

# Explanation **with the Labor Contract**

## for Domestic Services

**This labor contract is model contract for domestic work at the home of a private person on one, two or three days per week. The contract may be used as well for carrying out personal services (nursing, care, attendance or babysitting).**

### Article 1

Entering the date on which the labor contract starts creates clarity. In the first year of the contract, this date is important for deciding the number of vacation hours and the amount of vacation allowance the employee is entitled to. These entitlements are created during the labor contract.

### Article 2

In a labor contract one has to describe as clearly as possible the kind of work and the place of the work. Use the empty space to describe the work agreed upon in detail.

### Article 3

The number of hours the employee is supposed to work per week has to be mentioned in the labor contract. The days and time the employee has to work are also described. This model contract is based on fixed working periods on one, two or three days a week. In practice this is the most usual situation for carrying out domestic work at the home of a private person.

Adapt the text in case when –for instance- parties have agreed to work every other week.

### Pay attention!

As soon as an employee works for more than three days a week for the same employer, another situation arises. In that situation the employee has more rights and is for instance obligatory insured for the employee insurance schemes. In that case the employer is obliged to deduct tax from the wage. This model contract can not be used for such a situation!

### Article 4

The level of the wage depends on the negotiations between employee and employer. No Collective Labor Agreement (CAO, collectieve arbeidsovereenkomst) applies. The employer is legally obliged to pay at least the minimum wage. From

1 July 2009 on, the minimum wage for a person of 23 years or older is € 8,49 per hour depending on a 38-hour week of work. This wage is a gross wage, from which no wage tax has been deducted. The employer is not obliged to deduct tax from the wage. However, the employer is obliged to inform the tax authorities (belastingdienst), but this happens rarely. Normally speaking, the employee is also obliged to inform the tax authorities. He or she is obliged to declare one's wages to the tax authorities if they exceed € 40 per year. Read the brochure 'your rights as a domestic worker in a private household' of FNV Bondgenoten for more information. Or call the tax phone: 0800-0543.

### Pay attention!

A higher wage than the legal minimum is reasonable and very common. In the Randstad € 10 per hour is a widespread minimum. Read the brochure 'your rights as a domestic worker in a private household' of FNV Bondgenoten for more information.

### Article 5

The employer is legally obliged to pay a vacation allowance (vakantiegeld) of an additional 8 % over the agreed hourly wages. The employer may pay this in the form of a percentage of the yearly wage in the month of June. It is also possible to pay the vacation allowance weekly, in the form of an allowance of 8 % on top of the wage.

### Example:

In case the minimum wage has been agreed upon, the employee receives a vacation allowance of € 0,68 per hour. When the employee works 10 hours a week, he or she is entitled to  $52 \times 10 \times 0,68 = € 353,60$  vacation allowance in June. If this amount is paid out weekly as an allowance on top of the wage, the wage per hour amounts to: € 8,49 + € 0,68 = € 9,17.

### Vacation Allowance

5. Employee is entitled to a vacation allowance of 8 percent of the gross wages. The vacation allowance is paid out in the month of \_\_\_\_\_  
OR: The vacation allowance is paid out weekly as allowance on top of the wages\*.

### Vacation

6. Employee is entitled to \_\_\_\_\_ paid vacation hours per vacation year, which runs from 1st of June up to and including the 31st of May. The vacation is taken after and in consultation with the employer. Employee is entitled to an uninterrupted period of vacation of \_\_\_\_\_ vacation weeks.

### Sickness

7. In case of sickness employee gives notice thereof to employer before 9.00 AM. Employee is entitled to continued payment of wages during the first 6 weeks of sickness.

### Pregnancy Leave

8. Employee is – with respect to giving birth- entitled to pregnancy leave.

### Additional Provisions

9. Employee is entitled to:\*
- > \_\_\_\_\_ percent of the wages as a reservation for pension provision
  - > \_\_\_\_\_ percent of the wages as an employer's contribution for health insurance
  - > \_\_\_\_\_ weeks of the wages as a end of the year bonus or a Christmas bonus
  - > \_\_\_\_\_ as travel cost compensation
  - > Other provisions, that is to say, \_\_\_\_\_

### Duration and Termination of the Labor Contract

10. The labor contract has been entered into for an indefinite period of time.

Employee and employer may terminate the labor contract in accordance with the legal term of notice.

