

Absence Protocol



Introduction

Abeos is responsible for creating a safe and pleasant working environment. An environment in which you can work healthily and with enjoyment. In case of your possible absence through illness Abeos aims to give you the best possible support.

Abeos places the responsibility for this support as close as possible to you and your flex consultant/manager. Interventions or special provisions – such as a referral to other experts, redeployment or adaptation(s) in the work or to the workplace – may sometimes be necessary. Abeos aims to provide for these as much as possible.

The Eligibility for Permanent Invalidity Benefit (Restrictions) Act (*Wet verbetering poortwachter – Wvp*) is a Dutch law that came into force on 1 April 2002 in order to limit extended sick leave. The law requires the employer and employee to make efforts, together with an occupational health service or certified company doctor, to get the sick employee back to work as effectively and quickly as possible.

With this document we want to make it clear what is expected from you in case you may become absent through illness, you are ill, you are reintegrating or you have recovered. There are also obligations if you can no longer take up your own work again or may potentially become wholly or partly incapacitated for work.

The most important aspect of the Wvp is that the employer and employee must make every effort to reduce absence through illness. If there is any possibility that you are able to work we must make sufficient efforts together to ensure this happens. Failing this, sanctions for both the employer and the employee can follow.

This document has been approved by the Abeos management board and the employee council.

Of course you would rather not be absent, but if that should nevertheless occur...

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Reporting sick

Employee

If you are not able to carry out all or part of your work because of illness you report this to the client as soon as possible on the first day of illness, and in any event one hour before the work begins.

You report sick to your flex consultant or his replacement at Abeos by telephone on the first day of illness before 9 AM. You call your flex consultant directly for this. If you cannot contact your flex consultant in person, you leave a message on his voicemail and call the front office on telephone number 0900-9896 to report sick. In that case the front office asks your flex consultant to contact you. Reports of illness via WhatsApp, SMS and/or by email will not be accepted.

If you do not report sick in good time, or only do so after the event, then the hours of illness will be converted to holiday hours. This rule is applied because it is not possible to evaluate whether you were actually sick retrospectively.

If the flex consultant/manager doubts the legitimacy of the report he can contact the absence coaches to discuss this and consult on the action that is needed in this respect. This might mean applying a different kind of leave (see the leave regulations for this) or requesting the advice of the company doctor. Once your report has been validated it will be processed in the personnel system.

If you are already at work and you have to report sick you do this in the same way as described above.

Office staff

If you are not able to carry out all or part of your work because of illness you report this to your manager on the first day of illness before 9 AM.

Absence information

When you report sick you discuss a number of matters with your flex consultant/manager:

- your name and personnel number;
- the business unit you work at (and which phase if applicable);
- the date of the first day of illness: this is the day you have not worked in full or the day on which you have stayed at home;
- whether your illness is a result of an accident (at work);
- when you expect to return to work;
- if there are any ongoing agreements that the employer needs to know for the process;
- where we can contact you;
- whether you fall under a 'safety net' provision of the Sickness Benefits Act (such as *WAJONG* or *WSW*: you do not have to state which provision you fall under);
- your nursing address if you are not staying at home.

Frequent absence

In the event of more than two reports of illness within 12 months this is termed frequent absence, and Abeos takes the initiative to organise a meeting. The purpose of this meeting is to offer support if appropriate, with the aim of avoiding a new report of illness.

Exceptional reports of illness

There are a number of exceptional types of absence through illness, such as illness due to pregnancy, or because you are not able to work because of organ donation. These are known as the 'safety net situations'. These cases will be reported to the Employee Insurance Agency (UWV).

If an exceptional type of absence through illness is applicable the same rules as for a regulation report of illness apply.

During your illness

It goes without saying that you will do all you can to return to work as soon as possible. You make sure that you speed your recovery yourself. During this period you may not do other work, unless this has been agreed with your flex consultant/manager.

