

# Absenteeism Guideline

## *‘FIT for the travel industry’*

This absenteeism guideline enters into effect on *[date]* and has been approved by the *[works council (or staff representative)]* of *[name of employer]*. It is a part of *[the company regulations]* of *[name of employer]*.

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## Introduction

Employees who feel vital and happy while they are at work: that's what healthy business operations are all about. However, sometimes you are unable to do so, because physical or mental complaints are preventing you from feeling 'FIT', or if you feel like the organisation or your work are not the right 'FIT' for you. This can lead to absenteeism.

### **Why do we use the term 'FIT'?**

Your overall condition determines how 'FIT' you are. 'FIT' is often used to refer to your physical endurance, but your mental state of being also contributes to how 'FIT' you feel and are.

We also use the term 'FIT' in this guideline to determine whether there is a perfect 'FIT' between you, your work, and the organisation. In short, are you being challenged, does the work suit you, do you feel connected to your co-workers and work environment?

### **Why has this absenteeism guideline been developed?**

To ensure that employees such as yourself can be supported optimally in the event of absenteeism, clear agreements regarding such support have to be made beforehand. This is the only way to ensure a good absenteeism policy and to be able to work together with all of the parties involved to enable you to return to work in a responsible manner and as soon as possible. We use a so-called *absenteeism guideline* to help us shape our absenteeism policy for the organisation.

What is more important, however, is how we can come together to work on preventing absenteeism altogether. Good communication is essential for us to be able to do so.

### **Legal obligations for employers and employees**

In the Netherlands, there are certain legal requirements with regard to absenteeism as the result of illness. These are outlined in the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter), see appendix 1. This act describes the reintegration efforts that both employers and employees must make, and how to effect the employees' return to work in a responsible manner, and as soon as possible. For example, the act requires employers to keep reintegration files, outlining all of the efforts that both employer and employee make to achieve successful work resumption.

### **Compliance with this absenteeism guideline**

This absenteeism guideline outlines the most important obligations and agreements, which will enable all parties to take the right steps during a period of absenteeism. It is essential for both employer and employee to comply with this guideline, because we bear shared responsibility for your work resumption.

### **10 tips & tricks**

Appendices 4 and 5 of this guideline contain the 10 most important tips and tricks for both employees and supervisors (or case managers) in the event of absenteeism as the result of illness. If you read these appendices after reading the overall absenteeism guideline, this will ensure that everyone is clear on the most important focus areas for providing guidance and monitoring during absenteeism.

**Reiswerk**

The development of this general absenteeism guideline was a Reiswerk ([www.reiswerk.nl](http://www.reiswerk.nl)) initiative. Reiswerk advises and stimulates employers and employees to comply with this absenteeism guideline to aid in the professionalisation of the absenteeism policy.

The employer is entitled to make changes or additions to this absenteeism guideline in line with their own understandings and views and include these as an appendix in their company regulations (after these have been approved by the works council or staff representative). This absenteeism guideline should not be taken as an official appendix of the travel industry's collective labour agreement.

# Chapter 1. Preventing absenteeism - 'FIT' for work!

## 1.1 The optimal 'FIT'

Most employees invest a large portion of their time and effort in their work. Our work allows us to generate our income and stimulate our personal development.

When employees feel strongly connected to the organisation they work for, they will feel less inclined to call in sick, because they will feel a responsibility towards their co-workers and their employer. On top of that, employees who are connected and committed are usually more motivated and more easily employable, which means that they tend to experience less potential reasons for calling in sick.

If organisations are able to focus on creating strongly connected, committed, and healthy employees who are able to continue developing, they will be able to limit absenteeism to a minimum. There will always be situations that will require employees to call in sick, but by working together or ensuring connectivity, commitment, vitality, development, and in short, the perfect 'FIT', we will be able to take the next step in preventing absenteeism.

## 1.2 The key to success

The key to success when it comes to preventing absenteeism is communication. If you let your supervisor or HR officer know when you are not feeling well, either in terms of your work or your private life, you can try to find a solution together.

If you do not enjoy your work, do not feel committed and connected to it for whatever reason, feel like you are not being challenged enough, or feel like your workload is too much for you to handle, then discuss this lacking 'FIT' with your supervisor or HR official. Together, you can try to find a lasting solution for the problem.

Some employees may end up feeling that the balance between their work and home life is skewed, for example because they are having to take care of a loved one (i.e. they are an informal caregiver) or because they are experiencing financial difficulties or relationship troubles. These are also issues that you can discuss with your supervisor or HR officer. When you do, we can try to find a lasting solution for the problem, and even consult an outside professional if need be.

