agency providing knowledge to assist in the development of better social, employment and work-related policies

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Netherlands: Working time flexibility

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| 🌐 **Netherlands** | Phase: | Management |
| | Type: | Working time flexibility |

📅 *Last modified: 18 June, 2021*

| Native name: | **Wet op flexibel werken;** |
| English name: | **Law on flexible work;** |

Article

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Description

Flexible work

Employees with at least one year of service with an employer which employs at least 10 employees are entitled to ask their employer for an increase or decrease in their working hours (for example, a switch to or from part-time hours). The request must be made at least four months prior to the proposed change in working hours. In principle, the employer should honour such a request unless there is a significant business or service interest involved in not doing so.

In the event of a reduction in working hours, there is in any event a significant business or service interest if the reduction:

- causes problems for the business for the reallocation of the hours;
- causes safety problems;
- causes roster problems.

In the case of an increase in working hours, there is in any event a significant business or service interest if the increase:

- leads to financial or organisational problems;
- is not supported by sufficient work;
- is not in line with an established formation or staff budget.

Two years after a request has been denied, the employee is entitled to file a new request. Furthermore, apart from the amount of hours, employees can request a change in the timing of the hours worked, if this is possible and in line with the activities of the company. In addition, employees are allowed to request a change of location at which they work. For example they are allowed to request placement at a different company's establishment, or to work from home. Grounds for rejection by the employer for these kinds of requests are the same as for a requests for an increase or decrease in working hours. In the event of a change in working time, there is a serious business or service interest if the adjustment results in serious problems in the field of safety, in the roster or in problems of a financial or organisational nature.

Comments

This act is not specific to restructuring situations but applies generally.

Some employer's organisations are of the opinion that the act is difficult to execute for companies that are just above the employee threshold established in the act. For example if an employee wishes to work fewer hours, it can be difficult, but not impossible, to replace him/her. In such a case, an employer is obliged to either grant the employee's wish and search for partial replacement, or build a case as to why the employee can not work fewer hours, which can be a time consuming process.

Cost covered by

Not applicable

Involved actors other than national government

National goverment only

Thresholds

Company size by number of employees:
10

Sources

📖 Law on Flexible Work (Dutch)

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