



Rijksdienst Caribisch Nederland  
*RCN-Unit Sociale Zaken en Werkgelegenheid*

# Information for employees

# General information

It is important to know your rights and obligations as an employee. This pamphlet contains general information about wages, working hours and safety, and you can read what you should do in certain situations. For more information or questions about your personal situation, please contact the RCN unit for Social Affairs and Employment (Sociale Zaken en Werkgelegenheid, SZW).



How are you? I'm  
Pedro, an employee on payroll.  
Let's look together at what our  
rights and obligations are as an  
employee.

## Legislation for everyone

The rights and obligations of employers and employees in the Caribbean Netherlands are laid down in legislation. These laws do not only apply to Dutch citizens but to everyone who works on one of the islands.

## Minimum wage

As an employee you are entitled to the Legal Minimum Wage (LMW). The LMW for the Caribbean Netherlands is adjusted annually. The current amounts are available on [www.rijksdienstcn.com](http://www.rijksdienstcn.com), or they may be requested from the Labour Affairs department.

## Overtime

A standard work week in the Caribbean Netherlands consists of five eight-hour days. If you have worked more than 173.33 hours over four weeks, this is considered overtime. If required, overtime is allowed under set conditions:

- A maximum of 11 hours may be worked per day and a maximum of 50 hours may be worked per week.
- The average number of working hours over a period of 13 weeks should not exceed 45 hours a week.
- You are entitled to an overtime allowance. In most cases this is 150% of the regular wage, on a day of rest the overtime pay is 200% and on a public holiday 250%.

## Rest periods

Apart from working hours, sufficient time to rest should also be arranged. After five hours of work, employees should take a break of at least half an hour. The number of hours between the end of the working day and the beginning of the next working day should be at least 11 hours. Sunday is a work-free day.

**I often work more than 8 hours a day.  
Is this considered overtime?**

## Public holidays

The following holidays are not considered as vacation days and therefore are **extra** paid days off:

- **The day following the big carnival parade (Saba)**
- **Good Friday**
- **Easter Sunday and Easter Monday**
- **Ascension Day**
- **Pentecost Sunday**
- **King's Day**
- **Dia di Rincon (Bonaire)**
- **Labour Day**
- **Christmas Day and Boxing Day**
- **Flag Day/Dia di Bandera on Bonaire, St. Eustatius or Saba**
- **Emancipation day (St. Eustatius)**
- **New Year's Day**



## Working and rest hours in hospitality

Different rules apply to companies in the hospitality industry. Hospitality comprises: hotels, restaurants, bars and casinos.

- People in the hospitality industry work six days a week: which is 48 hours a week.
- In the case of overtime, the total number of working hours should not exceed 11 hours a day and 60 hours a week. However, the average number of working hours over four weeks should not exceed 55 hours a week. Calculated over 13 weeks, the number of working hours should not exceed 48 hours a week.
- Once every 13 weeks you as an employee are entitled to a work-free Sunday.
- After five hours of work, employees should take a break of at least half an hour.
- The number of hours between the end of the working day and the beginning of the next working day should be at least 11 hours.
- On public holidays you are entitled to at least 200% of your regular wage.



**Am I entitled to wage  
during my holiday?**

## Holidays

Employees are entitled to paid holiday. In the case of full-time employment, you will accrue 1.25 days a month. As an employee you will then be entitled to 15 days of paid leave a year. At least half of these 15 days should be granted in one stretch. Taking holiday is in consultation with your employer.

**Do I need to buy my own  
safety shoes?**



## Safety

The area where you work should be safe and healthy. You should be able to operate machinery and equipment safely and where necessary your employer should provide you with personal protective equipment (for instance safety boots, hearing protection or a safety helmet). There are specific safety requirements for each industry. Please visit [www.rijksdienstcn.com](http://www.rijksdienstcn.com) for information per industry or contact the SZW Unit.

## What should you do in case of...

### ...Pregnancy

Are you pregnant? Then you are entitled to pregnancy leave (before the birth) and maternity leave (after the birth). In total you are entitled to 16 weeks of leave on full pay (100% of your salary). If you are expecting more than one child, you are entitled to 20 weeks' leave on full pay. Your employer can recover these wage costs via the loss of income benefit.