## 1.3 What can you do to stay 'FIT'?

By striving towards better connectivity, commitment, vitality, and development for employees such as yourself, employers can help effect a lasting 'FIT'. This 'FIT' will help you feel happier, enjoy your work more, and increase your productivity, and presumably result in less absenteeism in the end.

People are going to have to spend more years of their life working in the future, and workplaces these days employ people from an increasing number of generations. On top of that, economic and technological developments require organisations to be more agile. By staying 'FIT' for the increasingly changeable nature of work, you ensure your own lasting employability. In short, employees bear an important responsibility in this as well!

What can you do to stay 'FIT'?

1. **Stay committed to the organisation and your co-workers:**

One way of doing this would be to show interest in your co-workers' home life, or by keeping a close eye and staying up to date on developments in the organisation. Research has shown that trusting your co-workers, enjoying working with them, and feeling connected to the organisation are all factors that contribute considerably to your lasting employability, and thus to your lasting 'FIT'.

2. **Be intensely involved with your own physical and mental health:**

You can do this by eating and drinking healthily and getting enough exercise. For example, you can go for a walk during your lunch break each day, if staffing in your workplace allows it. Other tips regarding moving around while at work (and regarding taking breaks, alternating tasks, and changing up your work) can be found in the occupational health and safety catalogue for the travel industry (<https://www.reiswerk.nl/werkgever-in-de-reiswereld/verzuim,-verlof-en-veiligheid/veilig-werken>). Also check out the following website, which provides a lot of information about exercising and reaching the recommended target of 30 minutes of exercise each day: <http://www.30minutenbewegen.nl/>.

On top of that, you can try to eat healthily and refrain from smoking. If you are experiencing excessive workloads or tensions (either at work or at home), you can let your supervisor or HR officer know. People often feel like they cannot talk about any tension they may be experiencing at home while they are at work. However, if it will allow us to contribute to your lasting employability, we would be happy to help. To find out more about workload and preventing stress, read chapter 3 of the travel industry occupational health and safety catalogue (go to <https://www.reiswerk.nl>).

3. **Make efforts for personal development:**

You can do this by continuously seeking opportunities for personal growth, such as by reading trade magazines to keep up with developments in your field, or asking your supervisor or HR officer about internal or external training possibilities. Another option is to ask an older or more experienced co-worker to become your buddy and exchange knowledge with them. If you would like external support by way of a coach in addition to that, you can talk to your supervisor or HR officer about that. To read more about coaching, go to: <https://www.reiswerk.nl/werkgever-in-de-reiswereld/verzuim,-verlof-en-veiligheid/veilig-werken>.

Employees who feel a sense of pride in their work are mostly those who are happy with their work (and organisation) because they are able to develop continuously. Experiencing this sense of happiness causes their energy levels to rise as well, and an indirect result of that is a decrease in the odds of absenteeism as the result of illness.

If you are currently unable to do these three things and be 'FIT' and stay 'FIT', but want to work on it, then do not hesitate to talk to your supervisor or HR officer about it. And if you have your own ideas about how to work on creating the perfect 'FIT', let them know!

## Chapter 2. You are ill; now what?

Unfortunately, absenteeism as the result of illness cannot always be prevented, even when all of us are working our hardest on trying to create the perfect 'FIT'. When you choose to call in sick, the following rules and regulations apply.

### 2.1 Calling in sick

If you are sick, you personally report this before the start of your working hours (source: Collective Labour Agreement for the Travel Sector) by telephone to **[your supervisor and / or HR officer]** (\*). If you go home ill during working hours, you personally sign yourself out with the same person. If you are unable to call in sick by telephone, you make sure that someone else does this for you. You are not allowed to call in sick by text message (SMS), WhatsApp, or email.

*(\*) If a different person is responsible for the absenteeism management, this should be modified throughout this document.*

### 2.2 Sharing information and staying in touch

On your first sick day you contact your supervisor and / or HR officer to inform them that you are sick. If possible, you indicate how long you expect the absenteeism is going to last.

Together you arrange to have telephone contact in week 1 on the progress. If the absenteeism lasts for more than 1 week, you can make arrangements together on further contact. Remember to determine the frequency of the contact and who will take the initiative for the contact.

You also make arrangements together on tasks that will have to be delegated where necessary and, for example, external appointments that will have to be cancelled or adjusted.

The employer is not permitted to enquire after the nature and the cause of the illness of an employee. Only the occupational health and safety agency and / or company doctor are allowed to process these medical data. You may, however, be asked for information that is necessary for assessing what to do with your work.

### 2.3 Availability and reachability

During your period of absence, you need to be available and reachable for contact with your superior and / or HR officer. You are allowed to leave the house if necessary, provided that this will not interfere with your recovery.

Most importantly, the occupational health and safety agency / company doctor, your superior and / or HR officer have to be able to reach you while you are ill.

