19/12/2025 RAP/ RCha /NLD/17(2026)

EUROPEAN SOCIAL CHARTER

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

Report registered by the Secretariat on
19 December 2025

CYCLE 2026

THE EUROPEAN SOCIAL CHARTER

The Netherlands' Report

2025

Report

made by the Government of the Netherlands in accordance with Article C of the Revised European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter.

In accordance with Article C of the revised European Social Charter, copies of this report have been communicated to:

- Netherlands Trade Union Confederation FNV
- National Federation of Christian Trade Unions in the Netherlands CNV
- Confederation of Netherlands Industry and Employers (VNO-NCW) and MKB Nederland

Report in respect of the Kingdom in Europe

Article 2 – The right to just conditions of work

Explanatory remark:

A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.

The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.
Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.

Questions:

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- information on the exact number of weekly hours that persons in these occupations can work;

- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In principle, the Working Hours Act (*Arbeidstijdenwet*) applies. Article 5:7, section 2, of the Working Hours Act indicates a maximum of 60 hours of work per week, which should average to 48 hours per week in any period of 16 consecutive weeks.

Some professions are partly or entirely exempt from the provisions of the Working Hours Act. Explanations for these exceptions lie in particular characteristics of the work involved. Derogations from the standard provisions of the Working Hours Act are laid down in the Working Hours Decree (*Arbeidstijdenbesluit*). The general and specific standards are based on and comply with the Working Time Directive (2003/88/EC) and EU case law, which allow room for certain exceptions.

In some of the professions to which exceptions are applicable, situations could in theory occur in which weekly working hours exceed 60 hours. However, agreements between (representatives of) employers and employees on working hours and work schedules substantially limit this possibility. In addition, the existence of a derogation from the general standards of the Working Hours Act can still mean that Article 4:1 of the same act applies. This article indicates that an employer is obliged to carry out a policy concerning work and rest times of employees and thereby takes into account, as far as reasonable, the personal circumstances of employees. Furthermore, the Working Conditions Act (*Arbeidsomstandighedenwet*) stipulates that employers organise work in such a way that the health and safety of employees is not adversely affected.[1]

[1] Working Conditions Act, Article 3, section 1(a).

Other mechanisms may also play a role in protecting the health and safety of workers to whom exceptions from the standard provisions of the Working Hours Act are applicable. This is further illustrated below.

One of the exceptions applies to executives or senior staff who earn three times the minimum wage or more. In some cases, the exception does not apply because of health and safety risks (e.g. nighttime shifts).[2] The aforementioned Article 4:1 of the Working Hours Act holds regardless of the exception. Self-employed professionals may similarly be excluded from certain provisions of the Working Hours Act, unless they work under the authority of a client or in certain work environments (e.g. wind farms and mining operations, because of safety risks).[3]

Other exceptions apply to performing artists and sports professionals.[4] Their situation may differ depending on the existence of an employment relationship and the applicability of a collective agreement. In performing arts, there are a number of collective agreements that contain standards for working hours and rest times (e.g. *CAO Toneel en Dans* and *CAO Nederlandse Poppodia en - Festivals*).[5] When it comes to sports professionals, some have an employment contract with a club or a team. This is mostly the case in commercial sports like football, cycling or ice-skating. Another group of sports professionals train within the national selection and have an elite sports status (*topsportstatus)* for which they might receive a stipend. The main umbrella organisation for sports in the Netherlands, NOC*NSF, monitors the national elite sports programs of sports associations who receive financing. An essential part of these reviews is attention for the environment in which sports professionals perform and the way in which sports programs are given shape.[6]

The exception for scientific researchers is not a general exception, but only applies in so far as an exception is necessary in light of the nature of the research or the processes to be applied in research. Collective agreements contain provisions with limits to working hours, including provisions indicating that a full-time working week generally amounts to 38 to 40 hours (see *CAO Nederlandse Universiteiten* and *CAO Onderzoeksinstellingen*).

A number of exceptions exist for defence personnel concerning special circumstances and deployments. The provisions of the Working Hours Act are applicable to work performed by defence personnel, unless the work is carried out:

- during extraordinary circumstances and during wartime (war, in this context, also includes situations of armed conflict);
- during the performances of tasks mandated by law, insofar as the application of the law and its related provisions would hamper proper task execution;
- in any other cases determined by the Minister of Defence in which components of the armed forces are deployed.

The provisions of the Working Hours Act are neither applicable concerning matters that relate directly to the circumstances mentioned above.[7] Furthermore, the provisions do not apply to work performed by defence personnel while sailing, flying, or conducting exercises, nor to matters that relate directly to these activities.[8]

As is the case for defence personnel, the general standards of the Working Hours Act apply in principle to the police. The most far-reaching derogation that is available to the police suspends the

[2] Working Hours Decree, Article 2.1:1, section 1(a).
[3] Working Hours Decree, Article 2.2:1.
[4] Working Hours Decree, Article 2.1:2, section 3(a).
[5] A substantial part of workers in performing arts are self-employed professionals.
[6] Monitor Topsport in Nederland (TiN) – Mulier Instituut.
[7] Working Hours Act, Article 2:4, section 2.
[8] Working Hours Act, Article 2:4, section 3.

applicability of the Working Hours Act,[9] but the use of this derogation is bound by criteria and procedures. Moreover, the use of this derogation does not impact the legal rights and obligations as laid down in the Decree on the General Legal Status of the Police (*Besluit algemene rechtspositie politie*) and the Decree on Police Salaries (*Besluit bezoldiging politie*). Work schedules for the police are made in light of the general standards of the Working Hours Act, but also within the context of police-specific regulations and agreements (e.g. *Beleidsregel sociaal plannen*). Scheduling on the basis of the latter leads to work schedules that are more strict compared to the general standards of the Working Hours Act, which is in favour of the health and safety of police personnel.

b) Please provide information on the weekly working hours of seafarers.

