

Rules for legal assistance

VMHP Chemie en Coatings

This translation of the rules is not the official version. In case of differences the Dutch rules prevail.

Article 1

Definitions

- Labor dispute: dispute about the interpretation and execution of items agreed between the Chemicals and/or Coatings company and the employee in the (collective) labor agreement or applicable arrangements;
- Explanation: This covers all labor related arrangements, including pension arrangements.
- Disputes concerning employee-insurances: disputes between the insured person and the executive organ concerned about the execution of an employee-insurance (WIA; WW; IOAW; IAW etc);
 - Treater: individual caretaker, legal co-worker or solicitor, enlisted by VMHP Chemie en Coatings or other by VMHP Chemie en Coatings mobilized persons;
 - Dossier: compilation of information, correspondence, notes, records and documents bearing on the case, used by a member as basis for assistance;
 - Legal Procedure: procedure to settle a dispute, submitted to a legal authority in The Netherlands;
 - Advice: providing members (legal) information and (legal) advice;
 - Aid: providing members support, mediation, referral and if required providing legal aid in a Legal Procedure at one or more Judicial areas;
 - Judicial area: the judicial areas as described in article 2;
 - Legal support: provide individual Legal support to members;
 - Injury damage: damage as a consequence of harm to body or mind, made up of expenses of recovery and further damage by the injury.
 - Member: member of VMHP Chemie en Coatings as meant in article 6 paragraph 1 of the statutes of VMHP Chemie en Coatings;
 - Regulations: the ruling statutes and regulations of VMHP Chemie en Coatings;
 - Case: a Dossier or Dispute.

Article 2

Judicial areas being considered for Advice and Aid

1. Labor justice;
2. Pensions, as far as resulting or related to employment with the Chemicals and/or Coatings company except insurances, like annuities or so-called koopsompolis, taken out to finance a pension and disputes between former spouses or partners;
3. Social security justice:
 - a) Employee insurances concerning unemployment and industrial disability;
 - b) AOW.

4. Intellectual property justice, as far as resulting or related to working for the Chemicals and/or Coatings company;
5. Commitments from illegitimate act as a result of non-fulfillment, as far as resulting or related to working for the Chemicals and/or Coatings company;
6. Criminal justice, as far as the offence relates to and results from working with the Chemicals and/or Coatings company;
7. Works council act, as far as it concerns claims on establishing a works council and the individual legal status of members of a works council;
8. Injury damage and occupational diseases.

Article 3 Advice and Aid

Members of VMHP Chemie en Coatings have in principle right of (legal) advice and/or (legal) aid on basis of following conditions and starting points;

1. Once-only legal advice

From the beginning of the membership a member has the right on legal advice. Legal advice means here to judge the legal options to solve a dispute as meant in article 2 paragraphs 1 and/or 2, based on the information provided by the member and as far VMHP Chemie en Coatings is considered capable and able, all within reasonable limits;

Explanation: A member, which is less than 3 months member, can only receive a once-only advice for disputes about labor justice or employee-insurances.

2. Legal aid to members concerning labor disputes and disputes about employee-insurances:

a) In case of labor disputes members, being member of VMHP Chemie en Coatings for more than three months, are entitled to legal aid by a treater assigned by VMHP Chemie en Coatings;

b) For this legal aid only labor disputes are considered between employer and employee about resignation and about the employer not meeting obligations, as laid down in Civil Code book 7 sub-title 10 only as far as Dutch law is applicable and the disputes can be submitted to a Dutch judge.

In case of disputes about employee-insurances only disputes between the member and the executive organ are considered concerning adjudication and/or height of of the benefit;

c) VMHP Chemie en Coatings decides in which way, to which limits and how long the meant legal aid is provided and has the right to terminate this legal aid at any time;

d) Legal aid mentioned sub a does not include the legal aid for a legal procedure in court. To be considered for this legal aid see paragraph 4 of this article;

Explanation: A member, being a member for more than 3 months but less than 6 months is entitled to advice and support by e.g. a caretaker.

Support is given as far as it is not required to go to court. This service includes internal procedures for appeal, discussions with the employer and procedures for appeal about

employee-insurances.

A legal procedure is not conducted or is on account of the member.

3. Legal aid

- a) Members, being member of VMHP Chemie en Coatings for more than 6 months, are entitled to legal aid concerning labor disputes and disputes about employee-insurances as mentioned in article 2 b, given the following conditions;
- b) Decisions about VMHP Chemie en Coatings providing advice and legal aid are taken by or in name of the board of VMHP Chemie en Coatings;
- c) Mentioned legal aid will only be given by caretakers, which have been called in by VMHP Chemie en Coatings;
- d) VMHP Chemie en Coatings decides by whom, when, in which way and how long the mentioned legal aid is provided;
- e) VMHP Chemie en Coatings can for reasons of his own terminate at any time the provided legal aid;

Explanation: This can e.g. be the matter if the issue is considered non-realistic.

