

TaxGate



E-Book

Employee Illness in the Netherlands

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Introduction

Why This Guide?

Employee illness is a reality every organization faces, yet it often brings a host of questions and challenges. What should employers do when an employee reports sick? How long are wages to be continued, and under what conditions? How can employees and employers navigate the complex process of re-integration? In the Netherlands, these questions are not just about good management practices—they are governed by specific laws and regulations designed to ensure fairness and accountability for all parties involved.

Understanding illness-related procedures is essential for maintaining compliance, minimizing risks, and fostering a supportive work environment. Employers must be well-versed in their legal responsibilities, from wage continuation and workplace accommodations to collaboration with occupational health services. Simultaneously, employees must understand their rights, including access to sickness pay, as well as their responsibilities, such as cooperating in re-integration efforts. This guide provides a comprehensive overview of these critical elements, offering practical advice and insights to navigate the often-complex landscape of managing illness in the workplace.

This e-book also emphasizes the importance of being proactive. By understanding and adhering to Dutch laws such as the Wet Verbetering Poortwachter (Improved Gatekeeper Act), employers and employees can work together to ensure smoother transitions during illness, effective recovery, and eventual re-integration into the workforce. For employers, this knowledge helps mitigate legal and financial risks, while for employees, it safeguards their rights and facilitates clear communication with their employers.

Who Is This Guide For?

This guide is designed to be a practical resource for anyone involved in managing or navigating employee illness.

- **Employers:** Whether you're running a small business or managing a large organization, understanding your responsibilities under Dutch employment law is critical. This guide provides the tools and knowledge to handle employee illness effectively, from the initial notification of sickness to long-term re-integration.
- **HR Professionals:** With re-integration requirements, wage continuation rules, and legal deadlines to track, managing illness cases can be complex. This guide offers structured advice, checklists, and sample documents to streamline your processes.
- **Employees:** For those who experience illness, this guide helps clarify your rights, from wage continuation to suitable work arrangements. It also outlines your responsibilities, such as maintaining open communication and cooperating in re-integration efforts.
- **Legal Advisors:** If you provide counsel on employment law or workplace disputes, this guide serves as a valuable reference, offering detailed insights into Dutch laws and regulations governing employee illness.

Whether you're new to managing these procedures or looking to refine your approach, this e-book is designed to demystify the process and provide actionable solutions. By addressing the needs of all stakeholders, we aim to foster a collaborative, fair, and effective approach to handling employee illness in the workplace.

Let's begin this journey by exploring the legal framework, obligations, and practical steps necessary to navigate the complexities of employee illness with confidence and competence.

1. Legal Framework

Understanding the legal framework governing employee illness is essential for both employers and employees. Dutch employment law provides a detailed structure to ensure fairness, compliance, and effective re-integration. This part of the guide will introduce the key regulations, concepts, and institutions that shape the procedures for managing illness in the workplace.

1.1 Understanding Dutch Employment Law

The Netherlands has a comprehensive legal framework that governs the rights and responsibilities of employers and employees during illness. These laws aim to protect employees while ensuring employers fulfill their obligations. Key regulations include:

- **Civil Code (Burgerlijk Wetboek):** This outlines the basic principles of employment relationships, including the obligation for employers to continue paying wages during illness.
- **Wet Verbetering Poortwachter (WVP):** The Improved Gatekeeper Act establishes a structured process for re-integration, requiring both employers and employees to actively participate in efforts to return the employee to work.
- **Ziektewet (Sickness Benefits Act):** For employees without wage continuation rights—such as temporary workers or those whose contracts have ended—this law provides sickness benefits through the UWV (Employee Insurance Agency).

These laws work together to ensure employees are supported during illness while holding employers accountable for facilitating recovery and re-integration.

1.2 Key Concepts

Several key concepts form the foundation of managing employee illness under Dutch law. Understanding these concepts is crucial for navigating the procedures effectively:

- **Sickness Versus Disability**
It is important to distinguish between short-term sickness and long-term disability. Sickness refers to temporary inability to work due to health issues, while disability involves a more permanent or long-term reduction in an employee's ability to perform their duties. The legal obligations differ significantly depending on the nature and duration of the employee's condition.
- **Passende Arbeid (Suitable Work)**
Employers have an obligation to offer "suitable work" to employees during their recovery. Suitable work refers to tasks or roles that the employee can reasonably perform despite their health limitations. This may involve adjusting the employee's existing duties, offering a different position, or making accommodations in the workplace. The suitability of work is assessed based on the advice of occupational health services (Arbodienst).
- **The Role of the UWV**
The UWV (Employee Insurance Agency) plays a central role in overseeing compliance with illness-related procedures. It reviews re-integration efforts, assesses applications for sickness benefits, and determines eligibility for long-term disability benefits. After two years of illness, the UWV conducts the **RIV-toets** (Re-Integration Review) to evaluate whether the employer and employee have fulfilled their obligations.
- **Occupational Health Services (Arbodienst)**
Employers are required to collaborate with occupational health services (Arbodienst) to manage employee illness effectively. These services provide expert advice on the employee's ability to

work, suitable tasks, and necessary accommodations. They also monitor progress and ensure compliance with the re-integration plan.

By understanding these laws and concepts, employers and employees can navigate the complexities of illness procedures more effectively. In the next part, we will delve into the specific obligations of employers, including the steps to take when an employee reports sick, wage continuation requirements, and the role of occupational health services.

2. Employer Obligations

Employers play a pivotal role in managing employee illness. Their responsibilities are multifaceted, ranging from ensuring legal compliance to fostering a supportive environment that facilitates recovery and re-integration. This section outlines the key obligations employers must meet under Dutch law, providing practical guidance to help navigate these responsibilities effectively.

2.1 Notification and Registration of Illness

The first step in managing employee illness begins when an employee reports sick. Employers are required to follow specific procedures to document and respond appropriately:

- **Internal Reporting:**
When an employee reports sick, the employer must record the date and reason for the absence (to the extent that privacy laws allow). Immediate communication with the employee is crucial to understand the situation and provide initial support.
- **Collaboration with Occupational Health Services (Arbodienst):**
Employers must notify their occupational health service provider about the employee's illness promptly. This ensures the case is monitored and that the necessary assessments can be scheduled.
- **Reporting to the UWV:**
If the illness continues beyond six weeks, employers are required to report the absence to the UWV. Timely registration is essential to avoid penalties and ensure compliance with the re-integration timeline established by the Wet Verbetering Poortwachter (WVP).