The term of notice for the employee is one month.

The term of notice for the employer depends on the duration of the labor contract The term of notice is one month with a labor contract with a duration of five year or less. For every next five years a month term of notice is added.

The maximum term of notice is four months.

Thus agreed upon, made out in twofold and signed at \_\_\_\_\_ on the \_\_\_\_\_

Signature employer

Signature employee

\* Delete what does not apply

# Labor Contract for Domestic Services

## Another example:

In case the agreed upon hourly wage amounts to € 10 is, the employee is entitled to an allowance of € 0,80 per hour. If he or she works 8 hours a week, he or she is entitled to  $52 \times 8 \times € 0,80 = € 332,80$  vacation allowance in June. If this increase is paid out on a weekly basis, the hourly wage becomes:  $€ 10 + € 0,80 = € 10,80$ .

## Article 6

The employer is legally obliged to give the employee vacation and continue to pay the normal wage during that period. The law says that an employee is entitled to a yearly vacation of at least 4 times the normal number of hours that are worked per week. That amounts to a four weeks of vacation.

## Example:

In case the employee works 5 hours a week for an employer, he or she saves 4 x 5 hours vacations over a year. In total that means 20 vacation hours for four vacation weeks.

The employer is obliged to pay out the normal wages during the vacation weeks. It is not allowed to buy off the vacations. The employee needs the vacations to enjoy some rest. That is necessary for health and safety reasons.

The other issues dealt with in article 6 speak for themselves and are also based on the law. Employee and employer can enter into the labor contract that the employee is entitled to at least two or three uninterrupted vacation weeks.

## Article 7

The employee is obliged to inform the employer in time of his absence from work due to sickness. The employer is obliged to pay the employee 70 % of the agreed upon wage during the first six weeks of the sickness. The wage during the period of sickness may never be less than the legal minimum wage of € 8,70 per hour!

## Article 8

Pregnancy leave lasts 16 weeks. The right to pregnancy leave starts from 6 weeks before the expected day of birth (or if the employee so desires: from 4 weeks before this day). The employer is obliged to give the employee time off during this period.

Consult the information brochure 'your rights as a domestic worker in a private household' concerning possibilities to obtain a benefit during the pregnancy leave. Or call UWV: 0900-9294.

## Article 9

The employer and the employee may make agreements concerning extra payments in addition to the hourly wage mentioned before. In article 9 examples are mentioned of supplementary payments in addition to the wage that are often part of Collective Labor Agreements (CAO's):

- > reservation for pension provision, for instance 3 %;
- > travel cost compensation;
- > employer's contribution to health insurance, for instance 8 %;
- > a number of weeks wages as an end-of-the-year or Christmas bonus.

## Article 10

A labor contract for domestic services is often entered into for an indefinite period of time. The labor contract can be terminated by either the employer or the employee. The employer does not require a termination permit. The legal terms of notice for both employer and employee are mentioned in article 10.

## Signing and keeping the labor contract

Employer and employee both place their signature under the labor contract. They each keep and preserve their own copy.

The undersigned,

living \_\_\_\_\_

telephone \_\_\_\_\_, hereinafter to be called employer,

and

born at \_\_\_\_\_, on

living \_\_\_\_\_

telephone \_\_\_\_\_, hereinafter to be called employee,

declare to have reached the following agreement:

## Employment

1. Employee is employed by employer per \_\_\_\_\_

## Kind of Services

2. Employee undertakes housekeeping and/or personal services at the house of employer.

The following work is to be undertaken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Scope of Employment and Working Hours

3. Employee works \_\_\_\_\_ hours a week.

The working hours are

on \_\_\_\_\_ day, from \_\_\_\_\_ till \_\_\_\_\_

on \_\_\_\_\_ day, from \_\_\_\_\_ till \_\_\_\_\_

on \_\_\_\_\_ day, from \_\_\_\_\_ till \_\_\_\_\_

## Wages

4. The wages of employee amount to € \_\_\_\_\_ gross per week at the start of employment.

The wages are paid each week in cash.

OR: The wages are paid every four weeks into the bank- or giro-account number: \_\_\_\_\_ \*



> Werkt in je voordeel