

HYBRID WORKING

Advisory Handbook 2026



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What options do employers and employees have regarding flexible and location-independent working? What implications does this have for travel expense reimbursements, working-from-home allowances, and occupational health and safety provisions, for example? How can you implement hybrid working in a tax-friendly way? In short, which rules apply to you as an employer and to your employees?

FLEXIBLE WORKING ACT

Firstly, the Flexible Working Act (Wet flexibel werken, Wfw) is relevant to hybrid working. The Wfw grants employees the right not only to request adjustments to their working hours but also changes to their workplace and working times. This act defines the following terms:

- Working hours: the number of agreed hours constituting an employee's working week or another agreed work period.
- Workplace: any agreed place where the employee usually performs their work or customarily performs it.
- Working times: the agreed times during a workday or other agreed periods when the employee performs their duties.

ADJUSTMENTS TO HOURS, TIMES, AND PLACE

The following conditions apply when requesting adjustments to working hours, workplace, or working times:

- Employees must—except in unforeseen circumstances—have been employed for at least 26 weeks. Periods of employment separated by intervals of no more than six months are aggregated to calculate this 26-week period.
- Employees must submit their request in writing at least two months before the intended start date.
- The request must clearly specify the extent of the adjustment, the intended start date, and the desired distribution of hours across the week.
- The request does not need to be justified.

As an employer, you must discuss the employee's adjustment request and respond in writing at least one month before the intended start date.

Employees can submit another request one year after a previous request has been granted or rejected, except in unforeseen circumstances. This one-year restriction does not apply to employees who:

- are parents of a child under the age of eight;
- provide care for someone with a life-threatening illness who qualifies for short-term care leave;
- care for someone who is ill or requires assistance and qualifies for short-term care leave.

Additionally, employees who have reached pensionable age (AOW-entitled) and who meet any of these criteria may also request adjustments to working hours.

ADJUSTMENTS TO WORKPLACE

The threshold for rejecting workplace adjustment requests is lower. Employees have only a 'right to request', while you, as an employer, have a 'duty to consider'. If you reject a request, you must discuss this with the employee and provide a written justification. You may reconsider your decision if new circumstances arise; this again requires prior discussion and a written explanation.

Please note!

These rules regarding workplace, working hours, and working times do not apply to employers with fewer than ten employees. Collective labour agreements (CAO) can also deviate from this act. If the CAO does not address these matters or if no CAO applies, you may deviate from the act for up to five years, provided you have written consent from the works council (OR) or employee representative body.

ADJUSTMENTS TO WORKING HOURS AND/OR WORKING TIMES

You may reject requests for adjustments to working hours and/or working times only on substantial operational or business grounds. This sets a high threshold for employers.

WORKING CONDITIONS

Under the Civil Code, you have a general duty of care towards your employees' working conditions. This obligation is also specified in the Occupational Health and Safety Act (Arbowet) and its related decree (Arbobesluit).

WHAT IS NOT INCLUDED?

Within occupational health and safety regulations, working from home is classified as 'location-independent work', which is subject to a relaxed health and safety regime. Consequently, certain obligations, such as providing toilets, emergency exits, ventilation, and temperature control, do not apply.

WHAT IS INCLUDED?

According to the Arbobesluit, the home workspace must meet these requirements:

- The workspace should enable employees to perform their duties seated in an ergonomically suitable manner, with appropriate seating and a suitable work surface or desk.
- The workspace must have adequate artificial lighting.

Employers may provide necessary home office equipment (e.g., laptop stands, mice, keyboards). Such costs are your responsibility. Employee-incurred expenses, pre-agreed with you, can be reimbursed. Employers must provide a suitable workspace and artificial lighting unless employees already possess these items.

Your occupational health policy must explicitly address home working. Include this in your Risk Inventory and Evaluation (RI&E) and corresponding action plan.

