



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

NETHERLANDS

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NETHERLANDS

Centre of Government, policy co-ordination and decision-making process

- 1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?**

There are remote sessions but there also regular meetings for critical subjects, with the obligation of hygienic measures and social distancing (keeping a 1.5 metre distance etc...).

- 2. How are the crisis management and external communications co-ordinated within the Government? What is the role of the CoG in this? Is there a central strategy/guidance?**

At political level, there is a Ministerial commission on crisis control, chaired by the Prime Minister or the Minister of Justice and Security. Other members of the Cabinet are also members of the commission and take part when their policy field is involved. The main policy departments involved right now, apart from Justice, are the Ministries of Healthcare, Education (closing of schools) and Defence (assistance to medical professionals and logistics). There are regular teleconferences and sometimes meetings with the Security Council, involving the 25 mayors of central municipalities in the 25 security regions. There also is an inter-ministerial commission with top civil servants, advising the Ministerial commission (see <https://wetten.overheid.nl/BWBR0038503/2016-09-13>).

- 3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the Government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?**

There are arrangements to accelerate the decision-making process. Besides the security regions, the main advisors on health care are the National Institute for Public Health and the Environment (see <https://www.rivm.nl/en>), organisations of medical professionals, national co-ordination centres for intensive care units, etc.

In the economic field (measures for compensation) the trade unions and the employers organisations (VNO-NCW and MKB) of the bigger and smaller companies are consulted, as well as organisations for specific sectors (schools, universities, etc.).

Public Service and Human Resource Management

- 1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?**

The number of people that can work from home has been increased by disposing a number of login keys and tokens for VPN connections with the network. All files and applications can be accessed as usual, provided that the civil servant has a computer with working internet. Meetings are organised by telephone, or by newly installed WebEx accounts. The use of WhatsApp, Skype, Facetime etc. is not allowed to discuss classified subjects.

There is no official estimate of the share of staff teleworking but a good estimate would be that over 90% of policy advisors are working from home. Only people working on critical tasks or preparation of the political decisions where face-to-face meetings are required, or where meetings or service

deliveries (like ICT-service desks), are allowed to come to the office. Even then this is only allowed after they have notified the security beforehand.

2. What other flexible working arrangement (part-time work, distribution of working hours over 7 days...)?

The Dutch Government policy is stated as follows “the cabinet calls on employers to allow employees to work at home as much as possible until 28 April 2020. In addition, it is your call to spread the working hours of your employees as much as possible” (see <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/veelgestelde-vragen-per-onderwerp/werkgevers-en-ondernemers>).

There has been no official announcement about applying this to civil servants but it is a matter for individual managers to deal with distributing hours. Certain groups of employees within the public sector are under pressure to deliver services. This situation requires Government employers to organize work differently than usual. On the one hand, to fulfil requirements often outside normal office hours, but also on the other hand, to ensure the health of personnel.

3. If civil servants cannot telework, how are they paid?

The policy of successive governments has been to encourage teleworking so at this point in time, cases where teleworking is not possible would be very rare. Furthermore, Dutch labour legislation requires any employer who wishes to cut employees’ hours owing to lack of work to obtain permission from the Dutch Ministry of Social Affairs to introduce a temporary working time reduction for salaried employees. Approval is subject to certain conditions, one of which is that the request is the result of “extraordinary circumstances”; the Dutch Government has confirmed that COVID-19 is such an extraordinary circumstance. This can last for 24 weeks (four six-weekly periods) during which the employee continues to be paid in full. This applies to all employers and all employees.

There has been no official announcement about this point but it seems as if all civil servants keep their salary payments.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

Not aware of people being forced to take annual leave or of this being recommended. It should be noted that Dutch labour law allows for mandatory leave having to be taken. For example, if a school indicates that it will close the next day, then even an essential employee is entitled to paid leave until an arrangement is agreed for taking care of the children, as long as this is only for a short period. If it lasts longer, then the employee will have to take holiday days or take unpaid leave. Theoretically, this can apply to the civil servants as well even if there is no evidence of it happening in reality.

