

Annex 3: Indicators to determine whether a temporary work agency is malafide or bonafide

The following list can be helpful to determine whether a temporary work agency is malafide or bonafide. It needs to be stressed that the list is not prescriptive or exhaustive. The temping sector has introduced a number of instruments to improve and to keep the sector "clean". A few checks can help to determine the status of a temporary work agency.

- A. *Is the temporary work agency registered with the Chamber of Commerce (Kamer van Koophandel)?* It is possible to check this on the website of the Chamber of Commerce (www.kvk.nl). Indicative is the use of the registration number in official mailing such as letters, invoices, etc.
- B. *Is the temporary work agency registered as such in the Trade registration of the Chamber of Commerce?* A company can choose the category in which it was to be registered. It is known that malafide temporary work agencies are not registered as such to avoid control from inspections such as the tax and customs authority or the Labour Inspectorate. From 2012 onwards temporary work agencies will be obliged to register as such, under penalty of a fine.
- C. *Is the temporary work agency NEN certified?* This can be checked in a register that is published on the website of the "Stichting Normering Arbeid", www.normeringarbeid.nl. Certified temporary work agencies have agreed to be audited periodically. The register is controlled by an independent foundation, the "Stichting normering arbeid (SNA)". The audit focuses on the quality of wage administration, compliance with the Legal minimum wage Act, tax declaration and the contribution to social premiums. If a company doesn't fulfil the requirements of the certificate, it will be removed from the register.
- D. *Does the temporary work agency comply with the relevant Collective Labour Agreement (CAO)?* This is checked by the "Foundation for Compliance with the Collective Agreement for Temporary Employees "(SNCU). This is a partnership between employers and employee organisations in the temping sector. Under the umbrella of the SNCU, compliance with collective agreements is stimulated and monitored. The SNCU responds to complaints, monitors these and if necessary brings the complaints into court. The SNCU has published a list of court cases on its website (www.sncu.nl) .
- E. *Is the temporary work agency member of a branch organisation?* Branch organisations for temporary work agencies are for example the ABU (Algemene Bond Uitzendondernemingen), the NBBU (Nederlandse Bond van Bemiddelings- en Uitzendondernemingen) or the VIA (Vereniging van experts in de Internationale Arbeidsbemiddeling). Entry requirements for membership are for example NEN certification and audit of compliance with the Collective Labour Agreements (CAO). More information can be found on the websites of the organisations (www.abu.nl, www.nbbu.nl and www.via-eu.com).
- F. *Does the temporary work agency have a housing certificate?* The ABU and the VIA each have a certificate for housing. Certified Flexhome (ABU) and SKIA (VIA).
- G. *Does the agency make use of a g-account in its administration?* A g-account is a closed bank account. It offers the possibility for a temporary work agency to deposit that part of an invoice that represents the payment of taxes and premiums on a separate and closed account. This account can only be used for that purpose. It prevents that in case the temporary work agency cannot pay the premiums and taxes (f.i. in case of bankruptcy) this amount will be recovered from the hiring company. To have a g-account mainly indicates an adequate administration of a temporary work agency.