

iGlobal Law : 2022 Annual Update : The Netherlands

Legal Change	Effective Date	Action required
<p>Extension Coronavirus Job Retention Scheme</p> <p>The Dutch government has announced that the "NOW-scheme" will be extended until 31 March 2022. The government has indicated that this new NOW-scheme is going to resemble the previous NOW-scheme(s), which enabled employers who experienced a revenue loss of at least 20% due to the outbreak of the coronavirus to claim for a subsidy of up to 90% of their wage bill.</p> <p>The conditions under which employers can apply for this new NOW-scheme are expected to be announced in January 2022.</p>	<p>As from 1 January 2022 until 31 March 2022.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Paid parental leave Act</p> <p>Currently both parents are entitled to 26 weeks – unpaid – parental leave during the first eight years of their child’s life. This act entitles both parents to nine weeks of partially paid parental leave during their child’s first year of life. The remaining 17 weeks of parental leave remains unpaid and can be taken during the first eight years of their child’s life.</p> <p>During the nine weeks partially paid parental leave, the employee will be entitled to a (state) benefit (50-70% of salary).</p>	<p>2 August 2022.</p>	<p>Employers should make sure that the personnel manual and / or other leave regulations are brought into line with this change in a timely manner.</p>
<p>Implementation of the EU directive on transparent and predictable working conditions</p> <p>According to this legislative proposal:</p> <ul style="list-style-type: none"> - training courses that employers are obliged to offer must be free of charge for employees and must be regarded as working time. Any and all study cost clauses – on the basis of which the costs of a training course are reclaimed if the employee leaves employment within a specific period of time – relating to such training courses will be null and void; - an employer can only invoke an ancillary activities clause if there is an ‘objective reason’ for doing so; - the employer's obligation to provide information to an employee at the start of employment is being expanded; - an employee working unpredictable hours, may refuse to perform work (i) if the work falls outside their normal ‘reference days and/or -hours’ and/or (ii) if the employer’s call for work has not been made at least four days in advance. 	<p>1 August 2022.</p>	<p>In November 2021 the legislative proposal was submitted to the House of Representatives. A date for discussion of this proposal in Parliament has not yet been announced.</p>

<p>Temporary law on broadening the use of COVID-19 entry tickets ('QR-code')</p> <p>This legislative proposal, intends to broaden the employers ability to ask for a QR code before admitting workers and / or visitors to the workplace, if (i) the employer performs activities in a sector where there is already a 'general' obligation to scan QR codes, or (ii) in any other sector if there are no other measures that the employer can take that offer equivalent protection.</p> <p>Failure to show a QR code may, in extreme cases, result in the employee losing their entitlement to wages and / or lead to dismissal.</p>	<p>Not yet announced, but expected in 2022.</p>	<p>In November 2021 the legislative proposal was submitted to the House of Representatives. This proposal is expected to be discussed in Parliament early January.</p>
<p>Amendment to Foreign Nationals (Employment) Act</p> <p>Changes to the Foreign Nationals (Employment) Act include: (i) extending the maximum duration of the work permit from one to three years; (ii) the obligation for employers to pay on a monthly basis by bank transfer; and (iii) the introduction of an (optional) ground for rejection if an employer does not perform any economic activities.</p>	<p>1 January 2022.</p>	<p>Affected businesses should assess whether the new rules apply to them.</p> <p>Where they do, changes to payroll may be required.</p>