If you move house while you are ill, stay elsewhere temporarily, or move to a different care location, you must inform your supervisor and / or HR officer thereof as soon as possible. They will consequently inform the company doctor of the change as well.

### 2.4 Contact with the company doctor

If your company doctor asks you to share information regarding the reason for your absenteeism, you have to comply with their request. If you are unable to do so, for instance because you have been hospitalised, you have to make sure that someone else does so for you.

## **2.5 Contact with the employment expert**

To ensure better monitoring of your sick leave and to ensure that proper efforts towards reintegration are made, an employment expert may be called in.

*What does an employment expert do?*

The employment expert determines the extent to which an employee is capable of performing labour. Their assessment is then used to determine whether that person will continue to be (partially) employed and/or whether they are entitled to WIA benefits (see appendix 6) or compensation payment due to their disability insurance. Moreover, an employment expert supports both you as employee and your employer in finding ways for you to return to your job or find a new job. The employment expert provides objective guidance during your absenteeism and discusses the next steps in the process with your supervisor and / or HR officer and you yourself.

## **2.6 Staying abroad (leisure)**

For any leisure travelling abroad of more than one night while you are ill, you have to obtain your supervisor's and / or HR officer's permission first. They will grant you this permission or not depending on the company doctor's recommendation.

## **2.7 Staying abroad (business)**

If you are working abroad and fall ill in the meantime, contact your supervisor and / or HR agency to discuss which steps need to be taken.

## **2.8 Calling in sick during vacation (including abroad)**

All previously outlined rules also apply to calling in sick during vacation (including if you are abroad). For example, if you fall ill during vacation (including vacations abroad), you have to inform your supervisor and / or HR officer of this fact. You must also contact a local medical service to obtain a medical statement listing the following information:

- the nature of the illness;
- the progress of the illness;
- the therapy that has been initiated;
- a declaration that you are medically unfit to travel (if applicable).

After you return, you must supply your supervisor and / or HR officer with this medical information by providing a medical certificate. If you do not officially call in sick or provide a medical certificate, your calling in sick is not legally valid.

## **2.9 Sick as a result of pregnancy, disability, or organ donation**

If you are sick as a result of pregnancy, disability, or organ donation, your supervisor and / or HR officer will report this to the UWV (the Dutch employee insurance agency) within four days. All other reports of illnesses to the UWV are filed in the 42<sup>nd</sup> week of the employee being ill. For more information, please refer to the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet verbetering poortwachter) outlined in appendix 1 of this guideline.

## **2.10 Privacy**

Your company doctor will ensure optimal protection of any sensitive information.

Medical information can only be accessed by the company doctor and / or employees of the occupational health and safety agency who are bound by medical confidentiality and perform services for our organisation.



In some cases, the company doctor may deem it necessary for information to be supplied to the employer, for example to demonstrate any special medical needs or limitations you may have for the purpose of effecting changes in your work or work environment. If this occurs, you will always be asked for permission first.

## Chapter 3. Support during illness

### 3.1 The employer / case manager

When you want to call in sick, do so by contacting your supervisor and / or HR officer. Your supervisor and / or HR officer (\*) will be your *case manager* during your absence, meaning they will maintain contact with you as well as with your company doctor / occupational health and safety agency.

If you fall ill, the occupational health and safety agency will be informed thereof. In addition, your supervisor and / or HR officer will contact you regularly to see how you are doing. They will determine how long your absence should be expected to last, and will determine responsible ways of working on your recovery.

To properly keep track of any absenteeism meetings during your absence, meeting reports have to be created for each. The 'absenteeism progress meeting report' template in appendix 3 is intended for this purpose.

*\* If case manager duties are handled by a different position, this needs to be changed throughout the entire document.*

### 3.2 The occupational health and safety agency / independent company doctor

The occupational health and safety agency or an independent company doctor supports the employer in counselling sick employees.

If the absenteeism is expected to last a long time, you will be invited within 3 to 6 weeks to come to the company doctor's surgery hours. A company doctor counsels employees during illness.

You can go to the occupational health and safety agency or the independent company doctor for all your questions about health and work. The occupational health and safety agency / independent company doctor of [name of employer] can be reached at telephone number [telephone number]. As an employee, you are always free to contact them yourself, even if you have not been reported sick.

Have you seen the company doctor and do you not agree with the diagnosis? Or do you have any doubts? In that case, you are entitled to a second opinion from another company doctor (effective from 1 July 2017). Ask your supervisor and / or HR officer for this.

