



# ABSENCE PROTOCOL

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EUROPLANIT  
PERSONEELSDIENSTEN

## INTRODUCTION

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### **THIS ABSENCE PROTOCOL IS INTENDED FOR ALL EMPLOYEES OF EURO PLANIT PERSONEELSDIENSTEN.**

#### **GENERAL**

Sickness and not being able to work are first and foremost unpleasant for the people affected. But being sick is also a disadvantage for the client and Euro Planit Personeelsdiensten. After all, the client has to miss - for a shorter or longer time - a well-trained and experienced employee. In addition, there are the high costs associated with this absence. Euro Planit Personeelsdiensten is obliged, in accordance with the Dutch Civil Code,

the applicable collective labour agreement (CAO) or the clients (where you are working) company-specific regulations, to continue paying at least 70% of the daily wage in the event of incapacity to work. This obligation to continue paying wages lasts for a maximum of 104 weeks. For both the first and second year of illness, the maximum entitlement is the maximum daily wage.

#### **OUR OCCUPATIONAL HEALTH AND SAFETY SERVICE; 1VOUD WERKEN & GEZONDHEID B.V.**

Euro Planit Personeelsdiensten has made arrangements with the occupational health and safety service 1voud Werken & Gezondheid B.V.. The doctors from 1voud Werken & Gezondheid can assess whether you are entitled to sick pay in case of illness. To enable this assessment, you must comply with the regulations in this absence

protocol. When you report sick to Euro Planit Personeelsdiensten, your request will be handled by our absence coordinator. The absence coordinator will maintain contact with you and together you will make agreements on the expected duration of absence.

#### **SANCTIONS**

We would like to point out that failure to comply with the regulations below and/or failure to cooperate with the assessment by the occupational health and safety service may result in forfeiture of the right to sick pay and/or the supplements over and above the statutory entitlement.

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# 1. I AM SICK, WHAT DO I DO NEXT?

## ABSENCE PROTOCOL EURO PLANIT

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### 1.1 - PROCEDURE FOR REPORTING SICK

When you are sick, you report this as soon as possible to your supervisor at the client. You will need to do this before your working day starts! If you are sick, you must also report this to Euro Planit Personeelsdiensten before 9 a.m. in the morning:

- ▶ All sick calls of NL speaking staff:  
**0575 - 55 55 18**
- ▶ All sick calls from EU staff:  
**06 - 23 50 73 97**

If you cannot report sick yourself, please have someone close to you do so. If you do not report sick on time, we will unfortunately not be able to process it. If you go home sick, you must report sick on the same day. If you have to work in the evenings or at the weekend, please also report this. A sick report will not be processed retrospectively, unless there is a reason why you could not have reported it earlier. This is, for example, in case of emergency hospitalisation.

During the time that you are unable to work, Dutch laws and regulations apply. In the Netherlands, you are entitled to continue receiving salary payment during illness. This right can only be determined by a company doctor. You can submit a Krankenschein, "Gelber Schein" or an Elektronische Arbeitsunfähigkeitsbescheinigung. However, only a company doctor judges to what extent you are restricted to work and what possibilities there are for (adapted) work.

### 1.2 - EMERGENCY CALL

If there is reason to do so, 1voud Arbo can summon you urgently for the consultation hour with the company doctor.

### 1.3 - YOUR OBLIGATIONS WHEN RECEIVING SICKNESS BENEFIT

When you are reported sick you may receive benefits. Euro Planit Personeelsdiensten is a "eigenrisicodragers". This means that you do not receive these benefits from the UWV, but from us. Together, we are responsible for your reintegration. This means that from the moment you call in sick, you have a number of obligations. These are set out in the "Controlevoorschriften Ziektewet". You can read more about this below.

### 1.4 - MAKE SURE YOU CAN BE REACHED

Of course, we at Euro Planit would like to know how you are doing and when you will be able to work again. That is why we will contact you. If you are ill, you need to be reachable for Euro Planit. If you are not reachable and do not respond to our message, this may have negative consequences for your benefit. When you report sick, you should therefore also state the telephone number where you can be contacted.