There are also a number of rules you must adhere to during your illness:

- you may not do anything that might delay or hinder your recovery;
- you must be easily contactable by telephone by your flex consultant/manager, absence coach, HR, the company doctor or assistance service that has been called in (if applicable);
- you must grant all cooperation with your reintegration in your own or other work;
- you must cooperate with the instructions issued and/or measures taken by Abeos or specialists that facilitate your reintegration and recovery;
- you must comply with your obligations arising from the Wvp. In concrete terms this means that you cooperate with the formulation of an action plan and the regular evaluation of this plan. You can find a more detailed explanation of the Wvp below.

If your absence lasts for longer than expected it is important to remain actively involved with Abeos. Your flex consultant/manager can therefore propose that you carry out a different type of work. This work will be appropriate to the possibilities you have at that time, and the company doctor can have an advisory role in this.

You must keep your flex consultant/manager informed of the progress of your situation. If you are doing better and possibilities arise to take up your work again you must discuss these possibilities with your flex consultant/manager. Your flex consultant/manager and the absence coach can also consult on this with the company doctor.

Eligibility for Permanent Invalidity Benefit (Restrictions) Act (*Wet Verbetering Poortwachter – Wvp*)

Immediately from the time of your having reported sick there are the following ‘measurement points’ within the framework of the Wvp:

- There must have been contact (by telephone) between you and your flex consultant on the first day of illness. At that time a work resumption date will be agreed, or a follow-up appointment will be made.
- Between the second and the fifth day of incapacity for work you have contact with your flex consultant. In this contact a ‘hard’ work resumption date will be aimed at, if possible.
- During your incapacity for work you can be invited to the office by your flex consultant with the aim of arriving at work resumption agreements. If because of your limitations you are not able to come to the office then you must make agreements with your flex consultant on the time of contact. Your flex consultant will then discuss with you whether Abeos can do anything to aid your return to work. If resumption of work is not applicable, then the period within which this is feasible will be considered. A follow-up appointment will then be made.
- Week 1 until recovery: There will be contact with your flex consultant/manager at least once every week. Your flex consultant/manager can decide to have you called up for a consultation with the company doctor. This can be planned at any random time during your absence through illness. You are obliged to comply with a call-up by the company doctor. If desirable or necessary the company doctor will consult with you on whether contact with your attending physician is needed.
- Weeks 4 to 6: You receive a call-up to the company doctor. The company doctor draws up a problem analysis together with you. This problem analysis will be issued to you, and Abeos also receives a copy of it. The problem analysis does not contain any medical details, and only concerns the possibilities of carrying out your own or alternative work, as well as a prognosis.
- Weeks 7 to 8: The problem analysis will be discussed with you by the flex consultant/manager, and an action plan will also be drawn up. This plan, and also the problem analysis, will form a part of your reintegration file. The action plan includes a description of the agreements concerning the steps that will be taken in your reintegration. After all those concerned are in agreement with the content of the plan it is signed, and the flex consultant/manager gives you a copy. Both you and your flex consultant/manager are owners of this action plan.
- Weeks 14 to 42: In the meantime the plan is constantly monitored, periodically evaluated (at least once every six weeks) and adjusted if necessary. This adjustment comes about if the agreements in the action plan turn out differently. Every adjustment will be added to the overall reintegration file.
- Weeks 42 to 50: The plan is constantly monitored and adjusted. A first year evaluation will be drawn up before the end of the first year of illness.
- Weeks 50 to 87: The employee and employer maintain regular contact. Several interventions can take place in this period to facilitate reintegration in your own or other work. These might include:
 - Employment expert investigation. In an employment expert investigation the employee’s capacity (as established by the company doctor) is compared with the workload in the employee’s own job. To be able to determine this accurately the employment expert will hold a discussion with you and your flex consultant/manager, and sometimes the workplace will be inspected;

