

Chapter 5 - Vacation and leave

Article 5.1 Vacation

1. Employee in full-time employment (38 hours) and with a full-time working week (40 hours) receives 338 hours⁶ of paid vacation leave per calendar year. The vacation leave consists of 160 statutory hours and 178 non-statutory hours.
2. Employees in part-time employment are entitled to vacation leave *pro rata*, rounded up to full hours.
3. The employer may make further rules to implement this article.

Article 5.2 Week option for vacation leave

1. Under the so-called week option for vacation leave, the employee may take vacation leave for a fixed number of hours per week according to a fixed pattern per week or cluster of weeks. This option is exercised for the full calendar year.
2. The employee's request must fit within the framework of agreements made with the employer organisations at the level of the institutes or with the works council.
3. The employer may deviate from the employee's request if there are compelling operational interests.
4. In the event of illness or incapacity for work, the vacation hours that have been scheduled under the week option are not written off.

Article 5.3 The taking of vacation leave

1. Vacation-leave should, in principle, be taken in the calendar year in which it is granted.
2. As a rule, an employee with a full-time employment and a full-time working week will take at least 130 hours of vacation per calendar year, including the collective closure days referred to in article 4.2, paragraph 5.⁷
3. Taking into account the wishes of the employee where possible, the employer shall determine the start and finish dates of the vacation periods. Vacation will be taken for at least two consecutive weeks per year, or at the employee's request, for two one-week periods.
4. If there are pressing operational interests, the employer may withdraw permission granted to the employee to take vacation. Employees who suffer any financial damage as a result of the withdrawal will be indemnified.
5. For a full-time employment the remaining vacation leave at the end of a calendar year should as a rule not exceed 80 hours, to be increased with vacation leave to which future object has been deployed under AVOM (appendix 3).
6. In consultation with the employee, the employer fixes the start and end dates of the vacation when for the vacation hours that exceed the maximum referred to in paragraph 5.

Article 5.4 Expiry and lapse of vacation hours

1. The entitlement to the statutory annual vacation hours expires six months after the last day of the calendar year in which the entitlement arose, unless until such time the employee was not reasonably able to take this vacation leave.
2. The entitlement to the 178 hours of non-statutory vacation hours lapses after five years from the last day of the calendar year in which the entitlement arose.
3. The employer has the power to waive the expiry period of six months as stated in paragraph 1.
4. The entitlement to vacation leave accumulated before 1 January 2012 lapses after five years from the last day of the calendar year in which the entitlement arose.

⁶ For employers employed before 1 January 2000, the transitional scheme as referred to in article 14.3 applies.

⁷ Refer to Appendix 2 for sample calculations.

Article 5.5 Vacation leave and termination of employment

1. Prior to termination of employment, any vacation leave to which there is still an entitlement must be taken. The employer and employee will agree upon this at an early stage.
2. If for organisational reasons the remaining vacation leave cannot be taken prior to the termination of employment, an employee is entitled to a remuneration to the sum of his hourly wage including holiday pay and year-end bonus.
3. If the employee on the day of his termination of employment has taken out too much vacation leave, he will owe the employer for every hour of vacation leave taken out in excess a sum to the amount of his hourly wage including holiday pay and year-end bonus.

Article 5.6 Vacation leave in the event of illness or incapacity for work

1. During illness and incapacity for work the employee accumulates both statutory and non-statutory vacation hours during the first three months of his illness or incapacity.
2. After three months of illness or incapacity for work the employer only accumulates the statutory vacation hours.
3. After three months of partial illness and incapacity for work the employee accumulates both statutory and non-statutory vacation hours for the actual working hours.
4. Under the current regulations, taking vacation leave during illness and incapacity for work is possible.

Article 5.7 General provisions on special leave

1. Special leave is short-term or long-term unpaid leave. The articles 5.8 and 5.9 state in which cases the employer is entitled to full or partial remuneration. Furthermore, the employer can, at his own discretion, grant special leave, irrespective of whether this leave is paid or not.
2. Special leave is granted on grounds of a substantiated and timely written request by the employee.
3. The employee is entitled to long-term unpaid special leave unless this is incompatible with pressing economic or operational interests.
4. Long-term special leave takes effect after the employer has approved the leave, as well as the conditions attached to that leave. These conditions the manner of remuneration, including the employer and employee contribution to pension premiums, whether or not vacation will be taken and other arrangements are laid down in writing.
5. In the event of continuation of pension accrual during the unpaid leave as referred to in this article the full pension premiums (included the employer contribution) are borne by the employee. This also applies to the life-course leave taken for this purpose.
6. If the work is performed with another employer, special unpaid leave, including the guaranteed right of reinstatement into the position, may be granted for the period of one year.