### 1.5 - SICK VISIT

We think it is important to know how you are doing when you are ill, this is why we sometimes visit you personally. We do this in the morning between 10am and 12pm or in the afternoon between 2pm and 4pm. The controller must be able to get hold of

you so should you have a different accommodation address during your sick leave, please inform Euro Planit about this as soon as possible. If you are not present when we visit you, you will receive a message or card. You must respond to this at all times. Failure to do so may have consequences for your benefit payment.

### **1.6 - WORKING TOWARDS RECOVERY**

During your sick absence, you should do everything you can to get better as soon as possible. If necessary, see your doctor or GP and follow their advice. Make sure you do things that benefit your recovery.

### **1.7 - SICK PAY**

The amount of your sick pay is determined by the daily wage and is paid periodically.

### **1.8 - AGENCY CONTRACT WITHOUT AGENCY CLAUSE**

When you have a temporary employment contract without an agency clause, you are entitled during the term of the contract to at least 70% of your wages and during the 1st year of your sick leave to at least the minimum wage. In the ABU CAO for Temporary Workers, you are entitled to a supplement to the statutory ZW benefit. This goes up to 20% in the first year of illness and 10% in the second year. This is subjected to 1 waiting day, over which you are not entitled to sick pay. If your contract with Euro Planit ends during your illness, you fall under the safety net scheme. You are entitled to at least 70% of your ZW daily wage during illness.

### **1.9 - OUR OCCUPATIONAL HEALTH AND SAFETY SERVICE**

Euro Planit has partnered with 1voud Werken & Gezondheid as its health & safety service. Through our occupational health & safety service, you will receive an invite for company doctors' consultation hour. We would like to point out that an invitation from the company doctor is mandatory to attend! If you really cannot come to the consultation hour, discuss this with your absence coordinator. Only your absence coordinator is authorised to reschedule an appointment. If you do not appear for the consultation hour, or if you do not cancel in accordance with the guidelines (at least 48 hours before the consultation hour), you will be charged the costs of the missed consultation hour. If you are still ill on the day the company doctor declared you recovered, you must inform us immediately by telephone.

### **1.10 - PROVIDE A VALID IDENTITY DOCUMENT**

Do you come to the consultation hour or do we visit you? Then you must be able to show a valid proof of identity. During the first contact, this can be a passport, identity card or residence document. At a follow-up appointment, a driving licence is also sufficient. Someone accompanying you must also be able to show a valid identity document.

### **1.11 - COLLABORATE TOWARDS YOUR REINTEGRATION**

You must actively cooperate in the reintegration process. This means you should be doing everything you can to get back to work as soon as possible. If you are sick for more than 6 weeks, you and the Euro Planit absence coordinator will draw up an action plan ("Plan van Aanpak"/PVA)

which both parties must then sign. This contains agreements on your reintegration activities.

### **1.12 - ACCEPT SUITABLE WORK**

Sometimes you can no longer do your own work due to illness, but you can do other work. What kind of work depends on your health and how long you have been ill. In consultation with you, the company doctor determines what work is suitable. You must always accept this work, even if it is below your level. If no suitable work is available, but you are able to work, you are obliged to register as a jobseeker with the UWV. You must then try to get suitable work. You do not have to look for suitable work when you are on holiday, up to a maximum of 4 weeks a year.

### **1.13 - REPORT CHANGES**

If anything changes in your situation, it may affect the amount or duration of your benefit. You are therefore obliged to immediately pass on information about this change to Euro Planit. These are the most common changes you must report immediately:

- ▶ Change in your contact details;
- ▶ You are going abroad (only in consultation with Euro Planit and approval of the company doctor);
- ▶ You are going on holiday (only in consultation with Euro Planit);
- ▶ You are going to earn more/less;
- ▶ You stop working;
- ▶ You receive income other than wages, e.g. a supplement to your benefits;
- ▶ Change in your health;
- ▶ Change in your living situation;
- ▶ You become a prisoner;

- ▶ Your personal situation changes, e.g. moving house, changing account number, hospitalisation;

### **1.14 - WHAT TO DO WHEN YOU ARE BETTER**

As soon as you are better, you must inform Euro Planit within 48 hours. Again: if you are still ill on the day the company doctor declared you recovered, you must inform us immediately by telephone.

