

SUBJECT	LEGAL CHANGE	ACTION REQUIRED
<b>Remuneration</b>		
<b>Minimum Wage, Holiday Allowance and Overtime</b>	<p>The following changes will come into force on January 1, 2018:</p> <p>(1) The statutory minimum wage will increase as follows: €1,578 gross per month; € 365,15 gross per week; and €72,83 gross per day.</p> <p>(2) Staff must receive minimum wage for any overtime worked, unless the employer and employee agree otherwise in writing. Such agreements will only be possible during 2018.</p> <p>From January 1, 2019 onwards, minimum wage for overtime must be paid unless a collective labour agreement (“CLA”) says otherwise. Many companies are not subject to a CLA, however, and will be unable to avoid the additional cost.</p> <p>(3) Overtime pay will also need to factor in an additional 8% to account for statutory holiday allowance, unless a CLA says otherwise. This means overtime costs will be 8% more expensive for companies which cannot deviate from the statutory arrangement by CLA.</p>	<p>(1) Update your payroll practices to ensure compliance.</p> <p>(2) Assess whether a CLA applies to your business, and if so, whether it provides an exception to the new rules.</p> <p>(3) If a CLA does not apply, consider whether to place restrictions on the amount of overtime worked to reduce costs.</p>
<b>Pensions</b>		
<b>Increased State Pension Age</b>	<p>The State Pension Age will increase to 66 years on January 1, 2018, but will gradually increase to 67 years and three months by 2023.</p>	<p>Take note of the increased retirement age and adjust internal practices and procedures accordingly.</p>
<b>Terminations</b>		
<b>Transition Fees – Cap Increased</b>	<p>If an employer wishes to terminate an employment contract, which has existed for two or more years, a mandatory transition fee must be paid. The amount payable depends on the employee’s age and length of service, but was capped at €77,000. This cap will increase to €79,000 on January 1, 2018.</p>	<p>Ensure the transition fee is calculated correctly.</p>
<b>Insurance</b>		
<b>Unemployment Insurance for Older Employees</b>	<p>If an employee of 63 years or older is unable to work due to illness or disability, and that employee was in receipt of unemployment benefits for at least one year before they started their current job, the Government will step in and pay the employee’s salary. Payment is (currently) subject to a cap of €4,150 per month.</p> <p>From January 1, 2018, insurance protection will also be available for ill or disabled staff aged 56 years or older (subject to the same pre-employment unemployment benefit rule).</p>	<p>No action required at present but be aware that cover exists for younger employees who are permanently unable to work.</p>

SUBJECT	LEGAL CHANGE	ACTION REQUIRED
<b>Data Privacy</b>		
<b>EU GDPR</b>	<p>The EU General Data Protection Regulation (“GDPR”) will take effect in the Netherlands on May 25, 2018, replacing the current Personal Data Protection Act. The GDPR introduces stricter rules on processing personal data.</p> <p>The Dutch implementation Act is still in discussion, but we can expect further developments on this in the New Year.</p>	<p>(1) Become familiar with the new rules and keep abreast of developments ahead of implementation.</p> <p>(2) Review existing practices/policies/procedures regarding data protection and update accordingly.</p>
<b>Employment Terms</b>		
<b>Changes to the Working Conditions Act (“WCA”)</b>	<p>The WCA was amended on July 1, 2017, to improve employees’ access rights to company doctors. The changes included mandatory introduction of an open consultation hour with the company doctor, a complaints procedure and a right for staff to request a second opinion from the company doctor. Employers have therefore had to revisit their existing contracts with health service providers and/or company doctors to ensure the additional services are available.</p> <p>The WCA gave employers until July 1, 2018, to amend such contracts.</p>	<p>Review and renegotiate existing contracts to ensure the WCA rules are complied with come July 1, 2018.</p>