- Redeployment within Abeos. Sometimes it is not possible to give form to reintegration within your own job or business unit. It can be that you are redeployed within Abeos in your own adapted job or a different job;
- Reintegration 2nd track. If it is not possible to help the employee towards appropriate work with his current employer then the employer, together with the employee, must search for appropriate work with another employer. This is known as the 2nd track.
- Between weeks 87 and 91: An application for a benefit is drawn up. The employee receives a letter from the UWV with instructions on how and when he can fill in the application digitally. The company doctor forms an up-to-date opinion. The employee and employer draw up a final evaluation of the reintegration file and send it, together with the application, to the UWV. These documents are signed by both you and your direct flex consultant/line manager.
- Week 104: Following the application for incapacity benefit the file is evaluated by the UWV, which will arrive at a decision on whether incapacity benefit will be granted before the 104th week. This decision will be confirmed by letter to both the employee and Abeos.

Privacy

In compliance with the General Data Protection Regulation (GDPR), your flex consultant/manager will record everything concerned with your absence in the personnel information system. All recommendations of the company doctor will also be stored in this system. Medical details are confidential, and will never be added to this file. These details are administered by the company doctor: Abeos has no access to them.

Illness and salary

Payment of salary during the first 104 weeks of your incapacity for work

Provided that you cooperate with your reintegration, Abeos follows the applicable provisions of the relevant collective labour agreement. If there are any amendments to the collective labour agreement these will be applied.

If your contract ends during these 104 weeks you may be entitled to sickness benefit. For more details please see the section 'Leaving employment' of this document.

Illness, travel expenses and company car

If it seems likely that you will be 'out of the running' for some time due to illness, Abeos may suspend the fixed travel allowance. This will usually take place after 2 months of illness.

Depending on the company car, different rules concerning the consumption and settlement of fuel costs apply. The relevant company rules, and provisions of the collective labour agreement if applicable, take precedence in this.

Sanctions

We assume that it won't be necessary, but sometimes sanctions must be applied if, for example, you impede your recovery in any way or refuse to cooperate with your reintegration and recovery. Put in general terms: 'the formulation, implementation and evaluation of reintegration measures with the aim of enabling you to wholly or partly carry out your own work or other appropriate work'.

A sanction can also follow if you refuse to cooperate with the requirements imposed by Abeos (or an expert designated by Abeos). Refusal of appropriate work, offered to you by Abeos, can also lead to sanctions. If it comes to an application for a benefit then the UWV can also impose a sanction on you if it considers your efforts to resume your participation in the labour process as inadequate.

Expert opinion

If you are not in agreement with your flex consultant/manager or the company doctor concerning your reintegration, there is the possibility to request a so-called 'expert opinion' from the UWV. You can apply for this directly from the UWV. The costs of this are for your account. If the UWV rules in your favour, Abeos will overturn the possible sanction with retroactive effect.

The expert opinion provides a judgement on questions including:

- Can the employee carry out his own work in full again on a particular date?
- Has the employee done enough for his reintegration?
- Is the work, within the company or elsewhere, that the employee must do appropriate?
- Has Abeos done enough for the employee's reintegration?

During the period pending the expert opinion of the UWV there are two possibilities:

- The employee follows the recommendation of the company doctor;
- The employee takes paid or unpaid leave.

The employee may not wait at home for the expert opinion without taking leave. When the opinion of the UWV is received, agreements can be made with retroactive effect on the hours taken up and/or the unpaid leave.

Illness and vacation

The rules we have explained in this document also apply if you become ill during your vacation and you want to keep to the leave agreements. In that case you must report sick to your flex consultant/manager immediately, stating the address at which you are staying. You must also have the attending physician draw up a document in connection with your illness, and then provide the company doctor with this document so that he can issue a recommendation to the employer.

If you are ill and you want to go on vacation you must apply for prior permission for this from your direct flex consultant/manager. This also applies if you have applied for leave and this is approved before you have reported sick. Your vacation must not impede your recovery, and you must take up vacation days for this as usual.

