



# Netherlands: Working Hours Adjustment Act (Wet Aanpassing Arbeidsduur)

**Presented by:** 4ELEMENTS (GR)

**Key words:** Labour Law, legal right to change of working hours, reconciliation of professional and private life

**Main target group:** Parents (probably mostly: mothers) of small children

## Part. 1: General description of the measure

Country and title of the measure	Working Hours Adjustment Act (Wet Aanpassing Arbeidsduur), The Netherlands
<b>Type of Measure:</b> Please specify if it is a law, a policy, a program, a recommendation, a tool, etc	Labour Law
<b>Who started the Measure:</b> if possible, please give the name and/or function of the person or department.	Dutch Ministry of Social Affairs and Employment
<b>Who is implementing the Measure?</b> If it is a company, please specify the size and sector.	Public and private sector
<b>Partnership.</b> Who are the partners and/or others actors involved? Which role do they have?	n/a
<b>Short Description of the measure.</b> Please	The Working Hours Adjustment Act (Wet Aanpassing Arbeidsduur) was developed in the framework of the 'work and care' policy in the

<p>mention content, objectives, target groups, beneficiaries; time frame or duration and the activities carried out. Please mention the legal framework and if there are specific sanctions foreseen for non compliance with the measure</p>	<p>Netherlands.</p> <p>The Act, which came into force in 2000, provides the employee with the option to request a reduction of working hours, in order to facilitate the coexistence of paid work duties on the one hand and care tasks on the other. The employer has to agree with the employee's request if there are no justifiable management issues that would oppose the business pursuit.</p> <p>The Working Hours Adjustment Act foresees that the employee is entitled to claim an adjustment of the working hours originally stipulated in his/her contract.</p> <p>The procedure foreseen dictates that the claim/request must be submitted by the employ in written, at least four months prior to the requested starting date. Besides the proposed starting date, it should also include the duration of the adjustment period and the adjustment requested in itself (e.g. hours per week). Irrespectively of whether a prior request has been granted or denied, an employee can submit an adjustment claim once every two years.</p> <p>Once the employee files the request, the employer is obliged by the Act to have a discussion on the issue with the employee. Also, the Act foresees that the employer's verdict on the request should be provided in written to the employee. The written decision of the employer has to be well-justified in case it is negative or different from the adjustment requested by the employee. Failure of the employer to make a decision as early as a month before the starting date suggested by the employee results in the implementation of the adjustment requested as it is foreseen in the latter's claim.</p> <p>Protection of the employee from potential victimization is also foreseen in the Act. More specifically, Article 3 foresees that the employer cannot dismiss the employee in the occasion of the latter filing a working hours adjustment request. In case the employer unilaterally terminates the employment contract under these circumstances, the termination is invalid as it is considered a violation of public morals. The Act foresees that, in this occasion, the employee can appeal for the termination's invalidity in a timeframe of two months.</p> <p>With reference to the possibility of non-abidance, possible problems may arise due to three reasons: firstly, disagreement between the employer and the employee about the reduction or increase of working hours; secondly, the exact starting date of the adjustment and thirdly, the work schedule once the adjustment is in place.</p> <p>The Act foresees the settlement of conflicts in court.</p>
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	Source: Marlot Tak, Krijn de Veer, Charlotte van Heijst and Leonieke Suurd, Utrecht University, <i>Reconciling work and family life in the Netherlands</i> , Leicester, UK, April 2014, <a href="https://www2.le.ac.uk/departments/law/research/ewl/files/european-working-group-on-labour-law-netherlands-report-2014-pdf">https://www2.le.ac.uk/departments/law/research/ewl/files/european-working-group-on-labour-law-netherlands-report-2014-pdf</a>
<b>Purposes.</b> Which are the direct purposes of the Measure, if applicable, the indirect ones?	The direct purpose of the Measure is the adjustment of the working hours of the employee in order to facilitate the reconciliation of working life and family care duties.
<b>Funds.</b> Which are the funding sources for the Measure?	n/a

## Part. 2: Qualifying aspects of the measure relative to OGPG

<b>Effectiveness.</b> Please describe which aspects relevant to problems about the Gender Pay Gap are considered and overcome by the Measure.	Workplace practices, including working hours, constitute a major factor affecting the Gender Pay Gap, as they highly affect the employee's personal life. Working hours correspond with a certain wage and at the same time they have to allow the employee to overlook effectively his/her personal life. Flexibility in working hours can be beneficial for working mothers or single-parent families, as it allows them to reconcile work with family duties. Obstacles as such related to the successful combination of working life with family obligations (especially for women) are being dealt with by the particular legislative measure.
How did the Measure manage to reduce Gender Pay Gap?	Overall, and as stated by the authors, it seems that the measure of working hours' flexibility has had positive effects on employment and productivity in the Netherlands, as it allows employees and, especially working mothers, as women tend to be more burdened by family obligations related to young children, to reconcile work with family life, thus contributing to the positive alteration of one factor significantly affecting the occurrence of gender pay gap.
Does the Measure involve other stakeholders and different actors (e.g. Local Government)	Yes. Taking into account that is a legislative measure at national level, it involves a series of other stakeholders (including trade unions)
<b>Monitoring.</b> Does the Measure provide	n/a

internal assessment and monitoring of the results?	
Has the Measure foreseen an analysis of the satisfaction of the women's needs?	n/a
<b>Innovation.</b> Has the Measure produced new working conditions, especially referring to female employees? ( e.g. develop new policy and service, introduce new ways of working as smart-working?)	Yes, as it has already been mentioned above, the measure of working hours' flexibility has produced new working conditions, as it has had positive effects on employment and productivity in the Netherlands, as it allows employees and, especially working mothers, to reconcile work with family life.
<b>Reproducibility.</b> Can the Measure easily be reproduced in other contexts?	Yes, the Measure is transferrable to other contexts. As a good practice, it could be reproduced in other national legislative frameworks of EU member-states. Such a legislative action could be preceded by a dialogue with all relevant stakeholders (trade unions etc), aiming at the incorporation of national specificities into the legislative initiative. Taking into account national characteristics, the action could be piloted in a sector-specific manner. For example, in Greece, it could be piloted in the sector of Tourism during low season, in order to be assessed and evaluated. Based on evaluation, the initiative could incorporate corrective measures for the measure application during high season.
<b>Comment (own evaluation or experts' opinion).</b> If possible, please specify what facilitates the success and where are the obstacles	Overall, it seems that working hours' flexibility has had positive effects on employment and productivity in the Netherlands, as it allows employees, especially working mothers, to reconcile work with family life. However, taking into account that initially, the number of work time requests was far below what would be anticipated by surveys of worker preferences, it is recommended that this kind of legal initiatives is accompanied by awareness-raising campaigns. The latter should aim at familiarizing employees with the benefits of part-time work and with the legal framework which provides them with that option.
<b>Further Information</b>	Marlot Tak, Krijn de Veer, Charlotte van Heijst and Leonieke Suurd, Utrecht University, <i>Reconciling work and family life in the Netherlands</i> , Leicester, UK, April 2014, <a href="https://www2.le.ac.uk/departments/law/research/ewl/files/european-working-group-on-labour-law-netherlands-report-2014-pdf">https://www2.le.ac.uk/departments/law/research/ewl/files/european-working-group-on-labour-law-netherlands-report-2014-pdf</a>