

## JBS Newsflash

### Labor Law Update オランダ労働法アップデート

弊社 08 年 12 月発行のニュースレターでもお伝えいたしましたオランダ労働時間短縮制度は 3 月 21 日に締め切りになりました。これに代わり、より申請しやすい新制度が 4 月 1 日より導入されましたのでご紹介いたします。

新制度であるパートタイム雇用法は経済不況の中、企業が運営に必要な労働者を会社の経営状況を圧迫しない形で維持するのを目的としています。雇用者と被雇用者は合意の上、最大で 50% の労働時間を短縮することが可能です。被雇用者は非就労時間分に相当する失業保険を受給しますが、法律上フルタイム労働者の権利を保全することができます。この給付金は被雇用者が積み立てしてきた失業保険の受給権から差し引かれます。なお、会社側には非就労時間分に対する新たな失業保険負担義務はありません。

この制度の対象はすべての法人で申請は 1 回です。最大で 3 ヶ月間の申請が可能ですが、条件が整えば 6 ヶ月間の延長が 2 回まで認められるため合計 15 ヶ月間の適用が可能です。

この制度の申請に当たって被雇用者の同意など幾つか条件を満たす必要があります。適用期間に被雇用者が教育を受けることなども同意に含まれます。当制度の適用期間内に被雇用者を解雇することは認められておりません。なお、解雇に至った場合は、会社側は解雇された被雇用者の失業保険の受給額の半分に相当する金額を被雇用者の保険に返金しなければなりません。また、解雇が当制度利用後 3 ヶ月以内に行われた場合も同様の扱いとなります。

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## Part-time Unemployment Act

As of March 21 2009, the special arrangement short-time working will be expired. As a replacement of this special arrangement short-time working, at March 24 Minister Donner presented a replacing package of labour market measures.

One of the presented labour market measures concerns the arrangement for part-time unemployment act. This arrangement has been introduced at April 1. Goal of the arrangement is to maintain professional personnel for companies that are sufficiently healthy to, in spite of dropping orders, get through the credit crisis.

With this arrangement, employers get the possibility to, under less stringent conditions than with the expired special arrangement short-time working, keep employees in 'part-time' active service, by letting them work less hours. Employers can shorten the working hours of an employee with a maximum of 50 %. For the hours that the working hours of the employee have been shortened, the employee receives an unemployment benefit. However, the employee will remain in service of the employer for both the worked and the non-worked hours.

The unemployment benefit that the employee receives for the non-worked hours will be deducted from the built-up unemployment benefit rights of the employee. The employee does also not build up new unemployment benefit rights over the non-worked hours.

Every employer can appeal on this arrangement once. Initially, an appeal can be done for a maximum of three months.

An extension of the period is possible twice for the duration of 6 months. Before changing to an extension, the Minister will consider whether the usage of the arrangement fits the goal sufficiently. The maximum duration therefore amounts 15 months.

Furthermore, there are a number of conditions for the granting of part-time unemployment. Interested associations of employees need to agree. This agreement includes, for one, an agreement about education of employees during the period of part-time unemployment insurance act. Furthermore, the employer is not authorized to dismiss the employee during the period of part-time unemployment. If the employer does so, the employer is committed to pay a reimbursement to the body implementing employee insurance schemes that is equal to half of the unemployment benefits that the dismissed employee received during the entire part-time unemployment period. If dismissal of the employee follows within three months after the period of part-time unemployment, the employer is also committed to pay this reimbursement to the body implementing employee insurance schemes.

The arrangement for part-time unemployment in these times of crisis is welcome in itself. The way in which the arrangement is stated at the moment, does rise more questions than answers for now. It is unclear, for example, if the employee has to agree with the appeal on part-time unemployment. For fully clarity about the final interpretation of the arrangement part-time unemployment insurance act, one needs to wait for in what way and under which conditions the arrangement will be concluded legally.

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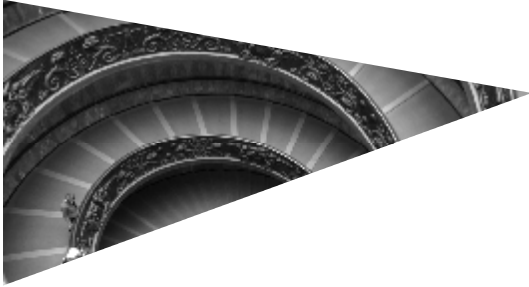
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