

Chapter 4 - Employment and Holidays

Article 4.1 Employment, working week and working hours

1. A full-time employment is 38 hours a week. The actual working week is no more than 40 hours, 338 hours being vacation hours.
2. An employee's actual working week may vary annually due to vacation. The actual working week is determined by the employer.
3. The employer shall adopt a working hours schedule. A working hours schedule is a schedule drafted for a period of more than a week and published before taking effect that states when daily working hours begin and end.

Article 4.2 Non-working days and holidays

1. No work is performed on Saturdays and Sundays, New Year's Day, Easter Monday, 5 May, Ascension Day, Whit Monday, both Christmas and Boxing Day and the King's Birthday or on other days that the employer has designated as regionally or locally recognised holidays or anniversaries.
2. Employees are entitled to exchange one or more days of leave, for a free day on other religious holiday or anniversary.
3. Derogation of the first paragraph is only possible from if compelling operational interests so dictate and in consideration of the following:
 - a. No work shall be carried out on at least 13 Sundays in a period of 6 months.
 - b. As much consideration as possible will be given to those days that are of religious significance to an employee.
 - c. The working hours schedule is arranged in such a manner that the employee has at least two, preferably consecutive, days off, and allowance is made for no more than two half days off, preferably within, but in any case over a period of seven days.
4. Derogation of the working hours schedule is only possible if the employer's interest makes this inevitable or if there are special circumstances, provided that arrangements are made for the employee to enjoy at least 36-hour uninterrupted hours of rest during the period of 7 days concerned.
5. Every year, the employer may, with the approval of the (C)OR, schedule five days on which the organisation is closed for business. Collective closures are deducted from that part of the annual vacation leave as referred to in article 5.3, paragraph 2 that is taken as vacation.

Article 4.3 The 40/40 scheme

1. The employer may designate one employee or a group of employees who are to work 40 hours a week.
2. For the application of this article, an employee or a group of employees may be designated who:
 - Perform(s) work that is funded externally
 - Perform(s) work, mostly on a project-by-project basis, to which timelines or time restrictions apply
 - Is/are difficult to replace and necessary for operational processes
3. The designation will temporary, for the duration of a project or for a period of no more than two years, after which the employer may make a new decision.
4. For these employees, the annual entitlement to vacation leave is reduced from 338 to 234 hours, concurrent with the granting of an allowance on top of the salary of 5.25%. This allowance is included in the calculation of the holiday pay, year-end bonus and is pensionable.

5. For these employees, the number of hours of vacation leave that can be paid under AVOM is reduced by 104.⁵
6. These employees are offered the opportunity to purchase no more than 104 hours of vacation leave under AVOM.
7. If the employee falls ill or becomes incapacitated for work this article will cease to apply after six months from the first day of illness.
8. The calculation factor that is applied to these employees' secondary terms of employment is based on an employment of 38 hours per week.

⁵ Refer to the sample calculation in Appendix 2