The Working Hours Decree Transport (*Arbeidstijdenbesluit vervoer*) contains provisions relating to seafarers. The specific rules for seafarers are applicable instead of the general provisions on working hours from the Working Hours Act.

The applicable standards for seafarers are based on treaties of the International Maritime Organization (IMO) and the International Labour Organization (ILO), agreements between social partners and EU legislation like Directive 2009/13/EC with subsequent amendments. The Maritime Labour Convention (MLC) 2006 indicates that signatories either establish maximum hours of work or minimum hours of rest over given periods. The Netherlands has implemented this accordingly with a minimum number of hours of rest.

Every period of 24 consecutive hours needs to contain at least 10 hours of rest.[10] This rest may be divided over no more than two periods, whereby each period needs to be at least a minimum of 6 hours long. The time in between two consecutive periods of rest may not be more than 14 hours. Every period of 7 days needs to contain a minimum of 77 hours of rest.[11] For young seafarers of 16 and 17 years old, stricter norms apply. In general, young seafarers are not allowed to work more than 8 hours per day and every period of 24 hours needs to contain at least 12 hours of rest, of which at least 9 hours without any interruption. The weekly working hours of young seafarers may not be more than 40 hours.[12] In principle, Sunday is a day off for young seafarers.[13]

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

Rules for on-call shifts are laid down in the Working Hours Act and in collective agreements. These include rules on the frequency that on-call periods may occur and the way in which work and rest time should be organised for employees that fulfil on-call shifts.

On-call periods can be classified as either work or rest time. An on-call period becomes work time as soon as an employee is called on to work.[14] If an employee is not called on to work during an on-call period, the on-call period is not considered as work time.

EU case law has clarified that the classification of on-call periods as either work or rest time depends on the extent to which employees are restricted in spending their time freely. An example of such a significant constraint is the requirement of physical presence at the workplace during an on-call period. Another example is the requirement that an employee needs to be present in a very limited amount of time at the workplace once they are called on to work.

[9] Working Hours Act, Article 2:5.
[10] Working Hours Decree Transport, Article 6.5:2, section 1.
[11] Working Hours Decree Transport, Article 6.5:2, section 3.
[12] Working Hours Decree Transport, Article 6.5:3, section 1(a, b, c).
[13] Working Hours Decree Transport, Article 6.5:3, section 1(e).
[14] Working Hours Act, Article 5:9, section 7.

Next to on-call periods for military personnel, the General Military Civil Servants Regulations (*Algemeen Militair Ambtenarenreglement*) offers the possibility to impose a restriction on the freedom of movement. In this case, a military official may be obligated to be available at a certain place, within a certain area or to report at certain specified times. This is outside the established working hours and with a view to potentially having to carry out tasks. The time involved is classified as work time.

Article 3 – The right to safe and healthy working conditions

Explanatory remark:

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation of Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.
Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many nonconformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

Questions:

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- in the gig or platform economy;

The Netherlands is currently working on the implementation of a European directive concerning the improvement of working conditions in platform work which must be completed by 2 December 2026. The directive also addresses the health and safety of platform workers, for example by requiring platform companies to carry out a risk assessment when using automated systems such as algorithmic management. In addition, restrictions are imposed on the use of such systems. Platform workers may be particularly exposed to psychosocial risks, as platform work often involves systems driven by algorithms. This is also confirmed in recent Dutch research: "*Workers in vulnerable situations and the future: platform work highlighted*".

- as regards telework;

Hybrid or telework does not lead to poorer mental health or higher psychosocial risks in general. But there are specific risks (such as work-related stress, blurring of work–life boundaries, prolonged sitting/screen work, and social isolation) that require particular attention in the workplace. Therefore, in the Netherlands there are several tools that support employers and employees in setting up and

maintaining healthy and safe hybrid workplace arrangements, e.g. the toolbox for hybrid working[15]. In addition, The Netherlands Labour Authority (NLA) has published a work instruction on how to prevent or reduce work stress, which includes hybrid work as risk. During inspections, the NLA examines the employer's policy on workplace risks such as work stress, and how it is implemented in practice. For example, inspectors in sectors with a high degree of remote work assess whether the risk inventory and evaluation (RI&E) pays sufficient attention to working from home.

- in jobs requiring intense attention or high performance;

In the Netherlands employers are obliged to assess and address health and safety risks in their company, within the so-called risk inventory and evaluation (RI&E). The RI&E is the foundation for their health and safety policy. Employers must therefore assess and mitigate health and safety risks associated with high work performance and intense attention, for example psychosocial workload. This includes factors as work pressure that cause unhealthy work stress. After classifying the risks, they must address them with an action plan containing measures such as adapting job design, offering recovery time and promoting supportive work culture.

