You may choose the health insurer with whom you would like to arrange medical insurance yourself. Possibly your employer has a collective health insurance with favourable terms for his employees and you may join it. Ask your employer about this.

A health insurer must always accept you as an insured party for the so-called basic package. This includes all essential medical care. Your health or age plays no part in this. The insured care of the basic package is identical across all health insurers. The manner of providing care and the premiums can differ, however.

You pay for the health insurance with a monthly premium to your health insurer. This premium comprises the following elements:

- An insured person pays a fixed amount as a premium to his health insurer each month. It is possible that the employer will deduct this premium from the salary to pay the health insurer.
- Everyone who has to arrange health insurance must also pay an income-dependent contribution. The employer is obliged to reimburse this amount in full. You will see this detailed on your pay slip.

If you are an independent contractor you do not have an employer and you pay the health insurance premium yourself.

Care allowance

The care allowance (*zorgtoeslag*), was introduced to keep the premium affordable to all. This is a contribution towards the costs of the premium which may be requested from the Tax and Customs Administration. Whether someone can get a care allowance depends on their income. The lower the income, the higher the care allowance. You can find more information at www.toeslagen.nl.

Children

In the Netherlands, working parents can accommodate their children younger than four years old with a day-care centre or a host parent. From the age of four children go to primary school. The Netherlands pays a contribution towards the costs of bringing up children younger than 18: the family allowance (see 'Social Security').

Childcare

Childcare is intended for children younger than four. You sign an agreement with the day-care centre or host parent office of your choice. This day-care centre or host parent office must be registered with the municipality. Part of the cost you pay for childcare can be claimed back via the Tax and Customs Administration (childcare allowance). The extent of the contribution you pay yourself depends on your income and that of your partner. You can find more information at: www.toeslagen.nl.

School

All children in the Netherlands have the right to education. Primary education is education for all children from the age of four to approximately 12. In the year that your child turns three you will receive a letter from the municipality. This stipulates that you must register your child with a primary school. It is important to register your child in good time with the school of your choice. This is because some schools have (long) waiting lists. When registering your child you must provide your child's education number. You will receive this number from the Tax and Customs Administration. After primary school children go to secondary school. In the Netherlands children are obliged to attend school between the ages of 5 to 18.

Support for students from Central or Eastern Europe

When children have just arrived in the Netherlands they will generally not yet speak Dutch. This can be very difficult for both the child and the school. The CEE Support Centre (*Steunpunt MOE*) is available for schools with pupils from a Central or Eastern European (CEE/MOE) country. The support centre has an overview of schools which have extra possibilities and experience with teaching children who have only been in the Netherlands for a short time. You can find more information at www.moeleerlingen.nl, or by telephoning +31 (0)73 624 75 47.

Holidays

The Netherlands has two national holidays:

- Koninginnedag (Queen's Birthday): 30 April
- Bevrijdingsdag (Liberation Day): 5 May

There are also several other recognised public holidays:

- New Year's Day: 1 January
- Easter Sunday and Monday
- Ascension Day
- Whit Sunday and Monday
- Christmas Day and Boxing Day