### **1.15 - STICK TO YOUR OBLIGATIONS**

It is important that you stick to your obligations. If you do not do so, you will temporarily receive less or no benefit and/or a fine. You can read more about this in the “Maatregelenbesluit”. If you have received too much benefit, you must repay the excess amount.

### **1.16 - “WET VERBETERING POORTWACHTER”**

The “Wet verbetering Poortwachter” was drawn up to reduce the number of long-term sick leave reports. This Act obliges the employer and employee to work together toward recovery of the sick employee in a quick and responsibly manner. This law sets out the obligations that employer and employee have. As an employee, we expect you to take an active role and take the initiative in the compulsory reintegration process, with the ultimate goal of returning to work.

## 2. PROCEDURE

### “WET VERBETERING POORTWACHTER”

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#### DAY 1:

You report sick to Euro Planit and to your supervisor at the company where you work in accordance with the above procedure. Euro Planit forwards your sick report to the occupational health & safety service 1voud Werken & Gezondheid. Euro Planit will contact you to discuss the nature of the sick report and the expectation with you.

#### WEEK 6:

If you have been ill for six weeks, you will be summoned to an appointment with the company doctor. They will draw up a problem analysis (“Probleemanalyse”) in which they will describe why the employee cannot work, what the possibilities for recovery are and when the expectation is that work can be resumed.

#### WEEK 8:

Within eight weeks of reporting sick or no later than two weeks after the “Probleemanalyse”, the employer, in consultation with the employee, draw up a plan of action (“Plan van aanpak” / PVA). This plan describes the efforts that employer and employee will make to get the employee back to work. The plan of action is part of the reintegration file and is signed by the employer and employee.

#### PERIODIC PROGRESS:

Employee and employer should meet once every six weeks to discuss the progress. In the interim, they may decide to adjust the plan of action. The employer is responsible for ensuring that the company doctor has regular contact with the employee about the progress of the sick leave.

#### WEEK 42:

In week 42, the employer must report the first-year sickness evaluation to the UWV.

#### WEEK 50:

Before the employee moves on to the 2nd year of illness, employee and employer go over everything again. Is there anything we can do together to get you back to work?

#### 20 MONTHS:

If you are still not fully recovered after 20 months, you will receive a WIA application form from the UWV in the 87th week. Note! You must return this form to the UWV within three weeks. Soon afterwards, the UWV will assess the reintegration report and a WIA examination will be carried out.

You can find more information on the “Wet verbetering Poortwachter” at:

**“Wet verbetering Poortwachter” | Arboportaal**



Scan the QR-code to go to the website of Arboportaal (Dutch).

## 3. ABSENCE PROTOCOL

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### 3.1 - IMPLEMENTATION OF THE ABSENCE PROTOCOL

All parties are jointly responsible for the implementation of the absence protocol. You are assumed to be familiar with the procedures as laid down in this protocol.

### 3.2 - PARTIES INVOLVED IN THE IMPLEMENTATION OF THE ABSENCE PROTOCOL

The following parties are involved in the implementation of the absence protocol: the employee, the client, employer and 1voud Werken & Gezondheid. Each party has its own obligations.

#### 3.2.1 - OBLIGATIONS OF THE EMPLOYEE

The employee who is prevented from performing his work in connection with incapacity due to illness is obliged to:

- ▶ Cooperate with measures taken by the employer (or an expert designated by the employer);
- ▶ Cooperate in creating, evaluating and adjusting a problem analysis and the Plan of Action (PvA) regarding their reintegration;
- ▶ Perform suitable work to which the employer gives them the opportunity;
- ▶ To actively cooperate in the reintegration within the framework of the implementation of the Wet verbetering Poortwachter and/or the Ziektewet (ZW);
- ▶ Maintain contact with the employer and, if possible, the client;

- ▶ Employee should not have provided false information upon commencement of employment;
- ▶ During illness, the employee is not expected to engage in any activities that may hinder the recovery.

#### 3.2.2 - CLIENTS OBLIGATIONS

The client is obliged to:

- ▶ Take measures and issue regulations as soon as reasonably necessary to enable the sick employee to perform their own or other suitable work;
- ▶ Principal has an important input in the prevention of complaints, of absenteeism and in the supervision and reintegration of sick and incapacitated employees under its responsibility.