During the period of your illness you only build up statutory vacation days. The building up of vacation days exceeding the statutory requirements are suspended during illness. A distinction can be made between these, depending on company rules and any provisions of the collective labour agreement.

Recovery: reporting your (partial) recovery and resuming work

When you have (partially) recovered you make immediate contact with your flex consultant/manager, also if you do not have to work on that day according to your rota. You state when you can actually resume your work.

Partial resumption of work

If you partially resume your work the absence supervision continues, so you must comply with all measures that are put in place for your reintegration.

Full resumption of work

If you have fully recovered you must report this to your flex consultant/manager immediately. If you have received an invitation for an appointment with the company doctor you must state this with the report of your recovery.

If the agreed (full or partial) resumption of work cannot go ahead you must report this to your flex consultant/manager immediately.

Accidents (at work) or incidents during or outside of working hours

If you become incapacitated for work due to an accident during your work you must report this to your flex consultant/manager as soon as possible. Your flex consultant/manager, together with the HR department, will then consider what measures must be taken. An insurer and/or labour inspectorate will be called in, depending on the situation. You must also immediately inform your flex consultant/manager if you are on your way to or from your work and you are involved in an accident because of which you become incapacitated for work.

If you become incapacitated for work due to the fault of a third party (for example an accident) you are obliged to supply relevant information. This is intended to enable Abeos to claim damages from the other party if appropriate.

After 104 weeks

Of course we hope that it doesn't come to this, but if at any time you are ill for 104 weeks Abeos's obligation to continue to pay salary ends. Before these 104 weeks have expired you, together with your employer, will have applied for a benefit from the UWV, and they will have taken a decision on this application. Abeos and the UWV will inform you of the consequences.

Work and Income (Capacity for Work) Act

The Work and Income (Capacity for Work) Act consists of two components:

1. The Return to Work Scheme for the Partially Incapacitated for Work (WGA)
 - Less than 35% incapacitated for work -> no WGA benefit
 - Between 35% and 80% incapacitated for work -> WGA benefit
 - Between 80% and 100% incapacitated for work but prospect of recovery -> WGA benefit
2. The Income Support Provision for the Fully Incapacitated for Work scheme (IVA)
 - From 80% long-term incapacitated for work -> IVA benefit

Change in incapacity for work

If a change in your (medical) situation takes place after the WIA evaluation you have to report this to the UWV. The UWV can then call you up for a re-evaluation of your percentage of incapacity for work.

Leaving employment during illness

If your contract with Abeos ends and you have not yet recovered you may be eligible for sickness benefit.

Company social worker

The company social worker can be deployed by Abeos if the employee needs support in situations that have a negative effect on his behaviour and/or functioning. These might include various types of problems: absenteeism, problems with the work or personal problems. The company social worker provides feedback on his findings to the flex consultant/manager, within the applicable privacy regulations. For more information on this, please see the information pages of the Abeos website(s).

Confidential counsellor

Employees can be confronted with various forms of undesirable behaviour at work, such as bullying, sexual harassment, discrimination and aggression. In accordance with the Working Conditions Act the employer is obliged to protect its employees against psychosocial pressure.

A confidential counsellor has therefore been appointed within Abeos. For more information on this, please see the information pages of the Abeos website(s).

Working conditions consultation hours

In the event of health complaints that may possibly be connected with work, employees have the opportunity to consult a company doctor during the working conditions consultation hours. For more information on this, please see the information pages of the Abeos website(s).

Second opinion

The second opinion is intended to improve the quality of the occupational health service and the company doctor, and to give the employee greater certainty concerning the correctness of a recommendation. It gives the employee the opportunity to discuss his doubts with another company doctor in an accessible way and at an early stage. This therefore concerns occupational health issues. The second opinion can only be requested by the employee, and only a company doctor can give a second opinion.