### 3.3 Surgery hours

When you are ill for at least 3 weeks, the occupational health and safety agency will send you a summons to come to the company doctor's surgery hours. If you cannot comply, you must inform your company doctor and your supervisor and / or HR officer as soon as possible (24 hours before the appointment at the latest). Such a summons can also be requested by the employer or by the employee themselves, and they need not wait 3 weeks to do so.

If you have resumed your work fully by the scheduled appointment time, the appointment obviously does not need to take place. In that case, make sure that your supervisor and / or HR officer cancels the appointment.

If you do not comply with a summons and have not cancelled it (in time), you may be charged the usual fee for a consultation during surgery hours. Moreover, this will be considered an unjustified absence, because you are impeding monitoring of your illness, and payment of your wages may be suspended for the time being. If this is the case, you will receive confirmation thereof in writing. For more information, please refer to chapter 9 on disputes and sanctions.

### **3.4 Reintegration process for long-term absenteeism**

As has been previously mentioned, the legal requirements for reintegration after long-term absenteeism are outlined in the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter); please refer to appendix 1.

To put it simply, the reintegration process as it pertains to you is as follows:

#### ***Week 6 after 1<sup>st</sup> day of absenteeism:***

The company doctor has to develop a Problem Analysis within 6 weeks, outlining why you are unable to work, what your recovery options are, and when you think you will be able to resume your work.

#### ***Week 8 after 1<sup>st</sup> day of absenteeism:***

Within eight weeks, you and your employer (supervisor, HR officer or other case manager) develop an Action Plan, outlining what you and your employer will be doing together to help you get back to work. This Action Plan is based on the Problem Analysis.

#### ***Week 42 after 1<sup>st</sup> day of absenteeism:***

This is when your employer will inform the UWV of your absenteeism.

#### ***Week 44 after 1<sup>st</sup> day of absenteeism:***

Your employer will receive a confirmation from the UWV and will receive information regarding the actions to be taken during the second year of illness. Together, you will make sound agreements regarding these actions.

#### ***Week 91 after 1<sup>st</sup> day of absenteeism:***

If none of the efforts made have led to you resuming your work, you have to file a WIA benefits application with the UWV yourself. Often, your employer will assist you. The UWV will then assess the efforts that have been made towards reintegration, and may award WIA benefits if they deem it appropriate.

### **3.5 2<sup>nd</sup> track reintegration**

If reintegration within the organisation (so-called '1<sup>st</sup> track reintegration') is not possible, the parties get together to determine whether reintegration in a different company is an option. This is called 2<sup>nd</sup> track reintegration.

2<sup>nd</sup> track reintegration can occur at the very beginning of the reintegration process, if it becomes clear immediately that internal reintegration is not an option. This may also occur if the work you would need to perform does not line up with what you are still able to do, or if the work that is still suitable for you to do is not sufficiently structural. If 2<sup>nd</sup> track reintegration is in order, it will first be determined whether you might be able to return to your current job, with modifications if need be. If this is not an option, you may be offered alternative, suitable work within the organisation. If there are no viable prospects in that regard either, full 2<sup>nd</sup> track reintegration is started.

A good moment to decide whether 2<sup>nd</sup> track reintegration might provide better recovery prospects than 1<sup>st</sup> track reintegration, is during the first-year evaluation.

The reintegration process will be assessed, and if it is not working yet, the reasons why will be discussed. If 1<sup>st</sup> track reintegration does not seem like a viable option at that time, we will have to resort to 2<sup>nd</sup> track reintegration.

## Chapter 4. Reporting your recovery & work resumption

### 4.1 Reporting your recovery

In case of short-term absenteeism as the result of illness (i.e. any which did not feature a company doctor's involvement), you must inform your supervisor and / or HR officer of when you will be 'FIT' (fully or at least partially) for work again as soon as possible.

In the case of long-term absenteeism, the company doctor will provide a recovery statement when they deem you to be fit for work once more. If you are incapable of resuming your work on the agreed upon day, you must inform your supervisor and / or HR officer thereof via phone, and make follow-up agreements with one another.

### 4.2 Cooperating with efforts towards work resumption

It is important for you to cooperate with any efforts geared towards your recovery and you being able to resume your work as soon as possible (in a responsible manner). Examples of such efforts are seeing an occupational therapist, receiving training, and partial work resumption. All of these are geared towards creating a lasting 'FIT'.

There is also the possibility of temporarily performing different, 'modified' work while your illness keeps you from doing your own work. Your supervisor and / or HR officer and the company doctor will decide whether this is an option for you. As an employee, you are required to cooperate with any such decision, unless you are able to indicate a sufficiently serious reason why you are incapable of performing the 'modified' work.

## Chapter 5. Frequent absenteeism

If you call in sick a 3<sup>rd</sup> (\*) time within the space of 12 months, you will be considered a case of frequent absenteeism.