#### 3.2.3 - EMPLOYER'S OBLIGATIONS

The general affairs of the employer in the context of sick leave include:

- ▶ Signalling and providing support under the WvP, for the purpose of the PoA.

#### 3.2.4 - OBLIGATIONS 1VOUD WERKEN & GEZONDHEID.

The company doctor, task delegate and case manager of 1voud Werken & Gezondheid provides support to the employer.

**The primary duties of the absence coordinator include:**

- ▶ Telephone contact. The telephone contact can be followed by one of the four steps listed

below:

1. Making an appointment with you about the date of work resumption;
  2. Referral to the company doctor's surgery;
  3. (telephone) follow-up contact;
  4. Advising employer a.o. on legal aspects.
- ▶ Conducting (physical) absence interviews to monitor progress during the absence;
  - ▶ Conducting absence interviews for the purpose of drawing up or adjusting the PoA;
  - ▶ Referring to third parties (e.g. early appointment of company doctor, use of company social worker, use of reintegration agency or emergency control of absenteeism);
  - ▶ Process-oriented supervision of the absent employee.

#### **The primary duties of the occupational physician include:**

- ▶ Determining the degree of incapacity for work;
- ▶ Medical supervision of the absent employee;
- ▶ Issuing prognoses regarding work resumption;
- ▶ Drawing up the problem analysis in the context of WvP;
- ▶ Advising on preventive measures to employee and employer.

#### **The powers of the company doctor are:**

- ▶ Call in the employee for consultation;
- ▶ Making a work resumption appointment with the employee;
- ▶ Conducting a medical examination;
- ▶ With the employee's consent, the company doctor may consult with and/or obtain information from: the general practitioner, the specialist or other practitioners (e.g. company social work).

#### **Task delegate:**

The company doctor can (partially) delegate his

powers to a task delegate. The task delegate (not being the case manager) must indicate the purpose of her contact with the employee and may ask questions about the medical condition. The task delegate records this information and shares it with the company doctor. The company doctor issues an initial assessment based on this information and determines the follow-up path.

1voud Werken & Gezondheid contacts, in writing, to the absence coordinator after each consultation contact the agreements made and/or relevant limitations or possibilities for reintegration. The feedback can be used during the absenteeism interview and, within the framework of the WvP, be kept in the reintegration file.

The company doctor has professional confidentiality. The case manager and task delegate have a derived professional confidentiality. Consultation between 1voud Werken & Gezondheid and employer about e.g. work resumption is limited to limitations and possibilities of work resumption. 1voud Werken & Gezondheid applies the guidelines in accordance with the General Data Protection Regulation (AVG).

### **3.3 - HOLIDAYS DURING YOUR ABSENCE**

If you wish to take a holiday or days off during illness, you must agree this with your absence coordinator. The absence coordinator determines (if necessary in consultation with the company doctor) whether the proposed holiday is not detrimental to your recovery. During the holiday taken, holiday hours are also written off.

In case of partial occupational disability and holiday, full holiday hours are written off. After all, during illness, you also accrue full holiday hours (over hours worked but also over sick hours).

If you take holidays (have them paid out), they will be deducted from the payment of hours of absence.

### **3.3.1 - REPORTING SICK AND RECOVERY DURING HOLIDAYS**

A sick report during holiday should always be followed by a recovery report, namely by:

- ▶ A recovery notification during holiday;
- ▶ Or report of recovery when resuming work.

### **3.3.2 - REPORTING SICK DURING HOLIDAY**

If you become ill during the holiday, you should report this according to the usual procedure. Make sure you can be contacted via telephone by the absence coordinator. A call may follow for the company doctor's consultation hour at the nearest location. Otherwise, all the steps of this absence protocol apply.

### **3.3.3 - REPORTING YOUR RECOVERY DURING HOLIDAYS**

If you are recovered during the holiday, you must report this to the absence coordinator as soon as possible but no later than the next working day before 09:00.

Upon returning home, you must submit a medical declaration from a local doctor on holiday to the company doctor. This declaration must be clearly legible in English or Dutch, and must state the nature of the illness and/or disability, the duration and (if applicable) the reason why you were unable to travel back at the previously agreed time.

If we have doubts about the sick report, we may ask the company doctor to contact the doctor abroad by telephone.

