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NEWS REPORT

Country:	The Netherlands
Title:	Legislative amendments to Acts relating to employment and care
Date:	18 February 2015
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<u>Context</u>	
Issue at stake:	Legislative changes in the field of employment and care
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment; pregnancy and maternity; parental leave; care leave; adjustment of working time
Applicable law:	Employment and Care Act, Act on the Adjustment of Working Hours

Content

Legislative developments: On 1 January 2015 a number of changes to the Employment and Care Act (*Wet arbeid en zorg*) and the Act on the Adjustment of Working Hours (*Wet aanpassing arbeidsduur*) came into effect. The changes aim to facilitate the reconciliation of work and care. The most important changes are:

In the Employment and Care Act:

- Introduction of a right to parental leave (unpaid) of three days for fathers following the birth of a child, in addition to the pre-existing two days of paid father's leave (art. 6:5 § 4);
- Abolition of the requirement of a minimum of one year's employment before requesting parental leave (art. 6:6);
- Introduction of the possibility to spread the leave for foster care or adoption instead of being required to take four weeks consecutively (art. 3:2 § 4);
- Widening of the period during which the leave for foster care or adoption can be taken, from 18 to 26 weeks (art. 3:2 § 2);
- Extension of the possibility to take care leave. As of 1 July 2015 this leave need not only be used for children, parents and partners; but also to take care of brothers, sisters, grandparents, grandchildren, roommates and other relations who are dependent upon the help of the employee (art. 5:1);
- Extension of maternity leave by a maximum of 10 weeks in situations where children must remain in hospital for a long time (after birth) (art. 3:1 § 5);
- Transfer of the untaken maternity leave to the partner of the mother in the event of her death; the partner being the one the mother is married to or has a civil partnership with or the one who acknowledged the child (art. 3:1a);
- Introduction of the possibility to spread the maternity leave that remains after six weeks over a maximum period of 30 weeks (part-time maternity leave) (art. 3:1 § 6);

- Increase of pregnancy leave in cases of multiple births (the date of entry into force of this article is still unknown).

In the Act on the Adjustment of Working Hours:

- Shortening of the term for requesting adjustment of working hours, from once every two years to once every year (art. 2 § 3);
- Introduction of the possibility to request the adjustment of working hours in the cases of force majeure (art. 2 § 1).

Key points of analysis: The legislative changes aim to improve the reconciliation of work and care; and to prevent employees from resigning, becoming overloaded, or falling ill. However, the changes are relatively small; the parental leave and care leave are often unpaid and employers are not always happy with employees exercising their rights to leave. It is therefore doubtful whether the changes will have any substantive effect on the reconciliation of work and care.

Internet link source:

Employment and Care Act:

http://wetten.overheid.nl/BWBR0013008/geldigheidsdatum_23-02-2015

Act on the Adjustment of Working Hours:

http://wetten.overheid.nl/BWBR0011173/geldigheidsdatum_23-02-2015