

# LEIDEN UNIVERSITY REORGANISATION CODE OF CONDUCT 2014

## Governing Principles

The Leiden University Reorganisation Code of Conduct 2014 constitutes the general framework for reorganisations. The following governing principles are applicable to this code.

This Leiden University Reorganisation Code of Conduct 2014 is to be applied in the event of a reorganisation. The Code of Conduct is based on section 9 (Reorganisations) of the Collective Labour Agreement (CAO) of Dutch Universities and gives a global indication of who does what and when in the reorganisation process, including relevant responsibilities and scopes of authority. The Reorganisation Code of Conduct states that a reorganisation will be carried out by the management of the unit in question (i.e., the Board of a faculty or the Director of a central department). In instances where this is not applicable, the Executive Board will determine who will carry out the reorganisation. The provisions regarding reorganisations found in the CAO of Dutch Universities and in the Higher Education and Research Act (WHW) serve as guidelines when planning and conducting reorganisations.

In certain cases, there may be alternative processes for a reorganisation other than the procedure described in this code; a fast-track procedure may be one of the options. Under a fast-track procedure, if a reorganisation lends itself to such an approach (as in the case of a simple reorganisation), the draft staff plan can be developed simultaneously with the draft reorganisation plan.

Consultation on issues relating to legal status or terms of employment will be conducted with local employees' organisations in the Local Consultative Committee (*LO, Lokaal Overleg*). Any organisational change will be discussed with the employee participation body.

As far as possible, the department or faculty where the change is due to take place will be responsible for structuring the reorganisation. The legally prescribed employee consultation will take place as close as possible to the locus of the organisational change. The local employee participation body will be the primary party for consultation on a planned reorganisation of a faculty or department, whereby consultation on an organisational change will be conducted with a single employee participation body. The University Council will be informed at a number of stages (specified in this code), so that the Council, in its role as a guardian of due process, can form an opinion about the procedure that is followed in actual reorganisations.

If the reorganisation affects multiple units, on the basis of the Agreement from 1998 between the Executive Board, the University Council and the LO, the primary party for consultation will be the central employee participation body, the University Council. In these cases, the University Council asserts, in addition to its statutory rights, the rights ascribed in this code to the local employee participation body. The University Council will, as the need arises, seek the advice of the relevant local employee participation bodies.

Consultations on the Redundancy Plan, as well as the Social Policy Framework, will be held with the LO.

Not every process for change will result in a reorganisation. The Reorganisation Code of Conduct is not intended for the minor adjustments that occur regularly in the university's day-to-day operational management. For example, the Code of Conduct does not apply if work activities are reassigned, if divisions within the organisation are simply shifted, if one or several job vacancies are blocked, if extra staff are recruited for an expansion, or if an individual task within a division is terminated or reorganised.

Only in those cases where an organisational change is defined as a reorganisation do employees have the legal security of a formal reorganisation and the corresponding social framework. Even in those instances where an organisational change is not defined as a reorganisation, depending on the nature of the organisational change, clear agreements can nonetheless be made about the implementation of staffing instruments, the scope of authority of the parties involved, and the involvement of the employee participation body. If, in the opinion of either the management of the unit or the employee participation body, there is occasion to do so, an intention to effect an organisational change/development will be discussed by the management of the unit where the change is taking place and the relevant employee participation body.

The employer will make every effort to avoid compulsory redundancies. This applies both in the event of an official reorganisation and in the case of an organisational change that is not defined as an official reorganisation. There are a number of different instruments that can be applied to avoid compulsory redundancies. Both parties (employees and employer) will make evident, maximum and active efforts to keep any employee under threat of dismissal employed in or outside the institution.

In any event, the employees of the unit concerned will be kept informed by the unit's management in a timely fashion about the investigation into a possible reorganisation, the intent to reorganise and the formulation of the reorganisation plan as well as about the implementation and results of the reorganisation.

## **STAGES OF ORGANISATIONAL CHANGE**

Stage 1	Investigation
Stage 2	Baseline staff assessment
Stage 3	Intent to reorganise
Stage 4	Draft reorganisation plan
Stage 5	Social Policy
Stage 6	Finalisation of reorganisation plan
Stage 7	Draft Staff Plan
Stage 8	Redundancy Plan
Stage 9	Finalisation of Staff Plan and implementation of the reorganisation
Stage 10	Evaluation

### **Stage 1: Investigation**

The unit's management (the Board of a faculty or the Director of a central department) will inform the Executive Board of the desirability of exploring a possible organisational change.

The unit's management will inform the local employee participation body of the intent to implement an organisational change and will consult with this body on the stage at which employees will be informed.

The unit's management will conduct an internal investigation and, if necessary, will have an external investigation conducted on the desirability of/need for an organisational change.

The unit's management will explore solutions that do not require a reorganisation. After the study has been concluded, the unit's management will decide whether an organisational change is warranted and whether or not it has to take place in the form of a reorganisation.

