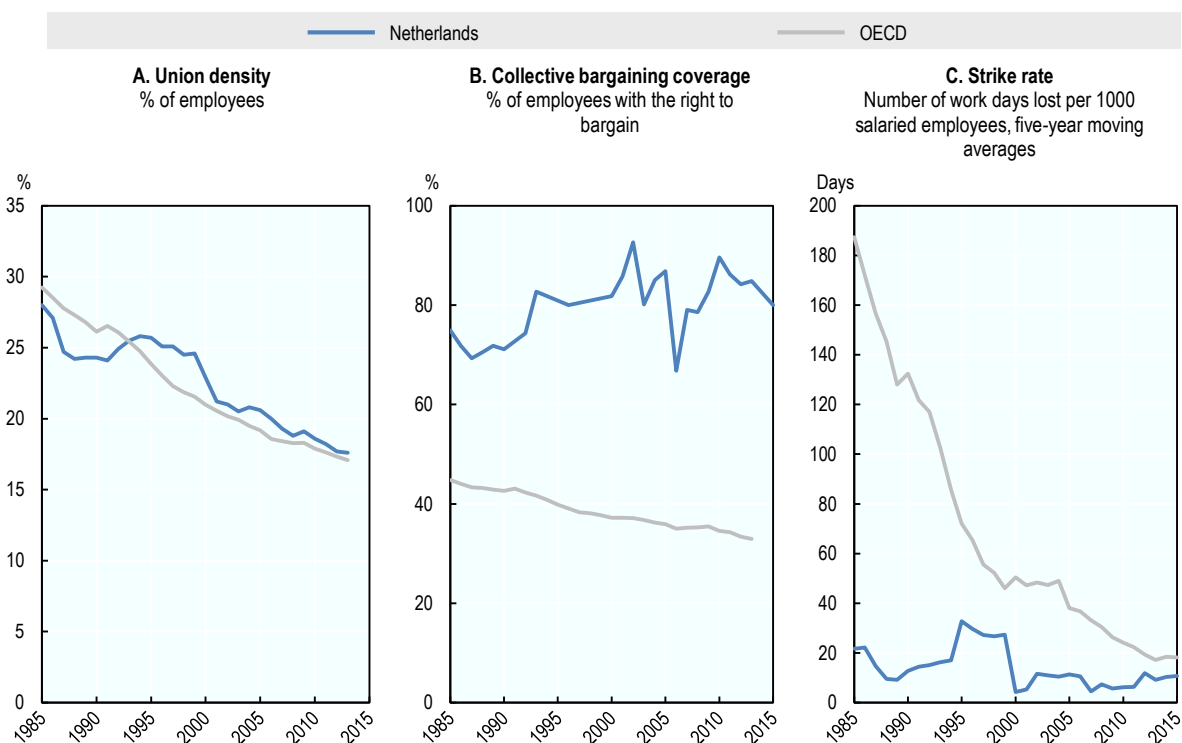


Netherlands

KEY FEATURES OF THE COLLECTIVE BARGAINING SYSTEM IN 2015

Predominant level	Sectoral
Degree of centralisation/decentralisation	Organised decentralised
Co-ordination	High
Trade union density in the private sector	10-20%
Employer's organisation density	80-90%
Collective bargaining coverage rate	80-90%
Quality of labour relations	High

TRENDS IN INDUSTRIAL RELATIONS IN THE NETHERLANDS, 1985-2015



BUILDING BLOCKS OF COLLECTIVE BARGAINING

The detailed description of the building blocks of collective bargaining mainly relies on information provided by the responses to the policy questionnaires that were sent to Labour Ministries, employer organisations and trade unions in 2016. The information reported in the questionnaires represents the situation in **December 2015**.

Use of *erga omnes* clauses

Legal application of a sector level agreement in the absence of administrative extensions Only to members of signing organisations but in practice to all workers of signing firms.

Legal application of a firm-level agreement The employer has to offer the agreement to all workers.

Use and coverage of extensions

Use of extensions of sectoral collective agreements Yes, common.

Procedure The Ministry issues the extension upon request of one of the parties.

Representativeness criteria Employer organisation have to represent >60% of employees (or >55% employees with additional scrutiny).

Public interest criteria Extensions can be refused on grounds that they conflict with general interest.

Exemptions or possibility of appeal Firms can be exempted (criteria for exemptions have to be clearly specified in the sectoral agreement in order to grant its extension) but no appeal.

Duration of collective agreements

Average duration 12 months

Maximum duration of collective agreements

- Cross-sectoral level: Not relevant.
- Firm and sectoral levels: Yes, by law, 60 months.

Can contracting parties terminate an agreement before its expiry date?

- Cross-sectoral level: Not relevant.
- Firm and sectoral levels: Yes, but parties have to renegotiate it.

Ultra-activity of collective agreements

Is maximum duration of after-life/ultra-activity of agreements fixed by law? No rule.

Retroactivity of agreements

Do firms have to pay arrears in case of late renewal? No legal obligation, but parties may agree on that.

Does retroactivity apply only to members of signatory parties or does it cover all parties? To signatory parties including the non-union members in member firms of signatory employer organisation.

Use of the favourability principle

Application of the favourability principle is entirely a matter for the bargainers.

Use and scope of derogations and opt-out

Derogations from the law

Possible to derogate from temporary work regulation to favour agreement between social partners (upon request).

Derogations from collective agreements

Scope

Derogations including general opening clauses and opt-out are granted by law and can be foreseen by higher-level agreements.

Topics

Full agreement.

Rationale

Avoid one-size- fit-all: opt-out derogations contribute to maintain high support for extensions of collective agreement.

Criteria

Unilateral request by the employer based on clearly ex ante criteria, subject to approval by social partners.

Other

Not relevant

Forms of co-ordination

Mode of co-ordination

Pattern bargaining or inter/intra associational

Degree of co-ordination

Strong

Enforcement of collective agreements

Sector-level agreements

Firm-level agreements

Do agreements typically include a peace clause?

Yes

No, but potentially allowed.

Do agreements typically include a mediation/arbitration procedure?

Yes

Information not available

Is it compulsory?

No

Not relevant

Worker representation at the workplace

Work council.

Board-level employee representation

Public sector

Yes

Private sector

Yes

Scope

Companies with:
1. Equity capital >16 M,
2. a work council,
3. >100 (some exceptions).

Proportion/number of workers' representatives

- Dualistic: 1/3 of the supervisory board.
- Monistic: 1/3 of the non-executive directors' seats.

Nomination of candidates

Work council

Appointment mechanism

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
PARIS, SEPTEMBER 2017