

Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) - Enforcing compliance to collective labour agreements, Netherlands

Title of the policy or measure (in English)	Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) – Enforcing compliance to collective labour agreements
• Country	The Netherlands
• Sectors	All
• What groups are targeted by the measure	- Temporary work agencies - Agency workers
• Purpose of measure	Changing attitudes: awareness raising
• Short sentence summarising the measure	The SNCU's primary purposes are to raise awareness about the Collective Labour Agreement for Agency Workers to all relevant stakeholders in the sector, and to monitor compliance through inspections.
Background	
• Background context driving the implementation of the measure	<p>The SNCU is a bipartite organisation that aims to reduce the incidence of non-compliance with the collective labour agreement in the temporary work sector (whether deliberate or due to ignorance). The temporary work sector continues to be of increasing importance to the Dutch economy, both in terms of its contribution to GDP (3 % in 2016) and the number of jobs (from under 500 000 in 2004 to over 700 000 in 2016). The consequences of non-compliance include infringement of workers' rights and unfair competition on working conditions, both of which are damaging to the Dutch economy. Both employers and employees benefit from the work of the SNCU which ensures compliance, mainly through awareness raising aimed at promoting fair working conditions (in particular, equal pay) and fair competition.</p> <p>The SNCU may enforce compliance through juridical procedures where agencies have failed to adhere to the collective agreement. The SNCU also keeps a complaint reporting (or: whistleblower) tool where anyone who suspects non-compliance can report this and collaborates with relevant organisations by sharing data.</p>
• When was the measure implemented? (including start date and end date/ongoing)	February 2004 - ongoing
• Names(s) of authorities/bodies/organisations involved	<p>The SNCU board of directors includes representatives of:</p> <ul style="list-style-type: none"> • The largest employer organisations in the sector, the General Union for Temporary Work Agencies (Algemene Bond Uitzendondernemingen (ABU)) and the Dutch Union for Private Employment Services and Temporary Work Agencies (Nederlandse Bond van Bemiddelings- en Uitzendondernemingen (NBBU)). • The largest employee organisations (relevant to the temporary work agency sector) the Christian National Trade Union Federation (Christelijk

	Nationaal Vakverbond (CNV) Vakmensen), Federation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging (FNV)), National Interests Union (Landelijke Belangen Vereniging (LBV)), The Union (De Unie).
<ul style="list-style-type: none"> • Scope of the measure (a pilot project, nationwide, regional wide) 	The SNCU operates nationally and applies to all stakeholders who fall under the scope of the sectoral Collective Labour Agreement for Agency Workers.
<ul style="list-style-type: none"> • Type of (policy) measure 	New institution
<ul style="list-style-type: none"> • Key objectives of the measure 	<p>General objectives:</p> <ul style="list-style-type: none"> - Improve compliance with the Collective Labour Agreement for Agency Workers <p>Specific objectives:</p> <ul style="list-style-type: none"> - Raise awareness about the Collective Labour Agreement in the sector through traditional and online media, publications, a website and a help desk. - Monitoring of compliance through inspection. Inspections may be targeted after notification through the SNCU's complaint reporting or whistleblower tool. - Enforcement through juridical procedures against employers who fail to comply. - Cooperation with other relevant organisations with the aim of enhancing compliance to the Collective Labour Agreement.
Specific measure	
<ul style="list-style-type: none"> • Description of how the measure operates in practice 	<p>The SNCU includes various activities.</p> <p>It implements awareness raising through disseminating information via a range of channels, such as traditional and online media, publications, a website and a telephone help desk.</p> <p>Monitoring occurs through inspections which are largely triggered via the complaint reporting tool, which is accessible to everyone. The SNCU write to the employer with a request for data, for example, on wages and employment contracts. If this inspection shows compliance, the case is closed. If it does not, a second inspection takes place at the employer site.</p> <p>If non-compliance is established, the employer is asked to rectify the issue of non-compliance. The SNCU then checks if the situation has been rectified (this inspection is funded by the employer). If the employer has not complied, the SNCU starts a juridical procedure which may result in the employer paying compensation claims and making recovery payments.</p> <p>The SNCU also works together with organisations that are often relevant when employers do not comply with the Collective Labour Agreement. Some relevant organisations with which the SNCU shares information are: the Dutch tax/revenue administration (Belastingdienst), the Labour Inspectorate (Inspectie SZW), the Centre for Expertise on Human Trafficking (EMM) and the Social Partner organisation for the construction sector (TBBouw).</p>
<ul style="list-style-type: none"> • What resources and other relevant organisational aspects are involved? 	The SNCU employs 15 staff members. Aside from these 15 staff members, it engages four inspection institutions to deliver the inspections, as well as four law firms for cases in which juridical procedures are initiated. Most of the funding for the SNCU is spent on these three items (personnel, inspections and the law firms). In 2017, the budget was EUR 3 million. Important tools focus on communication of information. The main SNCU tools for information provision are its website and telephone helpdesk.