The unit's management will submit its conclusions (accompanied by the results of the study upon which the conclusion is based) to the local employee participation body. The local employee participation body will submit its recommendations in writing to the unit's management.

The unit's management will make a reasoned decision as to whether a reorganisation procedure based on section 9 on the CAO of Dutch Universities will be initiated. If the decision is affirmative, the unit's management will inform the Executive Board that it will draw up an intent to reorganise.

The Executive Board will inform the University Council and the local employees' organisations in the LO of this promptly in writing and will consider the decision of the unit's management and the recommendations of the local employee participation body.

## **Stage 1      Investigation (explanatory notes)**

The key question during this stage is whether the intended organisational change should be implemented in the form of a reorganisation. The relevant regulations will, of course, be taken into account, but there are other issues that also have to be borne in mind: the cost of a reorganisation, the consequences of a reorganisation on staffing, the timeframe, and whether there are alternative means of achieving the desired result.

The indication for an organisational change is generally prompted by the realisation that there are problems in the current situation or there is a compelling external development. Indications could include a shortfall in income, an inability to balance the accounts, changes in grant programmes, technological developments, shifts in the competitive position, or a merger or becoming independent.

Employees will be kept informed in a timely fashion throughout the process of developing a vision for the desired organisational structure. In general, it is advisable for the unit's management to involve the employees, or at least a representative group of employees, in the internal investigation. The advantage of this is that staff know their opinions are being heard at an early stage and they are also able to provide input about the structure of the future organisation from their particular area of expertise, which may well mean they are more supportive of future changes in the organisation.

This vision will be translated into practice, addressing such questions as: what will change in terms of products and services, what impact it will have on the financial status, what the consequences will be for employees, what the organisation structure will be and how the management will be structured. Further questions that need to be addressed include the extent to which the vision for the future organisation differs from that of the current organisation, and how the future organisation can be realised.

Is a reorganisation necessary to achieve this result? Not every organisational change requires a formal reorganisation. A reorganisation entails a major change in the organisation with immediate, radical consequences for employees. In the initial stage of an organisational change it is important to consider whether the desired change can be achieved by any other means than a reorganisation. Possible alternatives include training employees, streamlining processes, redistributing tasks, and waiting for/speeding up natural attrition. Other possible options for restructuring an organisation without a reorganisation include making minor cutbacks across the board (the Dutch 'cheese slicer method') in combination with natural attrition, outsourcing based on the 'people will follow jobs' philosophy and virtually unchanged terms of employment, deciding to terminate particular activities, eliminating a limited number of positions or a non-investment decision leading to the phasing-out of a part of the organisation.

Once the detailed investigation has been completed, the unit's management will present its conclusions to the local employee participation body, which will in turn report its recommendations to the unit's management. The unit's management will then decide whether a reorganisation procedure will be initiated, and will include the motivation on which the decision was based. The local employee participation body

can raise an objection to this decision (article 5 clause 1 and articles 26-30 of the Regulation on the Appeals and Objections Committee). If a reorganisation on the basis of section 9 of the CAO of Dutch Universities is to be initiated by the unit's management, the management will inform the Executive Board, who will in turn inform the University Council and the local employee organisations promptly in writing, and will submit to them the reasoned decision of the unit's management and the recommendations of the local employee participation body.

The concept of a reorganisation in this context is explained as follows:

When can there be said to be a reorganisation?

Article 9.1 of the CAO of Dutch Universities stipulates when there is a reorganisation in the sense of the collective labour agreement:

*Reorganisation within a university, or a part thereof, is understood to mean a change in the organisation as referred to in Article 25, paragraph 1, sections a to f of the Works Councils Act (WOR), which relates to the university, or an important part thereof, involving direct and radical consequences for the legal status of employees. (Art. 9.1 CAO of Dutch Universities)*

Article 25, paragraph 1, clauses a up to and including f of the WOR defines a change in the organisation as follows:

- a. The transfer of control of the enterprise or any part thereof;*
- b. The establishment, take-over or relinquishment of control of another enterprise, or entering into, making a major modification to or severing a continuing collaboration with another enterprise, including the entering into, effecting of major changes to or severing of an important financial holding on account of or for the benefit of such an enterprise;*
- c. The termination of operations of the enterprise or a significant part thereof;*
- d. Any significant reduction, expansion or other change in the activities of the enterprise;*
- e. Major changes to the organisation or to the division of powers within the enterprise;*
- f. Any change in the location of the enterprise's operations.*

The decision on whether or not a reorganisation on the basis of article 9.1 of the CAO is appropriate is the sum of multiple factors.

To determine whether the aforementioned definition of a reorganisation has been met, steps must be taken to ensure the following questions are answered:

- Question 1 Does the intended change concern the university or a significant part of the University?
- Question 2 Are there immediate and radical consequences relating to legal status?
- Question 3 Does the intended change in the organisation fall under one of the circumstances mentioned in article 25, paragraph 1, sections a up to and including f?

If all these questions are answered in the affirmative, there can formally be said to be a reorganisation.