*\*This number is adjusted if the employer maintains a different standard.*

### 5.1 Possible reasons for frequent (short-term) absenteeism

The cause of frequent absenteeism is usually one of the following four reasons:

- Medical reasons (such as chronic conditions)
- Private circumstances (such as financial or relational problems)
- Work-related reasons (such as intense physical labour or excessive workloads)
- Lack of connection to the organisation (such as because of a lack of opportunities for development)

Do you identify with any of these? If so, our advice is to talk to your supervisor and / or HR officer about it. They will do everything within their power to help you find a solution for your problems.

### 5.2 Extra contact in the event of frequent (short-term) absenteeism

During the first week of your illness, as with any instance of calling in sick, you will be in touch with your supervisor and / or HR officer on the phone. If your supervisor and / or HR officer determines that you qualify for frequent absenteeism, there will be regular moments of contact throughout your absence to try and determine the cause of your frequent absenteeism together.

### 5.3 Absenteeism meeting

If you call in sick a 3<sup>rd</sup> time within the span of twelve months, a meeting with your supervisor and / or HR officer will be scheduled after you report your recovery. This meeting will be confirmed in writing and added to your personnel file.

### 5.4 Frequent absenteeism meeting report

To manage frequent absenteeism in the best possible way and take care of written confirmation of these meetings right away, the 'frequent absenteeism meeting report' in appendix 2 of this absenteeism guideline may be used.

## Chapter 6. Employees' responsibilities

### 6.1 Active attitude during reintegration

Throughout your illness, it is important to be actively working on your reintegration. The aim is to resume your work fully and to become 'FIT' for work once more. Any reintegration efforts that are undertaken will be evaluated and recorded in writing.

With regard to the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter), it is important for you to continue to work on your reintegration yourself. This act requires that (frequently) absent employees be provided with active support from the 1<sup>st</sup> day of illness onwards. The aim of the support should be a speedy return to the workplace.

### 6.2 Consult your general practitioner

In case of permanent employment disability, you must seek treatment from your general practitioner within a reasonable period of time, and stick to their advice.

With regard to employment disability, your general practitioner may consult with the company doctor. The company doctor and the employment expert will determine the extent of your employment disability together; your general practitioner merely serves in an advisory capacity in this.

### 6.3 Medical examination

You are required to cooperate with any medical examination performed or ordered by the company doctor.

### 6.4 Facilitating recovery

You are required to cooperate at all times with any efforts towards a speedy recovery, and refrain from any activities that may impede your recovery. Your aim is to focus on becoming 'FIT' for work once more, as soon as possible. The company doctor will be the one to assess whether you are 'FIT' enough. If it becomes clear that you are not cooperating in efforts towards your recovery, your employer is entitled to suspend payment of your wages. If so, you will receive confirmation thereof in writing.

### 6.5 Vitality / health

In order to stay 'FIT' in the coming years as well, we feel it is important for employees to retain their vitality. As such, we ask that you pay active attention to your health; please refer to chapter 1 for ways to do that.

### 6.5 Travel expenses

Travel expenses incurred in connection with the incapacity for work, e.g. a visit to the company doctor, will be at the expense of the **[employee]** (\*). If you are unable to perform your work over a longer period owing to illness, any travel (commuting) allowance you may have will lapse. Any travel allowance will only be paid out in the month of the beginning of the illness and the subsequent month (\*\*). Visits paid to the company doctor in the month for which you did not receive a travel allowance may be reimbursed on submission of a public travel ticket, or as the case may be claimed on the basis of the number of kilometres, to be established on the basis of the route planner. You must send proof of this to your supervisor and / or HR officer.

(\* ) *Unless determined otherwise by the employer.*

(\*\* ) *Unless determined otherwise by the employer.*

## Chapter 7. Employers' responsibilities

### 7.1 Employer's obligation to continue payment of wages

When you are unfit for work for an extended period of time, you are entitled to continued payment of your wages for 104 weeks, i.e. 2 years. For more information on the exact amount of wages and any relevant legislation and regulations, please refer to the travel industry collective labour agreement:

<https://www.reiswerk.nl/werkgever-in-de-reiswereld/cao,-arbeidsvoorwaarden-en-pensioen/actuele-ontwikkelingen-cao-hr-arbeidsrecht>.

While you are unfit for work and have an employment contract with your employer, your employer is required to continue payment of your wages on the one hand, and perform the required actions outlined in the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter) on the other hand. However, if you impede your own reintegration, you may not be found to be entitled to WIA benefits after 2 years of illness.

### 7.2 Moments of contact

During your absence, you will be in touch with your supervisor and / or HR officer frequently. You must inform them of the progress of your illness, but they will also contact you to enquire about your condition. Together, you are responsible for staying in touch frequently.

