



**LETTER TO EMPLOYERS
ABOUT LIVING DONATIONS
(KIDNEY OR PART OF THE LIVER)**

date Leiden, 2022
subject Organ donation of your employee
reference dbl_wg_01

Dear sir, madam,

Your employee wants to donate a kidney (or a part of the liver). In doing this, he or she may be saving the life of a patient or improving their quality of life. The government appreciates living donations and wants to remove hindrances to them. But this does not happen very frequently, so you may not be fully aware of the applicable rules. This letter informs you about the process of donating a kidney or part of the liver. It also gives you the main points of attention for your role as employer if your employee is planning to donate.

No financial risks

First of all, it is good to know that prolonged illness resulting from organ donation has no consequences for the premiums you have to pay to the Employment Insurance Agency (UWV), unless your employee is still sick after two years. In that case, the differentiated premium will rise. Also, it is not the intention for donors to incur extra costs or temporarily earn less income. You can read more about this in the document about sickness benefits via UWV.

How does living donation work?

Your employee will first undergo several preliminary tests at a hospital (generally a university hospital) to assess whether donation is possible. Thoroughness is very important here – after all, this involves an operation that no one does for themselves; they are doing it for someone else. For this reason, your employee will have to go to the hospital several times. If the donation can proceed, the operation will be planned. This surgery takes place under general anaesthesia, so it is a major operation.

Recovery and reintegration

After an operation, a kidney donor needs at least 8 to 13 weeks of recovery in which he or she cannot work. For liver donors, this is a period of 12 weeks. It can take several months (three months for kidney donation and six months for liver donation) before the donor is back to their old self. In consultation with the company physician and the employee, just like it is done with regular illness absenteeism, you can make agreements regarding return to work. This partly depends on the degree of physical exertion involved. For example, your employee could start with light duties from home if the nature of the work allows for it.

Sickness benefits via UWV

Organ donation, just like pregnancy, falls under the Health Insurance Act; therefore, you can request sickness benefits for your employee via UWV (form code 109860). This must be done within six weeks after the first sick day. You must report return to work to UWV within two days. If you are late, you could get a fine.

When to report sick leave

Many employers report their employee sick on the day of the donation. In some cases, the company doctor or

UWV contacts the donor directly on the same day. Donors can experience this as very bothersome – after all, it is a planned operation for which they will need several weeks' recovery.

Tip: as an employer, wait several days to report the sick leave to UWV. You have six weeks' time to report the sick leave.

Preliminary tests

You can also request UWV benefits for the days that your employee was at the hospital for preliminary tests. This is only possible if the preliminary test took half a day or longer. Keep in mind that the days of preliminary tests are requested separately from UWV. Here too, the sick leave reporting deadline of six weeks and the recovery reporting deadline of two days apply.

Duration

Sickness benefits for living donation last a maximum of two years. This all depends on how quickly the recovery and the reintegration are taking place. The UWV premiums that you pay will not be higher if your employee remains sick for longer than that.

100% continued payment

Most of the time, as an employer you receive the benefit (100% of the daily wage) directly from UWV and you keep paying the salary to your employee. You can also arrange for the UWV benefit to be paid directly to the employee. In that case, you can lower the salary you would have to pay by the benefit that UWV pays to your employee.

As an employer, during the sick leave you have to keep paying not only the wages for the pay period (salary), but also the extras such as holiday pay, bonuses, more or less regular overwork remunerations, irregular hours surcharges and commissions. You are only exempt from these supplementary payments if the terms and conditions of employment explicitly state that these will not be paid during sick leave. In that case, the employee can apply for a living donation expenditure allowance.

Nett allowances

You may be paying a monthly standard allowance for things like travel expenses or work clothing. These allowances are not part of the salary. You can keep paying the net allowances in the month in which the employee goes on sick leave and in the subsequent month. If you keep paying these allowances for longer, there are fiscal consequences. Payment of the tax-free allowance can resume after the employee has returned to work.

If certain costs do continue during the sick leave, you can keep paying these nett costs during the entire sick leave period. Such costs may include subscriptions to trade journals or ongoing phone or internet connections.

Structure of compensation hours

You have made agreements with your employee about structurally working more hours than what you pay. In this way, your employee saves for compensation hours. After 28 days of sick leave (4 weeks), the building up of compensation hours stops. Only once the employee is 100% recovered can they start building up compensation hours again.

Irregular contract, on-call employee or zero-hour contract

If you have agreed to a zero-hour contract or an irregular contract (on-call contract) with your employee, the same rules apply as for an employee with a regular contract. You also have to report sick leave of these employees to UWV, and you will receive benefits accordingly. The salary that you have to pay is based on the average employment in the 13 weeks preceding the operation.

Example

Let's say that your employee worked 40 hours, 20 hours and 45 hours in the 13 weeks (3 months) before the donation. The average number of hours would then be 35 hours per month (about 8 hours per week). You would pay the number of hours as long as your employee is on sick leave.

Are you employing pensioners?

Are you employing anyone who works in addition to receiving a state pension (AOW)? You would not pay the premium for that employee, but they are insured with UUV. **Important:** the UUV benefit is only 13 weeks instead of two years.

End of contract

Your employee's temporary employment contract may expire during their recovery period.

As soon as the employment contract ends, your employee will receive the sickness benefit directly from UUV.

It is important that, as an employer, you request this benefit from UUV, as employees are not allowed to do this themselves. You are obligated to ensure that up until the last working day, your employee's salary is the same as the salary before the donation.

Do you have questions?

For additional information, please contact UUV or the Dutch Transplant Foundation, team living donations, by phone (+31 (0)71 579 57 77) or by e-mail (donatiebijleven@transplantatiestichting.nl).

Yours cordially,

Dutch Transplant Foundation



Jacqueline Bos

Policy advisor for living donations