

Committee on the Application of Standards

Date: 19 May 2025

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 19 May 2025.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Netherlands

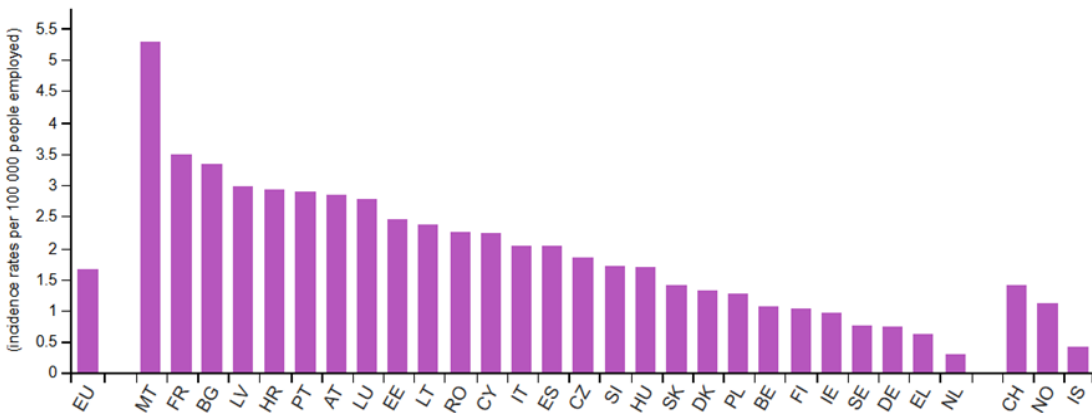
Labour Inspection Convention, 1947 (No. 81) (ratification: 1951)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1973)

The Government has provided the following written information.

Articles 3, 10 and 16 of Convention No. 81 and Articles 6, 14 and 21 of Convention No. 129.
Number of labour inspectors and frequency of labour inspections to ensure the effective discharge of inspection duties

Recent Eurostat figures on occupational deaths highlight that the Netherlands has the lowest number of fatal occupational accidents in the EU and EFTA countries.



Source: Eurostat. Fatal accidents at work, latest available data pertain to 2022.

The relatively positive state of occupational safety and health (OSH) in the Netherlands is due to the nature of sectoral economic activity and the importance that the Dutch system, legislation, and supervision attribute to the responsibility imposed on employers and the

cooperation of social partners for assessing and mitigating OSH risks. The system rests on attributing that responsibility to social partners at the national level, sectoral and branch level, and at the level of individual companies, for example, works councils.

Capacity of the Netherlands Labour Inspectorate (NLA)

In 2024, the NLA had a capacity of 1,815 full-time equivalents (FTE). This represents an increase of 61 per cent as compared to 2017, when staff totalled 1,127 FTE. The increase in staff since 2017 is due to several deliberate policy choices. For example, the so-called “inspection control framework” of 2017 identified four areas where a political decision was needed to either invest in NLA or maintain the status quo. The coalition agreement confirmed expansion in all four areas.

In 2017, it was also recognized that new tasks had been entrusted to the NLA without a commensurate budgetary increase to hire staff. It was decided that henceforth, explanatory memoranda of acts or regulations entrusting the NLA with new tasks, should explicitly detail the consequences in terms of the required enforcement and staff. Furthermore, and ever since, a number of new tasks have been accompanied by additions in staff.

The 2022 coalition agreement, confirmed in the 2024 coalition agreement from the current Government, contained a further increase of staff. This resulted from a number of developments.

Firstly, in October 2019, the NLA published “the state of fair/decent work”. This study uncovered seven mechanisms that contributed to unfair working conditions in the Netherlands for groups in vulnerable situations, especially migrant workers. It identified the need for political decision-making to reduce the vast number of legal possibilities for “packaging labour”.

Secondly, in January 2020, a Cabinet’s advisory committee reviewed labour market institutions and concluded that temporary work had become too pervasive and that it should be restricted to instances of sickness and temporary production peak needs.

