

Act implementing Council Directive 1999/70/EC (framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP)

Act of 7 November 2002 implementing Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who see or hear these presents! Be it known:

Whereas We have considered it necessary to amend Dutch legislation in order to implement Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Section I

[Amends the Civil Code.]

Section II

1. Employers may not discriminate between employees in the terms and conditions of employment on the basis of the permanent or temporary nature of the contract of employment, unless such discrimination is objectively justified.
2. Any provision that is contrary to the provisions of subsection 1 is null and void.
3. The Institute referred to in section 1 of the Netherlands Institute for Human Rights Act may conduct an investigation to determine whether discrimination as referred to in this section has taken or is taking place. Sections 10, 11, 12, 13, 22 and 23 of the Netherlands Institute for Human Rights Act apply *mutatis mutandis*.
4. The provisions in subsections 1 to 3 do not apply to temporary agency work contracts as referred to in article 690 of Book 7 of the Civil Code.

Section III

If a natural person, legal person or competent authority engages a person to perform work under their authority other than pursuant to a civil-law contract of employment or

appointment as a public servant, article 649 and 657 of Book 7 of the Civil Code applies *mutatis mutandis*.

Section IV

This Act enters into force with effect from the first day of the fourth calendar month after the date of the Bulletin of Acts and Decrees in which it is published.

We order and command that this Act be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern diligently implement it.

Done at The Hague on 7 November 2002

Beatrix

J.P.H. Donner
Minister of Justice

State Secretary for Social Affairs and Employment
K.L. Phoa

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J.P.H. Donner
Minister of Justice