



Ministry of Social Affairs and
Employment

Important information about the WagwEU for employers

The Dutch Terms of Employment Posted Workers in the European Union Act

As an employer from the EU, EEA or Switzerland, are you going to post workers temporarily to the Netherlands?

If so, you are obliged to make a notification of your arrival and that of your posted workers in advance. This duty to notify is part of the WagwEU. You can only make the notification through the online notification portal on www.postedworkers.nl, in Dutch or English. During their posting, your workers are entitled to the main terms and conditions of employment applicable in the Netherlands.



The WagwEU:

five questions

What is the WagwEU?

The WagwEU stands for the Terms of Employment Posted Workers in the European Union Act. This Act, which came into force on 18 June 2016, entitles workers who are posted to the Netherlands to the main terms of employment provided in the Netherlands. These include the rights to the minimum wage, sufficient rest hours, safe working conditions, equal treatment of men and women, and a minimum number of days off. In addition, as an employer you have a number of administrative obligations, including the duty to notify. This makes it easier to check whether businesses are keeping to the rules.

Which questions do we ask when you make your notification of posted workers?

We ask you to make a notification of the posting and the workers concerned (your own or otherwise) before your arrival in the Netherlands. You will be asked about the nature of the work, the duration of the posting, the work address and the identity of all parties concerned. In order to make it easier for you, we have drawn up a checklist of the details you will need for the notification. You can find the checklist on page 4. Then you will be well prepared.

What is the notification procedure?

When you make a notification, the service recipient of the work in the Netherlands (your client) receives a message asking them to check the notification. If the service recipient indicates that the notification is correct, you will receive confirmation and the notification is complete. If the service recipient indicates that something is incorrect, you will be informed and asked to correct your notification. When the notification has been corrected, you are done, and the notification is then complete.

What happens if your notification of workers is incorrect or not made at all?

If the duty to notify workers is not complied with, you and the service recipient risk being fined.

What other obligations are applicable under the WagwEU?

Besides the duty to notify, as an employer you are also obliged to have various documents on hand at the workplace that apply to the worker, such as a contract of employment, a specified payslip and proof of payment of social security contributions. You must also designate someone in the Netherlands as a contact person for the Inspectorate SZW. On request from the Inspectorate, you are obliged to provide the information needed by the Inspectorate for the enforcement of the WagwEU.

Step-by-step plan for the notification portal

1

Prepare well for your notification

Go to www.postedworkers.nl and ensure you have the following at hand: your personal details, the details of your business and your contact person in the Netherlands, the business details of your service recipient, the start and end date of the posting, the address of the workplace and the details of your workers.

2

Logging in

Log in to the notification portal, using eHerkenning or with your e-mail address and password, which you can request on the notification portal login page. You will find the notification portal at the bottom of the webpage on www.postedworkers.nl.

3

Filling in and sending the details

Fill in the required details and send your notification. The service recipient in the Netherlands receives an e-mail requesting them to check the notification of the posting. The service recipient can either approve or reject the notification.

4^a

Notification approved by service recipient

If the notification is correct, then the service recipient approves the notification. Your notification is then complete. You do not need to do anything else with your notification, unless there are any changes.

4^b

Notification rejected by service recipient

If the notification needs to be changed, because you have filled in the wrong start and end date of the work, for example, then the service recipient rejects the notification and you will receive an e-mail. You must then change the notification and resubmit it through the notification portal.

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Interim changes

If there is a change to the posting in the interim, because a new worker will be posted, for example, or you will be working longer than planned in the Netherlands, then you must enter this change in your notification through the notification portal, and the service recipient will need to approve the notification again.

Notification portal checklist

The following details are needed for completing a notification through the online notification portal by **employers**.

