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EUROPEAN SOCIAL CHARTER

Responses to the ECSR additional questions,
and to the comments submitted by EUROMIL,
NIHR, and ETUC on the
17th National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF THE NETHERLANDS

Articles 2, 3, 4, 5, 6, and 20

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CYCLE 2026

Netherlands – Reply to additional questions ECSR

Article 2.1

Please provide information on whether inactive on-call periods when no actual work is carried out are compensated (especially for inactive on-call outside the employers' premises) and, if so, what are the rules on compensation?

This depends on the nature of the contract and the nature of the 'on-call period'. In case of a 'regular contract with special services' (see table below), the on-call should be compensated in time or pay. There are no rules on compensation, this may vary across sectors, but is mainly specified in the collective agreement. The compensation is in most collective agreements remuneration (37), sometimes compensation in time (6) and in other cases a combination or unknown (15 resp. 9). See table in Dutch below, a research of 2021

Tabel 2 Afspraken over bijzondere diensten in cao's (n=98)

afpraak	% werknemers	aantal cao's
Bijzondere dienst algemeen	74	76
Beloning algemeen	71	67
Financiële beloning	29	37
Tijd-voor-tijd	15	6
Combinatie tijd-voor-tijd en financiële beloning	17	15
Onbekend	10	9
Maximale omvang aantal oproepen	14	17
Reis naar werklocatie	34	29
Groepen werknemers uitgezonderd	9	11
Omstandigheden spoedeisend gedefinieerd	7	8

Source:

[igbo-5lvt44x3ynynbb1mlnhtn112ihej4pj4hg8jitasblcu3qpx16imkiwp3ac8ug7gd7](https://www.igbo-5lvt44x3ynynbb1mlnhtn112ihej4pj4hg8jitasblcu3qpx16imkiwp3ac8ug7gd7), p.22.

[Interne+en+Externe+Arbeidsflexibiliteit+2021+def.pdf](#)

If the on-call period is not remunerated, the contract is specified as an on-call contract. In this case, the worker is not obliged to come if the call is undertaken less than 4 days before (or another time period specified in the collective agreement).

More generally, in order to help reduce uncertainty, on the 1st of January 2028 a stricter (legal) framework to better protect employees with a flexible employment relationship will enter into force, the so-called 'Law more security for flexworkers' (Wet meer zekerheid flexwerkers). Under this law, traditional on-call contracts like for example zero-hour contracts will be abolished for regular employees and the 'bandwidth contract' will be introduced offering a higher salary and more predictable work schedules.

Article 3.1

Please provide more specific information on the content and implementation of national policies on psychosocial or new and emerging risks in (i) jobs requiring intense attention or high performance, (ii) jobs related to stress or traumatic situations at work, (iii) jobs affected by climate change risks.

i. in jobs requiring intense attention or high performance:

Work pressure is explicitly covered by the Dutch Working Conditions Act (Arbowet) as part of psychosocial workload (PSA). Jobs requiring sustained attention or high performance can give rise to specific psychosocial risks, such as excessive workload, high work intensity, time pressure, insufficient recovery time and limited control over the organisation or pace of work.

As stated in our report, employers are required to pursue a policy aimed at preventing or limiting psychosocial workload. This means that employers must identify psychosocial risks, including excessive work pressure, in the so-called Risk Inventory and Evaluation (RI&E) and take appropriate preventive and mitigating measures where necessary. The employer must also inform and instruct workers about the risks identified and the measures taken to prevent or reduce these risks.

In addition, employers and workers can establish sector-specific agreements in so-called arbocatalogi, which provide more concrete measures and approaches for addressing occupational risks, including psychosocial risks and work pressure.

The Dutch government supports employers in implementing these requirements through guidance and practical tools, including information provided through the website [Arboportaal](#).

ii. in jobs related to stress or traumatic situations at work:

PSA is the exposure of factors on the work floor that brings an excessive amount of stress, including aggression, discrimination, mobbing, sexual intimidation and excessive workload. The employer implements, within its policy regarding occupational safety and health, policy focused on preventing, and, if this is not possible, mitigating PSA.

