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Newsflash

Rules on submitting workforce list and employee register

Introduction

Aruba's employment law regime changed substantially on 1 April 2013, owing in part to the entry into force of the Employment Ordinance 2013 (*Arbeidsverordening 2013*). That Ordinance sets out rules for such matters as working hours, breaks, overtime, and working on public holidays. It imposes a series of "extraordinary obligations" on employers also, specifically the obligation to compile and submit to the Department of Labor and Research (*Directie Arbeid en Onderzoek*, "DAO") a workforce list (*arbeidslijst*) and an employee register (*personeelsregister*). This newsflash explains how these obligations affect your situation.

Workforce list

Every employer must compile a workforce list, as applied also before 1 April 2013. This list describes:

1. the positions within the business;
2. the corresponding workforce;
3. the working hours and breaks observed.

A template has been adopted that must be used for compiling workforce lists. However, a workforce list compiled under the old Aruba's employment law regime, is also considered as a workforce list for the purposes of the Employment Ordinance 2013.

Employers must submit a copy of their workforce list to DAO by 15 October 2013 at the latest. DAO sent out a letter on this subject on 28 August 2013, which has been published on the government's website. Employers are asked also to attach an extract from the Trade Register from no more than three months ago.

If you have more than one establishment, you must compile *separate* workforce lists for each establishment and submit them to DAO.

DAO will use the workforce lists to inspect the working hours and breaks observed. You will be notified if they are not in compliance with the provisions laid down in the Employment Ordinance 2013. However, it is advisable to ensure beforehand that the working hours and breaks observed at your establishments are compliant.

Once the above inspection has been conducted, DAO will send you a stamped copy of your workforce list no later than 15 November 2013, in token that it has been inspected.

Employee register

All employers must compile an employee register also. The employee register replaces the former system of personnel statements (*personeelsopgave*) and manpower planning statements (*manpowerplanning*).

The employee register is made up of three parts:

1. the names, dates of birth, nationalities, and positions of the employees as of year-end 2012 and, for employees with residency permits, the numbers, issue dates, and expiry dates of those permits;
2. the staffing requirement for the 2013 calendar year;
3. the staffing requirement for specific projects.

A template has been adopted for employee registers also. It is made up of the three parts described above. It offers also definitions for a number of concepts that are important when compiling the register.

Unlike the workforce list, the data for all establishments *together* must be included in a single employee register. You must submit your employee register to DAO by 31 October 2013 at the latest. DAO sent out a letter on this subject also on 28 August 2013, which has been published on the government's website. Upon inquiry,



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DAO has confirmed that – for this year – the second and third parts of the employee register do not have to be submitted if you have already submitted a manpower planning statement to the *Departamento di Progreso Laboral* (“DPL”).

Lastly, it is important to note that DAO has the authority to ask you to compile and submit multiple employee registers each year.

The information presented in this newsflash is of a general nature. For expert assistance in complying with the obligations described above, please feel free to contact one of our staff at ATLAS.

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