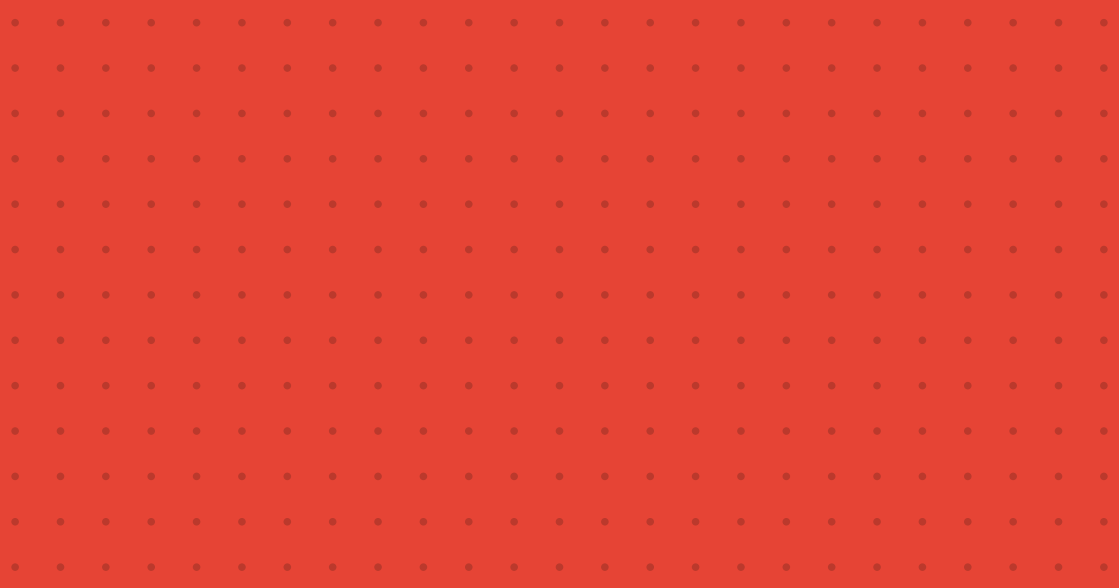
Whether you are free on these days depends on the arrangements made between employers and employees – in the CAO or your employment contract. If you want to know whether you are free on a specific holiday, ask your employer. If you work on a holiday, it does not mean that you have an automatic right to extra remuneration (in cash or time). This is not legally stipulated, but depends on agreements between employers and employees. Consult the CAO if it applies, or your employment contract for more information.

Addresses and websites

Below you will find details of the organisations which can assist you.

What	Where	Internet
Registration with the municipality where you live	The Municipal Personal Records Database (GBA) of your municipality	
Citizen Service Number	When registering with the municipality	Frequently Asked Questions about the Citizen Service Number: www.burgerservicenummer.nl/Veelgestelde_vragen/English_FAQ
Sofi Number	Tax and Customs Administration	www.belastingdienst.nl/particulier/bsn_sofinummer/bsn_sofinummer-03.html#P28_3399 (in Dutch) or www.belastingdienst.nl/english/
Reporting to the Immigration and Naturalisation Service	Immigration and Naturalisation Service (IND) Phone 0900 1234561 From abroad: +31 20 8893045	www.ind.nl/EN
Health insurance	A health insurer or via the collective insurance of your employer	www.zn.nl/De_branche/Zorgverzekeraars/Adressen/
Collective Labour Agreement (CAO)	Ministry of Social Affairs and Employment (SZW)	www.cao.szw.nl -> Choose: Posting of workers (English pages)
Becoming an independent contractor (ZZP)	Registration in the trade register at the Chamber of Commerce	www.kvk.nl/english
Independent Contractor Status (VAR)	Tax and Customs Administration	www.belastingdienst.nl/zakelijk/ondernemen_ondernemerworden/ondernemerworden-04.html (only in Dutch)

What	Where	Internet
Complaint about underpayment/ hazardous work environment	Labour Inspectorate	www.arbeidsinspectie.nl -> Choose: English
Leave and holidays	Ministry of Social Affairs and Employment (SZW)	www.employment.gov.nl
Identification obligation	Ministry of Social Affairs and Employment (SZW)	www.employment.gov.nl
Dutch social security	Ministry of Social Affairs and Employment (SZW)	www.employment.gov.nl
E-101	Organisation for social security in your home country	
Seeking accommodation	After registering as seeking accommodation with your municipality on Woningnet	www.woningnet.nl (only in Dutch)
Checking accommodation affordability	Rent Assessment Committee	www.huurcommissie.nl (only in Dutch)
Care allowance, rent allowance and family allowance	Tax and Customs Administration	www.toeslagen.nl (only in Dutch)
Benefits during unemployment, illness and occupational disability	Institute for Employee Benefit Schemes (UWV)	www.uwv.nl (only in Dutch) UWV helpdesk for foreign affairs, telephone +31 888 98 20 01
Family allowance, old-age pension (AOW) and Surviving Dependents' benefits (ANW)	Social Insurance Bank (SVB)	www.svb.nl/internet/uk/
Learning Dutch	Ministry of Housing, Spatial Planning and the Environment	www.hetbeginmettaal.nl/english/





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