### 7.3 Documentation

Phone calls or personal meetings will take place regularly. Your supervisor and / or HR officer must record these conversations, on the phone or in person, as outlined in the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter). They must also store all of the documents provided by the company doctor and the UWV (the Dutch Employee Insurance Agency) and make mention of all of them in the previously mentioned reintegration file.

### 7.4 Modified work

If you are still capable of doing modified, occupational therapy-based work (please refer to appendix 6), your supervisor and / or HR officer must examine the possibilities of you performing modified work and assess them in consultation with you, taking into account your travel times, your level of training, and your position. If you have a proposal to this effect yourself, please do not hesitate to present it.

### 7.5 Making work resumption possible

The supervisor and / or HR officer (and the case manager) are responsible for doing their utmost to make work resumption possible. If modifications are needed, they will assess that need and decide whether to take steps to facilitate your work resumption.

### 7.6 Workplace

The travel industry occupational health and safety catalogue (<https://www.reiswerk.nl/werkgever-in-de-reiswereld/verzuim,-verlof-en-veiligheid/veilig-werken>) provides guidelines for creating a safe and healthy workplace. Employee and employer are both responsible for observing these guidelines themselves.



## Chapter 8. You have been ill for two years now; now what?

### 8.1 WIA benefits or continued payment of wages

After a sick leave of 104 weeks, i.e. 2 years, you may be entitled to WIA benefits, or your employer may need to continue paying your wages, depending on your earning capacity (please refer to appendix 6) which will be determined by the UWV.

For more information about potential WIA benefits and all follow-up steps for employees after 2 years of illness, please go to the UWV website: [www.uwv.nl](http://www.uwv.nl).

## Chapter 9. Disputes & Sanctions

### 9.1 Disputes

Heeft de bedrijfsarts verklaard dat je wel of niet in staat bent jouw werk geheel of gedeeltelijk te hervatten, maar ben je het hier niet mee eens, dan moet je jouw bezwaren zo snel mogelijk aan de bedrijfsarts en jouw leidinggevende, HR functionaris en / of casemanager meedelen.

Sinds 1 juli 2017 heb je recht op een second opinion van een andere bedrijfsarts. Vraag hierom bij jouw leidinggevende en / of HR functionaris.

Indien in de second opinion dezelfde diagnose wordt gesteld en je de dag dat je hersteld bent verklaard jouw werkzaamheden niet hervat, dan wordt het loon tijdelijk opgeschort. Bovendien zal dit als werkweigering worden beschouwd. Je kunt je niet aansluitend of later op die dag opnieuw ziek melden, dit zal niet als nieuwe melding worden geaccepteerd.

Naast het bezwaar aan de bedrijfsarts(en) te melden, kun je een deskundig oordeel, oftewel onafhankelijk advies, aanvragen over jouw re-integratie bij het UWV. De kosten hiervoor dien je zelf te vergoeden. Dit deskundig oordeel kan ook op initiatief van de werkgever worden aangevraagd.

### 9.2 Compliance with this absenteeism guideline

As an employee, you are required to comply with this absenteeism guideline. If you do not comply with any of the rules outlined in this guideline, **[name of employer]** will be entitled to impose one or more of the following sanctions, depending on the circumstances:

- A (written) warning;
- Full or partial suspension / termination of wage payments;
- Suspension
- Dismissal (with or without immediate effect).

On top of that, payment of your wages will be suspended for the time being if you do not observe these rules. The circumstances in which your employer is entitled to suspending payment of your wages and additional payments are outlined in the travel industry collective labour agreement; please refer to <https://www.reiswerk.nl/werkgever-in-de-reiswereld/cao,-arbeidsvoorwaarden-en-pensioen/actuele-ontwikkelingen-cao-hr-arbeidsrecht>.

