



Know Your Rights about Leaves!

*A survival booklet for empowered PhD candidates
Version 1 – November 2020*

A. Purpose of the Booklet

We have noticed that PhD candidates would like to know more about their rights. Inspired by the work of Promovendi Netwerk Nederland (PNN) at the national level, we decided to make, in collaboration with the Graduate School, an easily accessible booklet for PhD candidates at TU Delft. This booklet includes information on your rights and opportunities for support at the national, university and faculty level, all in one. We hope you find it useful! If you have comments, remarks or suggestions, please write us at upc-org@tudelft.nl!

B. What kind of PhD are you? How does it affect your rights?

You can navigate the following image in order to discover where do you stand in the spectrum of formal classification of PhD candidates. Labour agreements are only for employees, thus the information in this guide is meant to inform PhD candidates who are formally employed by TUD. We are working in order to gather information about the rights of the other types of PhD candidates. If you already have some information, please share it with us.

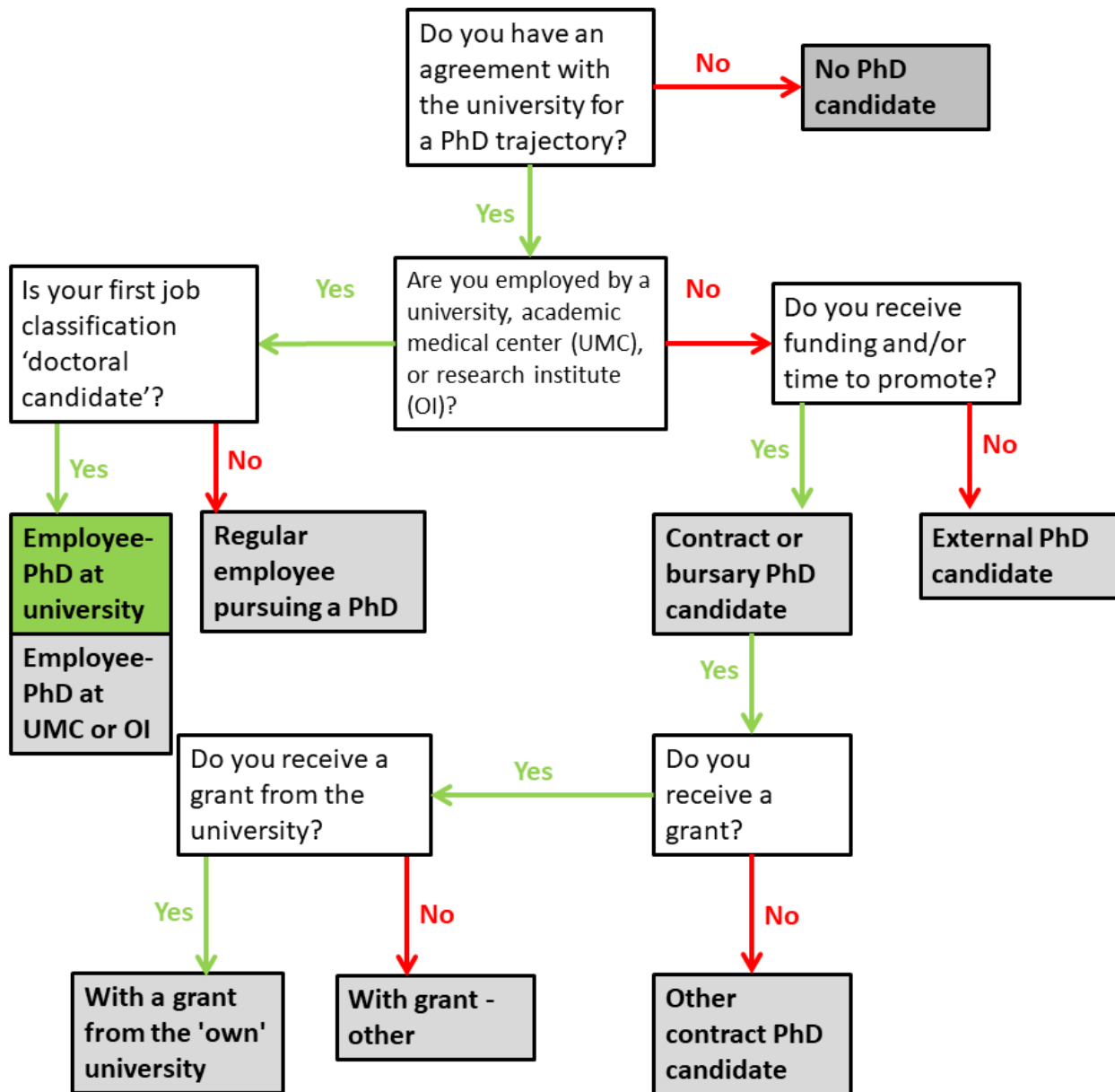


Figure 1. Types of PhD trajectories (Source: PNN)

For more information about rights of PhD at national level, go to the website of PNN: hetpnn.nl/kyr/.

1. What are your rights around leaves?

As an employee, you are entitled to several forms of leave; whether TU Delft continues to pay your salary depends on the nature of the leave. You are expected to know your rights as stated in the [collective labor agreement \(CAO\)](#). The [employee portal](#) provides information about the internal procedures for the different kind of leaves you are entitled to. Check the news to be up to date about changes relating to leaves (See [changes for 2020](#)). In this section, we present an overview. Refer to the links for more complete information, also contact your HR advisor and manager in case of doubt.

1.1 Leave and holiday hours

- As an employee you are entitled to paid holiday hours.
- You are entitled to 232 holiday hours per calendar year for a full working week (38 hours). If you opt for a different working time under the TU Delft Regulations on Flexible Working Hours and Times, the number of holiday hours changes accordingly.
- The basic principle is that you take all holiday hours in the calendar year of accrual. If you have not taken the full allowance of holiday hours you are entitled to in a particular year, you must take these remaining hours in the next calendar year. If you fail to do so, the remaining hours will expire at the end of that year, unless you have made prior written agreements with your manager.

More information

- Rules and procedures: <https://intranet.tudelft.nl/en/-/leave?inheritRedirect=true>

1.2 Sick leave