### **3.3.4 - CONSULTATION WITH COMPANY DOCTOR AFTER RETURNING FROM HOLIDAY**

After returning from holiday (even if already recovered), you can be summoned for the consultation hour by the company doctor. During the consultation hour, you must submit a statement from a doctor or other documents (prescriptions, packaging of medicines by name, etc.) proving illness that arose during a holiday period.

### **3.4 - COSMETIC PROCEDURES**

In case of cosmetic surgery that has no medical cause (confirmed by doctor), the days you cannot work are for your own account. This means that you do not receive sick pay for those days. You can take holiday hours for this.

### **3.5 - SECOND OPINION**

It is possible to request a second opinion from another company doctor if the first company doctor agrees. The first company doctor collects the data for the second company doctor. If a second opinion is requested, it does not have a suspensive effect on the primary opinion. In other words: the opinion of the first company doctor must be followed until the other company doctor reaches a different conclusion. It should be noted, however, that the turnaround time of a second opinion is long because this company doctor must first collect all the data and study the file before he can give an opinion.

### **3.6 - EXPERT OPINION**

If you have doubts about the course of events during your reintegration, it is possible to request an expert opinion from the UWV. The costs of this expert opinion are for your own account. There are

only four questions on which the UWV gives an expert opinion:

- ▶ Is there or is there not an incapacity for work;
- ▶ Is there suitable work within the organisation;
- ▶ Reintegration efforts of the employee;
- ▶ Reintegration efforts of the employer.

### **3.7 - PAID LEAVE**

It is possible that an unforeseen private situation arises, temporarily preventing you from working. Reporting sick is not permitted in that case, as there is no question of illness. It is important that you take the initiative (if a manager has to ask about the private situation, this is contrary to the AVG) and discuss the situation with your manager, so that you can find a solution together. A number of situations are already regulated by law, e.g. parental leave, special and emergency leave, short-term care leave, long-term care leave, unpaid leave, adoption leave and foster care leave.

### **3.8 - CONFLICT**

Both the employer and the employee can signal a conflict. If one of the parties involved feels that there is a conflict that interferes with work, then in principle there is a labour dispute. This means that an issue needs to be discussed or resolved.

#### **3.8.1 - REPORTING AND ACKNOWLEDGING THE CONFLICT**

Reports can be made to the supervisor, to Euro Planit or to 1voud Arbo. A conflict is not a reason for reporting sick, as usually there is no illness. An exploratory interview of those involved can prevent the conflict from worsening (sometimes quick interventions can prevent deterioration). Responding quickly and appropriately to a conflict report prevents conflicts from eventually turning into sick leave. If you do report sick as a result of a conflict, a

request will be made to the company doctor to rule on whether illness is the cause of the absence as soon as possible.

### **3.9 - ACTIONS AND RESPONSIBILITIES DURING THE FIRST AND SECOND YEAR OF ILLNESS**

Employer and employee are jointly responsible for reintegration during the first two years of disability. 1voud Werken & Gezondheid has a supportive role in this towards both Euro Planit and the employee, both solicited and unsolicited. The absence coordinator records the following:

- ▶ All documents and data relating to the course of the absence;
- ▶ The number of hours actually worked in case of partial disability;
- ▶ The reintegration activities undertaken.

The data is kept in the so-called reintegration file.

### **3.10 - PREVENTIVE CONSULTATION**

You can consult the absenteeism coordinator or company doctor for questions about (impending) problems in the field of health and work, before complaints or absenteeism due to occupational disability occur. Should you wish to make use of this possibility, you can, on your own initiative, contact the absenteeism coordinator or 1voud Werken & Gezondheid by telephone.

### **3.11 - CONTACTS WITH 1VOUD WERKEN & GEZONDHEID AFTER THE SECOND YEAR OF ILLNESS**

Should you complete the two years of illness, without your contract with the employer having been terminated by operation of law before that time, the contact between 1voud Werken & Gezondheid and you ends after the WIA end waiting period date. Should the UWV impose a sanction

because opportunities were not utilised during the 104-week waiting period of the WIA, the contact between you and 1voud Werken & Gezondheid will continue for the duration of the sanction period.