- in jobs related to stress or traumatic situations at work;

The Netherlands recognizes that certain occupations inherently involve higher risks of stress or exposure to traumatic events, such as emergency services, healthcare, social work, or law enforcement. These jobs can lead to increased psychosocial strain, including burnout, anxiety, and post-traumatic stress symptoms. Employers are required to assess and address psychosocial risks (PSA) within their risk inventory and evaluation (RI&E). Part of this inventory is the psychosocial risk (PSA) factors such as workload or exposure to violence or aggression.

- in jobs affected by climate change risks.

Due to climate change, working in hot conditions is of increasing concern regarding health and safety in the workplace. This has prompted the Dutch Ministry of Social Affairs and Employment to review regulations regarding the risk of temperature during work. The government is considering amending the law regulating the temperature of working environments. The proposed change gives a clearer description of factors which influence temperature in working environments, giving employers a better understanding of possible measures. Whereas currently the law only refers to "temperature" as an indicator of a healthy working climate, other factors such as humidity and air velocity will be included.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide information on:

- the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);
- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

There are limitations in various collective agreements to ensure that work outside normal working hours is only performed when absolutely necessary. Also, with the implementation in 2022 of the directive on predictable and transparent working conditions, the employer needs to better inform the employee about the normal working hours, and if the working hours are largely unpredictable, the employer needs to arrange on which times the employee can be called to work ('referentie-uren'). If an employer asks the

[15] Toolbox hybride werken | Arboportaal

employee to come to work outside these hours ('referentie-uren') the employee can refuse. The employer is forbidden to disadvantage the employee if he or she refuses.
Some professions involve nighttime shifts. This is any work that is carried out between 00:00 AM and 6:00 AM. The Working Hours Act contains stricter standards for nighttime work, since nighttime work is more taxing than daytime work. For workers who regularly carry out nighttime shifts, this shift may not last longer than 10 hours for instance.[16] There are also limits to the frequency of nighttime shifts in any period of 16 weeks and over the period of a year.[17] Furthermore, there are specific rules around rest times after a night shift. For instance, after a series of 3 or more nighttime shifts, a minimum of 46 hours of rest should be taken.[18]

Further, the European Commission is working on an initiative on "Fair Telework and the Right to Disconnect." The Ministry of Social Affairs and Employment is awaiting the outcomes, after which the government will determine its position. A national legislative proposal on the right to disconnect is being considered by the House of Representatives. The bill stipulates that employers and employees must make agreements about availability after working hours. This process is on hold pending developments at the European level.

b) Please provide information on:

- the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;
- whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed persons and other non-employees may be brought under the scope of the Working Conditions Act (*Arbowet*) and the Working Conditions Decree (*Arbobesluit*) in the event of particular risks to their own health and safety or that of others. Examples include work on construction sites and work involving hazardous substances, high-risk equipment or the use of personal protective equipment.
Teleworkers (including homeworkers) are legally considered to be employees and are therefore covered by the Working Conditions Act and the related Decree. The legislation includes specific rules that are in part tailored to teleworking situations.
Domestic workers are also employees and therefore come within the scope of the Working Conditions Act and the related Decree.
The type of employment contract (e.g. fixed-term, open-ended, on-call or probationary) is irrelevant. In all cases, they are employees within the meaning of the Working Conditions Act.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- domestic workers;
- digital platform workers;
- teleworkers;
- posted workers;
- workers employed through subcontracting;
- the self employed;

[16] Working Hours Act, Article 5:8, section 1.
[17] Working Hours Act, Article 5:8, section 8 and 9.
[18] Working Hours Act, Article 5:8, section 5.

- workers exposed to environmental-related risks such as climate change and pollution.

Although the Netherlands has no specific target group policies, it does support workers in vulnerable positions. For instance, two bills currently going through the legislative process are expected to help reduce the vulnerability of certain groups of workers:

1. the bill introducing the Labour Provision (Accreditation) Act (*Wet toelating terbeschikkingstelling van arbeidskrachten*, WTTA), intended to combat abuses by temporary employment agencies and other labour providers, which was passed by the House of Representatives in April 2025 but has yet to be approved by the Senate;
2. the bill imposing on labour providers a duty to report workplace accidents and a verification obligation (*Wetsvoorstel meld- en vergewisplicht arbeidsongevallen uitleners*). This legislation aims to improve the working conditions of temporary workers, many of whom are migrant workers, as they are at greater risk of workplace accidents. The House of Representatives is currently considering the bill.

The supervisory authority for this type of legislation is the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*). The Labour Authority has reported specifically on meal and express delivery personnel,[19] and on migrant workers in its annual survey of workplace accidents.[20]

Article 4 – The right to fair remuneration

Explanatory remark:

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the UWE decisions on equal pay is applied across States Parties especially as regards measures taken to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

Questions:

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The right to equal pay for equal work or work of equal value is enshrined in both the Equal Treatment (Men and Women) Act (*Wet gelijke behandeling van mannen en vrouwen*) and article 7:646 of the Dutch Civil Code (*Burgerlijk Wetboek*).