You should inform your manager or the secretary's office of your department in all cases of illness, which include both physical and mental health issues, so that TU Delft can apply for any benefits you may be entitled to, and so that your leave can be properly registered.

- If you fall ill, the most important thing is a speedy recovery, if possible. If you are still unfit for work after one week, you must consult a doctor.
- The university health services doctor may call you in for an appointment. If this is the case, you must attend, even if you are planning to go to work on that day.
- You are obliged to cooperate if the university health services doctor decides that a medical examination or tests are necessary unless you have compelling reasons for not doing so.

- You are not permitted to work while you are ill, unless you partly resume your duties or TU Delft offers you work (in consultation with the university health services doctor) as part of your reintegration process.
- If you fall ill for a protracted length of time and are no longer able to carry out your work, your manager, the university health services doctor, and the HR advisor will consult with you to assess the possibilities.

Reporting sick and reporting back to work

- Staff are required to personally telephone their manager before 09:00 when reporting sick. If the manager is not available, they must contact the secretary's office instead.
- Tell your manager how long you think you will be off work. Is your health problem due to a work-related accident? If so, state the nature and cause of the problem. Discuss any tasks that colleagues may need to take over.
- If you are staying at an address other than the address known to TU Delft, give the details to your manager.
- In principle, you do not have to visit the university health services doctor during the first two weeks of your illness. However, you should contact the doctor if you think you are able to return to work on a partial basis, or if you fall ill while pregnant and the illness is pregnancy related.
- The day before you return to work, inform your manager or secretary's office of your department that you have recovered and are coming back to work.
- If you are under the supervision of the university health services doctor, report back to work in consultation with the doctor.
- Have you not registered any leave hours in TIM? In that case, we will assume that you have taken all leave hours in the year in which you accumulated them. This means that you cannot carry over any leave hours to next year.

Salary during sick leave

- If, as a member of staff, you become fully or partially incapacitated for work, TU Delft will continue to pay your salary for up to 2 years:
 - During the first 9 months of your sick leave, you will receive 100% of your salary.
 - Thereafter, for a period of up to 15 months, you will receive 76% of your salary for the hours for which you have been declared unfit for work.
- If you are still unfit for work after 2 years, you may be entitled to disability benefit under the Work and Income (Capacity for Work) Act, better known by its Dutch acronym WIA.