Thirdly, COVID-19 highlighted the working conditions of temporary workers – most of whom are migrant workers – in, for example, the food processing industries. This led to the establishment of another Cabinet’s advisory committee. In October 2020, this committee proposed a comprehensive set of measures to improve working and living conditions for migrant workers and to the provision of information to them. Consequently, temporary work agencies will be regulated. This legislation is scheduled to take effect for the NLA in 2028. Currently, there are no requirements for temporary agencies. Therefore, the sector consists of approximately 20,000 agencies. The new legislation will require agencies to seek admission. To intensify enforcement, NLA staff has been increased by 90 FTE. An additional increase of 45 FTE has been decided recently. In its annual plans and reports, the NLA has described the increase in staff and all that it entails in terms of selecting, hiring, training and accompanying newly recruited people and the tremendous effort this took from experienced staff. Annual reports and project-conclusion reports provide for accountability.

Means of the Netherlands Labour Inspectorate

With regard to the means at the disposal of the NLA, every inspector has a company car, several mobile devices with dedicated and tailor-made software to upload pictures, interviews, and documents immediately to the case-registry system. The most recent peer-review evaluation, as conducted by the Senior Labour Inspectors Committee (SLIC), confirmed that the level of technical and logistical support was innovative and state of the art.

Beyond inspections

Since 2016, it has been established that mere numbers of inspections are a poor indicator for results. The desired outcome of supervision is to enhance employers' compliance with legal obligations and to enforce them. The underlying public values that those legal provisions seek to achieve are safe and healthy working conditions and fair/decently remunerated work. To this end, the NLA uses an array of interventions. These include: (1) inspection visits with the explicit aim of enforcing legal provisions; (2) follow-up inspections to determine if improvements have been made; (3) monitoring visits to establish a (statistical) "baseline" of compliance; (4) joint campaigns with sector or branch organizations aimed at addressing the individual employers; (5) targeted communication to individual employers by traditional means; (6) self-inspections tools to inform and facilitate compliance by employers; (7) targeted social media campaigns to increase awareness and knowledge; and (8) checklists aimed at employers. Finally, the NLA signals major developments or flaws in the legal provisions to policymakers, parliament and the public, as an act of self-reflection.

Unannounced and announced inspections

In principle, inspections take place without prior notification to the employer or employees. The only notable exception is the major hazard control inspection visits, which are announced. These concern the approximately 400 major processing and chemical installations in the Netherlands. These SEVESO type installations require in-depth and specialized inspectors, often with engineering or process operating experience. Inspections take place together with the fire department and environmental supervisors. NLA supervision of SEVESO focuses on the systems and procedures for emergencies, maintenance, and upkeep at such plants. Shortcomings are not easily obfuscated as proven by the enforcement rate of a little under 40 per cent. Therefore, there is very little added value in unannounced visits, whereas notification serves a clear purpose: a coordinated visit with other services and inspectors need to meet with certain key personnel on-site. All other inspections – whether on OSH, fair work or labour law rights – take place without notification.

Intervention coverage ratio

The intervention coverage ratio was 17.4 per cent in 2024, indicating that 17.4 per cent of the total number of employers (roughly 335,000) were reached. The coverage ratio is gradually increasing. The intervention coverage ratio excludes social media campaigns. These reached approximately 180,000 employers.

Migrant workers

The NLA contributed markedly to the scientific and public debate on the working and living conditions of migrant workers. These publications clearly signal the accomplishments of enforcement, but also its limits. Some issues are "awful" but "lawful" or of a systemic nature due to business models built on attracting migrant workers on temporary contracts and commoditizing labour.

Financial incentives that drive employers' behaviour have received increased attention from the NLA in recent years, leading to a number of signalling documents to the Ministry and parliament detailing the financial gains to employers that result from illegal workers, summary dismissals of migrant workers, failing to register migrant workers as residents with the local community, but also for example business models involving young influencers.

Risk-based supervision

The NLA uses a risk-based supervision model. Risk analysis drives its active programming as well as its follow up to incoming complaints or signals of violations. In 2024, the NLA received approximately 12,000 complaints. After assessment, complaints pertaining to other institutions are forwarded, complaints regarding issues which are not in violation of legal provisions receive no follow-up. Approximately 35 per cent are within the NLA remit and they lead to follow-up.

With regard to OSH, approximately 50 per cent of capacity is dedicated to following up on complaints and occupational accidents. The aim is that 50 per cent of capacity should be dedicated to active programming. The active programming of inspection projects is organized in 11 programmes. In most instances, the number of interventions is registered, but these numbers are hardly ever a key performance indicator. Effectiveness and desired outcomes are usually measured or approximated by different measures or metrics and qualitatively assessed. For example, 25 risk-based and 25 random inspections served to establish that a specific migration scheme for cooks suffered from high levels of fraud. The scheme was stopped by the Government, thereby preventing thousands of current and future violations.