### ...An occupational accident

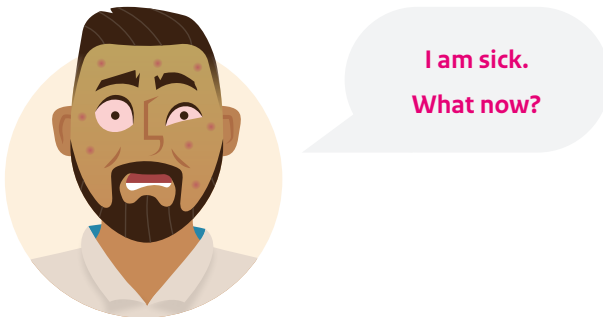
If you are in paid employment and have had an industrial accident, you will be entitled to the continued payment of your wages. During the first year that you are unable to work, this payment will be equivalent to 100% of your daily wage. If you cannot work for more than a year, you will receive 80% of your daily wage. Your employer is obliged to pay you this.

## ...Dismissal

You cannot simply be dismissed without valid reason. The employer should submit a request for permission for dismissal with the Labour Affairs department, stating a legitimate reason. If you have worked for the employer for up to 5 years, the notice period is 1 month, up to 10 years it is 2 months; up to 15 years the notice period is 3 months and if you have worked for the employer for over 15 years, the notice period is 4 months.

If you are fired and the dismissal is not your own fault, you are entitled to severance pay (cessantia). This is a one-off payment by the employer, calculated based on the number of years of service. If your employer cannot pay for the cessantia due to bankruptcy, SZW will pay the severance to you. You may apply for this at the Wage Loss department of the SZW Unit.

Other rules apply when you yourself want to resign. The standard legal term of notice for an employee is one month. Under certain conditions, it may be possible to deviate from this term, but the applicable term should be specified in your contract. Please consult the Labour Affairs department regarding the possibilities.



## ...Sickness

If you are sick, you are entitled to at least 80% of your daily wage. The employer must pay you this. You must contact your employer immediately if you are sick. Your employer will report via a digital portal directly to the RCN unit SZW that you are sick. The insurance doctor will call you, so make sure you can be contacted by telephone.

## ...A labor dispute

Sometimes problems may arise between an employee and employer. In that case it is important that you try to discuss and resolve the disagreement or dispute together. If you are unable to resolve the matter together, there are various options, including mediation, filing a complaint or civil proceedings.

### **Mediation**

You can contact the Labour Affairs department of the SZW unit for mediation. The advisor of the Labour Affairs department has an impartial position. The dispute is identified and if required the laws and regulations are explained to you. The advisor will first talk to both parties separately, followed by a joint conversation if required.

The Labour Affairs department cannot force the employer to participate in a mediation process. The purpose of mediation is to end the dispute between you and your employer.

### **File a complaint**

When you file a complaint, the Labour Inspection will first establish whether legal rules have been violated. They will assess whether they will investigate the complaint and if the complaint can be investigated anonymously. If this is not the case, they will ask for your consent before taking further action.

You will be notified of the outcome of the investigation and you will be informed whether your complaint was 'well founded', 'partially founded' or 'unfounded'. If it concerns a criminal offence, the Labour Inspection may force the employer to resolve the violation immediately. Sometimes this means that your complaint will be resolved.

### **Civil proceedings**

The Labour Inspection or the Labour Affairs department can not always ensure that you will be compensated in a dispute. For instance, when you have received inadequate wage. However, the investigations of the Labour Affairs department and the Labour Inspection can help you get justice through the court. In that case you may ask your own attorney to bring a case before the Court.

## Information

For more information, please consult our website [www.rijksdienstcn.com](http://www.rijksdienstcn.com).

For questions, advice and mediation you may contact the Labor Affairs department of the SZW Unit.

### **Saba**

E: [SZW.saba@RijksdienstCN.com](mailto:SZW.saba@RijksdienstCN.com)

T: +599 416 3804

### **St. Eustatius**

E: [SZW.statia@RijksdienstCN.com](mailto:SZW.statia@RijksdienstCN.com)

T: +599 318 3376

## Complaint

Do you wish to file a complaint about your working conditions? Then you may contact Labour Inspection.

E: [arbeidsinspectie@RijksdienstCN.com](mailto:arbeidsinspectie@RijksdienstCN.com)

T: +599 715 8888.

*Both agencies will treat your report confidentially.*