2.2 Payment of Wages During Illness

Employers in the Netherlands are obligated to continue paying wages during an employee's illness for up to two years, with specific rules governing the amount and duration:

- **Duration of Wage Continuation:**
Employers must pay wages for up to **104 weeks** (two years) of illness, provided the employee complies with re-integration efforts.
- **Percentage of Salary:**
Employers are legally required to pay at least **70% of the employee's salary** during this period. However, many employment contracts or collective labor agreements (CAOs) stipulate a higher percentage, especially during the initial year of illness.
- **Conditions for Payment:**
Wage continuation is contingent on the employee's cooperation with the re-integration process. If an employee refuses to comply without valid reasons, the employer may be permitted to suspend or reduce wage payments, provided they follow the proper procedures.

2.3 The Role of the Employer in Re-Integration

Re-integration is a collaborative process that requires proactive effort from the employer. The law emphasizes that employers must take reasonable steps to facilitate the employee's recovery and eventual return to work:

- **Offering Suitable Work:**
Employers must identify and offer tasks that align with the employee's current capabilities. This may involve modifying the existing role, adjusting working hours, or providing alternative duties.

- **Adapting the Workplace:**
Employers may need to make accommodations, such as ergonomic adjustments or modified schedules, to enable the employee to perform their duties safely and effectively.
- **Ensuring Compliance with the Re-Integration Plan:**
Together with the occupational health service, employers must create a **Plan of Action (Plan van Aanpak)** outlining the steps for re-integration. Regular evaluations and updates to this plan are required throughout the two-year period.

2.4. Collaboration with Occupational Health Services (Arbodienst)

Occupational health services play a central role in assessing the employee's condition and guiding the re-integration process. Employers are legally required to work closely with these experts:

- **Scheduling Check-Ups and Assessments:**
The Arbodienst conducts regular check-ups to monitor the employee's recovery and provide recommendations for suitable work or accommodations. Employers must ensure that these assessments occur as required.
- **Receiving Advice on Suitable Work:**
Based on the employee's medical condition, the Arbodienst advises on tasks the employee can perform. Employers are expected to implement these recommendations unless there are valid reasons not to do so.
- **Documentation and Reporting:**
Employers must maintain detailed records of all communications, assessments, and actions related to the illness and re-integration process. This documentation is critical for the UWV's RIV-toets after two years of illness.

Employers who adhere to these obligations not only ensure compliance with Dutch law but also contribute to a more supportive and productive workplace. In the next part, we will explore the rights and responsibilities of employees, including their entitlement to sickness pay and their role in the re-integration process.

3. Employee Rights and Responsibilities

When illness affects an employee's ability to work, Dutch law provides a strong framework to protect their rights while also outlining their responsibilities. This section highlights what employees can expect in terms of support and wages, as well as their obligations in contributing to their recovery and re-integration process.

3.1 The Right to Sickness Pay

One of the most important protections for employees during illness is their entitlement to wage continuation:

- **Conditions for Receiving Payments:**
Employees are entitled to at least **70% of their salary** for up to two years of illness, as long as they meet their obligations under the law. In many cases, employment contracts or collective labor agreements (CAOs) may stipulate a higher percentage, especially during the first year.
- **Exceptions to Entitlement:**
An employee may lose their right to sickness pay if they fail to comply with their re-integration responsibilities without valid reason. For example, refusing to attend appointments with occupational health services or rejecting suitable work could result in suspension or reduction of payments.
- **Payment During Fixed-Term Contracts:**
If an employee's fixed-term contract ends while they are still sick, their employer is no longer obligated to pay wages. Instead, the employee may be eligible for sickness benefits through the UWV under the Ziektewet (Sickness Benefits Act).

3.2 Obligation to Cooperate in Re-Integration

Under Dutch law, employees have a legal obligation to actively participate in their recovery and re-integration efforts:

- **Attending Appointments with the Company Doctor:**
Employees must attend scheduled consultations with the occupational health service (Arbodienst). These consultations are critical for assessing their condition and determining their ability to resume work, even in a limited capacity.
- **Accepting Suitable Work When Possible:**
Employees are required to accept "passende arbeid" (suitable work) offered by their employer, as long as it aligns with their current capabilities and does not negatively impact their recovery. Refusal without a valid reason may result in penalties, including suspension of wage payments.

3.3 The Role of the Employee in Re-Integration

Effective re-integration is a collaborative effort, and employees play a central role in ensuring its success:

- **Maintaining Open Communication with the Employer:**
Employees must keep their employer informed about their recovery progress and any changes to their condition. Transparent communication helps employers provide appropriate support and accommodations.
- **Following the Re-Integration Plan:**
Employees must adhere to the Plan of Action (Plan van Aanpak) developed in collaboration with

their employer and the occupational health service. This includes meeting agreed-upon milestones and attending scheduled evaluations.

- **Seeking External Advice if Necessary:**

If employees disagree with their employer or the occupational health service regarding their condition or re-integration plan, they have the right to seek independent advice. For example, they may consult an independent company doctor (bedrijfsarts) or file a complaint with the UWV.

By understanding and fulfilling these responsibilities, employees can protect their rights while contributing to a smoother recovery and re-integration process. Collaboration and communication are key to ensuring that both the employee and employer can navigate this challenging period effectively.

In the next part, we will explore the re-integration process in greater detail, including the timelines and steps required under the Wet Verbetering Poortwachter (Improved Gatekeeper Act) and the role of the UWV in assessing compliance.

4. Re-Integration Processes

Re-integration is a cornerstone of managing employee illness in the Netherlands. It is a structured process aimed at helping employees gradually return to work while fulfilling the legal obligations of both employers and employees. The **Wet Verbetering Poortwachter (Improved Gatekeeper Act)** provides a detailed roadmap for this process, ensuring accountability and collaboration at every stage. This section breaks down the re-integration timeline, the roles of various parties, and the steps required to meet legal and practical obligations.

