



Inspections by the Inspectorate SZW regarding the employment of foreign employees, the payment of the minimum wage and working hours

Introduction: company inspections, why and how?

- The Inspectorate SZW carries out inspections of companies to combat illegal employment and unfair competition.
- The Inspectorate SZW checks, among other things, whether employers legally employ foreign employees (Foreign Nationals Employment Act (Wav)), comply with the Working Hours Act (Atw) and pay employees at least the minimum wage (Minimum Wage and Minimum Holiday Allowance Act (WML)).
- Inspections are carried out for example at companies, on ships, markets, farms or on construction sites. Private individuals may also be inspected if they act as an employer or commissioning party.
- The Inspectorate SZW inspects the employer. Employees and others concerned such as bookkeepers are interviewed as witnesses.
- An inspection may be initiated due to: a report by a third party, a project in a business sector or region, or because of violations revealed during a previous inspection.
- Inspections are not announced in advance.
- The Inspectorate SZW is sometimes accompanied by the (Aliens) police. The Royal Netherlands Military Constabulary, the Customs, the Tax Authorities, the Employee Insurance Agency (UWV) or municipalities can also participate in inspections carried out by intervention teams.

Working methods during inspections

- Without prior notice inspectors immediately enter the locations in the company where work is being carried out.
- One of the inspectors informs the owner, employer or manager about the inspection.
- The inspectors furnish proof of their identity as supervisory officers and state the reason for their visit.
- Employees are asked for original proof of their identity. Employees may be required to answer additional questions in order to determine whether the employer is observing the statutory regulations.
- Inspectors run through a questionnaire for the WML, Atw, Wav and Waadi with the employees.
- If there are many employees present, the Inspectorate SZW will, in consultation with the employer, interview employees at a central location (for example in the canteen).
- Inspectors try to interrupt production processes as little as possible. Holding interviews with employees in a central location avoids people constantly walking back and forth.

Employees who have been checked and interviewed can return to work.

- Owners or employers are always informed of the findings of an inspection and of any follow-up measures in the event of suspected violations.

The powers of the inspectors

The inspectors are allowed to:

- Enter every location.
- A home without permission of the owner, only if the inspector has a written permission (see the Algemene wet op het binnentreden http://wetten.overheid.nl/BWBR0006763/geldigheidsdatum_15-05-2015).
- They may take other persons and equipment with them and if necessary gain access with the aid of the police.
- Ask persons for proof of their identity.
- Ask everyone for information and demand access to business data and documents.
- Seize objects.
- Demand everyone's cooperation.
- The powers of the inspectors are regulated in the General Administrative Law Act, the Atw, the Wav and the WML.

What the Inspectorate SZW inspects

The Inspectorate SZW checks for compliance with the rules concerning the employment of foreign nationals (Wav), the Working Hours Act, the hiring and terms of employment of staff from a temporary employment agency (Waadi) and the payment of the minimum wage and the minimum holiday allowance (WML).

More information

- www.inspectieszw.nl
- www.rijksoverheid.nl
- www.werk.nl (for applying for an employment permit)
- www.zelfinspectie.nl (tools to carry out a self-inspection)

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