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Ministry of Social Affairs and Employment is currently in the process of implementing the EU directive on pay transparency. Article 4 of the directive deals with equal work and work of equal value. Paragraph 1 of this article requires member states to take the necessary measures to ensure that employers have pay structures ensuring equal pay for equal work or work of equal value. Paragraph 4 stipulates that these structures must be such as to enable the assessment of whether workers are in a comparable situation in regard to the value of work on the basis of objective, gender-neutral criteria. These criteria may not be based directly or indirectly on workers' sex and must include skills, effort, responsibility and working conditions. The bill to implement this directive will be presented to the Council of State before Christmas for an advisory opinion.

[19] Rapportage maaltijd- en flitsbezorging (in Dutch only) | Rapport | Nederlandse Arbeidsinspectie
[20] Monitor arbeidsongevallen 2023 (in Dutch, with a summary in English)| Report | Netherlands Labour Authority

Currently, employers are required to assess work using a reliable job evaluation system that adheres as closely as possible to the system commonly used at the company where the employee concerned works. In the absence of such a system, the work must be assessed fairly in the light of the available information. This is set out in section 8 of the Equal Treatment (Men and Women) Act.[21] The bill to implement the EU directive on pay transparency amends this section to bring it in line with the directive's provisions.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

The Ministry of Social Affairs and Employment is currently in the process of implementing the directive on pay transparency. The aim of this directive is to strengthen the application of the principle of equal pay, for example by increasing transparency.

Every two years, Statistics Netherlands (*Centraal Bureau voor de Statistiek*, CBS) surveys wage differentials in the Netherlands for the Ministry of Social Affairs and Employment and publishes the results in the Gender Pay Gap Monitor (*Monitor loonverschillen mannen en vrouwen*). This Monitor contains information on pay gaps in the public and private sectors for the year in question, as well as showing how these have changed compared to previous years. It includes both the actual (or unadjusted) and the statistically adjusted gender pay gap.[22]

The latest Gender Pay Gap Monitor contains figures for 2022.[23] It shows that, on average, the hourly wage of women in the private sector was 16.4% lower than that of men in that year. The relative difference in hourly wages between women and men has decreased since 2014, when it was 19.2%. In the public sector, women's hourly wages were 5.1% lower than men's in 2022, the relative difference having halved since 2014. Besides looking at the unadjusted gender pay gap, the adjusted pay gap was also calculated, which involved Statistics Netherlands comparing the hourly wages of men and women with similar jobs and background characteristics. The aim was to determine to what extent gender still influences pay once factors affecting wage levels have been taken into account. These factors can be divided into three categories: employee characteristics (e.g. age, level of education, years of service with current employer), employer characteristics (e.g. sector, number of employees) and job characteristics (e.g. professional level and field, fixed-term or open-ended contract, managerial position). In 2022, the adjusted hourly wage of women in the private sector was 6.9% lower than that of men. Between 2014 and 2020, the adjusted hourly wage gap between men and women in the private sector narrowed from almost 10% to approximately 7%. During the period between 2020 and 2022, there was little change in this gap. In the public sector, the adjusted hourly wage of women in 2022 was 1.8% lower than that of men. Between 2014 and 2022, the adjusted hourly wage gap narrowed by around one percentage point every two years.

The new Gender Pay Gap Monitor will be published at the end of 2025 and will contain data from 2024.

[21] wetten.nl - Regeling - Wet gelijke behandeling van mannen en vrouwen - BWBR0003299
[22] The 2022 Gender Pay Gap Monitor uses the terms 'unadjusted' and 'adjusted' pay gap.
[23] Monitor Loonverschillen mannen en vrouwen, 2022 | CBS

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The principle of freedom of association is a vital part of the Netherlands' collective labour agreement system and is widely recognised and supported. This right is enshrined in the Dutch Constitution (*Grondwet*). The Netherlands has also ratified the European Social Charter, the European Convention on Human Rights and ILO Convention C087 which protect the right to freedom of association.

The Dutch government is currently in talks with the social partners about whether measures can be taken to make the collective labour agreement system and its associated legal framework stronger, and if so, what those measures would entail. One of the areas being explored is how to increase union membership among workers. The measures are also included in the action plan, which was drawn up in consultation with social partners, and is submitted to the European Commission in 2025.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.
c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.
Answer to both B and C:

Social dialogue takes place at central and decentralised level in the Netherlands. At the central level, it is conducted within a formal, established framework, such as the Labour Foundation (*Stichting van de Arbeid*) and the Social and Economic Council of the Netherlands (*Sociaal-Economische Raad*, SER). The Labour Foundation provides a forum for central employers' and employees' associations to discuss socioeconomic issues. It can make recommendations to decentralised employers' and employees' associations, and one of its aims is to encourage consultation on collective labour agreements. The Labour Foundation also regularly consults with the government on socioeconomic policy at official and political level. In some cases, this can lead to individual or joint agreements. The SER is an independent advisory body and advises the government and parliament on the broad outlines of socioeconomic policy and legislation, focusing on the medium and long term. It does so both on request and on its own initiative. As well as entrepreneurs and employees, the SER includes independent experts (Crown-appointed members). Within the Labour Foundation and the SER, employees are represented by the Netherlands' three trade union federations, i.e. the Trade Union Confederation FNV, the National Federation of Christian Trade Unions (CNV) and the Trade Union Federation for Professionals (VCP).

At the decentralised level, collective bargaining on employment conditions involves sectoral employers' and employees' associations. These negotiations also take place at company level between employers' and employees' associations. The principles of freedom of contract and freedom of collective bargaining apply in the Netherlands. Parties negotiating a collective labour agreement are free to determine with whom they negotiate and whether they will conclude a collective agreement.