Explanation of question 1:

A reorganisation usually relates to a part of the university. Only if this is a significant part of the university is there a formal reorganisation. From jurisprudence derived from the WOR, it follows that a minor organisational change in a large organisation, such as a university, need not be deemed significant. In practice, it is sometimes difficult to determine whether a particular part of the university should be considered significant. Prior consultation with the local employee participation body is therefore advisable.

Explanation of question 2:

Many organisational changes will have staffing consequences, but the issue is whether there are immediate and radical consequences for the legal status of employees. On the basis of article 9.4, paragraph 2 of the CAO, the following instances are understood to be radical legal consequences: (threat of) dismissal, an important change in position or a transfer to a different part of the organisation. In this context, a transfer to a different part of the organisation must also have a fundamental influence on how the job is carried out.

Explanation of question 3:

Firstly, an evaluation must be made of whether the intended change in the organisation falls under one of the situations named in article 25, paragraph 1, clauses a up to and including f. Article 25, clause 1, parts b, c, d and e of the WOR mention the term 'important'. No further specification of this term is found in the WOR. This concept has to be interpreted on the basis of economic, technological and organisational factors.

*If there is a reorganisation on the basis of the aforementioned rules and the investigation stage has been completed and has resulted in a decision to initiate an organisational change based on a reorganisation as referred to in section 9 of the CAO of Dutch Universities, the process will proceed as described below.*

## **Stage 2: Baseline staff assessment**

The unit's management will carry out a baseline staff assessment.

Stage 2 Baseline staff assessment (explanatory notes)

An inventory has to be made of the tasks carried out by the employees involved on the basis of and according to what they are instructed to do by the employer. These are the tasks that are actually assigned to the employee, and are therefore activities that have to be performed according to the job description, the University Job Classification System (UFO) profile and the P&D agreements. This inventory is a means of obtaining a consolidated view of the activities of the organisation. The supervisors of the employees in question will be informed in good time by the unit's management with regard to the assessment to be conducted. The reason for the

assessment will be explained to the employees in a covering letter. The inventory will be made on the basis of a form to be filled out by the supervisor and the employee. If there is a difference of opinion, the decision will rest with the supervisor. In this case, the employee can indicate on the form why he does not share the supervisor's point of view. The baseline assessment completed by the unit's management will be sent to the employee concerned. It is not possible to object to this inventory of assigned tasks. The inventory will take place among permanent employees and temporary employees who have already been given the prospect of a permanent position. It therefore does not affect temporary employees or those who are on secondment. However, these employees will be informed of their situation at as early a stage as possible.

### **Stage 3 Intent to reorganise**

The unit's management will draw up an intent to reorganise. The intent to reorganise will include, as far as possible, information concerning the following issues, but in any event information regarding the issues mentioned under a, b, f and g:

- a. the reasons for the reorganisation;
- b. the objective of the reorganisation;
- c. the nature and scope of the reorganisation;
- d. the financial framework and conditions relating to the permanent staff structure;
- e. the principles and conditions relating to the consequences for employees;
- f. the procedure that will be followed when preparing and implementing the reorganisation, including an overall time plan;
- g. the expected consequences relating to legal status in general.

The unit's management will inform the employee participation body and the employees concerned in writing in good time of the intent to reorganise and will at the same time inform the Executive Board.

The Executive Board will inform the local employees' organisations in the LO and the University Council promptly in writing of the intent to reorganise.  
(*CAO of Dutch Universities, article 9.2*)

### **Stage 3 Intent to reorganise (explanatory notes)**

The management of a unit that intends to reorganise a faculty/department will draw up an intent to reorganise. This intent to reorganise will include, as far as possible, information relating to the following issues, but in any event information regarding the issues mentioned under a, b, f and g:

- a. the reasons for the reorganisation; (for example: why the reorganisation is necessary, what considerations were taken into account, what alternatives were considered and why they were rejected);
- b. the objective of the reorganisation; (what the management of the unit wants to achieve, and within what timeframe);
- c. the nature and scope of the reorganisation; (which units are concerned, how many employees will be affected by the reorganisation);

- d. the financial framework and/or the conditions relating to the permanent staff structure; (the extent of the financial cutback, how many FTEs have to be reduced);
- e. the basic principles and conditions relating to the consequences for employees; (whether there will be compulsory redundancies);
- f. the procedure that will be followed for planning and implementing the reorganisation, including an overall time plan; (a detailed plan for the most important steps in the process, with dates, including the point in time when the reorganisation process will subsequently be evaluated, as well as the point in time when an evaluation will be made as to whether the objectives have been achieved);
- g. the expected consequences for the legal status in general (for example, is there a guarantee of employment).

The management of the unit must give critical consideration to whether it is possible to provide information in the statement of intent not only about the issues mentioned in a, b, f and g, but also those issues mentioned in c, d and e.

The local employees' organisations in the LO, the University Council and the relevant employee participation body will be informed promptly and in writing of the intent to reorganise. The employees will also be informed of the intent to reorganise.

