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## A) Context and responsibilities

### 1. Collective labour agreement (CAO: *collectieve arbeidsovereenkomst*) arrangements

Since concluding the collective labour agreement for universities of applied sciences (CAO HBO: *Collectieve arbeidsovereenkomst voor het hoger beroepsonderwijs*) for 2014-2016, the Netherlands Association of Universities of Applied Sciences (*Vereniging Hogescholen*), as the employers' organisation, and the trade unions have made arrangements about staff members' long-term-employability (LE) (see Chapter M).<sup>1</sup> In doing so, they deliberately opted for an approach in which **not all aspects apply nationwide at collective labour agreement level**; only the main features have been laid down in the CAO HBO. In addition, in consultation with the representative advisory body, AUAS has drawn up LE regulations containing implementation arrangements.

### 2. AUAS Long-term Employability (LE) Regulations

The AUAS Long-Term Employability (LE) Regulations contain detailed implementation arrangements tailored to the specific situation at AUAS. Examples include the manner in which the entitlement to the LE budget is determined, and the preconditions applicable to the use of the LE budget. The purpose of the regulations is to make it **clear to everyone at AUAS** how our organisation implements the LE arrangements laid down in the CAO HBO. The Executive Board, in consultation with the staff faction of the Central Representative Advisory Council, adopted revised LE Regulations on 17 December 2020. Changes to the CAO HBO necessitated a revision of the old regulations. You can find the LE Regulations on MyAUAS, A-Z under L → Long-Term Employability.

### 3. Purpose and importance of long-term employability

The long-term employability scheme in the CAO is meant to provide employees with an opportunity to **actively enhance** their long-term employability, which will help them to keep doing their job effectively, in good health and with satisfaction, and to strike a healthy work-life balance. What matters is that staff make the best possible use of their talents (and continue to do so) when they are in the right place or are moving towards this. The theme of long-term employability is of great importance and becoming ever more so, given the ageing population, the fact that everyone has to keep working for longer and the rapid pace of development, also in education.

### 4. What does 'long-term employability' involve?

Long-term employability may be regarded as a **framework** to which various HR themes are linked. In this respect, the 2017-2020 Strategic HR Agenda states: '*AUAS invests in long-term employability by opting for a comprehensive approach directed at **three themes** around long-term employability that are inextricably linked, as shown in the illustration:*

- **Professionalisation** (*talent development, teamwork, leadership*)
- **Vitality** (*work-life balance, energy, staff engagement*) and
- **Mobility** (*career development, versatility, flexibility to take on new challenges*)'

In addition, long-term employability means that consideration is given to an employee's **work capacity**, so as to ensure that the work is or becomes as compatible as possible with their physical, mental or social work capacity.

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<sup>1</sup> From 2014, the CAO HBO addresses the long-term employability of all staff members, irrespective of age.



## 5. What is meant by ‘manager or supervisor’?

When the CAO HBO refers to a ‘manager or supervisor’, this is the employee’s immediate manager or supervisor.<sup>2</sup> The LE Regulations therefore relate to the immediate manager or supervisor as well. As the immediate manager or supervisor, you can be a functional or a hierarchical manager or supervisor. If you are a functional manager or supervisor, please bear in mind that you can only take a decision on staggering simultaneous withdrawals of saved-up LE hours **in consultation** with the hierarchical manager or supervisor (see section B-6 of this guideline). You can take all other decisions in your capacity of functional manager or supervisor. However, both functional and hierarchical managers or supervisors are obliged to seek the HR advisers’ prior advice about decisions as referred to in Article 13(2) of the LE Regulations (‘Unforeseen circumstances’). See also section B-6 of this guideline in this respect.

## 6. What is expected of me as a manager or supervisor?

As a manager or supervisor, you are responsible for supporting your employees in the best possible way and helping them enhance their long-term employability. You do so especially by holding **consultations** with employees, in which you discuss what they need in order to improve their long-term employability and how they intend to use their LE budget. The strength and success of the LE scheme are not so much related to the LE budget made available, but rely more on the consultations between you and your employees about their long-term employability. The LE budget is only a means to this end.

Another important point is raising the issue of long-term employability with your **team or department** and discussing how you can promote long-term employability together, for example by encouraging a positive learning climate, social safety in the team and an environment in which people can think outside the box. Holding these consultations with your employees and with your team obviously requires particular competences. If you **need support** in this context (such as training, peer consultation or coaching), then please discuss this with your HR adviser or check out opportunities for professionalisation in this area on the AUAS Academy website.

## 7. Joint responsibility

The primary consideration is that long-term employability is a joint responsibility of both employer and employee. Each year, employees obtain a budget in LE hours which they can use during the same year in order to improve their long-term employability. **Good employee practices** dictate that employees actively use their LE budget, while **good employer practices** dictate that you, as the manager or supervisor, support and facilitate employees in the best possible way.

<sup>2</sup> See Article M-1f(2) of the CAO HBO.