4.1 The Two-Year Re-Integration Timeline (Wet Verbetering Poortwachter)

The Wet Verbetering Poortwachter establishes a two-year timeline for re-integration efforts, outlining specific steps and deadlines that employers and employees must meet:

- **Week 1: Reporting Illness**
The employee must notify the employer of their illness as soon as possible. The employer, in turn, informs the occupational health service (Arbodienst) to begin monitoring the case.
- **Week 6: Problem Analysis**
By the sixth week, the company doctor (bedrijfsarts) prepares a **Problem Analysis (Probleemanalyse)** that evaluates the employee's condition and work capacity. This document serves as the foundation for the re-integration plan.
- **Week 8: Plan of Action (Plan van Aanpak)**
Based on the Problem Analysis, the employer and employee jointly create a Plan of Action. This document outlines the steps for re-integration, including potential suitable work and adjustments to the workplace.
- **Ongoing: Regular Evaluations**
Throughout the two-year period, the Plan of Action must be reviewed and updated regularly during progress meetings. These evaluations ensure that re-integration efforts remain aligned with the employee's recovery.
- **Week 52: First-Year Evaluation (Eerstejaarsevaluatie)**
After one year of illness, the employer and employee must conduct a formal evaluation of the re-integration efforts. This includes assessing progress against the Plan of Action and making any necessary adjustments for the second year.
- **Week 104: Final Assessment and UWV Review (RIV-toets)**
After two years of illness, the UWV conducts a **Re-Integration Review (RIV-toets)** to determine whether the employer and employee have fulfilled their obligations. If the UWV finds that the employer did not meet their responsibilities, wage continuation may be extended for up to one additional year.

4.2 Assessment by the UWV

The UWV plays a critical role in ensuring compliance with re-integration requirements:

- **The RIV-toets (Re-Integration Review):**
This review evaluates whether the employer and employee have made sufficient efforts during the two-year re-integration period. The UWV examines documentation, including the Problem Analysis, Plan of Action, and evaluation reports.
- **Consequences of Non-Compliance:**
If the employer fails to meet their obligations, the UWV may impose penalties, such as requiring

the employer to continue wage payments for an additional year. If the employee is found non-compliant, their eligibility for sickness or disability benefits may be affected.

4.3 Partial Work Resumption

In many cases, employees may not be able to resume their full duties immediately but can return to work on a part-time or modified basis:

- **Gradual Resumption:**
Partial work resumption allows employees to rebuild their capacity over time. Employers must accommodate these gradual increases in workload to ensure the employee's recovery is not jeopardized.
- **Wage Supplementation Rules:**
During partial work resumption, employees are typically paid for the hours they work, in addition to receiving a percentage of their sickness pay for the hours they are unable to work. This ensures that employees are not financially disadvantaged during their recovery.
- **Long-Term Adjustments:**
If an employee's condition prevents them from returning to their original role, long-term accommodations or reassignments may be necessary. Employers are expected to collaborate with the Arbodienst and the employee to identify sustainable solutions.

The re-integration process requires ongoing communication, documentation, and collaboration between the employer, employee, and occupational health services. By adhering to the structured timeline and fulfilling their responsibilities, all parties can work toward a successful and fair resolution.

In the next part, we will explore special situations, such as illness during maternity leave, fixed-term contracts, and sickness while abroad, along with their implications for employers and employees.

5. Special Situations

While the legal framework for employee illness is designed to address common scenarios, certain situations require additional consideration. Illness during maternity leave, sickness while working abroad, fixed-term contracts, and dismissal during illness each present unique challenges. This section provides guidance for navigating these special circumstances, ensuring compliance with Dutch employment law while balancing the needs of both employers and employees.

5.1 Illness and Fixed-Term Contracts

Fixed-term contracts introduce complications when an employee becomes ill.

- **Obligations During the Contract:**
Employers are obligated to continue paying wages for employees on fixed-term contracts who fall ill, just as they would for permanent employees. The same rules apply regarding re-integration efforts and the requirement to offer suitable work.
- **When the Contract Ends:**
If a fixed-term contract expires while the employee is still unable to work, the employer is no longer obligated to pay wages. In this case, the employee may apply for sickness benefits through the UWV under the Ziektewet (Sickness Benefits Act). It is important for employers to ensure the proper transfer of documentation to the UWV to facilitate this process.

5.2 Maternity Leave and Illness

Pregnancy and maternity leave introduce additional legal protections and considerations for employees who become ill.

- **Pregnancy-Related Illness:**
If an employee becomes ill due to pregnancy, they are entitled to maternity leave benefits rather than sickness pay. Employers should coordinate with the UWV to ensure the correct benefits are provided.
- **Illness During Maternity Leave:**
Employees on maternity leave who experience illness are still entitled to their maternity leave benefits for the duration of their leave. If they remain ill after the leave ends, they transition to regular sickness procedures.
- **Returning to Work After Maternity Leave:**
Employers must ensure that re-integration efforts following illness take into account the employee's transition back into the workplace after maternity leave. This may include providing flexible working arrangements or other accommodations.

5.3 Illness Abroad

Employees who fall ill while abroad present unique challenges, particularly regarding communication and compliance.

- **Reporting Requirements:**
Employees who become sick while abroad must notify their employer as soon as possible and provide documentation of their condition. Employers may require a medical certificate from a local healthcare provider.
- **Compliance with Dutch Law:**
Dutch laws governing sickness pay and re-integration apply even when the employee is abroad.

Employers must work with the occupational health service (Arbodienst) to assess the employee's condition and ability to participate in re-integration efforts remotely.

- **Travel Restrictions:**

If an employee's illness prevents them from traveling, the employer must accommodate this limitation. However, employers may seek additional verification of the employee's condition if there are concerns about non-compliance.

5.4 Dismissal During Illness

Dutch employment law offers significant protections for employees who are sick, making dismissal a complex and highly regulated process.

- **Prohibition of Dismissal During Illness:**

In general, employers are prohibited from dismissing an employee during the first **104 weeks** (two years) of illness. This protection is designed to ensure that employees have adequate time to recover and participate in re-integration efforts.