A collective labour agreement is concluded between the employer side, which may involve one or more employers or their associations, and the employee side, represented by one or more employees' associations. To be eligible to conclude a collective labour agreement, an employers' or employees' association must have full legal capacity, as well as the authority under the articles of association to do so. Following notification of a collective labour agreement, the Ministry of Social Affairs and Employment checks that these requirements have been met. Since no representativeness requirements are imposed on employees' associations, no information can be provided on this subject.

d) Please provide information:
- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

As mentioned, the principle of freedom of contract and freedom of collective bargaining applies in the Netherlands. Social partners themselves determine with whom they conclude a collective labour agreement. There is no priority given to specific trade unions in this process. With regard to trade union rights, no distinction is made between different trade unions.
Employers with at least 50 employees are legally obliged under the Works Councils Act to establish a works council. The works council is composed of elected employees' representatives. The works council has the right of information, consultation and initiative on matters concerning the company. On specific topics, the works council has the right of advice or of consent. In companies with at least ten, and no more than 49 employees, the employees have the right to establish an employee representative body. This

body also consists of elected employees' representatives and has fewer rights and obligations than a works council.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

As outlined in the responses to the questions under Article 5, the Dutch 'polder' model has a long history and is well established. In this model, the social partners work together and with the government in the socioeconomic field.

The Dutch government is currently in talks with the social partners about whether measures can be taken to make the collective labour agreement system and the associated legal framework stronger, and if so, what those measures would entail. This includes looking at increasing the level of organisation of employers and employees, improving collective labour agreement coverage and further guaranteeing the independence of trade unions, as well as clarifying the rules on declaring collective labour agreements generally binding and the possibility of being exempted from them. As part of these exploratory talks, the Minister of Social Affairs and Employment has written to the Labour Foundation requesting advice and seeking concrete proposals to promote collective bargaining. The measures are also included in the action plan, which was drawn up in consultation with social partners, and is submitted to the European Commission in 2025.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

In addition to receiving relevant advice from the SER on matters ranging from leave schemes for workers to how AI is impacting work and labour productivity, and consulting with the Labour Foundation on such topics as the collective labour agreement system and new legislation for the self-employed, a number of significant issues were addressed jointly with the social partners.

For instance, throughout the pandemic there was ongoing communication regarding economic support measures designed to prevent loss of income and job losses. A major pension reform was implemented during this period with the backing of the social partners. The government and the social partners also reached agreement on labour market reforms, including rights for flexible workers, tackling false self-employment and making incapacity insurance compulsory for the self-employed.

Some of these labour market reforms have now been presented to the House of Representatives. The pension reform legislation has already been adopted by both houses of parliament, helped by public support from the social partners. The new Pensions Act (*Pensioenwet*) is currently being implemented.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

In May 2025, the SER delivered an advisory report on AI and work, requested in January 2024 by the Minister for Digitalisation. The government's response is expected by the beginning of 2026.

In September 2025, the Ministry of Agriculture, Fisheries, Food Security and Nature requested advice from the SER on the future of agriculture.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

In the Netherlands, the Minister of Social Affairs and Employment is responsible for the legal frameworks of the collective labour agreement system and the system for declaring such agreements generally binding. Within these frameworks, employers and employees are responsible for determining employment conditions. Collective bargaining on collective labour agreements therefore takes place between employers (or employers' associations) and employees' associations. The government is not involved in this process. Collective labour agreement negotiations are only conducted at the decentralised level.

Collective labour agreements can be concluded at sectoral or individual company level. The parties include a scope of application clause in the agreement, specifying who is covered.

Once the parties have reached agreement, they must register the collective labour agreement with the Ministry of Social Affairs and Employment, but it will not enter into effect until the ministry has conducted a formal review.

Parties to a collective labour agreement concluded at sectoral level may ask the Minister of Social Affairs and Employment to declare the agreement generally binding. If the minister grants this request, the collective labour agreement in question will then apply to all employers and employees who fall within its scope. Consequently, employers who were not involved in negotiating the collective labour agreement, but who are nevertheless covered by it, must comply with its generally binding provisions and apply them to their employees. Declaring a collective labour agreement generally binding extends its reach. This mechanism is how the government supports and protects the process of establishing collective agreements on employment conditions.

A collective labour agreement must not contravene statutory law. In some cases, however, legislation stipulates that a collective labour agreement may deviate from the law on certain points. Furthermore, the provisions of a collective labour agreement take precedence over agreements made in an individual employment contract between an employer and an employee. In the Netherlands, collective labour agreements can be either standard or minimum. Deviation from a standard collective labour agreement is not permitted, while deviation from a minimum collective labour agreement is only allowed if it benefits employees. Finally, collective labour agreements may include delegation clauses that authorise the works council to negotiate further agreements with the employer in a specific case.

b) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

The Dutch government is currently in talks with the social partners about whether measures can be taken to make the collective labour agreement system and the associated legal framework stronger, and if so, what those measures would entail. This includes looking at increasing the level of organisation of employers and employees, improving collective labour agreement coverage and further guaranteeing the independence of trade unions, as well as clarifying the rules on declaring collective labour agreements generally binding and the possibility of being exempted from them. As part of these exploratory talks, the Minister of Social Affairs and Employment has written to the Labour Foundation requesting advice and

seeking concrete proposals to promote collective bargaining. The measures are also included in the action plan, which was drawn up in consultation with social partners, and is submitted to the European Commission in 2025.

c) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

An increasing number of collective labour agreements focus on the self-employed. The Ministry of Social Affairs and Employment's annual report on the provisions included in collective labour agreements also monitors those concerning self-employed persons without employees. The 2025 report states,[24] for instance, that the collective labour agreements examined contain provisions on rates for this group, as well as measures to combat false self-employment.

