

ABU Fair Employment Code for Labour Migrants

What can you expect of the private employment agency?

The private employment agency that offers you work is certified by the ABU. This means that the private employment agency provides for an independent check of its correct application of laws and regulations. The ABU private employment agency also ensures that you are clearly and correctly informed about working and living in the Netherlands. It does this together with the recruitment agency in your country of origin. Apart from correctly following laws and regulations, you can expect the following of a private employment agency that is certified by the ABU:

- **Health and safety:** your health and safety have the highest priority. ABU private employment agencies comply with all laws and regulations and during the coronavirus pandemic, also apply the guidelines of the *ABU Coronavirus Safety Protocol for Labour Migrants*. This protocol is continually updated during the different phases of the coronavirus pandemic. The private employment agency informs you of the current guidelines.
- **Recruitment and selection:** the private employment agency ensures that the recruitment agency in your country of origin applies the guidelines of the *ABU Fair Recruitment Charter*. Your recruiter will share this charter and the accompanying information and explanatory materials.
- **Contract:** the private employment contract and the accompanying documents are available for you both in Dutch and in your own national language. From 1 April 2023, if you are offered both work and housing, you must sign both an agency work employment contract and a housing agreement.
- **Wages:** in comparison with Dutch agency workers, you will receive equal pay for equal work, in accordance with the rules of the collective labour agreement (CLA).
- **Registration:** the recruitment agency and the private employment agency will explain the registration rules in the Netherlands to you. Under Dutch law, you are required to register correctly in the government Personal Records Database (BRP). The recruitment agency will provide you with the first information on the differences between the two registration possibilities in the Netherlands: registration as a non-resident (RNI) and registration as a resident in the BRP; If you comply with the RNI rules but would prefer to register as a resident in the BRP, ask the municipal authority in the municipality where you will live if this is possible. Not all municipal authorities make this possible. The private employment agency can provide you with further assistance with the registration rules.
- **Accommodation:** the recruitment agency will give you the initial necessary information about living in the Netherlands. You will be shown an animated video about this. Your recruiter will explain the accommodation possibilities to you. You will also receive information on the conditions if you opt to have the private employment agency arrange accommodation for you. You may also look for accommodation yourself. If you ask the private employment agency to arrange accommodation for you, the following information is important for you:
 - Accommodation arranged by the private employment agency is certified by the SNF organisation. This means that important elements of the accommodation are checked. Information on SNF certificates and the SNF complaints portal is available at <https://www.normeringflexwonen.nl/information-for-residents>
 - The private employment agency can charge you for the use of accommodation. The charges will not be higher than the actual costs of the accommodation. The private employment agency may deduct a maximum of 25% of the statutory minimum wage from your pay slip for this. If you want the costs of the accommodation to be deducted from your pay slip, you can request this via a written authorisation of the private employment agency. If the costs for the use of the accommodation are higher than 25% of the minimum wage, then the part of the costs for the use of the accommodation earned in excess of the minimum wage may also be deducted. You will be told the costs of the accommodation in advance.
 - If the company where you work cancels the contract with you early, the private employment agency will offer you the possibility of renting the accommodation for at least five more nights. You can ask the private employment agency if you can rent the accommodation for longer. Because of the housing shortage in the Netherlands, this will not always be possible. ABU private employment agencies that

operate in municipalities with housing shortages are asking the municipal authorities and housing organisations to build more certified accommodation.

- o Are you renting a property through your employer and your agency work employment contract ends? Then you should leave the property within four weeks. The rent may not be increased during this period and rent must be paid every week. If you do not want to take advantage of the opportunity to remain in the property for another four (4) weeks, you are not required to do so. Discuss this with the private employment agency at the earliest opportunity.
 - o You can always ask the private employment agency for general information on other accommodation possibilities in the region.
- **Penalties and compensation for damage:** the private employment agency can only deduct legal and administrative fines from your pay slip. One example of this is a fine for a traffic offence that you committed. The deduction of other types of fine from the pay slip is forbidden. You can be held liable for damage if you cause damage to the employer or the landlord intentionally or through gross negligence. The maximum compensation for damage is then the actual costs for repairing the damaged object.
 - **Information:** together with the recruitment agency, the private employment agency will ensure that you are informed about working and living in the Netherlands before you sign contracts or pre-contracts in your country of origin. The recruitment agency follows the guidelines of the attached *ABU Fair Recruitment Charter* for that purpose.
 - **Language and integration:** in your starting period, the private employment agency will refer you to the available possibilities in the municipality to follow language courses. No every municipality offers language classes.
 - **Guaranteed income:** if you come to the Netherlands for the first time to work for a private employment agency and you have been recruited by a third party outside the Netherlands, you are entitled to the full-time minimum (youth) wage for the first two months. In that case, it does not matter how many hours you worked or what the duration of your agency work employment contract is.
 - **Complaints:** the private employment agency must offer you an accessible complaints procedure. If your recruitment agency and/or private employment agency fails to keep a promise made in this document, you can submit a complaint about this to the private employment agency. If the complaint is not resolved, you can also submit the complaint to the ABU hotline. To do so, fill in the form on the website <https://mijn.abu.nl/meldingdoen/en>. The ABU will then take up the complaint as soon as possible.