- **Exceptions to the Rule:**

There are limited circumstances under which dismissal may be permitted during illness, including:

- If the employee refuses to cooperate with re-integration efforts.
- If the company is undergoing bankruptcy or closure.
- If dismissal is unrelated to the illness, such as gross misconduct.

- **After 104 Weeks:**

Once the two-year period ends, employers may seek termination of the employment contract if the employee is unable to return to work. This typically involves applying for approval from the UWV or the cantonal court. Employers must provide documentation proving that all re-integration efforts have been exhausted.

Navigating these special situations requires careful attention to legal obligations and effective communication between employers and employees. Each case presents unique challenges, but with the right approach, it is possible to address these complexities fairly and effectively.

In the next part, we will provide tools and resources to support employers and employees, including sample documents, checklists, and useful contacts to simplify the illness management process.

6. Tools and Resources

Managing employee illness can be a complex process, requiring careful adherence to legal requirements, clear communication, and detailed documentation. To help employers and employees navigate these challenges, this section provides practical tools and resources, including sample documents, checklists, and contact information for relevant organizations. These resources are designed to simplify the process, ensure compliance, and foster a smoother re-integration journey.

6.1 Sample Documents

Proper documentation is crucial for managing employee illness. Below are some essential templates that employers and employees can use to stay organized and compliant:

- **Notification of Illness Form:**
A simple form for employees to report their illness, including details such as the date of illness, expected duration (if known), and contact information. This helps ensure timely registration with the occupational health service (Arbodienst).
- **Plan of Action (Plan van Aanpak):**
A structured template for employers and employees to outline the steps for re-integration. The document should include:
 - The employee's current work capacity.
 - Agreed-upon actions and deadlines.
 - Roles and responsibilities of the employer, employee, and occupational health service.
- **Progress Meeting Report:**
A form for recording regular evaluations of the re-integration process, including updates on the employee's recovery and any adjustments to the Plan of Action.
- **End-of-Year Evaluation (Eerstejaarsevaluatie):**
A formal document summarizing the re-integration efforts after the first year of illness, as required by the Wet Verbetering Poortwachter.
- **Final Assessment for UWV Review:**
A comprehensive report documenting all re-integration efforts, including correspondence, evaluations, and actions taken. This report is critical for the RIV-toets conducted by the UWV at the end of the two-year period.

6.2 Checklists for Employers

Checklists can help employers stay on top of their responsibilities and deadlines. Here are two essential checklists:

Illness Notification Checklist

- Record the date of illness notification from the employee.
- Notify the occupational health service (Arbodienst).
- Maintain a record of all communication with the employee.
- Inform the UWV if the illness extends beyond six weeks.

Wet Verbetering Poortwachter Timeline Checklist

- Week 1: Notify the Arbodienst of the illness.

- Week 6: Ensure the company doctor prepares a Problem Analysis.
- Week 8: Collaborate with the employee to create a Plan of Action.
- Week 52: Conduct the First-Year Evaluation.
- Week 104: Submit all re-integration documentation for the UWV's RIV-toets.

6.3 Useful Contacts and Links

Navigating illness-related procedures often requires guidance from external organizations. Below are key contacts and resources:

- **UWV (Employee Insurance Agency):**
The UWV oversees sickness benefits, disability assessments, and re-integration reviews. Their website provides detailed guides and tools for both employers and employees.
 - Website: www.uwv.nl
 - Contact: 088 - 898 9294
- **Occupational Health Services (Arbodienst):**
Employers are required to collaborate with certified Arbodienst providers. Contact your Arbodienst for specific guidance on employee assessments and suitable work recommendations.
- **Dutch Labor Inspectorate (Inspectie SZW):**
This organization monitors compliance with employment laws, including illness-related procedures.
 - Website: www.inspectieszw.nl
 - Contact: 0800 - 5151
- **Legal and Advisory Resources:**
 - Dutch Federation of Employers (AWVN): Offers support and advice to employers managing workplace challenges.
 - Employee Council for Health and Safety (OR): A resource for employees to seek additional guidance.

6.4 Additional Tools for Digital Distribution

If this guide is being distributed digitally, consider including interactive features to enhance usability:

- **Interactive Checklists:** Allow employers to track deadlines and progress directly within the document.
- **Quick Reference Charts:** Summarize timelines, responsibilities, and wage payment rules in an easy-to-read format.
- **Embedded Links:** Provide direct access to relevant websites, legal texts, and contact forms.

With these tools and resources, employers and employees can navigate the complexities of illness procedures more efficiently. Proper documentation, clear communication, and proactive planning are key to managing these challenges effectively.

In the next part, we will examine real-life case studies and common pitfalls, offering insights into successful practices and lessons learned from non-compliance.

7. Case Studies and Common Pitfalls

Real-life examples can offer invaluable insights into how illness-related procedures are applied in practice. While successful cases demonstrate best practices, understanding common pitfalls can help employers and employees avoid costly mistakes. This section explores both scenarios, providing lessons to enhance compliance and collaboration in managing employee illness.

7.1 Real-Life Examples

A. Successful Re-Integration Case

Scenario:

An employee working in a physically demanding role suffers a back injury that prevents them from performing their usual tasks.

Actions Taken:

1. The employer promptly notifies the occupational health service (Arbodienst) and schedules an assessment.
2. By week 6, the company doctor provides a Problem Analysis recommending a temporary shift to administrative duties.
3. The employer collaborates with the employee to create a Plan of Action, which includes a timeline for gradually resuming physical tasks.
4. Regular evaluations are conducted to monitor progress and make necessary adjustments.

Outcome:

The employee transitions back to their original role within eight months. The employer's proactive efforts and adherence to the Wet Verbetering Poortwachter ensure compliance, avoid penalties, and maintain a positive working relationship.

Key Takeaway:

Open communication, timely actions, and a willingness to adapt workplace roles are critical for successful re-integration.

B. Non-Compliance and Its Consequences

Scenario:

An employer neglects to create a Plan of Action after an employee reports sick due to stress-related illness. No evaluations are conducted, and the employee feels unsupported.