In 2025 the Dutch research institute TNO made a factsheet regarding excessive workload stating that:

- 42% of the employees experiences low autonomy on work tasks;
- 32% of the employees experiences high job demands;
- 16% of the employees experiences their job as stressful;
- 9,1% of the employees experiences a high emotional demand at work;
- 27% of the employees has a conflict at work in relation to their colleague, supervisor or employer;
- 17% of the employees have to deal with any form of improper conduct at work.

After the common cold, PSA is the main reason employees call in sick at work. This stresses the importance for employers to ensure that they have adequate policies to prevent, and if not possible mitigate PSA.

iii. in jobs affected by climate change risks:

Article 6.1 of the Health and Safety at Work Decree now states: “Taking into account the nature of the work performed by the employees and the resulting physical strain, the temperature at the workplace does not harm the employees' health”. This article is based on article 7.1. of the EU Council directive of 30 November 1989 concerning the minimum safety and health requirements for the workplace (89/654/EEC).

Article 6.1 therefore currently refers only to temperature and does not address factors such as humidity, air movement and radiation. This may result in employers failing to identify other relevant (source) control measures, or identifying them less readily. As mentioned in the report, the government wishes to amend the Article so that these other factors are also included. Together, these factors determine the effect of temperature on the body. For example, the effect of high

temperatures on the human body is particularly pronounced when the humidity is high. This enables employers to better determine which measures are appropriate to take.

In various countries, there are regulations setting specific temperature standards. In the Netherlands, there are no plans to introduce such regulations. There are no standards that apply to every person and every situation.

Furthermore, employers must include temperature in their risk assessment if the temperature in their workplace poses a risk to employees' health. They must then set out in their action plan the measures they intend to take.

Jobs can also be affected by climate change risks in other ways. For example, through flooding or wildfires. There is no specific policy on this from a health and safety perspective. If there are risks to the work, these risks must be included in the risk assessment. The action plan must also set out the measures the employer will take to address these risks.

The government provides information to employers on the measures they can take. Other organisations, such as trade unions, also provide information.

Article 3.2

Please provide additional detailed information on the specific measures taken to ensure the occupational safety and health of self-employed workers in law and in practice, in conformity with Article 3§2 of the Charter.

In the event of serious risks to their own health and safety, and that of third persons, the Working Conditions Act (Arbeidsomstandighedenwet) and the Working Conditions Decree (Arbeidsomstandighedenbesluit) allow for self-employed persons and other non-employees to be brought under their scope. A few situations are identified as a 'serious risk', these are: exposure to hazardous substances, psychosocial stress at work, physical strain and the risk of falling (when working at a height of at least 2,5 metres). If there is no question of a serious risk occurring the self-employed person is responsible for its own health and safety. However, the regulations concerning the health and safety of third persons still apply. To ensure occupational health and safety, self-employed persons are also brought under the acts mentioned above if they work alongside other employees in the same workplace.

Article 3.3

Please provide information on the specific measures taken to ensure the supervision of implementation of health and safety regulations by the labour inspection or other competent authorities, including information on inspections and their results, as well as information on awareness raising activities to inform workers and employers of their rights and obligations, concerning the following categories of workers:

- domestic workers;
- posted workers;
- workers employed through subcontracting;
- self-employed workers;
- workers exposed to environmental-related risks such as climate change and pollution.

The supervisory authority is the Netherlands Labour Authority (Nederlandse Arbeidsinspectie). Supervision is risk-oriented and responsive. It focuses on the subjects where the greatest risks exist

and the impact is greatest. Developments like labour shortages, influx of low-skilled migrant workers, the increase of the platform economy and further flexibilization of employment relations increases the risks of unfair work, including the underpayment of vulnerable groups. In 2026 the Netherlands Labour Authority keeps a close eye on, among others, the priority sectors of the meat processing industry, cleaning, transport, and agricultural cultivation.