Article 5.8 Special paid leave

1. Employee shall be granted paid special leave:
 - a. For the death of relatives and in-laws in the first degree: four days; for the death of relatives and in-laws in the second degree: two days. If the employee has been entrusted with the interment or cremation this number may be increased by four days.
 - b. For their wife's or life partner's childbirth: one day.
 - c. After their wife's or life partner's childbirth: two days of paternity leave, to be taken within four weeks from the first day on which the child actually lives at the same address as the mother.
 - d. For taking in a foster child as defined in the Youth Care Act in the family: five weeks, to be taken within 26 weeks after the child has actually been taken into the home.
 - e. in the event of adoption: five weeks, to be taken within 26 weeks counting from four weeks prior to the child's entry into the family;
 - f. To exercise the right to vote or be elected and in compliance with a statutory obligation, insofar as this is impossible outside working hours.

- g. For a visit to a recognised medical paramedical practitioner, insofar as this is impossible outside working hours.
 - h. For the necessary supervision of a person as referred to in article 5.10, paragraph 1, for the purpose of a visit to a doctor or a hospital that is an emergency, or a visit that is unforeseen or not reasonably possible to plan outside working hours.
 - i. In an unforeseen situation that requires them to take necessary measures without delay: for a maximum of forty hours per year (not uninterrupted). If this maximum is exceeded, the employee is entitled to 70% of their remuneration for each extra hour of calamity leave.
2. In derogation of the provision in the previous paragraph, the special leave for the sea-faring personnel of the Royal Netherlands Institute for Research at Sea (NIOZ) shall be granted at a later time, should the interest of the service thus require.

Article 5.9 Leave for activities of employee organisations

1. The employee will be granted full-paid special leave, unless the employer's interest dictates otherwise:
 - a. To attend employee organisation meetings, provided that he takes part as a member of the board or as a representative or member of the board of part thereof: for a maximum of 120 hours per year.
 - b. If he is appointed to develop administrative and/or representative activities within an employee organisation or within the employer's organisation, whose aim is to further the objects of the association or organisation: for a maximum of 208 hours per year.
 - c. To participate in a course, at the invitation of an employee organisation: for a maximum of 48 hours per two years.
2. The total amount of leave referred to in paragraph 1 shall not exceed 320 hours per period of one year, if the employee is a member of an employee organisation's central management. In other cases this shall not exceed 240 hours per period of one year.
3. The employee who has been appointed a paid member of the board of an employee organisation as referred to in article 1.1, definition 34 of a central or international employee organisation may be granted special unpaid leave for a period of no more than two years.

Article 5.10 Care leave

1. Employees have an entitlement in proportion to the size of their employment for the necessary care of
 - their ill partner
 - blood relatives in the first degree (parents, adoptive parents, children, adoptive children)
 - blood relatives in the second degree (grandparent, grandchild, brother, sister)
 - those who are part of their household
 - those with whom they are in another kind of social relationship, insofar as the care directly arises from that relationship and should in all reasonableness be provided by them.
2. The period of short-term care leave in the event of illness is no more than ten working days per calendar year and is paid.
3. The period of long-term care leave in the event of life-threatening illness is no more than six weeks per situation, of which four weeks fully paid and two weeks at 50% of their remuneration. At the employee's request, this long-term care leave may be extended. The employer determines the duration of the extended long-term care leave and any additional conditions.
4. During extended long-term care leave, employees are entitled to
 - at least 50% of their remuneration during the first two weeks of the extension; further extensions of care leave are in principle unpaid
 - full accrual of pension and social security entitlements
 - vacation leave in order to compensate for the unpaid part of the extended long-term care leave
 - vacation leave immediately following the extended long-term care leave.

The employer shall allow the employee to take vacation leave immediately following the extended care leave.