Additionally, separate seats have been created in the SER for representatives of the self-employed (one member and an alternate member each for employees, employers and Crown-appointed members, making six in total). This ensures that self-employed individuals are more closely involved in social dialogue.

Article 6§4 Collective action

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

In the Netherlands, the right to strike is based on articles 6 and G of the European Social Charter and is governed by Dutch case law. Therefore, the right to strike in the Netherlands can only be restricted if it 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. It is up to the courts to decide on a case-by-case basis.

The Netherlands has no specific sectors in which the right to strike is prohibited or restricted, or in which it is predetermined that a minimum service level must be maintained.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

An employer may apply to the limited jurisdiction judge at the district court for an order prohibiting an announced strike. The court will consider such a request in light of the relevant legislation and prior case law.

The Ministry of Social Affairs and Employment does not have exact figures on the number of planned strikes reviewed by a court in the past 12 months. Public records show that there have been at least

[24] Report on collective labour agreement provisions 2025.

three rulings in 2025. The court imposed a strike ban in two cases, but ruled that the strike could take place under certain conditions in the third. All three cases concerned the aviation sector.

Statistics Netherlands (CBS) conducts an annual survey of the number of strikes that take place in the Netherlands; there were 36 in 2024. The figures for 2025 will be published in 2026 and are therefore not yet available.

Article 20 – Right to equal opportunities between women and men

Explanatory remark:

See the remark above under Article 4.

Questions:

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Various measures help to achieve this, including the following:

- The introduction of partner leave and supplementary partner leave (2019/2020), which entitles partners to one week of leave from their employer, with full pay, and five weeks of supplementary partner leave paid in the form of benefit equivalent to 70% of their daily wage.
- The introduction of partially paid parental leave (2022), which entitles parents to nine weeks of leave at a benefit rate of 70% of their daily wage in the first year after the child's birth.
- The Ministry of Health, Welfare and Sport, the Ministry of Social Affairs and Employment, the Ministry of Education, Culture and Science and the Ministry of Finance have asked the SER for an advisory report on the combination of work and informal care in the long term. The advisory report is expected in early 2026.
- The government is currently in the process of simplifying the leave system.
- The government is also working on a review of the childcare system with the aim of creating a simpler system offering greater certainty for working parents.
- The Gender Balance (Management and Supervisory Boards) Act (*Wet evenwichtiger verhouding tussen mannen en vrouwen in bestuur en raad van commissarissen*) encourages and monitors women's participation in senior positions.
- The government is preparing to implement the EU directive on pay transparency, which aims to strengthen the application of the principle of equal pay by increasing transparency.
- The Ministry of Social Affairs and Employment is taking action to tackle pregnancy discrimination. The campaign *Wat mag je verwachten?* ('What can you expect?') was launched in 2024, and repeated in 2025. As well as providing employers and employees with information about their rights and obligations, the ministry has commissioned a study on the nature and extent of pregnancy discrimination.
- A social dialogue on equal opportunities for women in the labour market was held in 2023/2024. As part of this process, a campaign was run in 2024 to raise awareness among workers and employers of gender prejudices in the workplace.

b) Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

The CBS's equal rights monitor, the 2024 Emancipation Monitor (*Emancipatiemonitor 2024*),[25] includes information and statistics on gender segregation and women's participation in the labour market. For instance:

- In 2023, 79.5% of women aged between 15 and 64 who were not in education were in paid employment. Net labour force participation has increased almost every year since 2013 among both women and men, but more so among women.
- Women's average working hours have increased by two hours since 2013, reaching an average of 30 hours per week in 2023.
- Nearly 70% of women (excluding school-age girls, students and pensioners) earned a net monthly income at least of €1,200 from work in 2023 (i.e. the level of social assistance benefit). This group is defined as economically independent. Among men, the proportion was higher, at 83%. This is because men are more likely to be in employment, work longer hours and earn a higher average hourly wage
- Compared to 2020, there are now more women on the boards of directors and supervisory boards of large companies. The proportion of women in senior positions has increased, particularly in listed companies, and now exceeds the statutory quota of 33% for supervisory boards. In non-profit organisations, over 40% of supervisory board members are women. In politics, the proportion of women is highest among Dutch members of the European Parliament, at 48%.
- Most mothers and fathers would ideally like to share childcare responsibilities equally, but this does not always happen in practice. Women spend more time on childcare, while men spend more time on paid work.

c) Please provide information on:

- measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;
- the implementation of those measures;
- progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

In the private sector, the Gender Balance (Management and Supervisory Boards) Act has been implemented for this purpose. As regards the public and semi-public sector, SEO Amsterdam Economics will publish annual monitoring reports for a period of five years; a dashboard showing gender diversity at the senior management level in the public and semi-public sector has also been developed.