## Appendix 1 – The Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter)

Act	Who takes action?	When?
The employee calls in sick with their immediate supervisor or HR officer.	<b>Immediate supervisor or HR officer</b> asks about the estimated date when the employee will be able to resume work.	<b>Day 1</b>
The immediate supervisor reports the employee's illness to HR and the occupational health and safety agency/company doctor.	<b>The HR officer</b> registers the sick leave – if this is not an automated process, they must call the occupational health and safety agency/company doctor on the phone or inform them in writing.	<b>Several days after the start of the sick leave, preferably within 1 week</b>
The immediate supervisor and / or HR officer maintains contact with the employee regarding their recovery, and ensures that the employee is kept up to date regarding events at work as much as possible.	<b>Immediate supervisor or HR officer</b> of the employee who is ill	<b>The first few weeks of the sick leave</b>
The organisation assigns a case manager, who will be responsible for the employee's reintegration. The case manager will contact the company doctor to determine whether an action plan needs to be developed. The case manager will receive and meticulously store all documents regarding the employee's reintegration.	The <b>case manager</b> gets to work. Case manager duties may be handled by the supervisor, the HR officer, one of the occupational health and safety agency's employees, or some other official appointed by the organisation.	<b>Within 4 weeks of the start of the sick leave</b>
The occupational health and safety agency / (independent) company doctor create a problem analysis and provide a reintegration recommendation. This recommendation is then forwarded to the immediate supervisor or HR officer, the employee, and the case manager.	<b>Occupational health and safety agency / (independent) company doctor</b>	<b>6 weken</b> after the start of the sick leave (at the latest)
The immediate supervisor, case manager, and employee develop a reintegration action plan together. This action plan lists who the case manager is, what the final objective of the reintegration is, which steps will be taken to achieve that objective, and the planned schedule, as well as any scheduled assessment moments.	<b>Immediate supervisor and employee</b> , with support from <b>HR / the case manager</b>	<b>8 weeks</b> after the start of the sick leave (at the latest)

<p>The case manager assesses whether the plan is in line with the legally required criteria, and forwards it to the expert / occupational health and safety employee.</p>	<p><b>Case manager</b></p>	<p>In <b>week 9</b> at the latest</p>
<p>The case manager is the driving force behind the process, but everyone continues to work on reintegration together. All of the people involved contribute to maintaining the reintegration file, and continue to work towards the ill employee's reintegration, either within the same company or elsewhere.</p>	<p><b>Immediate supervisor, HR officer, employee, occupational health and safety agency / company doctor, and other experts/consultants.</b></p>	<p><b>Starting in week 9</b></p>
<p>The absent employee is reported to the UWV. The UWV then sends a questionnaire with explanatory notes. The involved parties then determine which follow-up actions to undertake.</p> <p>The employee will receive a copy of the report to the UWV and the provided explanation.</p>	<p>The <b>immediate supervisor or case manager</b> reports the employee's sick leave digitally to the UWV, within 42 weeks of the start of the sick leave at the latest.</p>	<p><b>42 weeks</b> after the start of the sick leave (at the latest)</p>
<p>At the end of the first year of illness, employee and employer get together to discuss the reintegration activities undertaken so far. During this assessment, the employer creates a record of what has been done to help the employee resume their work. This assessment should then be added to the reintegration report at the end of the second year of illness.</p>	<p><b>Supervisor, employee, case manager</b></p>	<p><b>52 weeks</b> after the start of the sick leave (at the latest)</p>
<p>The employer continues to pay the employee 70% of their salary. The reintegration file continues to be maintained, and all of the involved parties will continue to work towards the employee's reintegration, either within the same company or elsewhere.</p>	<p><b>Supervisor, supported by case manager, consultants and expert / occupational health and safety agency employee</b></p>	<p><b>Starting in week 52</b></p>
<p>Around 87 weeks into the employee's absence, the occupational health and safety agency / company doctor assesses the reintegration's progress based on their contact with both the employer and the employee. They provide their assessment of the situation in a reintegration report, which also includes the employee's view on things. During this stage, the organisation will receive a form to request WIA benefits from the UWV.</p>	<p><b>Employee, supported by case manager, consultants and expert / occupational health and safety agency employee</b></p>	<p><b>87 weeks</b> after the start of the sick leave (at the latest)</p>

<p>Together, the parties report on the reintegration efforts made in the past two years. The employee (!) must file this reintegration report with the UWV. If everything checks out, the UWV then assesses the report.</p>	<p><b>Immediate supervisor, employee, expert / occupational health and safety agency employee and consultants</b></p>	<p><b>Starting in week 91</b> after the start of the sick leave (at the latest)</p>
<p>As of week 104, the employee may be entitled to either WIA benefits or continued payment of wages, depending on their earning capacity, which the UWV assessment will pass judgement on.</p>	<p><b>UWV, immediate supervisor, employee, expert / occupational health and safety agency employee and consultants</b></p>	<p><b>Starting in week 104</b> after the start of the sick leave (at the latest)</p>

## Appendix 2 – Frequent Absenteeism Meeting Report

<b>Meeting details</b>	
Date:	
Name of employee:	
Name of supervisor:	
Name of HR officer:	

<b>Absences</b>		<b>Number of sick days</b>
From:	Until:	
From:	Until:	
From:	Until:	

<b>What, in the employee’s opinion, is the cause of the frequent absenteeism?</b>	
<b>What could employee and employer do to reduce the frequent absenteeism?</b>	
<b>What follow-up agreements have been made?</b>	
<b>Are there any other areas of concern?</b>	
<b>Employee’s signature</b>	<b>Employer’s signature</b>