Contract and sick leave

- After a full two years of sick leave, in principle your contract is dissolved.
- At your request, your employer may decide to extend your employment contract in the case of illness, if there is a continuous period of illness of at least 8 weeks
- Contrary to other forms of leave, such as maternity and parental leave, unfortunately your employer is not obliged to extend the contract in the event of illness
- If you are fully or partially incapacitated for work due to illness, you accumulate the same number of leave hours as you do when you are not sick.

Illness while on leave

If you become ill while on holiday, you must inform your manager by telephone within one day. If you are being cared for at an address other than your usual address, give the details to your manager and the university health services doctor.

- If you were ill for longer than one week, when you return from holiday you must submit a doctor's certificate stating the date of the first day of illness.
- If you recover while on holiday, you must notify your manager or the secretary's office of your department within one day.

More information

- Leave in the event of illness: <https://intranet.tudelft.nl/en/-/leave-in-the-event-of-illness?inheritRedirect=true>
- What to do in the event of illness?: <https://intranet.tudelft.nl/en/-/what-to-do-in-the-event-of-illness?redirect=%2Fen%2F-%2Flong-term-sickness-related-absenteeism%3Fredirect%3D%252Fen%252F-%252Freporting-sick-and-reporting-back-to-work%253FinheritRedirect%253Dtrue>
- Reporting sick and reporting back to work: <https://intranet.tudelft.nl/en/-/reporting-sick-and-reporting-back-to-work?inheritRedirect=true>
- Action plan in case of illness – Gatekeeper Improvement Act (long-term sickness): <https://intranet.tudelft.nl/documents/20147/86028/Action+Plan+Gatekeeper+Improvement+Act.pdf/60b18ff3-09f2-d419-96c7-f95af48bd1ee?version=1.1&t=1533058307491>
- Salary during sick leave: <https://intranet.tudelft.nl/en/-/salary-during-sick-leave?inheritRedirect=true>
- Long-term sickness-related absenteeism: <https://intranet.tudelft.nl/en/-/long-term-sickness-related-absenteeism?redirect=%2Fen%2F-%2Freporting-sick-and-reporting-back-to-work%3FinheritRedirect%3Dtrue>
- Illness while on leave: <https://intranet.tudelft.nl/en/-/illness-while-on-leave?inheritRedirect=true>

1.3 Pregnancy and maternity leave

Employees of Delft University of Technology (TU Delft) who become pregnant are entitled to maternity leave based on the Work and Care Act (WAZO).

Table 1. Length of maternity leave

Case	Single birth	Multiple birth
Minimum leave time	16 weeks	20 weeks
Pre-natal leave	4 - 6 weeks before the day after your projected due date	8 - 10 weeks before the day after your projected due date
Post-natal leave	10 weeks	10 weeks
Changes in birth date	<ul style="list-style-type: none">• If you give birth earlier, the total duration of your leave will amount to 16 weeks.	<ul style="list-style-type: none">• If you give birth earlier, the total duration of your leave will amount to 20 weeks.

- If you give birth later, the total duration of your leave may amount to more than 16 weeks.
- If you give birth later, the total duration of your leave may amount to more than 20 weeks.

Applying to maternity leave

- You can schedule your maternity leave to begin between 4 and 6 weeks before your due date. This is known as the 'flexibilisation period'. Inform your manager when you will be taking maternity leave, doing so at least 3 weeks before you would like the leave to start.
- Once you have taken 6 weeks of maternity leave after giving birth, you may choose to take the remainder flexibly within 30 weeks. Discuss this with your manager
- Besides informing your manager, you need to submit a digital application for maternity leave, request the leave in TIM and inform HR services of the birth or any other development during your pregnancy, such as the hospitalization of your baby. Such events might have an influence in the length of your leave.
- Your request for maternity leave may only be rejected if your employer has a 'compelling business interest' (not easily met criterion). A response must be answered within two weeks after submission.

