How to survive the Dutch Works Council?

A practical toolkit

'How to survive the Dutch Works Council?' has been compiled for non-Dutch Works Councils members looking for practical tips. This toolkit contains an overview of the rights and obligations of the Works Council, task descriptions, sample letters, practical guidelines and the most important legal articles.

Schateiland

How to survive the Dutch Works Council?

A practical toolkit

© 2020 Schateiland Training B.V. Fifth edition www.schateiland.com

www.bravenewbooks.nl

Content

Introduction	g
muduction	~

PART I

Rights of the Works Council 13

PART II

Tasks of the Works Council 17

Tasks Works Council 19
Tasks Works Council-member 20
Tasks chairman 21
Tasks vice-chairman 23
Tasks secretary 24

PART III

Sample letters for Works Council and director 2

Sample letter request for further information – Works Council 29
Sample letter request for advice (RFA) – Director 31
Sample letter advice – Works Council 33
Sample letter decision on advice – Director 36
Sample letter request for consent (RFC) – Director 38

Sample letter granting/withholding consent – Works Council	40
Sample letter decision consent – Director 42	
Sample letter proposed initiative – Works Council 43	
Sample letter response proposed initiative – Director 45	

PART IV

Guidelines for the Works Council 47

Guidelines to start a Works Council 49
Guidelines for Works Council elections 50
Guidelines request for advice 51
Guidelines to structure meetings 53
Guidelines to make a point 54
Guidelines win-win negotiation 55
Guidelines presentation by the Works Council 56
Guidelines legal procedure 'Ondernemingskamer' 57
Guidelines legal procedure 'Kantonrechter' 59

PART V

Main articles of the Works Councils Act 61 (WOR)

Article 6 WOR: the composition of the Works Council 63
Article 18 WOR: the right to consultation and training 65
Article 20 WOR: the obligation of confidentiality 67
Article 23 WOR: the right to consultation (meetings) 69
Article 23 par 3 WOR: the right of initiative 71
Article 25 WOR: the right to advice 73
Article 26 WOR: the right to appeal at the Enterprise Section 76
Article 27 WOR: the right to endorse 78
Article 28 WOR: the encouraging tasks of the Works Council 81

Article 30 WOR: the appointment or dismissal of the director 82 Article 31 WOR: the right to information 83 About Schateiland 85

Preface

Congratulations on your election in the Works Council! There hardly is a better way to get to know your new or temporary home country the Netherlands. You might have noticed that the Dutch are used to give their opinion and do not have a well-developed antenna for hierarchy. Better not take decisions about them without them.

The Works Council is a unique instrument to protect the rights of employees and ensure workers participation in organisations. It is an important part of what is known as the Dutch 'Poldermodel'. A way of consulting all stakeholders involved to come to better decisions.

As a new member to the Works Council you might approximately know how things work. But how do things work exactly? What is the Works Council entitled to, and what not? What is expected from the chairman and the secretary? How do you write a good letter? Which steps should be taken by the Works Council during a request for advice? What are your options if you cannot come to an agreement with the director?

This survival guide provides an answer to all of these questions. In this practical toolkit, you will find an overview of the rights and obligations of the Works Council, the tasks of the Works Council, sample letters, practical guidelines, and the most important articles from the Works Council Act (WOR).

Good luck surviving the Dutch Works Council! Schateiland Training