People can take their annual leave as usual, through the Employee Self Service system. Medical leave continues as usual: employees call their manager who registers the employee as ill. There is a special provision for corona virus, namely, in cases of quarantine or if someone must take care of ill relatives, the manager can allow extra days of leave. In all cases, the civil servants keep their salary payments.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

See 6 below.

6. Arrangement for paying for extra workload (health care)?

The Government has recognised that certain employees are putting in an extra effort. They will benefit from the Policy Framework for Extra Rewards, which is a custom-made methodology to grant crisis compensation to certain functions. The Cabinet has said people in vital functions (health workers, teachers, doctors, etc.) will get extra awards.

In the past, there have been “inconvenience” payments granted to policemen, for extraordinary assignments and extra work. These probably will apply now as well.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

Owing to the strength of the public finances, the costs of the measures taken up to now will not lead to the excessive budget deficit procedure being breached. So, at this stage there is no requirement to generate savings although by year end there will be reallocations between underspending programmes and those which have had to overrun.

Accountability

1. How did you keep the national Parliament operational? Any simplification of parliamentary procedures?

On 23 March, the Government announced a series of social distancing measures including the prohibition of all meetings with certain exceptions. The exceptions included legally required meetings (with a maximum of 100 persons), such as meetings of the city council as well as the States General. Since the Parliament is a vital and legally obliged gathering, it is allowed to convene, as with other strictly necessary meetings, up to 100 people although the Parliament has 150 members. More details at <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/24/aanvullende-maatregelen-23-maart>

2. How about the Ombudsman (e.g. overseeing the situation in prisons)?

There is no information on the Ombudsman website regarding teleworking or person to person arrangements during the COVID-19 crisis. However, a visit to the institution’s website (<https://www.nationaleombudsman.nl/nieuws>) shows that work is continuing and there are multiple ways of making contact electronically with the office. It seems that it is operating within the principle that if digital information or procedures are available than these services will be digitally provided only.

There is no information about monitoring prisons. However, the following information is taken from <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/04/01/dji-verlengt-corona-maatregelen-t-m-28-april>

“Following the measures announced by the Cabinet on [31 March], the Judicial Institutions Service (DJI) extends the measures previously taken in prisons, forensic care and juvenile correctional institutions until 28 April. This includes suspending visits and leave in the prison sector and forensic care, and reducing the number of transport movements to courts. In addition, the policy regarding visits to juvenile correctional institutions will be tightened to prevent the spread of the Corona virus. This means that young people may no longer receive visitors as of 1 April.”

3. Does administrative justice work? Have deadlines changed?

Administrative justice continues to function. It is clear, however, that in many non-urgent cases, the deadlines will have to be extended. The Judiciary is currently looking at the possibility of continuing

non-urgent written procedures to the extent possible, despite the current COVID-19 crisis. Wherever possible, court hearings will be held using video conferencing or telephone. Judgments and decisions can still be issued, sent and implemented. Decisions are issued in writing as far as possible, or with a limited delegation of the parties involved. Decisions in cases that are of great public interest will be assessed as to whether live streaming is an option. . On 2 April, there was a media report (see <https://www.nrc.nl/nieuws/2020/04/01/coronablog-2-april-a3995657>) that judges had ruled in about 22,000 cases during the previous week, which is about 20% less than normal.

Following the emergency measures announced by the Dutch Government, the Judiciary closed the courts, tribunals and special colleges as of 17 March until at least 6 April, in order to prevent the spread of the coronavirus. This will be extended and the courts are already actively seeking to hold hearings beyond 6 April. As a result of the temporary closure of courts, all hearings are postponed, unless it concerns an 'urgent matter'. These are pending cases and new cases in which a court hearing cannot be postponed because it concerns the fundamental rights of suspects or those seeking judicial assistance. The Courts have classified various cases as urgent, including for **Administrative law**, all provisional procedures with an extreme urgency, as well as immigration detention cases. The court in question, however, will determine if the case is extremely urgent. Consequently, authorised representatives and lawyers will have to demonstrate why the hearing - and thus the decision - in a particular case cannot be postponed. (for details, see <https://www.twobirds.com/en/news/articles/2020/netherlands/covid-19-consequences-for-dispute-resolution-in-the-netherlands>).