Salary and contract during maternity leave

- You retain your full salary during the maternity leave. As an employee you are entitled to a maternity benefit during the period of leave. TU Delft will request this benefit from the Employee Insurance Agency (UWV). Under the Dutch Work and Care Act (Wet arbeid en zorg), you are obliged to cooperate in the application for benefits at the Employee Insurance Agency (UWV).
- At your request, your employment contract is extended with the amount of maternity leave taken.

Illness during pregnancy

If you fall ill during pregnancy and are therefore unable to attend work must inform their manager as soon as possible. If you become ill during your maternity leave, you must inform your manager of this too. There are three potential cases:

- If you are ill or need to rest because of your pregnancy, and your maternity leave has not yet started, you are entitled to benefit under the Sickness Benefits Act (Ziektewet). You will receive the benefit from the first day of sick leave until you have recovered, or until your maternity leave begins.
- If you are ill, but your illness is not pregnancy-related, the 'normal' rules for illness apply.
- If you opt for a start date that is less than 6 weeks before your due date, and you fall ill during that period (but before your maternity leave begins), you are entitled to benefit under the Sickness Benefits Act (Ziektewet). This means that your maternity leave begins on the first day of your illness.

More information

- Rules and procedures: <https://intranet.tudelft.nl/en/-/maternity-leave?inheritRedirect=true>

- Illness during pregnancy: <https://intranet.tudelft.nl/en/-/illness-during-pregnancy?inheritRedirect=true>

1.4 Birth leave and Supplementary birth leave for partners

Employees whose partner has given birth are entitled to birth leave. This leave is equal to one week of working time, which is five days on a full-time basis. It is not extended in the case of a multiple birth.

- The leave must be taken within four weeks after the birth and TU Delft will continue to pay 100% of salary during this birth leave.
- You can take birth leave within 4 weeks from the day the baby is born. Tell your manager as soon as possible, either verbally or in writing, when you will be taking birth leave. Birth leave may not be refused.
- Depending on the situation, you could take emergency leave on the day of the birth, for example if you need to rush off suddenly.

Supplementary birth leave

- With effect from 1 July 2020, you may also be entitled to Supplementary birth leave. It amounts to at most five times the weekly working time (i.e., a maximum of five weeks).
- Supplementary birth leave is unpaid leave. However, during the Supplementary birth leave period, you are entitled to a benefit of 70% of your daily wage, up to 70% of the statutory maximum daily wage.
- This leave must be taken within six months after the birth of the child. It is conditional on the employee having first taken birth leave (equal to one week's working time). Discuss taking this leave with your manager well in advance of applying for it.

More information

- Rules and procedures: <https://intranet.tudelft.nl/-/paternity-leave-and-unpaid-parental-leave>

1.5 Parental leave

You can take a period of leave on partial pay so you can spend more time raising your child(ren) in combination with work. If you have two or more children, you are entitled to parental leave for each child.

You are eligible for parental leave with partial pay if you have been employed by the university for at least one year and are caring for a child younger than 8 years of age, for whom you have not taken parental leave while working for another employer.

Financial consequences

- Parental leave lasts a maximum of 26 weeks. A maximum of 13 weeks will be paid leave (62.5% of your salary) and a maximum of 13 weeks unpaid.
- You will not accumulate any leave hours for the hours for which parental leave has been granted.
- Your commuting expenses will be adjusted in proportion to the actual days worked.
- Your parental leave will not be discontinued in the event of illness or incapacity for work.

- You will continue to accumulate pension rights during the leave. The distribution of contributions changes for an unpaid parental leave.

Partially paid parental leave

- You take this leave over a 6-month period, during which you may take up to half of the hours you work per week. However, you can consult with your manager on other ways of organising and taking your parental leave.
- Your manager may delay or refuse your application if this is necessary in the interests of the university.

Unpaid parental leave

- You must notify the university in writing of your intention to take parental leave 2 months before the start of your intended leave, stating the period, number of hours per week and distribution of these hours across the week. You can allow the start and finish dates of the leave to depend on the actual delivery date, the end of your maternity leave or the start of the care.
- Your manager may change the nature of the leave you have chosen up until 4 weeks before the date on which it is due to start if it is in the interests of the university.