#### **Stage 4: Draft reorganisation plan**

The management of the unit will draw up a draft reorganisation plan which will describe in detail the intended change in the organisation in line with and taking into consideration the intent to reorganise.

The draft reorganisation plan will indicate in any event:

- a. the objective and task of the new organisational unit and its component parts;
- b. quantitative staff details;
- c. qualitative staff details.

The management of the unit will inform the local employee participation body of the draft reorganisation plan and will consult with the local employee participation body to draw up a plan for how consultation with employees will proceed.

The management of the unit will inform the local employee participation body whether or not it intends to broaden the social policy framework included in the CAO of Dutch Universities. The management of the unit will then present the draft reorganisation plan to the employees for examination, observing a period of at least ten working days.

The management of the unit will make any modifications to the draft reorganisation plan resulting from the views put forward by the employees.

The management of the unit will conduct (substantive) consultations with the local employee participation body about the amended draft reorganisation plan, if this is indeed amended.



After this consultation, the local employee participation body will present its recommendations in writing to the management of the unit. The management of the unit will make any modifications necessary to the draft reorganisation plan resulting from the recommendations from the local employee participation body.

The management of the unit will inform the Executive Board of the draft reorganisation plan, and will submit to the Executive Board the (possibly amended) draft reorganisation plan, and, if relevant, the intent to broaden or not broaden the social policy framework and the recommendations made by the local employee participation body.

*(CAO of Dutch Universities, article 9.5, clause 1 and clause 2 and article 9.6 concerning recommendation + intent expansion)*

#### Stage 4          Draft reorganisation plan (explanatory notes)

The management of the unit will subsequently draw up a draft reorganisation plan in line with and taking into consideration the intent to reorganise. The draft reorganisation plan will describe in detail the intended change in the organisation and will in any case indicate:

- a. the objectives and tasks of the new organisation unit and its component parts;
- b. quantitative staff details;
- c. qualitative staff details.

Once the plan has been drawn up, this will be followed by a series of information meetings.

The local employee participation body will be informed about the draft reorganisation plan by the management of the unit. The manner in which employees are to be consulted will be also discussed with the employee participation body, and a communication plan will be drawn up. (This plan could include, for instance, an information meeting, a news release, reporting on the local website.) The local employee participation body will also be informed whether or not the social policy framework will be broadened.

The management of the unit will present the draft reorganisation plan, including the communication plan, to the employees and will ask for their views (consultation round). The management of the unit will then make any modifications to the draft reorganisation plan resulting from the views of the employees.

The communication/consultation round will be followed by consultation with the local employee participation body, during which the content of the draft reorganisation plan will be discussed. In the majority of cases the local employee participation body will have the right to issue a recommendation (article 9.6 CAO of Dutch Universities), and in limited cases the local employee participation body will have the right of consent based on the *WHW*. This applies, for instance, if the reorganisation results in the faculty regulations needing to be modified due to the elimination of an institute mentioned in the faculty regulation. Following consultation, the local employee participation body will present its recommendations in writing to the management of the unit.

The management of the unit will make any modifications to the draft reorganisation plan resulting from the recommendations made by the local employee participation body.

The management of the unit will inform the Executive Board of the draft reorganisation plan, and will submit the (possibly amended) draft reorganisation plan, the intent to broaden or not broaden the social policy framework and the recommendations from the local employee participation body.

## **Stage 5 Social Policy**

The Executive Board will inform the local employees' organisations in the LO about the draft reorganisation plan and will make this available, including the recommendations from the local employee participation body. The Executive Board will also inform the local employee participation organisations whether or not the employer intends to broaden the social policy framework.

The Executive Board will provide the local employees' organisations with the opportunity to discuss how radical consequences for the legal status of the relevant employees will be dealt with.

The Executive Board will agree with the local employee participation organisations whether a Redundancy Package will be drawn up supplementary to the social policy framework.

The Executive Board will consult with the LO on the desirability of setting up a sounding board group comprising representatives from the local employees' organisations who will hold informal discussions on the reorganisation (including legal and social aspects) with the management of the unit.

*(CAO of Dutch Universities, article 9.3 and 9.4)*

### **Stage 5 Social Policy (explanatory notes)**

The Executive Board will inform the local employees' organisations in the LO about the draft reorganisation plan. This plan will take into consideration the local employee participation body's point of view regarding the draft reorganisation plan. At the consultation meeting with the LO, the parties will be informed whether or not the employer intends to broaden the social policy framework, and they will be given the opportunity to discuss how radical consequences for the legal status of those employees affected will be dealt with. During this stage the Executive Board will agree with the local employee participation organisations whether a Redundancy Package will be drawn up supplementary to the social policy framework. The content of a possible Redundancy Package will be agreed with the employees' organisations in stage 7 because at this stage it will be clearer what the consequences of the reorganisation are likely to be for individual employees.