To effectively address occupational risks and respond promptly to changes in society, the Netherlands Labour Authority works programmatically. This supervision is organized into 11 programs in the period 2023–2026:

1. Labour exploitation and serious harm
2. Temporary employment agencies
3. Migration regulations, international, sham arrangements and collective labour agreements' compliance
4. Supervision social domain
5. Psychosocial workload, discrimination at work and physical strain
6. Asbestos and ionising radiation
7. Exposure to hazardous substances
8. Major hazard control
9. Certification and market surveillance
10. Good employer practices in sectors and supply chains
11. Trends and developments

Surveillance continues to be organised via these 11 programmes in 2026 on topics including asbestos, exposure to hazardous substances, sham arrangements, temporary employment agencies, pressure of work and undesirable conduct, CE marking and discrimination at work.

More information about the Annual Plan 2026 of the Netherlands Labour Authority can be found via: [Annual plan 2026 - Introduction | Netherlands Labour Authority](#)

Health and safety regulations also apply to special groups/professions, such as work-from-home and remote workers, agency workers, volunteers and the self-employed. More information is available in English via:

[Working Conditions Act | Netherlands Labour Authority](#)

Article 5

Police and Armed forces: Please provide information on whether and to what extent members of the police and armed forces are guaranteed the right to organise.

Police:

Article 8 of the Constitution of the Netherlands guarantees freedom of association, including the right to join a trade union, but also the right to decide not to join a trade union or to terminate one's membership. This right also applies to the police. For the police sector, there is a formally organized consultation process regarding terms and conditions of employment between the employer (the Minister of Justice and Security/Chief of Police) and the recognized police trade unions. This is regulated by the Police Consultation and Participation Decree 1994 (Bomp). Police officers are also supported in carrying out trade union activities for which extraordinary leave is granted. Based on Article 35 of the Police General Legal Status Decree (Barp), extraordinary leave may be granted for trade union activities.

Armed forces:

The right to organise for the armed forces is regulated in Artikel 12a of the Defence Civil Servants Act:

“Article 12a

1. The military civil servant shall refrain from disclosing thoughts or feelings or from exercising the right of association, assembly, and demonstration, if the proper performance of his duties or the proper functioning of the public service, insofar as it is connected with the performance of his duties, would not reasonably be ensured by the exercise of these rights.

2. The first paragraph shall, as regards the right of association, not apply to membership of:

a. a political grouping whose name or designation is registered in accordance with Articles G1 or G2 of the Electoral Act;

b. a political grouping whose name or designation is registered in accordance with Article G3 of the Electoral Act, and which, if elections for municipal councils have been held after registration, participated in the last elections held; or

c. a trade union.

[...]”

The essence of the right to organise is not restricted for the armed forces.

Article 6.1

Question 3: Please provide information on any joint consultations on issues relevant to the green transition which have already taken place.

In 2023, the Ministers of Agriculture, Nature and Food Quality (LNV) and Infrastructure and Water Management (IenW), with the support of the Minister of Social Affairs and Employment (SZW), requested the Social Economic Council (SER) to issue an advisory opinion on the green-blue labour market. The term 'green-blue' combines the green domain (agriculture, food, nature, and landscape) with the blue domain (water management, water safety, and clean waters). In September 2024, the SER delivered an advisory report on a future-proof labour market with regard to green-blue transition. The government has responded on the 30th of June 2025 (see the advisory report and government response in Dutch via: [Werken aan veranderkracht: Naar een toekomstbestendige arbeidsmarkt voor agri & food, water & bodem en natuur & leefomgeving | Rijksoverheid.nl](#)).

