

 

Pays-Bas

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Membre de l'AICESIS

Membre de l'ILO

**Conseil Économique et Social (Sociaal Economische Raad, SER)**

**Président:**Mrs  Mariëtte HAMER
**Secrétaire Générale :** Madame Véronique C.M. TIMMERHUIS

Conseille le Conseil Économique et Social (SER), le Cabinet et le Parlement européen sur les principaux aspects de la politique socio-économique. SER effectue également de gestion et de contrôle des tâches. Le SER indépendant de la Couronne, les membres, les employeurs et les employés à travailler ensemble.

Advises the Social and Economic Council (SER) Cabinet and Parliament on the main aspects of the socio-economic policy. SER also performs administrative and supervisory tasks. The SER independent Crown members, employers and employees work together.

**Establishment**
•  Date of creation January 27 1950
•  Year operational 1950
•  Nature of the texts that create the ESC (Constitution, law, decree, etc.)  The SER is an institution as envisaged by the Netherlands Constitution  (articles 79 and 134). The SER is established in law by the Industrial Organisation Act (Wet op de bedrijfsorganisatie). It is the main advisory body to the Dutch government and the parliament on national and international social and economic policy. The SER is not a government body, is financed by industry and is wholly independent from the government.
**Composition**
•  Number of members of the ESC:
33 members (and 33 substitutes)
•  Membership structure
Members of the SER:
\*Employers’ representatives: 11
\*Employees’ representatives: 11
\*Independent members appointed by the  government: 11 (independent experts, mediators and supervisor of public interest, specialists in economic, financial, legal or social fields, who are generally university professors). The President of the Netherlands Central Bank (De Nederlandsche Bank) and the Director of the Netherlands Bureau for Economic Policy Analysis (Centraal Planbureau) are members of right and among the 11 independent experts.
In total, the SER has 110 employees (95 fte), working on a variety of tasks (including facilitating).
•  Duration of the term 2 years renewable
•  Process of designating the members (election, nomination, by whom, etc.)
Employers’ and employees’ representatives are appointed by their representative
organisations. The independent or ‘Crown’ members are nominated by the Minister
of Social Affairs and Employment for appointment by the Crown.
**Mission and attributions**
Mission Statement
The SER’s responsibilities
As an advisory and consultative body of employers' representatives, union representatives and independent experts, the Social and Economic Council of the Netherlands (SER) aims to help create social consensus on national and international socio-economic issues. The SER advises the Dutch government and parliament on the outlines of social and economic policy and on important legislation on social and economic issues. The SER’s advisory reports ideally have a dual role: to help shape cabinet policy to ensure it enjoys broad support from society and to help ensure the business sector operates in a socially responsible manner. The SER’s advice is guided by the objective of social prosperity in its widest sense. This encompasses not only material progress (i.e., increased affluence and production), but also social progress (i.e., improved welfare and social cohesion) and a high-quality environment in which to live (i.e., environmental and spatial factors).
The Economic and Social Council is also an administrative body. It has the following
administrative functions:
-  Enforcing laws
Although the government is responsible for enacting and enforcing laws, the SER is sometimes asked to help enforce certain acts that are important for trade and industry. The SER e.g. helps to enforce the Works Councils Act (Wet op de ondernemingsraden). In general, every firm in the Netherlands with 50 employees or more is legally obliged to set up a Works Council. Some firms may be entitled to exemption from this rule, and must apply for that exemption. The SER is responsible for deciding whether to grant an exemption.
-  Supervising conduct in mergers
The SER Merger Code was first drawn up in 1971 to protect the interests of shareholders and employees in the event of a public takeover bid or merger. The Code has no legal foundation, nor is it based on any statutory power of the SER: it depends entirely on the willingness of Dutch enterprises to comply voluntarily with its rules. The Code nowadays contains rules to protect the interests of all employees with regard to all types of mergers and takeovers. For mergers affecting 50 or more employees, the Code stipulates that trade unions must be informed in time and must also be invited to enter into consultation.
-  Promoting business/consumer self-regulation
One of the SER’s statutory tasks is to promote desirable trends in business and industry. To achieve this, the SER encourages business and consumer organisations to consult each other about mutually satisfactory general terms and conditions (General Terms and Conditions make up the ‘fine print’ that applies when consumers purchase goods or services from businesses). This type of self-regulation ideally leads to the establishment of Consumer Complaints Boards made up of members representing both business and consumers. The SER has provided the basis for many such boards in many different sectors of the economy, and the number of Consumer Complaints Boards in the Netherlands is still growing.
-   Supervising commodity and industrial boards (until 2015)
In 2013, the Dutch administration decided to discontinue the statutory trade organisation (publiekrechtelijke beroepsorganisatie, PBO). The SER is/was by law responsible for monitoring the statutory trade organisation boards and assists in the transition process. These commodity and industry boards represented the interests of a particular branche of industry, and were also called upon to implement government measures and EU guidelines. After their repeal, in 2014-2015 these boards’ tasks were /will be partly transferred to a government agency, partly to new private business associations.
**Administrative organization of the ESC**
The President is appointed by the Crown (in practice by the Cabinet, with the Minister for Social Affairs and Labour as acting minister) on the Council suggestion for 2 years renewable. He may be chosen among the independent  members or among employees’ and employers’ representatives. In reality, the President is always elected among the independent members.
There are 2 Vice Presidents appointed by the Council for 2 years. In reality, the President of the biggest employers Organization and the President of the biggest employees Organization are the 2 Vice Presidents.
**Functioning of the ESC**
Working methods of the SER
Upon request or at its own initiative,  the SER advises the government on the main outlines of policy. The arguments put forward by the SER are also used by parliament in its debates with the government.  The SER’s advisory reports are available to the public. The recommendations in these reports are not binding. The government is not obliged to follow the SER’s advice, but informs the SER in detail of whether or not the advice will be followed, and why. In order to carry out proposed policies, the government requires broad social support. The opinion it receives from the SER  –  unanimous or divided  – allows the government to determine whether it has sufficient support among the various representative members . Unanimous advice clearly indicates broad support, whereas a divided opinion shows the government that support is lacking in certain important sectors of society. The budget is decided by the Council itself and agreed by the Minister for Social Affairs and Labour. By law the council is financed by entrepreneurs through the General Unemployment Fund. The council is therefore NOT financed by the government. The Councillors receive compensations per meeting, refunds of expenses and compensations for representation per year. Only the President receives a salary because the presidency is a full-time employment. The SER has set up a number of committees and working parties to carry out its tasks and prepare its advisory reports. The committees are partly permanent, and partly formed ad hoc (especially formed for specific advisory projects, e.g.  for an advice on Labour migration). Like the SER itself, its committees are made up of employers’ representatives, union representatives, and independent experts. In principle, committees are chaired by a Crown member.
List of the permanent Committees:
Committee of medium/longer term Economic and Social Policy
Committee for Sustainable Development
Committee International Corporate Social Reponsibility
Committee for Increasing Employee Participation
Committee of Consumers Affairs
Committee for International Economic and Social Affairs
Committee of Social Security and Health Care
Committee for Labour Market Affairs and Education
Committee of Pensions
Committee of Working Conditions
Committee of Labour law and Industrial law
Administrative Chamber
Sub committee Occupational Exposure Limits (OELs)
**Achievements of the ESC**
•  Main/recent publications/studies
Publications
•  Best practices
The SER is facilitator of the national Energy Agreement for Sustainable  Growth, a
nation-wide agreement to realize more sustainable energy, green technology and
CO2-reduction in Holland, up to 2050.
Energy Agreement
**Affiliations** AICESIS

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