What can the private employment agency expect of you?

The private employment agency, the recruitment agency and you yourself are expected to comply with agreements made. In this way, all parties together create a good partnership.

It is important that you are well-informed about working and living in the Netherlands. The recruiter therefore asks you to declare that you have been well-informed about all the points in this document.

I hereby declare that the recruitment agency has informed me in a comprehensible manner about all points in this document.

Name: _____

Date of birth: _____

Nationality: _____

Date: _____ Signature: _____

ABU Fair Recruitment Charter for Labour Migrants

What can you expect of the recruitment agency?

The recruitment agency that helps you works together with a private employment agency that is certified by the ABU. Together with the recruitment agency, an ABU private employment agency ensures that you are clearly and correctly informed about working and living in the Netherlands.

- **Information:** your recruitment agency will inform you about living and working in the Netherlands. This takes place on the basis of the ABU information videos on the following themes: working via an ABU private employment agency, accommodation, registration, wages, agency work employment contract and illness. The videos are available at www.abu.nl/welcome.
- **Work:** you will receive information on the job you are offered, the job title, the working location and the skills and competencies necessary for the job. You will also receive information on the working and living locations. You will hear all this in enough time before your departure for the Netherlands.
- **Working conditions:** the gross wages for the work and the minimum number of hours that you can work for. In comparison with Dutch agency workers, you will receive equal pay for equal work, in accordance with the rules of the collective labour agreement (CLA).
- **Contract:** you will receive the private employment contract and the accompanying documents both in Dutch and in your own national language.
- **Accommodation:** the accommodation possibilities and conditions. You are not required to let the private employment agency arrange your accommodation. If you do choose for this, your recruiter is required to inform you about the regular costs, facilities and general terms and conditions for the use or rental of the accommodation. We would prefer you to arrange your own accommodation. However, there is a housing shortage in the Netherlands. There is therefore the possibility of asking the private employment agency to arrange the accommodation. The intention is that this will not last for more than three years.
- **Health insurance:** in the Netherlands, you are required to contract health insurance. The private employment agency will make you an offer for health insurance and inform you of the costs and conditions of the insurance. You are not obliged to accept this offer. You may also arrange health insurance in the Netherlands yourself.
- **Transport:** the recruiter will inform you about the possibilities and costs of transportation to the Netherlands and back.
- **Recruitment costs:** the recruiter may not charge you a fee for the agency services for finding you work. This is prohibited.
- **Regulations:** the recruiter complies with laws and regulations and respects human rights and collective agreements. The recruiter also protects your privacy and data in accordance with the laws and regulations. You are entitled to free movement of persons in the European Union. You have the freedom to cancel your contract and to change employers, without requiring the permission of the employer or the recruitment agency. The recruitment process is based on requirements in the European labour market. Recruitment is not intended for substitution, lower wages, working standards or working conditions.
- **Complaints:** the recruiter and the private employment agency must offer you a complaints procedure. If your recruitment agency and/or private employment agency fails to keep a promise made in this document, you can submit a complaint about this to the private employment agency. If the complaint is not resolved, you can also submit the complaint to the ABU hotline. To do so, fill in the form on the website <https://mijn.abu.nl/meldingdoen/en>. The ABU will then take up the complaint as soon as possible.

What can the recruitment agency expect of you?

The recruitment agency expects you to provide correct information during the recruitment process. It is important that you are well-informed about working and living in the Netherlands. The recruiter therefore asks you to declare that you have been well-informed about all the points in this document.

I hereby declare that I have provided correct information; that the recruiter has informed me in a comprehensible manner about all points in this document and that I have viewed the information, including the videos on the online information page.

Name: _____

Date of birth: _____

Nationality: _____

Date: _____ Signature: _____