Private sector

The Gender Balance (Management and Supervisory Boards) Act came into force on 1 January 2022. Its aim is to achieve a more balanced male-female ratio in senior management positions in large public and private limited companies. The Act is partly based on the SER advisory report '*Diversiteit in de top: tijd voor versnelling*' ('Diversity at the top: time for acceleration'), which was commissioned by a previous government.

The Act introduces a mandatory growth quota for the supervisory boards of companies listed on the Dutch stock exchange. It also lays down target-setting and transparency requirements for the 5,000 large companies in the Netherlands. The act must be evaluated after five years (2027), and will be repealed eight years after its entry into force.

[25] CBS, see: Summary – Emancipation Monitor 2024 | CBS

Public and semi-public sector
To measure progress in gender diversity at senior management level in the public and semi-public sector, the Ministry of Education, Culture and Science has commissioned SEO Amsterdam Economics to compile annual monitoring reports over the period 2022-2027. On the basis of this monitor, a dashboard showing gender diversity at senior management level in the public and semi-public sector has also been developed; the dashboard will be updated each year.

Private sector
Large companies are legally required to set appropriate and ambitious targets for the gender composition of their boards (including the supervisory board) and among their senior and upper management personnel, and to draw up plans to achieve these targets. They must report annually to the SER on targets and progress using the SER Diversity Portal. The SER publishes the results via its data explorer, which shows how gender diversity is developing at board and senior and upper management level, broken down by company, sector, and for the Netherlands as a whole.

The SER Scorecard is used annually to provide a summary overview of the gender balance in board-level and senior and upper management positions within Dutch companies. A more comprehensive report is released later in the calendar year.

The SER Scorecard 2025[26] contains the latest figures for the 2023 financial year. As of the end of 2023, while women held an average of 25.7% of seats on supervisory boards and 26.6% of upper management posts, their representation on boards of directors was lower, averaging just 15.3%.

Public and semi-public sector
The 2024 Monitor shows that the proportion of women in senior management positions has increased from 39% to 41% on average. In previous years, gender diversity likewise rose by an average of two percentage points per year, increasing from 35% to 37% between 2021 and 2022, and from 37% to 39% between 2022 and 2023.

The main conclusion of the 2024 Monitor is that some sectors have shown progress, but there is still considerable room for improvement, particularly in sectors where women often still occupy less than 30% of senior management positions.

As in the private sector, major differences persist between sectors and types of organisations in the public and semi-public sector.

d) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.
The most important figures have already been included in the answer to the previous question. Comprehensive data and monitoring are publicly available via the links below:

Private sector
Link: SER Scorecard 2025 – Monitor genderbalans in het Nederlandse bedrijfsleven
Link: SER Scorecard 2024 – Monitor genderbalans in het Nederlandse bedrijfsleven

The annual Female Board Index provides further information on the representation of women and men in management boards and supervisory boards of public limited companies with their registered office in the Netherlands and a listing on the stock exchange. The reference date for the index is 31 August 2025.

The Female Board Index 2025 reveals the following:
- 44% of supervisory board members are women;
- 17% of management board members are women.

[26] SER Scorecard 2025 – Monitor genderbalans in het Nederlandse bedrijfsleven

Public and semi-public sector:
Link: Genderdiversiteit in de top van de overheid (Gender diversity at senior management level in government)

Report in respect of the Caribbean part of the Netherlands

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

Measures to encourage or strengthen the positive freedom of association of workers are not sector-specific. This is primarily achieved through the applicable legal framework, particularly the BES Collective Labour Agreements Act (*Wet collectieve arbeidsovereenkomsten BES*) and the BES Industrial Disputes Act 1946 (*Arbeidsgeschillenwet 1946 BES*). Additionally, Book 7a, article 1615h, paragraph 6 of the BES Civil Code is relevant: 'On pain of nullity, the employer may not terminate the employment relationship on the grounds of the employee's membership of a trade union whose articles of association state that its objective is to promote the interests of that union, unless these union activities are carried out during working hours and the employer has withheld permission on reasonable grounds.'

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Answer to both B and C: The legal criteria for engaging in collective bargaining form part of the BES Industrial Disputes Act 1946 and delegated legislation. At the request of the employer or the executive committee of an employees' trade union, the mediator appointed under the aforementioned Act may hold a referendum among one or more categories of employees within a company, as determined by the mediator, for the purpose of establishing which trade unions are designated by the majority of employees to represent them in employment matters. Only trade unions with legal personality, whose articles of association specifically mention the authority to negotiate collective labour agreements, and which have submitted documents showing that the majority of the relevant category or categories of employees are members of that union, may take part in the referendum. See section 14, subsection 1 of the BES Industrial Disputes Act 1946.

d) Please provide information:

- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

Even if they were not involved in the negotiation of a collective labour agreement, members of trade unions may still benefit from its provisions on the basis of section 14 of the BES Collective Labour Agreements Act: 'Unless the collective labour agreement specifies otherwise, an employer who is bound by the agreement must, for its duration, apply its employment conditions to all contracts referred to in the agreement, including those with employees who are not themselves bound by the agreement.' General employee participation is not regulated by law for the Caribbean Netherlands. The Works Councils Act (*Wet op de Ondernemingsraden*) only applies to the European part of the Netherlands. However, the BES Industrial Disputes Act 1946 does provide scope for establishing an employees' council at company level.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