Actions (or Lack Thereof):

1. The employee reports the lack of support to the UWV.
2. During the RIV-toets at the end of the two-year period, the UWV determines that the employer failed to fulfill their obligations under the Wet Verbetering Poortwachter.

Outcome:

The UWV extends the employer's wage payment obligation by an additional year, resulting in significant financial costs.

Key Takeaway:

Failure to adhere to re-integration timelines and requirements can result in legal and financial penalties. Consistent documentation and collaboration are essential.

7.2 Avoiding Common Mistakes

Mistake 1: Poor Communication

- **Example:** Employers fail to maintain regular contact with the employee, leading to misunderstandings and delays in re-integration.
- **Solution:** Establish clear communication channels and schedule regular progress meetings to discuss updates and concerns.

Mistake 2: Inadequate Documentation

- **Example:** Employers do not maintain records of re-integration efforts, such as evaluation reports or updated Plans of Action.
- **Consequence:** The UWV may find that the employer did not meet their obligations, resulting in penalties.
- **Solution:** Keep detailed documentation of every step in the process, including all communications and decisions.

Mistake 3: Ignoring the Role of the Arbodienst

- **Example:** Employers bypass advice from the occupational health service, offering unsuitable work or failing to adjust tasks appropriately.
- **Solution:** Follow the recommendations of the company doctor and involve the Arbodienst in every stage of the re-integration process.

Mistake 4: Overlooking Employee Responsibilities

- **Example:** Employees refuse to attend appointments with the company doctor or reject suitable work without valid reasons.
- **Consequence:** Employers may suspend wage payments, escalating tensions and delaying recovery.
- **Solution:** Educate employees about their responsibilities and emphasize the importance of collaboration.

7.3 Lessons Learned

From these case studies and common pitfalls, it becomes clear that successful management of employee illness depends on three critical factors:

1. **Proactive Planning:** Both employers and employees must take timely actions to comply with legal requirements and facilitate re-integration.
2. **Collaboration and Support:** Open communication and mutual trust are essential for navigating the challenges of illness. Employers should foster a supportive environment, while employees should remain engaged in their recovery process.
3. **Thorough Documentation:** Keeping comprehensive records of all steps taken ensures that all parties can demonstrate compliance if issues arise.

By learning from real-world examples and avoiding common mistakes, employers and employees can build a robust framework for managing illness in the workplace. In the conclusion, we will summarize the key takeaways from this guide and discuss how to plan proactively for illness-related procedures.

Conclusion

Managing employee illness is one of the most challenging yet essential aspects of fostering a compliant, supportive, and productive workplace. As this guide has shown, the key to navigating illness-related procedures lies in understanding the legal framework, fulfilling obligations proactively, and maintaining clear communication and collaboration between employers, employees, and occupational health services.

1. Key Takeaways

For Employers

- Be proactive: Act promptly when an employee reports illness. Notify the occupational health service, create a Plan of Action, and adhere to the timelines set out under the **Wet Verbetering Poortwachter**.
- Collaborate effectively: Work closely with the employee, the company doctor, and the UWV to facilitate re-integration.
- Document everything: Maintain clear records of communications, evaluations, and decisions to demonstrate compliance.
- Understand special situations: Whether dealing with fixed-term contracts, illness abroad, or maternity leave, adapt your approach to meet legal requirements.

For Employees

- Know your rights: Understand your entitlement to wage continuation, suitable work, and support during illness.
- Fulfill your responsibilities: Attend all appointments, participate in re-integration efforts, and maintain open communication with your employer.
- Seek support when needed: If you disagree with your employer or the company doctor, consult the UWV or an independent advisor for guidance.

2. Next Steps for Employers and Employees

Illness-related procedures are most effective when approached with a proactive and collaborative mindset.

- **For Employers:**
 - o Review your internal policies to ensure they align with Dutch employment law.
 - o Train HR staff and management on illness management procedures.
 - o Establish partnerships with reliable occupational health service providers.
- **For Employees:**
 - o Stay informed about your rights and responsibilities under Dutch law.
 - o Communicate openly with your employer about your condition and recovery.
 - o Utilize resources, such as the UWV, to address questions or disputes.

3. Staying Updated

Employment law and best practices evolve over time. Employers and employees must remain vigilant about changes to regulations and new insights into illness management.

- **Employers:** Invest in regular training and consult professional advisors to stay informed about updates to Dutch employment law.
- **Employees:** Periodically review your employment contract and relevant resources to ensure you understand your rights and obligations.

4. Final Thoughts

Handling employee illness effectively is about more than compliance; it's about creating a workplace culture that values transparency, support, and mutual respect. By understanding and fulfilling their respective roles, employers and employees can navigate even the most challenging situations with confidence and care.

This guide has provided a comprehensive roadmap for addressing illness-related procedures, from initial notification to re-integration and special circumstances. With the right knowledge, tools, and mindset, you can ensure a process that benefits not only the individual but also the organization as a whole.

If you have further questions or need additional support, consider consulting professional advisors or reaching out to the UWV and other relevant organizations. Preparedness and collaboration are the keys to success.

Thank you for taking the time to explore this guide. Together, we can navigate the complexities of employee illness with clarity and compassion.

Glossary of Terms

This glossary defines key legal and procedural terms from the guide.

Arbodienst (Occupational Health Services)

Certified health services that assist employers and employees in managing illness, assessing work capacity, and ensuring compliance with re-integration plans.

Burgerlijk Wetboek (Civil Code)

The Dutch Civil Code, which outlines employment rights and obligations, including employer duties to continue paying wages during illness.

CAO (Collective Labor Agreement)

A labor agreement between employers and unions that can establish higher wage continuation percentages and other conditions for employees.

Dismissal During Illness

The prohibition on terminating an employee during the first two years of illness, with limited exceptions.

Eerstejaarsevaluatie (First-Year Evaluation)

A mandatory evaluation conducted after one year of employee illness to assess re-integration progress and update plans for the second year.

Employer Documentation

The detailed records employers must maintain throughout the illness and re-integration process, crucial for demonstrating compliance during the RIV-toets.