The Executive Board will also consult with the local employees' organisations on the desirability of setting up a sounding board group comprising members of the employees' organisations in the LO. If this sounding board group is set up, it will hold

informal discussions with the management of the unit on the progress on the reorganisation (including legal and social aspects).

### **Stage 6 Finalisation of the reorganisation plan**

The management of the unit will finalise the reorganisation plan, and will inform the local employee participation body, the University Council (through the Executive Board) and the employees involved accordingly, in writing. The management of the unit will inform temporary employees in writing that they are not part of the reorganisation.

*(CAO of Dutch Universities, article 9.6, finalisation)*

#### **Stage 6 Finalisation of the reorganisation plan (explanatory notes)**

Once the draft reorganisation plan has been discussed with the local employees' organisations, the management of the unit will finalise the reorganisation plan, which may or may not have been amended. The management of the unit will inform the local employee participation body, the University Council (through the Executive Board) and the employees concerned accordingly in writing.

Permanent employees and temporary employees with the prospect of a permanent position will be informed by the management of the unit in writing about the finalised reorganisation plan. Temporary employees (without the prospect of permanent employment), which also includes workers from temporary employment agencies and employees seconded to the university are not part of the reorganisation. Matters that have been set out in the communication plan, such as an information meeting at which representatives from the local employee participation body will be present, a press release, setting up a website and disseminating information about the in-house confidential counsellor will be put into place at this point in time.

### **Stage 7 Draft staff plan**

The management of the unit will draw up a draft staff plan, consisting of the expected consequences for the legal status of individual employees in terms of their jobs. The draft staff plan will at any event include:

- a. those employees whose position in the organisation will change, and in what way;
- b. those employees who will be subject to potential dismissal;
- c. those employees who will undergo an immediate and radical change in legal status;
- d. how the expected consequences for the employees' legal status will be dealt with, taking into account the Social Policy Framework for Reorganisations and whether agreement has been reached on a supplementary Redundancy Plan;
- e. an action plan (including a timeframe) and a procedure for the reorganisation.

The management of the unit will organise an information meeting, and will provide each employee mentioned in the draft staff plan with the opportunity to submit a written response to what is written about him in the plan, observing a period of no fewer than ten working days for this response. The management of the unit will conduct an interview with those employees who have submitted comments.

The management of the unit will inform the local employee participation body about the draft staff plan and the comments on the plan received from the employees. The management of the unit will make any necessary modifications to the draft staff plan arising from the comments received.

The management of the unit will seek the advice of the local employee participation body about the draft staff plan, which may or may not have been amended) and will consult with the local employee participation body. Following consultation, the local employee participation body will present its recommendations in writing to the management of the unit. The management of the unit will make any modifications to the draft staff plan necessary arising from the recommendations received.

The management of the unit will then inform the Executive Board about the (possibly amended) draft staff plan, and the recommendations made by the local employee participation body.

*(CAO of Dutch Universities, article 9.5, clauses 1 and 3 and article 9.7, comments)*

#### Stage 7          Draft staff plan (explanatory notes)

At this stage the draft staff plan will be drawn up by the management of the unit, and the consequences in terms of actual job positions will become apparent. The staff plan will contain a detailed description of the new organisation. The organisational structure, positions, training, job descriptions and consequences for the employees (who should be kept as anonymous as possible in the document, although the CAO suggests that names may be mentioned) will become apparent. An explanation will be given of how the placement of staff in the job positions will be organised.

The draft staff plan will therefore describe, on the basis of the reorganisation plan, the expected consequences for the legal status of individual employees in terms of their jobs. The draft staff plan will in any event indicate:

- a. those employees who will experience a change in their position in the organisation and what this change will entail;
- b. those employees who will be subject to potential dismissal;
- c. those employees who will undergo an immediate and radical change in legal status;
- d. the way in which the expected consequences for the legal status of the employees will be dealt with, taking into account the Social Policy Framework for Reorganisations and whether agreement has been reached on whether a supplementary Redundancy Plan will be drawn up;
- e. an action plan (including timeframe) and a procedure for the reorganisation.

Once the draft staff plan has been drawn up, this will be followed by a communication round: an information meeting will be held on the draft staff plan in the presence of the local employee participation body, or a delegation from this body, and a representative of the local employees' organisations in the LO. Each employee mentioned in the draft staff plan will also be given the opportunity in writing to submit comments on what has been written about him in the plan. The local employee participation body will be informed about the draft staff plan and the comments about it received from employees. An interview will be conducted with the employees who submitted comments, either by or on behalf of the management of the unit. The

management of the unit will make any necessary modifications to the draft staff plan arising from the comments received.

The communication round will be followed by consultation with the local employee participation body about the draft staff plan, during which the content of the draft staff plan will be discussed. Following this consultation, the local employee participation body will present its recommendation in writing to the management of the unit.

Finally, the management of the unit will inform the Executive Board; the management will submit to the Executive Board the draft staff plan, which may or may not have been amended, and the recommendations from the employee participation body.