Article 6.2

Please provide additional detailed information on the measures taken or planned to guarantee the right of self-employed workers who are economically dependent or in a situation comparable to that of employees, including platform workers, to bargain collectively in conformity with Article 6§2 of the Charter, as well as on the practical application of those measures.

Please also indicate the sectors in which economically dependent self-employed workers are covered by collective bargaining arrangements and, where available, provide information on the number of workers concerned.

Self-employed workers are allowed to be involved in collective bargaining. The Dutch 'Autoriteit Consument en Markt' (the authority responsible for enforcing competition law), has published practical guidelines for self-employed in 2023. The document says, among other things, that collective bargaining is possible and allowed when self-employed workers are economically dependent on their client, perform the same work as those who are in an employment relationship with that client, or work via digital labour platforms. There are several examples where agreements have been made in *Collective Labour Agreements* (CLA's) concerning the remuneration of self-employed workers. For example, the CLA for architects and CLA's in performing arts and arts education stipulate that the remuneration for self-employed workers should be a certain percentage higher than that for employees (persons in an employment relationship). However, these are examples of agreements about self-employed workers, and not necessarily (only) negotiated by self-employed. There is also an example of collective bargaining specifically for self-employed. There is a Fair Practice Code for journalists who work in public broadcasting. It states that self-employed journalists should earn at least 150% of the salary for journalists in an employment relationship. The self-employed journalists are still free to negotiate remuneration above that percentage. There are no known figures on how many workers fall under this Fair Practice Code.

Observations Netherlands on comments of the European Organisation of Military Associations and Trade Unions (EUROMIL), the Netherlands Institute for Human Rights (NIHR) and ETUC

The Dutch Government has taken note of the comments submitted by the organisations mentioned above and would like to take this opportunity to make the following remarks.

Defence personnel

Article 2 – The right to just conditions of work

As mentioned in the Netherlands' report, for defence personnel of the Dutch armed forces, several exceptions exist in respect of special circumstances and deployments.

As regards the classification of on-call duty as working time or rest time we agree with EUROMIL's interpretation of the legal framework governing on-call duty and the definition of 'working time' and 'rest periods' in various situations. In the NL initial report of 2025 we noted, amongst other things, that the General Regulations for Military Civil Servants (AMAR) provide for the possible imposition of restrictions on the freedom of movement of military personnel. This applies to time spent outside the specified working hours, in view of the possibility that military personnel may be required to carry out duties. We incorrectly stated in the 2025 report that such time is classified as working time. EUROMIL rightly concludes that time spent outside the stipulated working hours should be classified as 'rest time', unless an exception set out in the cited case law applies.

This means that, in the event of restrictions on freedom of movement, we agree with the legal framework being outlined and the classification of the time spent during a restriction on freedom of movement as 'rest time'. We also apply this in practice. It was only mistakenly included in our initial report.

Article 6 – The right to bargain collectively

In relation to defence personnel there are restrictions on the right to strike in the Netherlands, as pointed out in the comments by EUROMIL. This is due to the specific circumstances of this sector. As mentioned in the report, in the Netherlands, the right to strike can only be restricted if this is prescribed by law and necessary for the protection of the rights and freedoms of others, or for the protection of public order, national security, public health or public morals.

Under the Defence Civil Servants Act (Article 12i Wet ambtenaren defensie/ Wab), military personnel are prohibited from striking. For civilian civil servants (burgerambtenaren), there is a restriction on the right to strike (Article 12o, paragraph 4). However, the ban on strikes for military personnel does not mean that there is an absolute ban on the right to collective action. The same Act explicitly grants military civil servants the right to other forms of collective action (Article 12i). They may express their dissatisfaction by taking part in other forms of collective action. In practice, this usually involves taking part (in uniform) in demonstrations. In doing so, the protesters must ensure that the immediate operational activities of the armed forces are not disrupted or impeded. Civilian civil servants are permitted to take part in a strike or other forms of collective action, unless their participation in that strike or collective action could disrupt or hinder the operational deployment of the armed forces.