- f) If members call in themselves lawyers, legal advisors, solicitors or other legal aid, without mediation of VMHP Chemie en Coatings, the cost will not be reimbursed by VMHP Chemie en Coatings. These costs are for the account of the member concerned;

Explanation: Members, being member for more than 6 months, are should the case arise entitled to the full package of legal aid, including conducting legal procedures. Naturally as far as the dispute meets the conditions.

4. Legal procedure

- a) Taking paragraph 3 of this article into account VMHP Chemie en Coatings can decide that advice and legal aid extends to legal aid in a legal procedure;
- b) Decisions concerning VMHP Chemie en Coatings providing advice and legal aid in a legal procedure are taken by or in name of the board of VMHP Chemie en Coatings;
- c) The board determines by whom, in which way and on which conditions advice and legal aid in a legal procedure takes place;
- d) Extrajudicial costs, among which the costs for research and attendance by caretakers in name of the union, including the costs for legal aid in a legal procedure, are on the account of the member, unless the member is not able to pass these costs to opposing party or a third party. In cases that these costs cannot be passed or only part of these costs, the remaining are on the account of VMHP Chemie en Coatings;

Explanation: As starting point the legal costs are passed to the originator; the reimbursements sometimes paid to the member concerned will be settled with the total costs of the procedure. The remaining is on the account of VMHP Chemie en Coatings. In this way there are no costs for the member.

- e) In case of legal aid by a lawyer the member is obliged to make use of the opportunity to obtain reimbursement for the costs of the activities of this lawyer according to the Law on Legal Aid;
- f) Costs of the opposing party, including all costs sentenced to the member concerned and also adjudicated counter-claims, all in the widest sense, are on the account of the member concerned. The member concerned safeguards in this the VMHP Chemie en Coatings against claims;

Explanation: The party put in the wrong can be condemned for paying (part of) the legal costs of the opposing party. These costs are always on the account of the member. Therefore it is also in the interest of the member to have well tested if the case is realistic.

- g) Taking the above into account VMHP Chemie en Coatings can decide the aid in a legal procedure to be extended to appeal procedures;
- h) If from the point of view of general interest of the members of VMHP Chemie en Coatings or of one or more groups of members the VMHP Chemie en Coatings initiates appeal, higher appeal or cassation, potential costs of the opposing party can come on the account of VMHP Chemie en Coatings. Such can only be the case if the board has taken a clear decision about this, which decision is communicated to the people concerned in writing;

5. General regulations

- a) The right on legal advice and legal aid as meant in paragraph 1 up to and including 5 of this article arises only if the member has fully complied with the obligations to VMHP Chemie en Coatings;
- b) In case of uninterrupted transfer from another labor union to VMHP Chemie en Coatings the member has the mentioned right on legal advice and legal aid directly at the start of the membership, given the conditions of paragraph 1 up to and including 5 of this article, where the duration of membership of the other labor union is taken into account for the terms as mentioned in paragraphs 3a and 4a;
- c) Members have no right on legal advice and legal aid as mentioned in paragraph 1 up to and including 5 of this article if at the start of the membership the dispute already existed, for which legal advice and legal aid is requested and/or if the member was already involved in a labor dispute in the widest sense of the word;
- d) The right on legal advice and legal aid as mentioned in paragraph 1 up to and including 5 of this article end immediately at the moment that the member does not comply with any kind of obligations to VMHP Chemie en Coatings; This right on legal advice and legal aid also ends immediately if it shows that the member concerned has provided false information and/or suppressed information to VMHP Chemie en Coatings or to the enlisted legal advisors, such as far as this information could influence the course and content of the procedure.

If this shows to be the case the board has the right to recover the costs already made from the member concerned;

- e) In case of uninterrupted transfer to another labor union, which is more appropriate for the member as a result of voluntary or forced transfer to a function in a company or comparable institute outside the sphere of action of VMHP Chemie en Coatings, VMHP Chemie en Coatings can ask for a cost contribution for continued advice and legal aid.

Article 4

Objections and appeal

1. Objections can be raised at the board against decisions by or in name of the board concerning the rendering of legal aid.
2. A motivated objection has to be submitted in writing to the secretary within 14 days after reception of the decision to render or not render legal aid.
3. The board will give the member concerned the opportunity to elucidate the objection orally.
4. The board decides within six weeks after the (offered opportunity for) oral elucidation as meant in the previous paragraph.
5. Appeal against a decision as meant in paragraph 4 is possible at the members council.

Article 5

Concluding regulation

In cases not anticipated in these rules the board decides.

These rules have been laid down by decision of the members council on March 8 , 2018 and replaces all previous versions.