More information

- Rules and procedures: <https://intranet.tudelft.nl/en/-/parental-leave-1?inheritRedirect=true>

1.6 Other leaves

There are other special circumstances for which you might be entitled to a paid leave.

Leave type	For which situation?	Leave length	More information
Emergency leave	An emergency is an event that requires an employee to immediately make certain arrangements. For example, your water main burst and you need to arrange a plumber; or a family member is passing away.	Maximum 2 working days per calendar year	https://intranet.tudelft.nl/en/-/emergency-leave-1?inheritRedirect=true
Care leave	When you take responsibility for the necessary care of a close family member due to illness. If it is short-term, you will receive your full salary during this period. If it is long-term, the leave is,	<i>Short-term care:</i> maximum of 2 weeks per 12-month period <i>Long-term care:</i>	https://intranet.tudelft.nl/en/-/care-leave?inheritRedirect=true

	in principle, unpaid. The leave is allocated in proportion to the actual number of hours you work per week.	maximum of 6 weeks per 12-month period	
Leave for moving house	If you have an independent household and are moving to a new house, you can take a special leave on or around your moving day.	Maximum 2 days once per calendar year	https://intranet.tudelft.nl/en/-/leave-for-moving-house?inheritRedirect=true
Leave for family reasons	It is possible to take special leave with pay to attend certain family or domestic occasions or circumstances, such as marriages or the death of a relative.	The number of days of leave depends on the degree of kinship, the maximum is 4 days a year	https://intranet.tudelft.nl/en/-/leave-for-family-reasons?inheritRedirect=true
Leave when adopting a child or becoming a foster parent	If you become a foster parent or adopt a child. Although the leave is legally unpaid, you are entitled to adoption and foster care benefits under the WAZO for the duration of the leave. Hence, your salary will continue to be paid normally. You will not experience a drop of income if the maximum daily wage applies to you.	Maximum 6 weeks	https://intranet.tudelft.nl/en/-/leave-when-adopting-a-child-or-becoming-a-foster-parent?inheritRedirect=true
Collective leave	The Executive Board can allocate days as collective leave days. These days are established in consultation with the unions, in the Local Consultation Body. TU Delft is closed on this day.	Maximum 7 days a year, which are automatically deducted from your available leave	https://intranet.tudelft.nl/en/-/collective-leave?inheritRedirect=true
Leave during public holidays	You are not obliged to work on public holidays. You retain your salary when taking leave on public	New Year's Day, Good Friday, Easter Sunday and	https://intranet.tudelft.nl/en/-/leave-during-public-holidays?inheritRedirect=true

	<p>holidays. TU Delft may depart from the public holidays if this is necessary in the interest of the university.</p>	<p>Easter Monday, Liberation Day (5 May), Ascension Day, Whit Sunday and Whit Monday, Christmas Day and Boxing Day and King's Day</p>	
Study leave	<p>If you are following a degree program at the request of your faculty or division. If you are following a degree program on your own initiative, but this is also in the interest of TU Delft.</p>	<p>As discussed with your manager</p>	<p>https://intranet.tudelft.nl/en/-/study-leave-1?inheritRedirect=true</p>
Sabbatical	<p>A sabbatical is a longer period of leave during which you can devote attention to your employability. If you are granted leave to take a sabbatical, you and your manager will make agreements on what you will do with your sabbatical, when you will take it and how long it will last, whether your salary will continue to be paid, whether your pension contribution will be paid and, if applicable, whether you will use holiday hours saved in the long-range savings model.</p>	<p>As discussed with your manager</p>	<p>https://intranet.tudelft.nl/en/-/sabbatical?inheritRedirect=true</p>
Special leave for members of employee organizations	<p>If you are a member of an employee organization that participates in the Local Consultation Body with the Executive Board, you have certain entitlements.</p>	<p>Up to 30 days</p>	<p>https://intranet.tudelft.nl/en/-/special-leave-for-members-of-employee-organisations?inheritRedirect=true</p>

Other special leave	A situation may occur in which, in the opinion of your manager, you have a justifiable reason for being absent for a shorter or longer period. There are no standard criteria for this. You will not receive salary during this period.	As discussed with your manager	https://intranet.tudelft.nl/en/-/other-special-leave-1?inheritRedirect=true
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