Fair remuneration and equal opportunities

Article 4 – The right to fair remuneration

We welcome the references made by NIHR and ETUC and would like to add the following. As mentioned in the Netherlands' report, the Netherlands is in process of implementing the EU Directive 2023/970 of 10 May 2023 on Equal Pay. It ensures the application of the principle of equal pay for men and women for equal work or work of equal value through pay transparency and enforcement mechanisms. The deadline set by the EU for implementation of 7 June 2026 has proved unattainable for the Netherlands. The Netherlands is working on implementation and aims to implement the directive on 1 January 2027. With its implementation, all organisations must comply with the measures relating to pay transparency.

Article 20 – The right to equal opportunities between men and women

In addition to the information in the Netherlands' report, as far as the impact of measures and the progress achieved in the area of the participation of women on the labour market is concerned, we would like to highlight the following on the basis of the input referred to by NIHR and ETUC.

Combining employment and care

According to Statistics Netherlands (CBS) there is only a small difference between female and male employees when it comes to taking parental leave: in 2023, 32 per cent of female employees with children younger than 8 had taken parental leave, as opposed to 27 per cent of male employees. In order to enhance labour market participation of women, in the past years, various measures were taken to raise awareness on the possibilities to take up leave and share family responsibilities: such as webinars and information campaigns for employers and employees on taking up parental leave and on prejudices about division of roles between women and men in relation to work and in family responsibilities.

A more thorough evaluation of paid parental leave was recently carried out. In this evaluation the Ministry of Social Affairs and Employment monitored whether the reform of parental leave has contributed to a more equal division of work and care between parents and to other objectives, such as labour market participation. The evaluation report demonstrates that paid parental leave contributes to the main objectives of the scheme. The leave enables parents to better combine work and care, and contributes to a better distribution of care responsibilities among parents. Additionally, it improves the employment position of women. The research also highlights areas for improvement. For instance, the loss of income constitutes a barrier for fathers to take the leave. And small employers, in particular, experience difficulties implementing the leave arrangements; they experience the scheme as complex and administratively burdensome.

The Ministry is also working on the simplification of the parental leave system and on reforming the childcare system with the goal of making it more affordable and more easily accessible for most working parents. Where possible, the outcomes of the evaluation will be incorporated into the legislative proposal for the simplification of the leave system, which is planned for submission to Parliament by the end of this year.

Under the reform of the childcare system, working parents will receive a subsidy amounting to 96 per cent of the maximum hourly rate. This subsidy will be paid directly to the childcare provider. It will be independent of the parents' income (currently, it is means-tested), which means that, in principle, it will be financially more advantageous to work more hours. As under the current childcare system high costs are an important reason why the partner with the lowest income (often the female

partner) works fewer hours, we would expect the new system to improve this situation. After its introduction (scheduled for 2029), the reformed childcare system will be evaluated. This includes, among other things, monitoring labour market participation.

In addition to paid parental leave, other forms of family support for parents include child benefits (regardless of income) and childcare allowances (income-dependent). The amounts of both, child benefits and childcare allowances, have been increased over the years.

Labour market discrimination

Recent research commissioned by the Ministry of Social Affairs and Employment shows that 44 per cent of the women who are active on the labour market and who have had a child in the past four years have experienced situations indicating pregnancy-related discrimination. The focus therefore lies on providing accurate information to employees and employers. And on recognizing discrimination and offering perspectives for action: e.g. by contacting a confidential adviser within the organisation, seeking external advice or taking legal action. Women can also contact the NIHR if they experience pregnancy discrimination. They can ask the NIHR for advice, report an abuse or request a non-binding ruling. In that case, NIHR will investigate the case and issue a ruling on the complaint of discrimination. The Ministry of Social Affairs and Employment will consult with social partners on further measures to combat pregnancy discrimination.