

19 Judicial order in labour disputes

As per august 1st 2005 it is possible to request a judicial order in cases relating to a labour contract, agency agreement or a collective labour agreement. As a result, costs involved in court cases in these circumstances will be considerably less. In cases where a judicial order can be given the summons can be arranged by registered mail. Costs involved in using an official process server (deurwaarder) can be avoided this way. Registration costs (griffierechten) have also been lowered to NAF 50,- in the above mentioned situations, if the case is brought to court by a worker or an agent. This actually means that workers can bring their grievances to court for less than one hundred guilders. Judicial orders can also be given as "effective immediately"; as a result an appeal before a higher court will not suspend the outcome and consequently damages that have been allowed can be claimed immediately.

If one decides to call in legal help from a lawyer, costs will rise accordingly; however it is not obligatory to hire a lawyer. In certain situations trade unions may take care of legal aid for their members.

Besides, it is good to be aware of the Regulation for free legal aid:

- Workers with a yearly income of less than NAF 12.000,- can apply for free legal aid.
- Workers with an income between NAF 12.000,- and 22.500,- can also qualify for free legal aid on the basis of a contribution varying from NAF 50,- (incomes between 12 and 15 thousand guilders) to NAF 350,- (between 20 and 22,5 thousand guilders)
- Even workers above these amounts may qualify, provided they can demonstrate that they are not able to pay for the estimated fee of a lawyer. In these cases the maximum contribution of NAF 350,- is applicable.

A judicial order is seen by government as a perfectly acceptable alternative to the institute of a labour court. With the introduction of the flexibilisation of labour legislation in 2000, the promise was made to establish a labour court in order to facilitate access to justice. This has now been achieved without having to institute a separate institution; thus being more effective and at lower costs.