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Netherlands: Notice period to employees

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Netherlands

Phase:

Management

Type:

Notice period to employees

Last modified: 10 December, 2021

Native name: **Burgerlijk Wetboek**

English name: **Civil code**

Article

Book 7, article 672

Description

Duration of the notice period to employees

The statutory notice period that needs to be given to the employee is related to the length of service of the employee in the company:

- one month for less than 5 years of service;
- two months for 5 to less than 10 years of service;
- three months for 10 to 14 years of service;
- four months for 15 or more years of service.

A shorter notice period is only allowed if it is agreed in a collective agreement. The notice period is the same for individual and collective dismissals.

Both parties may agree as an exception that the notice period for the employee is longer than the legal period, but it cannot exceed six months. If this procedure is followed, the notice period for the employer must be double of the notice period of the employee. The standard notification period for employees is one month.

If the employee is on a zero-hours contract the notice period is four days or shorter if agreed in collective bargaining agreements (Art.672, par.5).

The sanction for non-compliance is the liability for damages.

Appropriate manner of giving notice

If the termination is for reasons other than those mentioned in the Civil code as grounds for immediate dismissal (e.g. theft, drunkenness, fraud and so on), official notice of termination must be given once the dismissal permit has been issued by the public employment service, collective labour market agreement committee or court (depending on circumstances). Such notification has to be given before the end of the month. The precise form in which it is given is not specified in law. However, authorities generally agree that a written notice is superior to an oral notice (for the purpose of evidence), and that notice should be given by registered mail. The party who is given notice (usually the employee) has a right to know the reason for said notice.

Other matters pertaining to the notice period

If one of the parties (almost always the employer, but the employee may also terminate for immediate reasons) does not abide by the periods mentioned in the law or in the collective agreement, they may have to pay for the damages. This party owes the other party compensation equal to the amount of the wages determined in money over the period that the employment contract should have continued in the event of regular termination. Given extraordinary circumstances, the amount of compensation may be mitigated by the court.

Since 1 July 2015, the duration of a permit procedure at the public employment office, or a court procedure, may be subtracted from the notice period on the condition that the notice period is not shorter than one month.

Comments

For contracts with limited terms which end because the terms expire, some employers find the notice period bothersome. If the employment contract has a term of six months or longer and the employment contract does not

apply for a temporary employment contract, the employer must inform the employee in writing, no later than one month before the employment contract expires, whether he or she wishes to continue the employment contract and under which conditions. The notice can be forgotten easily, especially for small companies without an HR department. It can expose the employer to a potential fine of a month's wage which has to be paid to the employee. In addition, prolongation of on probation contracts must be done in writing.

Cost covered by

Employer

Involved actors other than national government

Public employment service

Other





Involvement others

Courts, Collective Labour Agreement Committee

Thresholds

No, applicable in all circumstances

Sources

-  [Article 7:672 of the Civil Code](#)
-  [Notice periods \(Period\)](#)
-  [Ius Laboris \(2011\), Individual dismissals across Europe, Brussels](#)
-  [Ius Laboris \(2009\), Collective redundancies guide, Brussels](#)

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