### **Stage 8 Redundancy Plan**

The Executive Board will consult with the LO about the draft staff plan, which will take account of the recommendations of the local employee participation body.

The Executive Board will provide the local employees' organisations in the LO with the opportunity to discuss how the radical consequences for the legal status of those employees affected will be dealt with.

The Executive Board will agree the content of the Redundancy Plan with the local employees' organisations in the LO, if it was agreed in stage 5 that a Redundancy Plan would be drawn up.

In consultation with the LO, the Executive Board can determine a dismissal hierarchy other than that mentioned in article 9.9 of the CAO of Dutch Universities if the interests of the institution or of the organisational unit warrant this.

*(CAO of Dutch Universities, articles 9.3, 9.4 and article 9.8 clause 2)*

#### Stage 8 Redundancy Plan (explanatory notes)

The Executive Board will present the draft staff plan in a meeting with the LO, together with the recommendations of the local employee participation body.

On the basis of the draft staff plan, the content of the Redundancy Plan, supplementary to the Social Policy Framework for Reorganisations included in the CAO, will be agreed upon with the employees' organisations if it was agreed at stage 5 that a Redundancy Plan would be drawn up.

A draft redundancy plan will be drawn up in advance by the General and Administrative Services Directorate/Human Resources Management in consultation with the management of the unit. This plan will be presented to the local employees' organisations at the same time that the draft staff plan and the recommendations of the local employee participation body are presented.

The definitive content of the Redundancy Plan will be agreed with the employees' organisations in the LO, based on the draft staff plan and the recommendations of the local employee participation body. The content of the Redundancy Plan will be

depend on such issues as the degree to which there are drastic consequences for employees' legal status.

If it is desirable to deviate from the hierarchy for dismissal mentioned in article 9.1. a and b of the CAO of Dutch Universities, agreement with the local employees' organisations is necessary at this stage on the basis of article 9.10 of the CAO of Dutch Universities. The Executive Board will indicate the reasons and interests that warrant an alternative hierarchy for dismissal.

### **Stage 9 Finalisation of the staff plan and implementation of the reorganisation**

The Executive Board will finalise the Redundancy Plan, if one has been agreed.  
The management of the unit will finalise the staff plan (including an action plan).  
The management of the unit will inform the local employee participation body and the University Council (through the Executive Board) in writing.  
The management of the unit will implement the reorganisation.  
*(CAO of Dutch Universities, article 9.8, clause 2 and article 9.7)*

### Stage 9 Finalisation of the staff plan and implementation of the reorganisation

The Executive Board will finalise the Redundancy Plan, if one has been agreed.  
The management of the unit will finalise the Staff Plan (including the action plan).

The management of the unit will inform the local employee participation body and the University Council (through the Executive Board) in writing.  
The management of the unit will implement the reorganisation.  
*(CAO of Dutch Universities, article 9.8, clause 2 and article 9.7)*

### Stage 9 Finalisation of the staff plan and implementation of the reorganisation (explanatory notes)

Finally, the reorganisation will be implemented. No overall schedule for the introduction of changes can be given, due to the very diverse matters that a reorganisation may entail. The changes to be introduced will follow from the staff plan. This stage comprises finalising the plans and implementing the reorganisation. The Executive Board will finalise the Redundancy Plan with the employees' organisations in the LO.

The management of the unit will finalise the staff plan (including the action plan) and will include the finalised Redundancy Plan with the reorganisation documents. The management of the unit will inform the local employee participation body and the University Council (through the Executive Board) in writing.

The management of the unit will implement the reorganisation. During the implementation of the reorganisation, the management of the unit will inform the local employee participation body and, through the Executive Board, the employees' organisations in the LO about progress at regular intervals.

The point at which an employee is notified in writing of his potential dismissal is critical for the period of protection against dismissal. The employer will not terminate the contract of an employee who is subject to potential dismissal on the basis of a reorganisation for a period of 10 months. The 10-month period begins on the first day of the month following the month in which the employee is notified in writing of his potential dismissal. This notification will not be sent before the reorganisation plan, the Staff Plan and the Redundancy Plan (if one is agreed to) have been finalised. The period of protection from dismissal will not begin in the month of July.

## **Stage 10 Evaluation**

The management of the unit will carry out an evaluation of the reorganisation, focusing on the objectives set and the process of the reorganisation. The management of the unit will inform the local employee participation body of the results of the evaluation.

### Stage 10 Evaluation (explanatory notes)

The evaluation will examine the most important objectives and the extent to which they have been achieved. For example, has the intended reduction in material and/or staff costs been achieved? The process of the reorganisation will also be considered; for instance, was the communication handled properly?

The criteria to be formulated for the evaluation and the method of evaluation, as well as the period to be evaluated, will depend on the nature and extent of the reorganisation. The process of the reorganisation will also be evaluated. Evaluation can take place by means of questionnaires or interviews or by setting up an evaluation committee. It is important that a method of evaluation is chosen that will yield relevant information. Evaluation is meaningful if there is clarity about the ultimate results of the reorganisation.

