



Ministry of Social Affairs and
Employment

Are you posting workers from outside the EU to the Netherlands?

**What you need to know as an employer
based in the EU, EEA or Switzerland
about posting third-country nationals
to the Netherlands.**

Third-country nationals are workers who are not nationals of one of the Member States of the European Union, the EEA or Switzerland. Rules apply if you post these workers to the Netherlands. It is important to know what these rules are.



Main terms and conditions

These rules apply if you are posting third-country nationals to the Netherlands.

1. It must be an **actual posting**. This means, among other things, that your company carries out substantial activities in the European country where you are established. Your employees can only come to work in the Netherlands temporarily. Not sure if you are posting workers? For more information, visit english.postedworkers.nl.
2. The third-country nationals **legally work and reside** in your country. Check whether the third-country nationals have a valid work and residence permit.
3. The third-country nationals **usually work** in your country. A third-country national cannot be posted to the Netherlands immediately after taking up employment in your country. The posting is temporary. Third-country nationals go back to work in your country after being posted to the Netherlands, or return to their country of origin.

Terms and conditions for the employment of third-country nationals

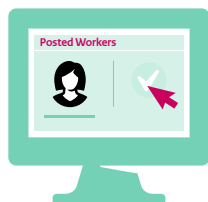
Posted third-country nationals are entitled to the same **terms and conditions of employment** as posted workers with EU nationality. This means that they are entitled to the terms and conditions of employment of the country where you are based, but also to the main Dutch terms and conditions of employment. For example, this includes the Dutch minimum wage.

Example

Someone from Uzbekistan has been working for your company in Poland for a couple of years. You post this employee to the Netherlands for a 2-month assignment. In this case, your employee is entitled to all the terms and conditions of employment that apply in Poland, as well as the core terms and conditions of employment applicable in the Netherlands.

Submit a notification for your third-country national employees

As an employer from the EU, the EEA or Switzerland, are you temporarily posting workers to the Netherlands? If so, you must notify their arrival in advance. This can be done on the Dutch notification portal at english.postedworkers.nl. A notification must always be submitted for posted third-country nationals. You can notify in Dutch, English or German. You can submit notifications for more than one employee at the same time.



Frequently asked questions

Are self-employed persons with third-country nationality allowed to post themselves?

No, they are not. Self-employed persons without a valid passport from the EU, the EEA or Switzerland are not entitled to the free movement of services. Self-employed persons are not employed by an employer that has the right to post workers. It is therefore not possible for self-employed persons to post themselves, even if they are established in the EU, the EEA or Switzerland.

Are there additional rules for posted third-country nationals?

In **some cases**, you as the employer, must apply for a residence permit for the posted third-country national(s). In addition, the normal rules for posting apply. Posted third-country nationals are thus only allowed to work in the Netherlands **temporarily**. And they may be posted only if they usually work in the country from which they are posted.



Is a third-country national in the Netherlands for more than 90 days within a 180 day period? Then you, as the employer, must apply to the IND for **a residence permit for the cross-border provision of services**.

Why do the rules exist for posted third-country nationals?

The rules are in place to protect workers and combat unfair competition. With these rules, we ensure that also third-country nationals can work in the Netherlands under safe, healthy and fair conditions.

What happens if you do not comply with the rules?

The Netherlands Labour Authority checks whether employers comply with the rules. Are you not in compliance? Then you may be fined.



Want to know more?

Go to english.postedworkers.nl. Here you will find an overview of all applicable terms and conditions of employment, and you can submit a notification for your employees in the notification portal.