### **3.12 - TERMINATION OF EMPLOYMENT CONTRACT**

Should you, two years (104 weeks) after the first day of incapacity for work, still be fully or partially incapacitated, the employment contract will be terminated on the grounds of long-term incapacity for work for that part of which the incapacity for work continues. In case of full incapacity for work, the employment contract will be terminated in full.

### **3.13 - ADDITIONAL INFORMATION REGARDING REINTEGRATION DURING THE 104 WEEKS OF SICK LEAVE**

Should it become apparent during your sick leave that you cannot return to your own work due to illness or disability (substantiated by the company doctor and labour expert), Euro Planit has chosen,

### **3.14 - CONSEQUENCES FOR NOT COMPLYING WITH THE RULES OF THE ABSENCE REGULATIONS (SANCTIONS)**

If you are unable to work as a result of occupational disability, you are entitled to continued payment of wages. Employer relies on the opinion of the company doctor and/or absence coordinator for this. Employer is obliged to apply a sanction if an employee violates any of the rules mentioned in this protocol without a valid reason, such as:

- ▶ Not being at home for check-ups;
- ▶ Not being available for 1voud Werken & Gezondheid or Euro Planit;
- ▶ Not appearing or not cancelling consultation in time without a valid reason;
- ▶ Not being sick but reporting sick;

within the framework of the WVP and/or the implementation of the ZW, to start an external reintegration process for you (track II).

As part of your reintegration obligation, you should cooperate in this. Should it appear that the restrictions resulting from illness or disability are of a permanent nature and that, because of these restrictions, you no longer have any utilisable possibilities with regard to performing suitable work on a permanent basis, an early examination within the framework of the WIA will be requested from the UWV. Taking into account the relevant statutory provisions, this means that after 13 weeks of occupational disability (counting from the first day of illness) up to 68 weeks of occupational disability, an early application for benefits can be made. You must also cooperate with this within the framework of the legal obligations.

- ▶ Not cooperating in (updating) the Action Plan and/or not signing and returning the signed (updated) Action Plan.

The sanction options are (in chronological order)

- ▶ Verbal reprimand with a note in the personnel file;
- ▶ Written reprimand recorded in the personnel file;
- ▶ Suspension of salary;
- ▶ Cessation of salary payment;
- ▶ Suspension from work;
- ▶ Dismissal.

## 4. PRIVACY PROTECTION

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Both Euro Planit and 1voud Werken & Gezondheid operate in accordance with the guidelines of the General Data Protection Regulation (AVG).

All Euro Planit employees are entitled to careful treatment by managers and external bodies (such

as, for example, 1voud Werken & Gezondheid) and also to careful treatment of all confidential and personal data. Employees are entitled to inspect the data recorded in the medical file at all times. The company doctor of 1voud Werken & Gezondheid has a (medical) confidentiality agreement.

## 5. CONTINUED PAYMENT TO EMPLOYEE IN CASE OF ILLNESS AS OF 01-07-2023

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The first day an employee is sick is considered a waiting day. The employee receives no salary or sickness benefit for this day. From day 2, the employee receives either continued payment of wages in case of illness or sickness benefit, depending on whether the employee has an active agency contract or is sick out of service.

In case of incapacity for work, as long as the temporary employment contract continues, an employee is entitled to:

- ▶ 90% of the wages determined by time-space for the first 52 weeks of the incapacity for work and at least the statutory minimum wage applicable to him;
- ▶ 80% of the wage fixed according to time-space during the 53rd to 104th week of the contract.

After the end of employment, the employee in Phase B is entitled to sickness benefit of 70% based on the daily wage decree for employee insurance schemes. The daily wage is requested by Euro Planit from the UWW.

#### **Sickness benefit supplement after end of employment Phase A**

If the temporary agency worker is incapacitated for work at the time the agency work employment contract ends by operation of law in Phase A on the agreed end date, the private employment agency shall supplement this benefit if the temporary agency worker is entitled to sickness benefit.

- ▶ During the first 52 weeks of incapacity for work, this is supplemented to 90% of the benefit daily wage determined on the basis of the Employee Insurance Benefit Decree (is calculated by the UWW);
- ▶ During the 53rd up to and including the 104th week of incapacity for work, this is supplemented to 80% of the benefit daily wage determined on the basis of the daily wage decree on employee insurance.