WORKING FROM HOME IN YOUR HEALTH AND SAFETY POLICY

In a dedicated homeworking policy as part of your health and safety policy, you can specify which roles within your organisation are eligible for homeworking, as well as the specific requirements for setting up a suitable home workspace. The facilitation of homeworking can subsequently be set out in a homeworking agreement signed by both employer and employee. This agreement typically covers aspects such as the number of days the employee works from home, the employee's availability during working hours, and the provision of necessary equipment.

CONSENT OF THE WORKS COUNCIL

As a homeworking policy or arrangement forms part of the broader health and safety policy, the works council has the right of consent.

WORKING HOURS

Both the Working Hours Act (Arbeidstijdenwet or Atw) and the Minimum Wage and Minimum Holiday Allowance Act (Wet minimumloon en minimumvakantiebijslag or WML) stipulate that, as an employer, you are required to record your employees' working hours. You must document the following:

- start time;
- end time;
- breaks taken during working hours;
- identity of the employee.

You are free to choose how you comply with this requirement, as no specific format is prescribed by law.

This obligation does not apply to employees earning more than three times the statutory minimum wage. The requirement to keep records applies equally to employees working from home. You may choose to ask employees to log their working hours using dedicated software. This places the responsibility for timekeeping on the employee and has the advantage of minimal intrusion into their privacy. Alternatively, you can use proactive software that automatically records employees' working times. It is important to ensure that the software clearly distinguishes between working time and personal time. There is, however, a risk that such software may excessively infringe upon the employee's right to privacy. Failure to comply with the registration obligation may result in an administrative fine being imposed on you as the employer.

Important!

There is a legal obligation to retain these records for at least one year.

Note!

As this relates to working-time arrangements, the works council has the right of consent.

ENFORCEMENT

The Dutch Labour Inspectorate (Nederlandse Arbeidsinspectie) monitors compliance with the employer's duty of care and may take enforcement action where necessary.

TAXATION MATTERS RELATED TO HOMEWORKING

Homeworking Allowance

Employees who work from home often incur additional costs, such as higher expenses for water, electricity, heating, toilet paper, coffee and tea. A homeworking allowance enables you to compensate employees for these additional expenses. Providing such an allowance is not legally compulsory but may be included in a collective labour agreement (cao).

In 2026, you may provide your homeworking employees with a tax-free allowance of up to €2.45 per day (2025: €2.40 per day). This also applies if employees only work from home for part of the day. If you choose to reimburse more than €2.45 per day, the amount exceeding €2.45 is taxable. You can choose either to tax the excess individually per employee or to designate it as a final levy within the discretionary margin (vrije ruimte) under the work-related expenses scheme (werkkostenregeling). The tax-free allowance of up to €2.45 per day does not count towards this discretionary margin.

You can agree a fixed allowance with your employee based on mutually agreed expectations regarding weekly homeworking and office days. In such cases, you can combine a homeworking allowance with a commuting allowance. A fixed allowance typically reduces administrative complexity. If an employee works both at home and at the office on the same day, you must select only one type of allowance for that particular day within the fixed allowance arrangement:

1. either the homeworking allowance of €2.45 per day;
2. or the commuting allowance of €0.23 per kilometre travelled between home and work.

It is possible to combine a fixed allowance for homeworking and commuting based on the 214 working-day rule, applied pro rata where structural homeworking occurs (fully or partially). To ensure compliance, it is advisable to record these agreements and fixed allowances in writing.

Example

An employee with a five-day working week works three days at the office and two days from home. The one-way commuting distance is 25 kilometres. The combined allowance would be calculated as follows:

Fixed tax-free commuting allowance:

- $(3/5 \times 214 \text{ days} = 129 \text{ days} \times 50 \text{ kilometres} \times €0.23)/12 = €123.63$ per month.

Tax-free homeworking allowance:

- $(2/5 \times 214 \text{ days} = 86 \text{ days} \times €2.45)/12 = €17.56$ per month.

MANDATORY REPORTING

Employers with 100 or more employees must submit a report no later than 30 June 2026 detailing their employees' business-related travel and commuting for the year 2025. This obligation forms part of the Environmental and Planning Act (Omgevingswet) introduced by the Ministry of Infrastructure and Water Management. The obligation is formally known as the 'Mandatory Reporting of Work-Related Personal Mobility' (Rapportageverplichting werkgebonden personenmobiliteit, abbreviated WPM).