The government promotes joint consultation by presenting relevant new policy proposals and legislation to the Bonaire Central Dialogue (*Centraal Dialoog Bonaire*) consultative body, and by participating actively in this body, acting as an observer and sharing information. There is no established formal social dialogue in St Eustatius or Saba at the moment, though the social partners can get involved through the local administrative authorities. This possibility is regularly mentioned during consultations with the executive councils (*bestuurscolleges*) of St Eustatius and Saba.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

New legislation that has been specifically put forward for consultation includes the BES Childcare Act (*Wet kinderopvang BES*) and the Act amending BES Social Affairs and Employment Acts 2024 (*Wijzigingswet SZW-wetten BES 2024*). Furthermore, at the request of the Central Dialogue consultative body, working hours for young people in the Caribbean Netherlands have been aligned with those of the Netherlands in Europe since 1 January 2025 under the Social Affairs and Employment (Miscellaneous Provisions) Act 2025 (*Verzamelwet SZW 2025*).

The government has also consulted with the parties in the Caribbean Netherlands on a range of other

topics, including the evolution of the minimum income standard, with the level of the statutory minimum wage and benefits in Bonaire, St Eustatius and Saba being a particularly important issue.

Where possible, input from the parties in the Caribbean Netherlands is taken into consideration. When draft legislation is prepared, the explanatory memorandum always indicates how this input has been incorporated. Following consultations about the Act amending BES Social Affairs and Employment Acts 2024, an analysis of social security in the Caribbean Netherlands compared with the system in the Netherlands in Europe was undertaken. This was completed in mid-2025 and shared with the parties in the Caribbean Netherlands.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

The BES Collective Labour Agreements Act contains a clause regarding the scope of collective labour agreements. Section 14 of this Act (cited earlier) is worded as follows: 'Unless the collective labour agreement specifies otherwise, an employer who is bound by the agreement must, for its duration, apply its employment conditions to all contracts referred to in the agreement, including those with employees who are not themselves bound by the agreement.'

Deviations in collective labour agreements from statutory provisions are sometimes permitted. Examples include:

- The possibility of deviating from the statutory rule on continued payment of salary in the event of sickness, as set out in Book 7a, article 1614c, paragraph 7 of the BES Civil Code.
- The possibility of deviating from provisions relating to working hours for night work, as set out in section 12, subsection 6 of the BES Employment Act 2000 (*Arbeidswet 2000 BES*).

It should be noted that the government is not involved in the collective bargaining process and that there is no provision for declaring collective labour agreements generally binding for the Caribbean Netherlands.

b) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

On the basis of a 2025 report about the theory, practice and opportunities for improvement of employment law in the Caribbean Netherlands (*Arbeidsrecht Caribisch Nederland – Theorie, praktijk en verbetermogelijkheden*) by research consultancy SEO Amsterdam Economics, it is reasonable to conclude that there are no specific obstacles in the collective labour agreement process. There is therefore as yet no reason to take measures.

c) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to

workers and (ii) self-employed workers.

In the Caribbean Netherlands, there has been no decline in collective bargaining coverage. Although the aforementioned report by SEO Amsterdam Economics notes that more and more collective labour agreements are being concluded in the Caribbean Netherlands, mainly in Bonaire, it is likely that the proportion of employees covered by a collective labour agreement is significantly lower in the Caribbean Netherlands than in the European part of the Netherlands.

Article 6§4 Collective action

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

Section 3a of the BES Industrial Disputes Act 1946 imposes restrictions on the right to strike: 'If in a company a dispute has arisen that is causing, has caused or, in the opinion of Our Minister of Social Affairs and Employment, is likely to lead to a strike or lockout within that company, then, for a maximum period of thirty days to be determined by the aforementioned Minister, it is prohibited for both the employees and the employer within that company to, as a result of the dispute, wholly or partially suspend the work or tasks that the employees have expressly agreed to perform or that they are obliged to perform by virtue of an employment contract (...).'

Furthermore, section 3b, subsection 1 of this Act explicitly states that if a dispute has arisen or is threatening to arise in certain designated sectors, employees in those sectors are not permitted to strike or refuse to work until the mediation process – carried out by a mediator appointed under the same Act for the purpose of settling or preventing the dispute – has been completed. Under section 3b, subsection 2 of the Act, the period during which strikes are prohibited is at least 90 days.

Pursuant to article 24a of the BES Industrial Peace Regulation (*Arbeidsvrederegeling BES*), the designated companies referred to in section 3b, subsection 1 of the BES Industrial Disputes Act 1946 are as follows:

a. the mining, gas, electricity, water, energy production and telecommunications companies based in Bonaire, St Eustatius or Saba;
b. hotels with more than 20 rooms;
c. medical and nursing facilities with more than 10 beds;
d. fuel supply companies (both wholesale and retail);
e. food companies and food import companies with more than 20 employees.

A strike ban has in fact only been imposed once pursuant to article 3b, paragraph 1 of the aforementioned Regulation; this brief ban, imposed on 27 August 2018, affected staff working at Fundashon Mariadal (medical facility) in Bonaire.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

The government considers the scope for prohibiting strikes on the basis of the aforementioned legal provisions to be sufficient and is not exploring other potential measures, as there is no reason to do so at this stage.