Certified asbestos removal companies are inspected at least once every three years. In light of the persistently high level of non-compliance by a particular group of companies, the NLA intentionally plans follow-up inspections which allow, if the employers continue to violate the rules, to pre-emptively enforce a cessation of their activities for one or two months. In addition, administrative fines are increased by 100 per cent for repeat offenders.

Inspections in 35 distribution centres/warehouses, out of a total of roughly 100 distribution centres, have served to establish that all 6 major logistical companies (DHL, DPD, PostNL etc.) make extensive use of temporary workers, mostly migrant workers, hired by temporary agencies. Inspections also revealed that the physical strain is far above the international NIOSH yardstick at all six companies. These six major operators amount to 98 per cent of the package delivery market, which has been a rapidly growing business in recent years. The coordinated, comprehensive, and in-depth nature of these 35 inspections allow for a clear picture of the working conditions of thousands of temporary agency workers, most of them migrant workers. The ensuing action by the NLA is already improving and will further improve those working conditions. This is because improvement notices have been issued to each company. In the short term, they need to implement organizational measures. In the long run, the NLA requires them to automate and robotize the work processes to avoid physical strain. Insufficient measures lead to fines, an order subject to penalty, or orders of temporary cessation of activity. Follow-up inspections are done in 2025 and preliminary results indicate that measures are taken by employers.

The NLA also stresses the required collective effort. Given the competitive nature of the market, each company may individually shy away from the required investments for automation and robotization for fear of being underbid by competitors who do not invest. Therefore, the NLA stresses the need for commonly agreed rules in a so-called "OSH catalogue". This is an existing instrument that sectors may use to agree on common standards, which helps avoid competition based on working conditions. Failure to reach common standards will hamper each individual company's efforts to attain the improvements demanded by the NLA. Failure to do so will result in fines, penalties, or temporary cessation until violations cease. The NLA has a similar, systemic, approach to physical strain in luggage handling in airports.

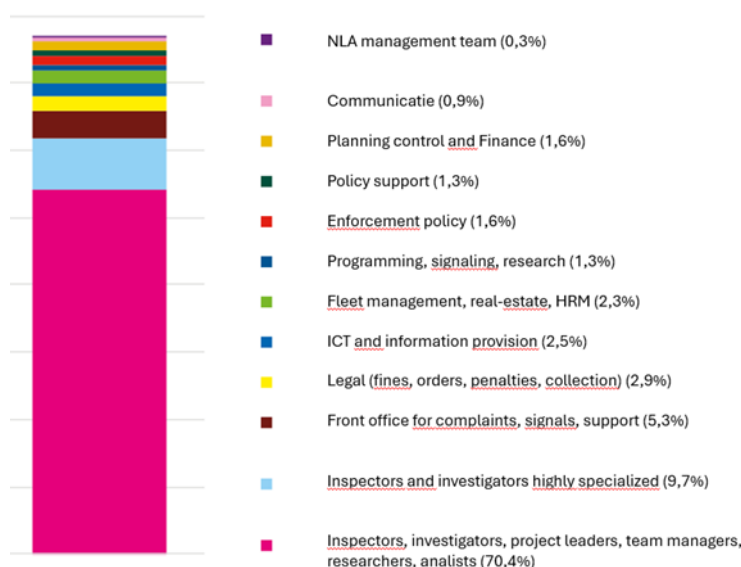
The nature of inspections and the interventions applied, differs greatly depending on the activities inspected. For example, a project on tank cleaning companies focused on the exposure of employees to hazardous substances. Almost all employers were found to have insufficiently assessed risks, inventoried the chemical agents involved in their work processes, let alone the new substances that may result from interaction of those agents, and to have taken insufficient measures to prevent employees from being exposed. This project-based approach provides a clear path for improvement for the sector.

Supervision of the agricultural sector

Annually, approximately 400 inspections take place in the agricultural sector. These may vary in nature and, as in the above-mentioned examples, the effectiveness of findings is further enhanced by sectoral organizations' follow-up to employers. A recent example concerns the use of crop protection products containing PFAS (Per- and polyfluoroalkyl substances, harmful due to build-up in organisms). Inspections have demonstrated that employers and employees are generally unaware that the crop protection products contain PFAS and are often unaware of safe ways of handling them. The NLA inspections have alerted both employees and employers to these risks and, consequently, sector organizations are now dedicating substantial communication efforts to raise awareness and promote safe handling.

