

INTERNATIONAL LABOUR OFFICE
BUREAU INTERNATIONAL DU TRAVAIL
OFICINA INTERNACIONAL DEL TRABAJO



4, route des Morillons
CH-1211 GENÈVE 22
Téléphone direct (22) 799
central (22) 799 61 11
Fac-similé (22) 798 86 85
E-mail: ilo@ilo.org
Site internet: www.ilo.org

Réf BIT/ILO

ACD 5-121

Votre réf

Mr. Lauris Beets
Director for International Affairs
Ministry of Social Affairs and
Employment
Anna van Hannoverstraat 4
Postbox 90801
2509 LV THE HAGUE
Pays-Bas

Dear Mr. Beets,

14 MARS 2006

I refer to your letter of 11 March 2005 requesting the Office to give an informal opinion on the compatibility of the draft Work and Income According to Work Capacity Act (WIA) with the provisions of the Employment Injury Benefits Convention, 1964 (No. 121) and the subsequent meetings and correspondence on this matter, in which you have supplied the English translation of the WIA and the additional explanation of this legislative proposal.

You will recall that a number of working meetings on the issues raised in your request were necessary in order to clarify and provide a full picture of the proposed reform of the disability insurance scheme. Given the complexity of the matter, provision of a verified full text translation of the draft law was necessary in order for the Office to be able to give a fully informed opinion. As we received the translation at the end of October 2005 and the confirmation by the national social security experts in mid-November, the preparation of the informal opinion had to be delayed due to the coming preparations for the Committee of Experts on the Application of Conventions and Recommendations meeting in November-December 2005. We explained this at the time and we agreed to resume contacts on this matter early in 2006. In this regard, the Office had a meeting in Geneva on 22 February 2006 with three experts from your Ministry to elucidate further the new features of the scheme.

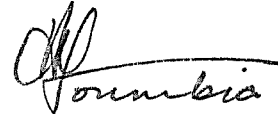
In the meantime, according to the information received by the Office and as you had indeed indicated in your initial request, the draft WIA bill was enacted by the Dutch Parliament and entered into force on 1 January 2006. While the Office is readily available to the constituents to provide informal opinions in writing on their draft legislation in the light of international labour standards, the authority for determining the compatibility of a law, which has entered into force, with a ratified Convention rests solely with the Committee of Experts.

Regrettably, the delays due to diverse reasons as noted above, have now rendered it impossible for the Office to provide you with an informal opinion in writing. The WIA

Regrettably, the delays due to diverse reasons as noted above, have now rendered it impossible for the Office to provide you with an informal opinion in writing. The WIA and related information supplied by your Government will, however, be transmitted to the Committee of Experts for examination at its next session in November-December 2006, along with your Government's report, shortly due, on Convention No. 121.

I hope that the various meetings between your Government and the ILO experts on the new Dutch disability insurance scheme in relation to ILO social security standards (in particular that of 14 July 2005 and 22 February 2006) will have been useful in identifying any possible issues relating to the application of the provisions of Convention No. 121. Should you have any remaining questions concerning the effect given to Convention No. 121 through the WIA, I would encourage your Government to raise these in its next report to the Committee of Experts on the application of this Convention due by 1 September 2006.

Yours sincerely,
For the Director-General:



Cleopatra Doumbia-Henry,
Director of the International
Labour Standards Department.