The details of your company

- ✓ Company name
- ✓ Country of establishment
- ✓ Registration number Chamber of Commerce (company/commercial registry)
- ✓ VAT identification number
- ✓ Business address

The identity of the legal representative

- ✓ Name
- ✓ Date of birth
- ✓ Nationality
- ✓ Personal identification number
- ✓ Dutch citizen service number (BSN) (if available)
- ✓ Phone number
- ✓ E-mail address

Your contact person in the Netherlands

as referred to in Article 7 of the WagwEU

- ✓ Name
- ✓ Date of birth
- ✓ Nationality
- ✓ Personal identification number
- ✓ Dutch citizen service number (BSN) (if applicable)
- ✓ Phone number
- ✓ E-mail address
- ✓ Address in the Netherlands for reaching the contact person

The details of the service recipient

- ✓ Company name
- ✓ Country of establishment
- ✓ Registration number Chamber of Commerce (in Dutch: KvK-nummer)
- ✓ Branch number (if applicable)
- ✓ VAT identification number (in Dutch: btw-nummer)
- ✓ Address of establishment
- ✓ Name of service recipient's contact person
- ✓ E-mail address of service recipient's contact person
- ✓ Telephone number of service recipient's contact person

Information about the project

- ✓ Sector in which you will be working in the Netherlands, including sub-sector and SBI code. To find the SBI code, go to **sbi.cbs.nl**
- ✓ Address/ place where the work will be performed in the Netherlands
- ✓ Scheduled start and end date of the posting
- ✓ Person responsible for the payment of the wages

Identity of the employee(s)

posted to the Netherlands

- ✓ Name
- ✓ Date of birth
- ✓ Nationality
- ✓ Personal identification number
- ✓ Dutch citizen service number (BSN) (if applicable)
- ✓ E-mail address
- ✓ Is the employee a third-country citizen? Yes/No. If so, expiry date of the work permit issued by the posting EEA country/Switzerland
- ✓ Scheduled start and end date of the employee's activities
- ✓ Is there an A1 certificate? Yes/No. If so, number and country of issue of the A1 certificate

More information

You can find more information on www.postedworkers.nl

Terms of employment

to which posted workers are entitled

The workers you post temporarily to the Netherlands as an employer abroad are entitled to certain Dutch terms of employment. You are obliged by law to guarantee at least these terms of employment to your workers. A brief summary of these terms of employment is given below.

‘Hard core’ of terms of employment

For the first 12 months of their posting, workers who are temporarily posted to the Netherlands are entitled to the ‘hard core’ of the terms and conditions of employment of Dutch labour legislation and of universally binding collective labour agreement conditions. The hard core terms of employment include minimum wage, working hours and rest hours, holidays, working conditions and equal treatment.

‘Expanded hard core’ of terms of employment

After 12 months, posted workers are entitled to additional Dutch terms and conditions of employment, known as the ‘expanded hard core’. Your workers are then entitled to all the Dutch terms and conditions of employment of Dutch labour legislation and of universally binding collective labour agreement conditions, with the exception of conditions about supplementary occupational pension schemes and conditions about entering into and terminating a contract of employment. In certain cases, the period to which only the ‘hard core’ applies may be extended to 18 months.

Replacing a posted worker

If you replace a posted worker with another posted worker who carries out the same work at the same place, then this is regarded as a single posting.

Posted temporary agency workers: additional terms of employment and obligations

If you post workers who work under the supervision and management of the Dutch service recipient, then these workers are entitled to additional terms of employment from day one. In addition, you remain responsible for your workers receiving the correct terms of employment, even if the workers are sent on to a third party by the service recipient.

Reimbursement of costs that are actually incurred

Reimbursements and allowances that you pay to your workers as reimbursement of costs actually incurred in relation to the posting, such as travel, meal and accommodation costs, cannot be regarded as part of the remuneration to which your workers are entitled. You must reimburse these costs in accordance with the national law and/or the practice in the home country that applies to the contract of employment between you and your workers. You must also clarify whether parts of an allowance, and if so which parts, will be paid for these costs incurred in relation to the posting.



More information

A detailed list of the terms of employment to which posted workers are entitled is given on www.postedworkers.nl