

Procedure in case of sickness and return to work

The text below contains information about what you can expect if you become ill for a long period. It is based on the Sickness and Disability Scheme of Dutch Universities (ZANU) and on the legal obligations set out in the Work and Income (Capacity for Work) Act (WIA). This document is solely intended to inform you about these regulations, and confers **no** rights.

Weeks 1 to 6

From the first day of your absence due to sickness your supervisor will have regular contact with you, in order for you to maintain contact with the workplace. Your supervisor will write a report of his or her contact with you and of any agreements made. If the absence is going to be for a longer period, both you and your supervisor are responsible for making efforts so that work can be resumed.

University doctor

In cases of back pain or psychological complaints, the advice of the university doctor will be sought within 10 days. In all other cases you and your supervisor will decide whether a visit to the university doctor is desirable. You and/or your supervisor can also seek the advice of the university doctor independently of each other.

After *four weeks'* absence at the latest, the university doctor will make an appointment with you. Subsequently, in the case of long-term absence, a follow-up consultation will be held at least every six weeks.

In the *sixth week* of your illness, the university doctor will conduct a problem analysis and will advise on reintegration. He or she will set out clearly in the problem analysis what you can and cannot do in your state of health.

Long-term absence > 6 weeks

If you are absent for more than *six weeks*, as well as the above-mentioned actions, the following steps will be taken:

In week *eight* of your absence you and your supervisor will draw up an action plan. This plan contains the agreements on your return to work. That is, you will look together whether, and if so, what activities are possible to ensure that you can return to work as soon as possible (for example shorter working hours, modified work, etc.).

You will evaluate this action plan regularly with your supervisor, and it will be adjusted accordingly.

In *week 42* your absence will be passed on to the Employee Insurance Agency (UWV).

Before the *end of the first year's sick leave* you and your supervisor will draw up a first-year evaluation. This report will set out the measures that have been taken to allow you to return to work.

Financial consequences

Remuneration: During the first 39 weeks of your illness you will receive 100% of your remuneration. After this period, up to and including the 104th week from the first day of sick leave you will receive 76% of your remuneration. You will receive full pay for any hours worked.

Commuting allowance: If you receive commuting allowance, the payment thereof is suspended after 30 calendar days of full-time illness until the day when work is resumed. If you partially resume work, the allowance will be paid in proportion to the number of days that have been worked.

Leave accrued and taken: You remain entitled to annual leave during the period in which you are incapable of working due to illness. As laid out in article 4.7 paragraph 11a of the collective labour agreement of Dutch Universities, you are also permitted and expected to take leave during a (long-term) period of sickness.

Flexible working hours: The agreement you have made about your flexible working hours will remain valid during sickness or disability to work. Settlement of the holiday hours under this agreement with the holiday hours balance is limited to 6 months after the first day of illness.

After a year's sickness

No later than the end of the *first year of sick leave* (after 52 weeks) a university-wide redeployment investigation will be initiated. The investigation into redeployment possibilities will be carried out by the HRM department of Leiden University, which will look into whether it is possible to place you in a suitable position or in an acceptable position as defined in the ZANU. On the basis of this investigation, a report will be written indicating whether there are realistic redeployment possibilities for you within Leiden University.

When you have been on continuous sick leave for *21 months* (from week 87), a procedure can be initiated that will lead to your employment being terminated after two years' sickness due to permanent occupational disability. You will be informed of this by letter and by interview.

Around *week 88* you will receive a letter from UWV (the Employee Insurance Agency), informing you of the possibility of applying for a WIA (Work and Income (Capacity for Work) Act) benefit payment. This letter will also inform you of the deadline for requesting the WIA benefit payment and what details you are required to submit. You can find the request form at www.uwv.nl.

After two years' sickness

Once you have been on sick leave for *104 weeks*, you may have the right to a WIA benefit payment, and on these grounds also to a supplementary, non-statutory benefit on the basis of the ABP Occupational Disability Pension.

The WIA comprises two regulations, the IVA (the Full Invalidation Benefit Regulation) and the WGA (the Return to Work (Partially Disabled Persons) Regulation). The main points of these regulations are as follows:

1. The IVA applies to employees who are fully and permanently incapacitated. 'Fully' means that an individual can earn less than 20% of his or her last-earned salary and 'permanently' means that there is very little or no chance of recovery. An IVA benefit payment can be a maximum of 75% of the last-earned daily salary. If it is clear from the start that you have become chronically and fully incapacitated, it is not necessary to go through the above process. In that case, in consultation with your supervisor, you can request an advance IVA. This is possible from the 13th to the 68th week of absence due to illness or disability if supported by a statement from the university doctor and/or medical specialist.
2. The WGA applies to partially incapacitated employees (35% to 80% incapacitated) and to employees who are fully but not permanently incapacitated. The WGA has two phases:
 - In the first phase the partially incapacitated employee receives a WGA payment of 70% of his/her loss of wages (alongside any pay earned). The duration of this phase is in line with the rules in the WW (Unemployment Act).
 - In the second phase the amount of the payment is dependent on the amount worked by the individual concerned. If he/she does not work enough hours (according to these regulations, that is if less than 50% of the employee's remaining capacity for work is used), then the subsequent payment is based on the minimum wage and the percentage of his/her incapacity for work. If 50% or more of the remaining capacity is used, then the WGA payment plus the salary the employee is earning amount to approximately 80% of the employee's last-earned salary.

Therefore, the WIA act does not apply to employees who are less than 35% incapacitated. On the basis of our collective labour agreement, these employees may not have their employment terminated because of their sickness or disability.

More information

- Up to two years' sickness
www.uvw.nl/particulieren/ziek/
- After two years' sickness
www.uvw.nl/particulieren/ziek/
- ABP Information about Occupational Disability Pension
See <http://www.abp.nl/over-pensioen/soorten-pensioen/arbeidsongeschiktheidspensioen/>
- ABP Long-term ill and accruing your pension
See <http://www.abp.nl/werken/arbeidsongeschikt/>