Fixed-Term Contracts and Illness

Special provisions for employees on fixed-term contracts who become ill, transitioning to sickness benefits through the UWV if their contract ends.

Illness Abroad

The responsibility of employees to report illness while abroad and comply with Dutch laws, including providing medical certificates.

Maternity Leave and Illness

Protections for employees who become ill during maternity leave, ensuring uninterrupted maternity benefits.

Passende Arbeid (Suitable Work)

Tasks or roles adapted to an employee's abilities during recovery, determined in consultation with occupational health services.

Plan van Aanpak (Plan of Action)

A structured re-integration plan jointly created by the employer and employee, outlining steps and timelines to facilitate recovery and return to work.

Pregnancy-Related Illness

Illness connected to pregnancy that entitles employees to maternity leave benefits instead of sickness pay.

Probleemanalyse (Problem Analysis)

A report prepared by the company doctor by week six of illness to evaluate the employee's condition and provide recommendations for re-integration.

Re-Integration Timeline

The structured two-year process established by the Wet Verbetering Poortwachter to facilitate an employee's return to work.

RIV-toets (Re-Integration Review)

An assessment conducted by the UWV after two years of illness to determine whether the employer and employee have met their legal re-integration obligations.

Sickness Versus Disability

- *Sickness*: A temporary inability to work due to health issues.
- *Disability*: A long-term or permanent reduction in work capacity.

Suitable Work Accommodations

Adjustments made to tasks, hours, or work environments to enable employees to work during recovery.

UWV (Employee Insurance Agency)

The Dutch government agency responsible for overseeing sickness and disability benefits, as well as reviewing compliance with illness management laws.

Wage Continuation

The employer's obligation to pay at least 70% of an employee's salary during the first two years of illness, subject to certain conditions.

Wet Verbetering Poortwachter (Improved Gatekeeper Act)

A Dutch law governing the re-integration process for ill employees, including timelines and responsibilities for both employers and employees.

Ziektewet (Sickness Benefits Act)

A law providing sickness benefits to employees who are not eligible for wage continuation, such as those on temporary contracts or unemployed.

FAQ Section

1. What should I do when an employee reports sick?

- **Employers:** Record the illness date and notify your occupational health service (Arbodienst) immediately. Maintain open communication with the employee and follow the required steps outlined in the Wet Verbetering Poortwachter.
- **Employees:** Notify your employer as soon as possible and provide relevant details about your condition. Be prepared to attend consultations with the occupational health service.

2. How long am I required to pay wages during an employee's illness?

Employers must continue paying at least 70% of the employee's salary for up to two years, provided the employee cooperates with re-integration efforts. Some contracts or CAOs may require higher payments, especially in the first year.

3. What are my rights as an employee if I become ill?

Employees are entitled to:

- At least 70% of their salary for up to two years.
- Suitable work accommodations during recovery.
- Maternity leave benefits if the illness is pregnancy-related.
- Guidance from occupational health services.

4. What happens if an employee refuses to cooperate in re-integration efforts?

If an employee fails to comply without a valid reason (e.g., refusing suitable work or missing medical consultations), the employer may suspend or reduce wage payments after following proper procedures.

5. What is "passende arbeid" (suitable work), and who decides what it involves?

"Passende arbeid" refers to tasks or roles that align with an employee's current abilities during recovery. The suitability of work is assessed based on advice from the company doctor (bedrijfsarts) and occupational health services.

6. What is the Wet Verbetering Poortwachter, and why is it important?

The Wet Verbetering Poortwachter (Improved Gatekeeper Act) is a Dutch law that sets out clear responsibilities and timelines for employers and employees to ensure effective re-integration during illness. Non-compliance can lead to penalties, such as extended wage payments for employers.

7. What if an employee is still ill after two years?

After two years of illness, the UWV will assess the re-integration efforts (RIV-toets). If all obligations have been met and the employee cannot return to work, they may apply for disability benefits. If the employer has not met their responsibilities, they may be required to continue wage payments for an additional year.

8. Can an employer dismiss an employee during illness?

In general, dismissal is prohibited during the first 104 weeks (two years) of illness. Exceptions include gross misconduct or situations unrelated to the illness (e.g., company closure). After two years, dismissal may be possible with approval from the UWV or a court.

9. What are the employer's obligations for fixed-term contract employees who fall ill?

Employers must continue paying wages and fulfill re-integration obligations until the contract ends. If the employee remains ill after the contract expires, they may apply for sickness benefits under the Ziektewet.

10. What should employers do if an employee becomes ill while abroad?

Employees must notify their employer immediately and provide medical documentation from a local healthcare provider. Employers must work with the Arbodienst to assess the condition and manage re-integration, even remotely.

11. What is the role of the UWV in managing illness-related procedures?

The UWV oversees compliance with re-integration laws, processes sickness benefit applications, and conducts the RIV-toets after two years of illness to evaluate whether employers and employees have met their obligations.

12. How can employers ensure compliance with illness management laws?

Employers should:

- Notify the Arbodienst and UWV promptly.
- Create and update a Plan of Action (Plan van Aanpak).
- Follow timelines set by the Wet Verbetering Poortwachter.
- Document all re-integration efforts thoroughly.

13. How can employees address disagreements about re-integration plans or medical assessments?

Employees can consult an independent company doctor (bedrijfsarts) or file a complaint with the UWV if they disagree with their employer or the occupational health service.

Sample Forms and Templates

1. Notification of Illness Form

Purpose: To document employee illness and initiate the re-integration process.

Employee Information

- Name: _____
- Employee ID: _____
- Position: _____

Illness Details

- Date of Notification: _____
- First Day of Illness: _____
- Description of Illness (optional, privacy rules apply): _____
- Expected Duration (if known): _____

Employer Actions

- Date Occupational Health Service (Arbodienst) Notified: _____
- Assigned Contact Person: _____
- Comments/Notes: _____

Signatures

- Employee: _____ Date: _____
 - Employer/HR Representative: _____ Date: _____
-

2. Plan of Action Template

Purpose: To outline the steps for re-integration.