The management of the unit will inform the local employee participation body about the results of the evaluation. It will also send a report to the local employees' organisations, and provide the local employee participation body with an opportunity to make recommendations.

The interim reports received by the local employees' organisations in the LO on the progress on the reorganisation will be concluded with a final status report.

### **Effective date**

This regulation takes effect from 1 January 2014. This regulation replaces all earlier reorganisation codes and regulations in this area that fall within the scope of authority of the employer.

### **Transitional provisions**

Reorganisations in which the written notification referred to in article 9.2 of the CAO of Dutch Universities took place before 1 January 2014 will be administered according to the Leiden University Reorganisation Code established on 12 May 2009.

### **Title for citation**

These regulations can be cited as the Leiden University Reorganisation Code of Conduct 2014.

These regulations were adopted by the Executive Board on 17 December 2013, following agreement in the LO on 12 December 2013 and following the consent of the staff representatives of the University Council on 9 December 2013.

The Executive Board,

Prof. C.J.J.M. Stolker  
Rector Magnificus and President

On behalf of the labour unions represented in the local consultation (LO),

Dr H.H. de Iongh  
Chairperson

On behalf of the staff representatives of the University Council,

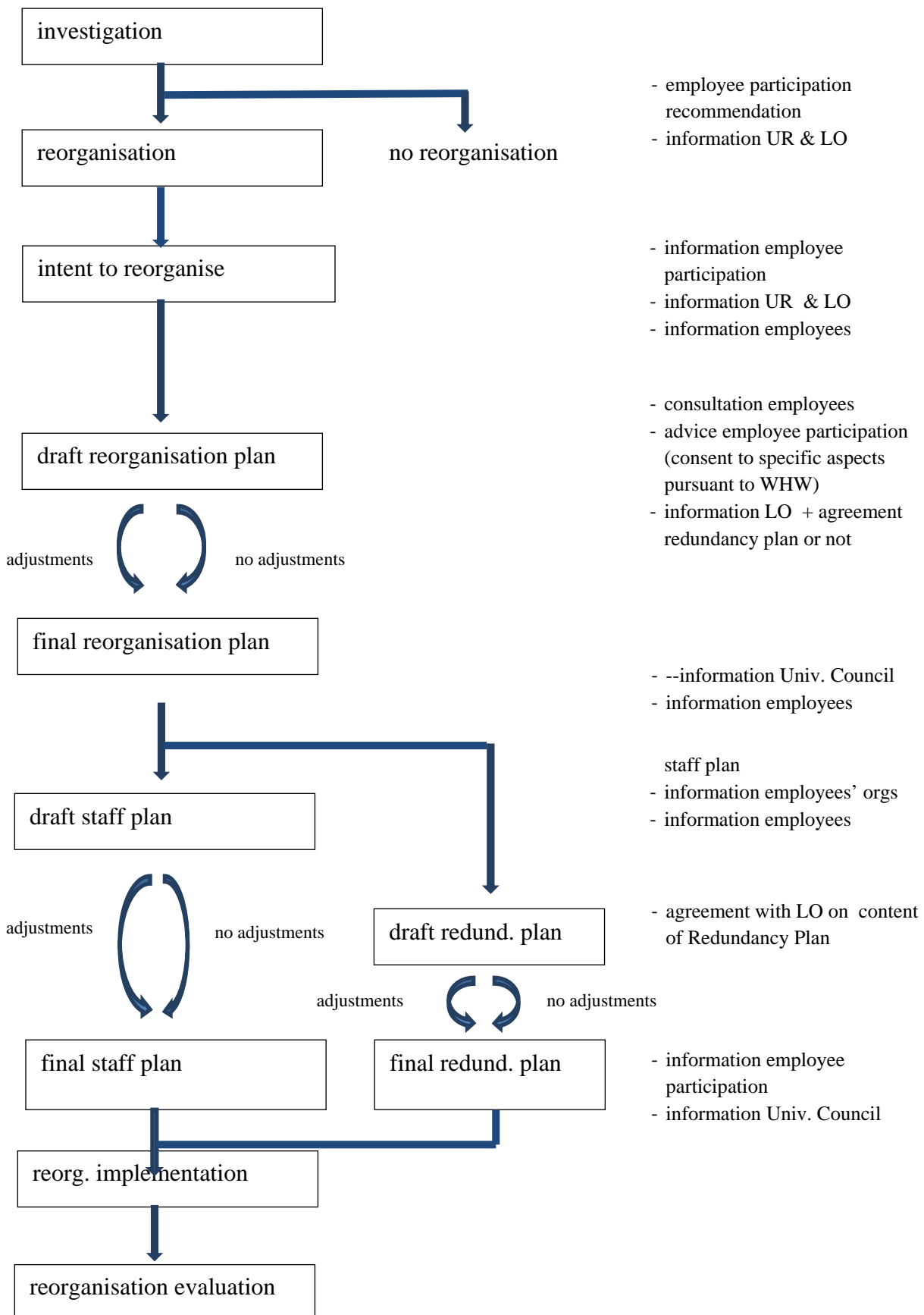
J. Mioch, MA  
Chairperson of the University Council



*Appendices:*

1. Action plan for employee participation and decision-making for reorganisations
2. List of definitions

1 Step-by-step plan for employee participation and decision-making for reorganisations





## **Appendix 2 List of definitions**

### **Definitions of some of the parties involved in a reorganisation:**

Executive Board: the body of the institution that has authority under the terms of the WHW.