## B) Points for attention in practical implementation

This section explains a few elements of the LE Regulations in more detail. The purpose of this is to offer some **points of reference** for resolving practical implementation issues that you may encounter as a manager or supervisor. If you still have doubts or questions about the possibilities of application after reading this section, then please contact your HR adviser.

### 1. Timely planning

In order to ensure the proper organisation and planning of the activities of your team or department, you need to be aware of your employees' LE plans at the earliest possible stage. You and the employee should make arrangements on this during the annual performance review, but if this is too far in the future for proper planning, discussing this element of the review may be brought forward. It is especially important for lecturers and programme teams to make arrangements at the earliest possible stage, since these affect planning of (teaching) activities and the teaching timetable. These planning discussions for the forthcoming academic year are often held as early as January.

### 2. The consultations

The collective labour agreement sets out the purposes for which LE hours may be used (*see Article 6(3) of the LE Regulations, as well as the last page of this guideline*). You will need to discuss with your employee during the annual performance review (or during a separate meeting held earlier) whether he wants to use his LE hours, and if so, how. The choices in this respect (purpose, extent, desired moment) are always up to the employee. What matters here is not just the manner in which the hours will be spent (the LE budget is only a means), but especially the meaningful discussion about your employee's long-term employability: what does it mean for him, what are his ideas on this point, what are his ambitions, could he need more time temporarily for providing informal care, or does he want to explore a change of work? You should talk about how your employee wants to flesh out his sustainable employability and how using LE hours can help him achieve this.

### 3. Clarification of use of LE hours

The LE hours annually assigned to your employee are used for one of the three purposes specified in this context in the CAO HBO (*see Article 6(3) of the LE Regulations or the last page of this guideline in this respect*).

#### **Use during the year**

From 2021, employees are meant to use the LE hours during the year to which the entitlement relates. In principle, there is no exception to this rule. Any LE hours not withdrawn will lapse at the end of each year. From 1 January 2021, hours can no longer be saved up.

#### **Savings balance**

Obviously, the employee will not lose the LE hours saved up to and including 31 December 2020. He will keep these LE hours, which must then be used within a period of three years (1 January 2021 to 31 December 2023 inclusive) where possible. You will need to discuss the use of these hours at an early stage and record the arrangements in writing. If the use of this savings balance means that you have to hire replacement staff, you will be able to fund the replacement costs out of the central provision created by AUAS.

#### **Waiver of rights**

Although this will rarely happen, it is possible that your employee decides not to make (full) use of his LE hours in any year. We want to mention this anyway; using the hours is a right, not an obligation. If your employee indicates that he does not want to use his LE hours, do try to convince him that improving his long-term employability is important, not just for himself but also for the team's results and those of the

organisation as a whole. After all, the scheme and the LE hours are there for a reason. In addition, it is your job as the manager or supervisor to find out the real reason why your employee waives LE entitlements and whether this is a well-considered choice (the employer has a duty of investigation).

It cannot be so, for example, that your employee waives his LE hours because he is too busy. After all, the employer must provide the employee with an opportunity to use his LE hours. Try to reach a well-considered decision in dialogue with your employee. If your employee should adhere to his decision not to use LE hours, however, he has the right to do so. In that case you must obtain a written statement from your employee which shows unambiguously that he waives his LE hours.

#### 4. Making and recording arrangements

Each year, you make arrangements with your employee about the use of the LE hours during the annual performance review or an interim meeting. These arrangements (including interim changes) are always confirmed in writing and added to the personnel file. You will need to ascertain that the written arrangements have your employee's approval; it is his choice how to use his LE entitlements.

#### 5. What if arrangements change in the interim?

##### **Interim changes at the employee's request**

It may happen that your employee asks you to change arrangements made earlier, for instance due to unforeseen circumstances. Obviously, the employee will discuss this with you and you will subsequently make new arrangements. Do make sure again that these are properly recorded in writing (reason for change and new arrangements). You will be unable to refuse such a request to change arrangements; what matters is your employee's employability and his choice on this point should prevail.

##### **Employee has been negligent**

Although such occasions will be rare, it may happen that LE hours about which you made written arrangements with your employee turn out to have remained unused at the end of the year because the employee failed to make new arrangements with you in this respect. In that case, these hours will be deemed to have been used (see Article 6(10) of the LE Regulations), since as a manager or supervisor you may expect your employee to keep their side of the bargain.<sup>3</sup> However, if this results in a situation that is unreasonable for the employee, as their manager or supervisor, you may take a different decision pursuant to Article 13(2) of the LE Regulations ('Unforeseen circumstances'). Example: a situation unreasonable for the employee exists if the negligence occurred during a period of upheaval, for instance due to a death in the family.

##### **Interim changes at the manager or supervisor's request**

As a manager or supervisor, can I also ask an employee to change arrangements? You can, but you should exercise this option with restraint. New arrangements can be made in consultation and within reason. If the employee agrees to this, there is no problem. However, if an employee is unable or unwilling to change the arrangements and therefore adheres to the earlier arrangements, they will have the right to do so; the point of departure is that it is the employee's choice that matters most.