4. Any public debates on respect of principles of good administration (legality, proportionality, predictability) of protective measures?

Yes, it is fair to say that the Government is trying to respect good principles and debate is not discouraged. However, it is sometimes difficult to be clear enough and, of course, measures may change within a period of only a few days, following new recommendations from medical science or RIVM. For instance, on 26 March, the Parliament criticised the PM and the Minister of Health for not always being very clear. As a result, it was decided that no more than two ministers would communicate to the press about the newly-taken measures.

Service delivery

1. Which services are being delivered (all, some, only the essential)?

In principle all services are continuing. If digital information or procedures are available, then these services only will be provided digitally. Opening hours of town halls are limited. Citizens can only come for services that cannot wait, like registration of birth or replacement of expired ID's and drivers licences, and only on appointment. Bulky waste is not collected anymore by the municipality; people have to bring it to the waste collection centre. Public transport is reduced but continues for transportation of people working in vital functions. Schools are closed until at least 6 April (and probably later). Schools have to be open for children of parents working in a vital profession, like health care, police, etc. Children / parents stay connected with their teachers by computer and telephone. <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/veelgestelde-vragen-per-onderwerp/kinderopvang/cruciale-beroeper>

2. Are there any modifications done to the obligations of:

- i. the administrations towards citizens/businesses (e.g. freezing of deadlines)?

There is no specific information or announcement but some procedures will be delayed.

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

In some cases, housing corporations and the tax administration can allow postponement of payments for more than 3 months. Companies can defer tax payments without penalties, and calculate provisional taxes on the basis of expected reduced activity levels. Delays in reporting are not allowed as these are done electronically.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

No information available regarding the Cabinet itself. As regards government institutions, simplification measures may be decided by management but legal procedures must be followed. As there is a restriction in physical contact moments, citizens are forced / encouraged to use digital solutions: filling out forms, pose their questions, etc.

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

No, but handwritten signatures were already being used less and less. Support measures for companies mainly have been decentralised to municipalities with simple and fast procedures.

Public Financial Management

1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc...)

The crisis management has forced the Cabinet to give priority to supporting companies in trouble over the fiscal rules. For the support of the economy there is 'whatever it takes' strategy. This was a Cabinet decision with the approval of the Parliament. The costs of the measures taken up to now will not lead to the budget deficit being exceeded. However, the measures are being introduced on a step by step basis, starting with a package of EUR 15.6 billion for the first three months, which is about 2% of GDP.

2. Are the cost of these measures being published?

Yes. The €15.6bn figure is an estimate. The Government has stated that the total cost of these programs will depend on demand. Nevertheless, according to Finance Minister Wopke Hoekstra, the budget surplus gives room for additional public spending of up to EUR 90 billion (or 11.6% of GDP). While the direct support measures announced so far are estimated to cost €15.6bn, or about 2% of GDP, it is also noted that the estimated costs of the tax deferral support is between EUR 45-60 bn (5.8%-8.4%) of GDP in 2020.

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

At this stage, budget savings elsewhere are not foreseen. Thanks to a very healthy state budget and debt position, the authorities believe that the extra measures can be financed by increasing the state debt, with no need for cost-saving measures in other areas. Where there are programmes with

underspending at the end of the year, these savings will offset partially the overruns owing to COVID-19.

4. Are internal controls continuing to operate smoothly (electronic signatures)?

Signatures can be signed electronically and, when necessary, confirmed at a later point.

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

No information available about individual risk management strategies though this is standard practice in most developed administrations. Also, given the existence of the Ministerial Commission on Crisis Control in the Netherlands already, there is clearly a strategy in place. As with all countries, it is clear that the scale of the current crisis was not anticipated.

As there is a restriction in physical contact moments, citizens are forced / encouraged to use digital solutions: filling out forms, pose their questions, etc. Where personal interaction is required, it must be within the requirements of social distancing.