Administration

A clear societal trend which is discernible in the NLA's line of work pertains to increasing legalization. Many employers do not accept the NLA's/inspectors' findings at face value, or their (financial) interests lead them to legally challenge requirements, fines, orders etc. Legally challenging the NLA and the Ministry may result from financial considerations, as it may be less expensive than the investment needed to meet NLA requirements. Although this is justifiable in view of employers' rights, it places great emphasis on training, expertise, accuracy, and detailed reporting for the NLA staff – specialists or inspectors – and on the Ministry's litigation team to ascertain violations and infractions and to uphold the required improvements. Supervision and criminal investigation requires a division of labour, a chain of disciplines each with their own tasks and specializations. The following depicts the disciplines needed to “produce” supervision, enforcement and criminal investigation.



Some of those disciplines and their tasks are of an administrative nature, but not less crucial. For example, compliance with General Data Protection Regulation (GDPR) privacy standards requires knowledge of such principles, internal guidelines, and many administrative steps. Such tasks are mainly entrusted to specialized staff, but may inevitably affect all personnel.

Administrative tasks in the sense of unnecessary, useless or merely bureaucratic requirements that add no value to NLA objectives, may arise at all times. For example, the private use of the company car is allowed and inspectors value that. However, the tax office, understandably, requires detailed accounts to determine what was private and business use. Inspectors have to keep track of this manually, a burdensome task. Therefore, the NLA is set to introduce software to automate this type of record-keeping.

Due to the changing nature of labour, the labour force and workplaces, the strategic personnel policy of the NLA is summarized as follows: more digital, more financial, and more diverse. The evolving nature of work and workload of inspectors as well as time spent on administrative tasks is monitored by team managers and project leaders based on the activities they partake in. Preventing undue administrative tasks has the NLA's continuous attention.

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Functions of labour inspectors with regard to foreign workers.

Enforcement of migrant workers' statutory rights

Migrant workers make up approximately 10 per cent of the workforce. However, NLA resources dedicated to their working conditions and situation are much more pronounced. The NLA does not target migrant workers, nor does it overlook them. The 2019 publication "*Staat van Eerlijk Werk*" has clearly analysed that there is an accumulation of occupational risks for workers with a vulnerable labour market position, oftentimes migrant workers. Due to programming and projects that are risk-based, a large majority of them end up investigating the working conditions and employers' obligations toward migrant workers. This disproportionately greater attention to migrant workers is therefore an outcome of the NLA risk-based approach, not an objective. The attention of the NLA to the working and living conditions of migrant workers is also clearly borne out by its signalling the need for more staff since 2017, the NLA active programming, and NLA publications, as for example the reflections referenced above.

Numbers and outcomes of judicial proceedings related to inspections or actions taken by labour inspectors.

The investigation of criminal offences in the Netherlands is carried out under the authority of the Public Prosecution Office. Since 1 January 2023, a specialized division for Labour Exploitation has been established in the NLA. This has further professionalized the criminal justice approach to labour exploitation. The figures, with regard to investigations into criminal prosecution of labour exploitation, are as follows for 2024:

285 signals of possible labour exploitation were received, either from our inspectors, non-governmental organizations, etc.

102 of those 285 contained an indication of labour exploitation after closer examination by criminal investigators.

96 of those 102 led to an “intake”, i.e. an interview with the possible victim(s). Investigators are certified for these types of interviews.

62 of those 96 led to them filing a report (victims may chose not to file a report).

46 investigations were started based on those 62 reports.

6 out of 46 investigations were finalized and submitted to the Public Prosecutor.

1 out of 46 investigations was stopped due to a lack of evidence.

39 out of 46 investigations are a work-in-progress.

In addition, the information obtained on the basis of investigations led to 70 “procès-verbaux” for issues and possible violations that cannot be prosecuted criminally, but that might be enforced administratively. These procès-verbaux are submitted by the criminal investigative branch of the NLA to the supervisory branch of the NLA or to other public bodies concerned.