5. The period of long-term care leave for the care of a person who is ill or in need of help as referred to in paragraph 1 is no more than six weeks per situation and is unpaid.
6. During the unpaid care leave pension accrual continues to be based on the number of working hours prior to the leave. The full pension premiums (including the employer contribution) are borne by the employee. This also applies to the life-course leave deployed for this purpose.
7. The request for leave as defined in this article may be refused or withdrawn if there are pressing operational interests.
8. The employer may require the employee to make plausible that care of a person as referred to in the first paragraph is necessary due to illness or life-threatening illness.

Article 5.11 Pregnancy leave and maternity leave

1. For childbirth the female employee has a right to paid pregnancy and maternity leave of no more than sixteen weeks.
2. The entitlement to pregnancy leave takes effect six weeks prior to the day following the expected childbirth date as evidenced by a statement by a physician or an obstetrician. This leave commences no later than four weeks prior to this date.
3. The maternity leave is ten weeks and takes effect on the day following the date of childbirth. The employee may spread this leave pursuant to a request under the Work and Care Act.
4. The leave is extended to a maximum of sixteen weeks, insofar as the maternity leave preceding the expected date of childbirth has amounted to less than six weeks for reasons other than illness.

Article 5.12 General provisions on parental leave

1. Employees are entitled to parental leave for each child. To this end, they may request that their employer:
 - Reduce the actual working week by half during the relevant for the maximum uninterrupted period of twelve months.
 - Reduce the actual working week by less or more number of hours per week, in which case the maximum period of leave can be extended or reduced proportionately.
2. The parental leave can be divided into a maximum of six periods of at least one month.
3. The employer will determine the working hours schedule in agreement with the employee. On grounds of serious operational interests, and no later than four weeks before the leave starts, the employer may change the distribution of the leave over the week.
4. Parental leave is conditional upon the employee
 - being the biological, foster or adoptive parent of a child that has not yet reached the age of eight years and
 - having submitted a written request to the employer at least two months before the parental leave starts.
5. During the parental leave, vacation leave is only accrued for the actual hours worked.
6. Parental leave ends no later than on the day that the child reaches the age of eight years.

Article 5.13 Amendments to parental leave agreements

1. The employer shall agree to a request by the employee not to take parental leave following the taking of pregnancy, maternity or adoption leave. The employer shall follow up on the request within four weeks. If the leave is not continued, the entitlement to the remainder of the leave is suspended.
2. The employer may refuse a request not to take out or not to continue parental leave as a result of unforeseen if this is incompatible with compelling operational interests. The employer shall follow up on the request within four weeks. If the leave is not continued, the entitlement to the remainder of the leave ends.

3. If the leave is divided on the basis of article 5.12, paragraph 2, paragraphs 1 and 2 of this article apply to each period.
4. A request by the employee to end the leave prematurely is granted unless this is incompatible with compelling operational interests. The leave not taken out for this reason permanently ends.

Article 5.14 Remuneration during the parental leave and repayment obligation

1. Employees are entitled to parental leave with partial retention of remuneration
 - for a child that has not yet reached the age of four years
 - for a period of thirteen times the actual working week
 - provided they have been employed for a period of at least one year immediately preceding the parental leave and
 - have submitted a request in writing at least two months before the leave starts.
2. The parental leave amounts to 55% of the remuneration.
3. During parental leave, the due pension premiums continue to be based on the employee's working hours prior to the parental leave:
 - a. For paid parental leave, the employer and employee continue to be based on the number of working hours immediately prior to the parental leave.
 - b. For unpaid parental leave the full pension premiums (including the employer contributions) are borne by the employee. This also applies to the life-course leave deployed for this purpose.
4. Employees who during the parental leave resign upon their own request or are dismissed without any entitlement to severance pay or disability pension shall refund the remuneration paid during the parental leave.
5. The refund referred to in the previous paragraph is reduced by one-sixth of the total sum, for each month that employment has continued after termination of the non-statutory parental leave.

Article 5.15 Parental leave and illness

1. In the event of illness continuing for more than one calendar month, the employee is entitled, after that month, to suspension of the parental leave for the duration of the illness.
2. During the first month of illness, the level of remuneration is based on the employee's entitlement by virtue of the parental leave. In the subsequent months of illness, remuneration will be based on the salary paid before the parental leave started.

Article 5.16 Seniority leave (Seniorenverlof; SROI)

As of 1 February 2012 the Seniority Scheme for Research Institutes (*Seniorenregeling Onderzoekinstellingen*; SROI-2007) was abolished. For the transitional seniority leave scheme SROI, refer to article 14.5.