## Appendix 3 – Absenteeism Progress Meeting Report

<b>Meeting details</b>	
Date:	
Name of employee:	
Name of supervisor:	
Name of HR officer:	
Date of 1 <sup>st</sup> day of absence:	
Degree of disability (%):	

<b>Employee’s progress: How are you doing now? What is your absence’s status?</b>	
<b>Is there alternative work that the employee would be able to perform?</b>	
<b>Which efforts could employer and employee undertake to speed up the reintegration process?</b>	
<b>What follow-up agreements have been made?</b>	
<b>Are there any other areas of concern?</b>	
<b>Employee’s signature</b>	<b>Employer’s signature</b>

## Appendix 4 – 10 tips & tricks for employees in the event of illness

Here is a list of the obligations you have as an employee in the event of illness.

1. Always call in sick via phone, as soon as possible, and on your first day of illness.
2. Always call in sick with your immediate supervisor and / or HR officer and indicate how long you expect to be absent.
3. Make sure to report any particulars when calling in sick, such as if you are staying at a different address, are hospitalised, have been in an accident, etc.
4. Do everything you can to ensure speedy recovery. As soon as you are able to make an estimation of when you would be able to resume your work, discuss this subject with your supervisor.
5. Is there any alternative work that you would still be able to perform? If so, talk to your supervisor and / or HR officer.
6. Make sure the relevant people always know where and how to reach you.
7. Inform your supervisor and / or HR officer about any visits to your general practitioner, medical specialists, or other specialists that might be necessary.
8. You are required to cooperate with any efforts towards reintegration that you and your supervisor and / or HR officer look into together, including sticking to agreements that you make and answering the company doctor's summons.
9. If you fall ill during your vacation, this will only be registered officially if you call in sick during your vacation, and are able to provide a medical statement when you return.
10. The Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter) contains the most important acts your employer will need to perform to ensure a proper absenteeism file and provide the proper support. Employees such as yourself are also required to comply with the legal requirements outlined in this act.



## Appendix 5 – 10 tips & tricks for supervisors / case managers in the event of illness

Here is a list of the obligations you have as a supervisor / case manager in the event of an ill employee.

1. Know when and how often your employees are ill, and schedule meetings with them in the event of frequent or long-term absenteeism.
2. When an employee calls in sick, ask them whether there is work that could be taken on by someone else, and what they estimate the duration of their absence to be. Also make sure to schedule a subsequent moment of contact right away, and wish the employee a speedy recovery.
3. As supervisor or case manager, you are responsible for keeping the records of your employees' absences, such as for creating a reintegration / absenteeism file.
4. Maintain regular contact with the employee, and provide them with the information they need. For example, if the employee has indicated that they want to be kept up to date of what is going on in the workplace, you can send them meeting reports and the like.
5. Maintain close contact with the occupational health and safety agency or company doctor, for example by scheduling an SMT (please refer to appendix 6), a Social Medical Team meeting, every 6 weeks.
6. Monitor the implementation of any specific agreements that have been reached with the occupational health and safety agency / company doctor.
7. Make sure that you are aware of any long-term and frequently absent employees within your team or organisation, and any actions related to these cases.
8. Show genuine interest and pay genuine attention to the employee; make sure to ask frequently whether you or the organisation as a whole can help in any way.
9. You bear final responsibility for your ill employees for at least 2 years. Make sure to deploy the right people and organisations to help the employee and try to enable their reintegration as much as possible.
10. The Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter) contains the most important actions that you can undertake to ensure a proper absenteeism file and the right support. Make sure to always comply with this act in the event of any long-term absenteeism.

## Bijlage 6 – Glossary

1. **WIA:**

The so-called 'Wet werk en inkomen naar arbeidsvermogen' (WIA) or Dutch act on work and income according to labour capacity, entered into effect on 29 December 2005, and regulates benefits following the legally required term of continued wage payment of 104 weeks. WIA benefits are a type of employee insurance. This act applies to people who became unfit for work on or after 1 January 2004.

2. **Occupational therapy-based work:**

This is not the same as work resumption. This type of work can be assigned for a maximum of 4 weeks, for example if it is not clear how much work the employee would be able to handle.

3. **Earning capacity:**

What being unfit for work comes down to is a decrease in your earning capacity. Calculating your (decreased) earning capacity is about determining the extent to which you earn less than a comparable healthy person performing generally accepted labour (this person is referred to as the 'Benchmark Man' or 'Benchmark Woman') because of your illness or limitation.

4. **SMT:**

The Social Medical Team meeting is a coordination meeting between employer, HR, company doctor and possibly other relevant specialists, discussing the (progress of) the treatment of (long-term) ill employees.