The threshold for a criminal conviction for labour exploitation is high in the Criminal Code. The modernization of the provisions regarding labour exploitation that Parliament is currently considering, is expected to lower that threshold. It is expected that in the future, a higher percentage of investigations will successfully result in cases that can result in convictions that were submitted to the public prosecutor.

If violations do not meet the burden of proof, they may be punishable as related criminal trespass. The figures for criminal investigations submitted in 2024 for prosecution are:

18 human trafficking

13 criminal offences on OSH

10 organized benefits fraud

5 Other criminal offences

Figures regarding administrative enforcement for 2024 are:

2,557 fines were imposed.

49 orders subject to penalty were issued

231 warnings were issued for an order for a temporary preventive cessation of activity

17 orders were issued for a temporary preventive cessation of activity

A total amount of €20 million in fines was collected.

Additionally, inspectors ordered a temporary cessation of activities to prevent direct and imminent danger in hundreds of cases, varying from a few minutes to months. Inspectors also issued hundreds of warnings and improvement notices that may, if follow-up inspections confirm further violations, lead to formal enforcement instruments as outlined above.

Measures to strengthen labour inspection in temporary employment agencies

Following the recommendation of the above-mentioned 2020 Cabinet’s advisory committee in its report “Not Second-Class Citizens”, significant efforts have been made to improve the position of migrant workers in the Netherlands. The Government remains steadfast in its commitment to fully implement these recommendations.

On 15 April, the Second Chamber adopted the Labour Provision Accreditation Act (WTTA). The Senate is currently examining it. The admission system for temporary employment

agencies is scheduled to come into effect on 1 January 2027. Temporary work agencies that wish to continue their business must report to the Ministry of Social Affairs and Employment before 1 January 2027. The NLA will enforce this Law from 1 January 2028. Temporary work agencies that are active in the labour market without official admission will face enforcement. The same applies to employers who hire workers via unauthorized temporary employment agencies. The NLA staff is enlarged to enforce this Act.

Moreover, the Council of State is currently examining a proposed bill to introduce a "Reporting and Verification Obligation for Notifiable Occupational Accidents by Temporary Employment Agencies". The aim is for the bill to come into effect on 1 July 2026.

The NLA also works with the Tax and Customs Administration, the Public Employment Service (UWV) and the Social Insurance Bank (SVB) within the partnership "Tackling Abuses in Employment Agencies" (AMU). Following the recommendations of the Cabinet's advisory team, additional resources have been made available to strengthen cross-border supervision of abuses involving migrant workers. This supervision is tackled jointly through this partnership. Additionally, the modernization of article 273f of the Criminal Code (labour exploitation and serious harm) has been submitted to Parliament. This bill provides tools to improve the prosecution of abuses in the workplace, including abuses by temporary employment agencies. Budget for enforcement has been allocated to the NLA and the criminal justice chain.

Furthermore, the Government is exploring a ban on temporary employment or the setting of a minimum percentage of workers who must be permanently employed in certain sectors if there are very serious abuses. The results of the exploration are expected before the summer of 2025. The Government is implementing the other recommendations of the Cabinet's advisory team, including measures to improve the visibility of migrant workers. Temporary employment agencies are given an explicit role in the implementation of the recommendations.

Application of collective agreements to temporary posted workers

Ensuring the application of collective agreements in the Netherlands is primarily the responsibility of the social partners, who have established joint bodies that monitor compliance with the collective labour agreement conditions. The social partners and other parties concerned can submit a request to the NLA when suspecting non-compliance with the Dutch Posting of Workers by Intermediaries Act (*Waadi*). Articles 8 and 8a *Waadi*, for instance, regulate equal treatment of posted workers by intermediaries regarding wages and collective agreements. Every substantiated request leads to an investigation by the NLA of facts and circumstances and a report. For these investigations, the NLA can use its supervisory powers attributed by the General Administrative Law Act. This includes entering the workplace without permission, claiming information from any person, and claiming written particulars and documents. Everyone involved is obliged to comply. The report with the results of the investigation is shared with the relevant stakeholders (Article 15 *Waadi*). These legal provisions enable the NLA to support the social partners in their task of ensuring the application of collective agreements. From 2021 to 2024 the NLA conducted 55 separate investigations as a result of a request. The reports enable parties, mostly unions, to exert pressure and substantiate their claim. This may lead to concessions and agreement between the employer and the union. Parties may also go to civil court and use the facts presented in the NLA's report.