

Upper House approves legislative proposal to standardise legal position of civil servants

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The Upper House of Dutch Parliament has approved the Act on the Standardisation of the Legal Status of Public Servants (*Wet normalisering rechtspositie ambtenaren*), proposed by the parties D66 and CDA. The Lower House previously approved the proposal in February 2014. Under the Act, civil servants will have the same legal status as company employees, with private labour law being extended to include government employees. The Act is expected to enter into force in a number of years.

What does the new Act entail?

Under the new Act, civil servants will enter into a bilateral employment contract with their employer rather than being appointed unilaterally. Also, terms of employment will be recorded in collective labour agreements rather than in the current legal status regulations.

Like private employees, civil servants will be bound by private employment and dismissal legislation. This means that in case of a dispute or dismissal, civil servants will no longer lodge an objection with their own employer with the possibility of appealing to the administrative court. Instead, they will lodge their objection with the (civil) subdistrict court.

Dismissals will require the prior approval of the Employee Insurance Agency (UWV) or a subdistrict court, a mechanism known as preventive protection against dismissal. Although the procedure around dismissal will change, employers will be required to have legally based grounds of dismissal; the same as under civil service law.

Why this new Act?

The standardisation fits in with contemporary labour relations. Bilateral employment contracts are a better basis for trust and equality between employers and employees than unilateral appointments. Also, private law is better suited to solving labour disputes.

Employees remain civil servants

The new Act will not dissolve the status of civil servant: every person employed by a government employer remains a civil servant. A new Civil Service Act will be passed, containing provisions that apply specifically to civil servants. These include fulfilling positions involving confidentiality and restrictions on freedom of speech.

No consequences for terms of employment

The new Act will not affect material terms of employment such as salaries, year-end bonuses and holiday hours, either. These terms of employment will be retained as the switch is made to employment contracts.

Collective terms of employment

Terms of employment will be discussed in consultations between employers and unions and will be recorded in collective labour agreements. As in the market sectors, social partners of the government will gain the freedom to decide what will be covered by such agreements and who to conclude them with. This does not diminish the importance of ensuring the broadest possible support among employees.

Who will the new Act apply to?

The new Act will apply to the majority of current civil servants. It will also be extended to the staff of public employers that already have labour agreements in place. These include the employees of De Nederlandsche Bank, the Sociale Verzekeringsbank and the UWV, among others. Certain groups of public servants will not be covered by the Act. These include police and defence staff, judges and public prosecutors, and political office holders.

These groups will retain an administrative legal status rather than being bound by standard labour law.

Effective date

A lot still needs to be done before the new Act can take effect. Many legislative and regulatory adjustments will need to be made, and employers will need to introduce changes to their organisations. This will take roughly between two and a half to three years. It is as yet too early to state a definitive effective date.

Translated by UM.