<ul style="list-style-type: none"> • What are the source(s) of funding? 	<p>The SNCU is primarily funded by the Foundation for Funding for the Temporary Work Sector (SFU). This sectoral fund is funded through membership payments of member employers. Of the EUR 3 million budget in 2017, EUR 2.4 million came from the SFU. The remaining funding came from the Pension Fund for Personnel (StiPP: Stichting Pensioenfonds voor Personeelsdiensten) and re-inspections funded by employers.</p>
<p>Evaluation and outcome</p>	
<ul style="list-style-type: none"> • Has the measure achieved its objectives? 	<p>The SNCU operates in a context of continuous political discussion on whether to regulate the temporary work sector within the public sphere, for example, through a permit system or through self-regulation. This discussion is ongoing and reactive to new developments. For now, self-regulation has been chosen as the means through which to regulate the sector. The SNCU focuses its activities on the temporary work sector which allows for highly targeted, effective and efficient inspections. About 90 % of preliminary investigations lead to an inspection. Most of these inspections find a deviation from the Collective Labour Agreement. In most of these cases this is then rectified by the employer. Where the employer is not cooperative, employers are successfully prosecuted. These results are underpinned by effective communication to employers and employees. Following the launch of a new website and Facebook campaign in 2016, the SNCU saw an increase in the number of questions and complaints reported.</p>
<ul style="list-style-type: none"> • Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	<ul style="list-style-type: none"> • The SNCU draws up an annual Working Programme. This contains an indicative number of inspections for the year. • However, this indicator is not stringent, reflecting the fluid nature of much of the temporary work sector: many companies providing temporary agency work only do this as a side activity, making it difficult to accurately estimate the size of the sector as well as setting goals. • In 2016, the SNCU performed 350 inspections and answered 2 500 questions through its helpdesk. • In 2017, it also saw 30 completed verdicts against non-compliant employers and EUR 2.5 million in back payments were paid to temporary work employees. • It is difficult to quantify outcomes. However, the SNCU's inspections do constitute a deterrent for (potentially) malicious temporary work agencies.
<ul style="list-style-type: none"> • What are lessons learnt and the key conditions for success? 	<p>The SNCU predominantly targets smaller temporary working agencies, assuming larger agencies are less likely to deviate from the Collective Labour Agreement (e.g. they are more likely to have the know-how to comply). When relying on a Collective Labour Agreement to set rules in the sector, testing the content for feasibility (haalbaarheidstest) has been very important in setting clear rules and regulations. Clearly defined rules and regulations allow the SNCU to be effective and efficient in both its enforcement task (conducting inspections) as well as in its awareness raising task by providing information to employers and employees.</p>
<ul style="list-style-type: none"> • Level of transferability (e.g. other countries/groups/sectors) 	<p>The level of transferability of this initiative depends on strong social partner organisations as well as government policy that allows and/or encourages private self-regulation. In the Netherlands, this is explicitly encouraged through a law which makes Collective Labour Agreements binding. This law (Law on Extension of Collective Labour Agreements (Algemeen Verbindend Verklaren CAOs)) stipulates that rules in binding Collective Labour Agreements extend to all employees and employers in the sector. The law also states that the signatories to the Collective Labour Agreement are responsible</p>

	for the enforcement of the Collective Labour Agreement, and that employers covered under the Collective Labour Agreement are to contribute a proportion of their total payroll to a sectoral fund (in the Temporary Working Agency sector, to the aforementioned SFU). The SNCU, funded by the SFU, was established by the social partners to perform this enforcement task.
Additional information	
<ul style="list-style-type: none"> • Contacts 	<p>SNCU general queries</p> <p>Email address: info@sncu.nl Telephone: (+31) (0) 180-642-530</p>
<ul style="list-style-type: none"> • Sources 	<p>Draft sources:</p> <p>https://www.sncu.nl/uploads/2016/05/4luikmelderNL.pdf https://www.sncu.nl/vonnissen-en-arresten/ https://www.sncu.nl/blog/jaarbericht-2016/ https://www.inspectieszw.nl/publicaties/publicaties/2017/07/12/eerlijk-werk-door-uitzendbureaus-2016 https://www.cbs.nl/nl-nl/achtergrond/2017/43/de-uitzendbranche-in-nederland-sinds-2005 http://cao.minszw.nl/docs/pdf/174/2017/174_2017_13_239112.pdf</p>
<ul style="list-style-type: none"> • Metadata and key words for online search 	<p>The Netherlands; SNCU; temporary work; temporary agency work; temporary working agency; collective labour agreement; awareness raising; compliance; enforcement; monitoring; social partners; self-regulation; workers' rights; working conditions; whistleblowing; help desk; online media; employer organisations; employee organisations; data sharing</p>