Important!

To determine whether the threshold of 100 employees is met, the workforce across all branches of the business (or legal entity) must be counted together. Only employees with an employment contract who undertake at least 20 hours of paid work per month are included in this count. Contracted or temporary agency workers do not count towards this total.

Guidance provided by the Netherlands Enterprise Agency (RVO) indicates the data you must record, such as the total kilometres travelled by your employees for business and commuting purposes, and annual totals broken down by mode of transport and type of fuel used.

There is an intention to exempt businesses with up to 250 employees from this obligation from 2027 onwards. The government aims to reduce administrative burdens on SMEs through this amendment, for which legislation is currently in preparation. The State Secretary is consulting with the Association of Dutch Municipalities (Vereniging van Nederlandse Gemeenten, VNG) on enforcement until 1 January 2027. Until then, municipalities and regional environmental agencies are encouraged to adopt a restrained approach to enforcement for businesses with up to 250 employees.

Businesses with 100 or fewer employees are already exempt from recording kilometres travelled by their employees.

REIMBURSEMENT FOR SETTING UP A HOME WORKSPACE

You may reimburse the costs of setting up a home workspace. Many of these expenses are tax-free. Costs associated with, for example, an office chair, a computer or a phone may fall within targeted exemptions (gerichte vrijstellingen) under the work-related expenses scheme (werkkostenregeling, WKR), meaning no tax will be payable.

The following targeted exemptions may apply to a home workspace:

- legally required health and safety facilities;
- tools, computers, mobile communication devices, and similar equipment, provided they meet the necessity criterion.

LEGALLY REQUIRED HEALTH AND SAFETY FACILITIES

These are facilities directly linked to your obligations under the Working Conditions Act (Arbowet). In summary, these facilities safeguard the health and safety of your employees. Examples include ergonomically sound office chairs and footrests. For this targeted exemption, it does not matter whether you reimburse, supply or provide the equipment. The following conditions must be met:

- the employee must use these facilities either entirely or partially in their home workspace;
- the employee must not make any personal contribution towards these facilities.

This targeted exemption does not apply if the facilities form part of a cafeteria arrangement (cafetarieregeling). In such cases, the provision becomes taxable income, although it can still be included within the discretionary margin if available.

An employee may opt for a more expensive version of a required facility, in which case the employee covers the additional cost from net income. The targeted exemption for the basic facility provided by the employer still applies.

NECESSITY CRITERION

ICT tools, mobile communication devices, etc. are exempt under the necessity criterion if:

- the employer reasonably determines that the equipment is necessary for the employee's proper performance of their duties;
- the provision is not part of a cafeteria arrangement;
- the employee must return the equipment or pay its residual value if it is no longer required for work purposes.

Under this specific exemption, a computer or a phone may qualify if the employee requires it for their work. You may also apply this specific exemption if the employee makes a personal contribution towards private use.

CAFETERIA SCHEME

The specific exemption for mandatory occupational health and safety provisions and necessary ICT equipment, mobile communication devices, and similar items does not apply if these provisions form part of a cafeteria scheme.

In a cafeteria scheme, employees make personal contributions to reimbursements or facilities by exchanging part of their gross salary. For this reason, the specific exemption for necessary tools, computers, mobile communication devices, and similar equipment, as well as the specific exemption for mandatory occupational health and safety provisions, does not apply in such cases.

However, if an employee opts for a more expensive version of a necessary provision, the additional cost may be included in the cafeteria scheme and therefore exchanged for gross salary. The specific exemption does not apply to this additional cost, but you may designate it as final levy wage within the discretionary scope ("vrije ruimte"). You must, however, ensure compliance with the customary practice test ("gebruikelijkheidstoets").

Note!

If you wish to introduce a cafeteria scheme, please consult our advisers regarding the applicable conditions.

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