Employee Information

- Name: _____
- Position: _____

Employer Information

- Company Name: _____
- Assigned Contact Person: _____

Problem Analysis Summary

- Prepared by: _____ Date: _____
- Key Findings: _____

Re-Integration Actions

- Suitable Work Identified: _____
- Adjustments to Workplace/Tasks: _____
- Training or Support Required: _____

Timeline and Milestones

Date	Action/Task	Responsible Party	Notes
_____	_____	_____	_____
-	-	-	-
_____	_____	_____	_____
-	-	-	-

Signatures

- Employee: _____ Date: _____
- Employer: _____ Date: _____

3. Re-Integration Progress Meeting Report

Purpose: To document regular evaluations of the re-integration process.

Meeting Information

- Date: _____
- Participants: _____

Progress Summary

- Current Work Capacity: _____
- Updates on Suitable Work/Tasks: _____
- Changes in Health Condition: _____

Adjustments to the Plan of Action

Original Plan	Adjustments Made	Reason for Change	Notes
_____	_____	_____	_____

Next Steps

- Agreed Actions: _____
- Timeline: _____

Signatures

- Employee: _____ Date: _____
- Employer: _____ Date: _____

4. Final Assessment for UWV Review

Purpose: To summarize compliance and actions during the re-integration process.

Employee Information

- Name: _____
- Position: _____

Employer Information

- Company Name: _____
- Assigned Contact Person: _____

Summary of Re-Integration Efforts

- Problem Analysis Date: _____
- Plan of Action Date: _____
- Progress Meeting Dates: _____

Key Actions Taken

Date	Action	Outcome	Notes
_____	_____	_____	_____

Reasonable Efforts Made by Employer:

- Yes / No (Attach supporting documentation)

Signatures

- Employee: _____ Date: _____
- Employer: _____ Date: _____

Quick Reference Charts

Timeline of Responsibilities (Week 1 to Week 104)

Week	Responsibility	Action Required
1	Reporting Illness	Employee notifies employer; employer contacts Arbodienst.
6	Problem Analysis	Company doctor prepares a Problem Analysis.
8	Plan of Action	Employer and employee create the Plan of Action.
26	Progress Meeting	Evaluate progress and adjust Plan of Action if needed.
52	First-Year Evaluation	Conduct formal evaluation of re-integration efforts.
104	Final Assessment and RIV-toets	Submit documentation to UWV for review.

Wage Payment Rules (Percentage and Duration)

Period	Wage Percentage	Notes
First Year	At least 70%	Often higher (e.g., 100%) as per CAO or contract.
Second Year	At least 70%	Employers may reduce payments but cannot go below 70%.
Beyond Two Years	No obligation	If obligations are met, employee transitions to UWV benefits.

Exceptions: Payments can be reduced or suspended if the employee fails to cooperate with re-integration efforts.

Steps for Reporting to the UWV

- Illness Notification:**
Report to the UWV if the illness extends beyond six weeks.
- Provide Documentation:**
Submit the Problem Analysis and Plan of Action for UWV records.
- Progress Updates:**
Keep the UWV informed about significant changes or delays in re-integration.
- Final Submission (RIV-toets):**
After 104 weeks, submit all re-integration records, including problem Analysis, plan of Action, progress Meeting Reports and Final Assessment
- Review Outcome:**
Respond to any feedback or penalties based on UWV's review.

These appendices are intended to simplify the practical application of illness-related procedures and serve as a quick reference for key concepts, laws, and resources. Whether you're managing a new illness case or reviewing your compliance strategies, this section ensures you have the tools and information you need at your fingertips.

Interactive Checklists

Interactive checklists allow users to track their progress through illness-related procedures in real time. These can be especially helpful for employers managing multiple cases or employees seeking to understand their obligations.

Employer Checklist

Purpose: Track compliance with illness management laws and key deadlines.

1. Illness Notification

- Record the illness notification date.
- Notify the Arbodienst (Occupational Health Services).
- Confirm internal communication with HR or relevant teams.
- Inform the UWV if illness exceeds six weeks.

2. Problem Analysis (Week 6)

- Schedule an assessment with the company doctor.
- Receive the Problem Analysis from the Arbodienst.
- Review and document findings.

3. Plan of Action (Week 8)

- Collaborate with the employee to create a Plan of Action.
- Define suitable work and workplace accommodations.
- Set clear re-integration goals and timelines.

4. Progress Evaluations

- Schedule regular progress meetings with the employee.
- Update the Plan of Action as needed.
- Maintain records of all evaluations and updates.

5. First-Year Evaluation (Week 52)

- Conduct a formal evaluation of re-integration efforts.
- Adjust the Plan of Action based on the evaluation.
- Document outcomes and next steps.

6. Final Assessment (Week 104)

- Compile all documentation for the UWV RIV-toets.
- Submit Problem Analysis, Plan of Action, and evaluation reports.
- Respond to UWV inquiries or feedback.

Additional Features for Digital Use:

- **Mark Completed:** Clickable checkboxes for each step.
- **Reminders:** Automated alerts for deadlines (e.g., six-week Problem Analysis).
- **Progress Summary:** Percentage tracker to monitor overall compliance.

Employee Checklist

Purpose: Ensure compliance with legal responsibilities and track recovery milestones.

1. Illness Reporting

- Notify your employer immediately about your illness.
- Provide relevant details while respecting privacy laws.
- Confirm the Arbodienst has been informed.

2. Initial Steps

- Attend the first appointment with the company doctor.
- Discuss your condition and work capacity.
- Cooperate in developing the Problem Analysis.

3. Plan of Action

- Review the Plan of Action created with your employer.
- Agree on suitable work and accommodations.
- Keep a copy of the Plan of Action for your reference.

4. Re-Integration Steps

- Attend all scheduled progress evaluations.
- Communicate openly about your recovery progress.
- Notify your employer or the Arbodienst of any significant health changes.

5. Wage Payment Milestones

- Confirm receipt of wage continuation (first year: typically 70%-100%).
- Track wage adjustments (second year: at least 70%).
- Understand your transition to UWV benefits after two years, if applicable.

6. Dispute Resolution

- Seek a second opinion if you disagree with the company doctor.
- Consult the UWV for advice if needed.