Unit management: the management of a faculty that has authority under the terms of the mandate regulation, the director of a central department who has authority under the terms of the mandate regulation.

The central employee participation body: the University Council.

The local employee participation body: the (staff representatives of the) faculty council or the departmental council of a central department.

The Local Consultative Committee (LO): the consultation at institutional level that is conducted between the employer, the Executive Board, and the employees' organisations that are party to the CAO of Dutch Universities.

The sounding board group: this is where progress on the reorganisation (which should be taken to include aspects relating to legal status and social aspects) is informally discussed with the management of the unit, with one or more representatives of the employees' organisations from the Local Consultative Committee.

Employees: permanently employed staff and staff who are temporarily employed with the prospect of permanent employment. (Thus, other staff who are employed temporarily, workers from temporary employment agencies, secondments and employees seconded from DZB do not fall into this category.)

### **Definitions of a number of relevant concepts (regarding legal status) in the context of a reorganisation:**

Reorganisation within a university, or a part thereof, is understood to mean a change in the organisation as referred to in Article 25, paragraph 1, sections a to f of the Works Councils Act, which relates to the university, or an important part thereof, involving direct and radical consequences for the legal status of employees.

Intent to reorganise: the written document containing in any event information concerning the reasons for the reorganisation, the objective of the reorganisation, the procedure to be followed in preparing and implementing the reorganisation, including a general time plan and the expected consequences for legal status in general terms.

Reorganisation plan: the Faculty Board or the director of a central department will formulate the intended change in the organisation in a reorganisation plan. In any event the objective and task of the new organisational unit and its separate parts are described, as well as the quantitative and qualitative staff .

**Staff Plan:** this plan describes the expected consequences for the legal status of the individual employees in terms of their jobs, on the basis of the reorganisation plan. The Staff Plan mentions in any case which employees will undergo a change in organisational position and what this entails; which employees are subject to potential dismissal; which employees will undergo an immediate and radical change in legal status; in what way the expected consequences for their legal status will be dealt with taking into account the Social Policy Framework for Reorganisations, and the Redundancy Plan (if there is one). The Staff Plan will be drawn up after or at the same time as the reorganisation plan.

**Social Policy Framework:** the framework as included in subsection 2 of section 9 of the CAO in which the basic principles for the social policy for reorganisations is laid out.

**Redundancy Plan:** the plan that may be agreed by the Executive Board with the local employees' organisations in the Local Consultative Committee additional to the Social Policy Framework if there are radical consequences for employees' legal status.

**Position:** the package of activities to be carried out by an employee on the basis of and according to the instructions given by the employer.

**Unchanged position:** in any event, a position is considered to be unchanged if at least 80% of the tasks remain the same, scopes of authority remain unchanged, the nature of the position remains the same in terms of the expertise, knowledge skills (and competences) required and the assessment is not higher according to the University Job Profile.

**New position:** if one of the aforementioned criteria is not met, then the position is considered to be new.

**Position-keepers:** employees whose position remains unchanged and who are placed in the corresponding position in the new organisation, at least as far as the scope of the staff structure allows.

**Staff redundancy:** this occurs when the staff structure is insufficient to place all the position-keepers.

**Eliminated position:** a position is considered to be eliminated if there is a position in the new organisation with a changed set of tasks (20% or more) or with different scopes of authority or with other requirements relating to expertise, knowledge, skills (and competencies).

**Candidate for redeployment:** an employee who is subject to potential dismissal due to the elimination of a position or staff redundancy.

**Appropriate position according to CAO article 9.12a:** a position is suitable if, in the opinion of the employer, the employee in question:

- has the knowledge and skills considered necessary to properly perform the duties of the position, or;
- if, in the opinion of the employer, the employee in question can be retrained or given extra training;
- and he can reasonably be assigned this position considering his personality, circumstances and prospects; unless the institution has serious reasons for opposing his placement.

Period of protection against dismissal: the 10-month period during which the employment of an employee who is subject to potential dismissal on the basis of the reorganisation will not be terminated by the employer. This 10-month period begins on the first day of the month following the month in which the employee is notified in writing of his potential dismissal. This notification will not be sent before the reorganisation plan, the staff plan and the Redundancy Plan (if one has been agreed) have been finalised. The period of protection against dismissal will not begin in the month of July.

Due notice: the period that has to be observed between the point in time of dismissal and the final date of employment. With dismissal resulting from a reorganisation, the term of due notice is 3 months.