The Eligibility for Permanent Incapacity Benefit (Restrictions) Act aims to limit the number of disability benefits through a good supervision of employees incapacitated for work during the first two years of their illness. This Act describes several requirements for both employers and employees. Consequences of the Act and important moments in the supervision of absenteeism are explained below.

Frequently asked questions and answers to these:
1. Why are there rules for long-term absence due to illness?
2. What is the essence of these rules?
3. What happens if an employee fails to cooperate with these rules?
4. What are the consequences for the employer?
5. Who determines whether enough has been done?
6. What does an action plan look like?
7. What happens if the employee can no longer return to his or her own job?
8. Can long-term absence due to illness be prevented?

1. Why are there rules for long-term absence due to illness?
Long-term absence due to illness is distressing for everyone involved, for the sick employee, colleagues, the employer but also for the work processes. The government, employers and employees as well as other bodies, such as working conditions services, work together on solutions for this long-term absence due to illness. Research has revealed that the initial months of the illness are crucial for the eventual duration of the illness. The longer somebody remains at home, the greater the chance that he or she will end up needing a permanent invalidity benefit. If soon after the employee reports sick, the employee and employer/line manager have contact with each about the nature of the illness and the possibilities of returning to work then, by definition, this nearly always has a positive effect. Therefore, the rules of the Act are mainly aimed at the collaboration between the employer/line manager and the sick employee.

2. What is the essence of the Permanent Invalidity Benefit (Restrictions) Act?
   
   **Essence**
   The line manager and employee must in good consultation, and with the support of the company doctor and a case manager, (see explanation below) formulate and implement concrete actions to realise a quick resumption of work by the employee. Concrete steps towards this are:

   **Problem analysis**
   If after six weeks of illness it transpires that you, as the employee, will probably be ill for a longer period of time, then the working conditions service issues its assessment about the illness case and issues an advice to you and your employer about facilitating the recovery and resuming work.

   **Action plan**
   Based on this advice, both you and your line manager draw up a written action plan no later than the eighth week after you reported ill. The action plan is aimed at a structural resumption of your work activities. In the plan, it is described how that will be done and which actions need to be taken within a certain period in order to realise this. The structural resumption of your work can be your 'old' job, whether or not this is in a modified form. It could also be a different job within the company or reintegration at a different employer. You also state what you could both do to make your quick return to work possible. This can concern an adjustment to the place of work or, for example, career guidance.
Coordination and evaluation
To achieve an optimum result, you need to keep on evaluating the effect of those actions with your line manager. You will have contact about this at least once every six weeks.

One year ill
A special evaluation moment occurs after about one year of illness. Then the efforts during the last year to return to work taken by the employer and employee will be reviewed in greater detail. In consultation with the company doctor, the approach for the coming year will be established, if needs be in an adapted form. Various matters will be recorded in writing in the reintegration file.

Application for employment disability benefit
After you have been ill for 21 months, then as an employee you must apply for an employment disability benefit from the Netherlands Employees Insurance Agency (UWV). (In general, the UWV will notify you that you have to do this). The reintegration report is part of this application. This report consists of three parts. A first part that you write in consultation with your line manager in which it is described which activities have been taken to make the quick return to work possible. A second part that the company doctor writes in consultation with you and that concerns the medical aspects of the incapacity to work, and a third part in which you can state your own view on the reintegration activities.

Based on this reintegration report, the UWV will assess whether both parties have reasonably made sufficient efforts.

Case manager
For each location, NWO-I has appointed a case manager. The case manager monitors that the formal steps required by the Act are made on time and can advise the line manager and employee about the procedures to be followed. At the NWO-I institutes, the personnel officer acts as the case manager. For the university locations and for the NWO-I office, an employee from the Personnel and Support Department has been appointed as case manager. In general, this case manager at the NWO-I office will maintain contact with the personal service of the university concerned.

3. What happens if an employee fails to cooperate with these rules?
By law, the employer can impose sanctions if, without valid reason, the employee does not, or does not sufficiently; cooperate with the reintegration (for example, reducing your salary or in the most extreme case terminating the employment contract).

Before the sanctions are implemented, the employer first of all requests a second opinion from the UWV. For the termination of an employment contract, a permit for dismissal is required. The employer will have to provide convincing reasons that you have refused to cooperate in your reintegration without valid reason.

The UWV can also impose a sanction if you, without valid reason, fail to cooperate in drawing up an action plan or with the reintegration report. You can then have some of your employment disability benefit withheld.

4. What are the consequences for the employer who fails to cooperate with the rules enough?
The employer can also have sanctions imposed if he fails to make sufficient efforts to supervise you towards a suitable job (for example a requirement to continue paying the salary).

5. Who determines whether enough has been done?
The UWV determines that. The UWV can be called upon by the employer, by you or by both of you, if you do not agree about the action plan or the realisation of this. The working conditions service can also play a major role: they manage the process and they also advise on, and manage a part of, the file about the sick employee.

6. What does an action plan look like?
A template for the action plan has been produced by the UWV. The case manager can inform you about this.

7. What happens if you can no longer return to your ‘old’ job?
First of all, it will be examined whether there are possibilities to adjust your job or workstation in such a way that you can return to your own job. If that is not possible, then other possibilities must be sought. Initially, these should be
sought at the same location and, failing that, elsewhere within NWO-I. The employer can also help you to find a job at another organisation. In general, the employer will usually involve the reintegration company Loyalis in this.

8. Can long-term absence due to illness be prevented?
It is not always possible to prevent long-term absence due to illness. For example, prevention is not possible in the case of a serious illness or a severe accident. However, in many cases it is possible. The employee should therefore talk with the line manager as soon as possible about signs of illness, irrespective of the nature of the symptoms. Physical symptoms are not the only problem. Excessive work pressure, an unpleasant atmosphere in the workplace, being bullied by colleagues, a poor work attitude can all lead to an employee reporting sick and therefore to a long-term absence due to illness. You are advised to talk about any issues you experience as soon as possible and, in turn, the employer should intervene quickly if he receives such signals.