#### 7. Balance between interests of employees and the organisation

##### **Possibility of staggering withdrawal of hours**

The LE scheme is not meant to result in an uncontrolled (large) number of unused LE hours that jeopardises capacity in the workplace. You therefore need to hold timely discussions with your employees and the team and make arrangements. What if you nevertheless encounter the problem that too many employees want to use their saved-up hours simultaneously? How do you strike a proper balance between the employee interests of and those of the organisation?

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<sup>3</sup> In this context, an exception applies for the period from August 2015 to December 2017 inclusive. Because manager or supervisors and employees were relatively unfamiliar with the scheme during that period, any hours not used in that period will remain available. The employee and his manager or supervisor should make arrangements about these hours as soon as possible.

If this poses a serious risk to the continuity of the activities of your team or department, as the manager or supervisor, you can cap the number of employees who can use saved-up LE hours simultaneously (see Article 7(5) of the LE Regulations). However, this is an extreme measure which can only be taken if all other options have been exhausted. Therefore, you must always **first consult your team** in order to look for alternatives. In most cases, such consultation will result in an acceptable solution. If you are nevertheless unable to arrange a proper distribution, as a last resort you can cap the number of employees who can use their savings balance simultaneously.

**Please note** that if you are a functional manager or supervisor, you can only take this decision in consultation with the hierarchical manager or supervisor. The hierarchical manager or supervisor will always report such a decision to the Director of Operations or the director of the service or staff department. In addition, the Director of Operations or the director of the service or staff department will annually evaluate the application of such decisions with the **Representative Advisory Council**.

#### **Option to decide differently**

If the full application of the LE Regulations has **disproportionate adverse consequences** for an employee, as manager or supervisor you may decide to make a different individual arrangement with your employee (see Article 13(2), 'Unforeseen circumstances'). A disproportionate adverse consequence will occur, for example, if an employee postpones their withdrawal of LE hours at your request, but is thereby prevented from accruing new hours. You may then decide to allow the accrual of LE hours in this situation, even though this means that the number of 200 saved-up hours will be exceeded.

Although more situations are conceivable that may have unreasonable consequences for an employee, we cannot identify them all in this guideline, nor do we want to. It is essential that you take great care in applying Article 13(2). We trust that as a manager or supervisor, you will make a professional and well-balanced assessment, based on a mature employment relationship between you and your employee. In any event, the rule is that you must always seek the **prior advice** of your HR adviser in such cases.

## **8. Registration and monitoring of LE hours withdrawn and saved**

**Support staff** employees must register the use of the LE hours (number of hours, purpose, date(s) in DSPM, based on the arrangements you made in this respect; this applies both to the annual hours and to the savings balance (if any). **Teaching staff** employees only need to register the use of the savings balance in DSPM. Since the annual hours are incorporated into the annual workload, registration in DSPM will not be necessary.

You must **check during the year** whether the LE hours are used as arranged; this will prevent surprises at a later stage. Via DSPM (the →'Leave' tile under the 'Personnel' tab), you always have an up-to-date overview of used and outstanding LE hours for each employee and for the team as a whole. If you are a functional manager or supervisor and have no access to 'Staff tasks' in DSPM, please ask the hierarchical manager or supervisor or the HR adviser to supply you with this information at regular intervals.

### **Any questions?**

We hope that this guideline has provided you with some points of reference as regards the implementation of the LE Regulations, by explaining some aspects in more detail and illustrating these points with examples. If you still have doubts or questions about LE options and their application after reading this guideline, please contact your HR adviser.

## Appendix: Overview of entitlements to LE hours (CAO HBO, Chapter M)

Conditions for LE entitlements	
Extent of employment	0.4 FTE or more
Working in higher professional education	At least three years (consecutive or otherwise) of the last five years

Size of LE budget	
Basic LE budget	<p><i>45 hours per annum</i></p> <ul style="list-style-type: none"> <li>- in case of full-time employment</li> <li>- proportional in case of part-time employment (from 0.4 FTE)</li> </ul>
Additional LE budget (on top of the basic budget)	<p>Employees</p> <ul style="list-style-type: none"> <li>- who are within 10 years of reaching state pension age</li> <li>- who have worked in higher professional education for at least five consecutive years</li> </ul> <p><i>45 hours per annum</i></p> <ul style="list-style-type: none"> <li>- in case of full-time employment</li> <li>- proportional in case of part-time employment (from 0.4 FTE)</li> </ul>
<u>No</u> entitlement to additional LE budget	<p>Employees</p> <ul style="list-style-type: none"> <li>- who participate in the CAO HBO <i>Werktijdverkorting Senioren</i> scheme, i.e. the Decrease in Working Hours for Older Staff Scheme (or the Older Teaching Staff Scheme preceding it)</li> </ul>

Purposes for which LE hours may be used	
1.	Making arrangements which help the employee continue to do his job effectively, in good health and with satisfaction also in the longer term, which includes restoring the work-life balance during a limited period.
2.	Maintaining and reinforcing the employee's employability in the sense of being versatile and retaining his labour market appeal, both internally and externally.
3.	Using hours for keeping up the employee's professional competence and development.