Additional Features for Digital Use:

- **Mark Completed:** Clickable checkboxes for tasks.
- **Milestone Tracker:** Visual timeline of wage payments and evaluations.
- **Support Resources:** Embedded links to UWV or legal advisors for assistance.

Implementation Suggestions

For digital interactivity:

- **WordPress Plugins:** Use checklist or task management plugins like WP Checklist.
- **Notion Templates:** Set up the checklist with reminders and progress trackers.
- **Google Sheets/Excel:** Create a shareable sheet with checkboxes and automatic deadline alerts.

- **HR Platforms:** Integrate these checklists into employee management tools like BambooHR or SAP SuccessFactors.

These interactive checklists ensure that employers and employees can efficiently track their responsibilities while adhering to Dutch illness management laws.

Quick Reference Charts

Easy-to-read charts for quick decisions and compliance checks.

1. Timelines: Re-Integration Deadlines

A visual overview of key deadlines under the Wet Verbetering Poortwachter.

Week	Action/Deadline	Responsible Party
1	Employee reports illness to employer.	Employee
	Notify Arbodienst about the illness.	Employer
6	Problem Analysis completed by the company doctor.	Employer & Arbodienst
8	Plan of Action created collaboratively.	Employer & Employee
26	Progress evaluation conducted.	Employer & Employee
52	First-Year Evaluation completed.	Employer & Employee
104	Submit documentation for RIV-toets.	Employer

2. Wage Payment Rules

Breakdown of wage continuation percentages and durations, including common CAO provisions.

Period	Minimum Legal Requirement	Common CAO Agreement	Notes
First Year	At least 70% of salary	Often 100%	May vary based on employment contracts or CAOs.
Second Year	At least 70% of salary	Often 70%-80%	Employers can lower payments but not below 70%.
Beyond Two Years	No obligation	Not applicable	Employees transition to UWV benefits if eligible.

3. Responsibilities at a Glance

Clear delineation of obligations for both employers and employees during the illness process.

Phase	Employer Responsibilities	Employee Responsibilities
Illness Notification	Notify Arbodienst; document illness details.	Inform employer promptly; provide necessary details.
Problem Analysis	Schedule assessment with company doctor; review findings.	Attend medical assessment; provide relevant health updates.
Plan of Action	Collaborate on creating a detailed plan for re-integration.	Actively participate in discussions about suitable work.

Phase	Employer Responsibilities	Employee Responsibilities
Re-Integration	Offer suitable work; monitor progress through evaluations.	Cooperate with re-integration steps and attend meetings.
First-Year Evaluation	Conduct formal review of efforts and update the Plan.	Provide input on re-integration progress.
Final Assessment	Submit required documentation to the UWV (RIV-toets).	Ensure compliance with all agreed-upon re-integration steps.

Usage Suggestions

- **Digital Tools:** Integrate these charts into HR management software or online guides for quick reference.
- **Visual Aids:** Print as posters for office use or include in onboarding materials for HR teams.
- **Mobile Accessibility:** Convert these charts into mobile-friendly formats (e.g., PDFs or app features) for ease of use.

These quick reference charts streamline complex procedures into digestible information, ensuring compliance and effective decision-making for all stakeholders.

Call-to-Action: Get Professional Advice

Encourage users to seek expert guidance for complex cases:

- **Employers:** Work with legal advisors or HR consultants to ensure compliance and avoid penalties.
- **Employees:** Contact the UWV or an independent advisor for support in case of disputes or unclear re-integration expectations.

This call-to-action serves as a reminder that while the guide provides comprehensive information, professional advice can offer tailored solutions to specific challenges.

Why These Features Matter

By incorporating these additional features, this guide becomes more than a static resource—it transforms into a dynamic, user-friendly tool that empowers employers and employees to confidently navigate the complexities of managing illness in the workplace. These features ensure clarity, simplify procedures, and enhance the overall user experience, making the guide a practical companion for all stakeholders.

Useful Links and Resources

This page provides essential links to organizations, tools, and information to help employers and employees navigate illness-related procedures effectively.

Government Resources

1. UWV (Employee Insurance Agency)

- Role: Oversees sickness and disability benefits, re-integration reviews, and compliance checks.
- Website: www.uwv.nl
- Contact: 088 - 898 9294

2. Dutch Labor Inspectorate (Inspectie SZW)

- Role: Monitors compliance with employment laws, including illness management procedures.
- Website: www.inspectieszw.nl
- Contact: 0800 - 5151

3. Netherlands Enterprise Agency (RVO)

- Role: Provides general support and guidance for employers managing workplace obligations.
- Website: www.rvo.nl

Occupational Health Services (Arbodienst)

- Employers must collaborate with certified occupational health providers. Contact your chosen Arbodienst for guidance on illness assessments and re-integration.
- **Directory of Certified Providers:** www.ohra.nl/arbodienst

Legal and Advisory Organizations

1. Dutch Federation of Employers (AWVN)

- Role: Offers advice and tools for employers navigating employment law challenges.
- Website: www.awvn.nl

2. Employee Council for Health and Safety (OR)

- Role: Supports employees in addressing workplace health and safety concerns.
- Website: www.or.nl

3. Netherlands Bar Association (Advocatenorde)

- Role: Find qualified legal advisors for employment disputes.
- Website: www.advocatenorde.nl

Re-Integration Tools and Templates

1. Re-Integration Plan Templates (UWV)

- Download sample Plans of Action and evaluation forms.
- Website: www.uwv.nl/plans

2. Interactive Illness Management Checklists

- Manage deadlines and re-integration steps.
- Website: www.hrchecklists.nl

Additional Resources

1. Dutch Civil Code (Burgerlijk Wetboek)

- Details on employment laws and employer obligations.
- Website: www.overheid.nl/burgerlijkwetboek

2. Ziektewet (Sickness Benefits Act)

- Explanation of sickness benefits for employees without wage continuation rights.
- Website: www.rijksoverheid.nl/ziektewet

Suggestions for Use

- Bookmark these links for easy access during illness management cases.
- Share this list with HR professionals, employees, or legal advisors to ensure everyone has the tools they need.

These resources are designed to simplify the process and provide clarity for both employers and employees navigating illness procedures in the Netherlands.

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