



NEWS REPORT

Date: 13 February 2014
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Title: 5% legal quota reserving jobs for people with disabilities
Country: The Netherlands
Context
Issue at stake: Legal obligation to reach a 5% quota of disabled people may be imposed in 2017
Ground of discrimination: Disability
Source: Legislation / political developments
Field: Employment

Content

Legislative / political development: Article 7 of the Framework Directive (2000/78/EC) forms the legal basis for positive action measures (section 1) and general supportive measures for people with disabilities (section 2). This second category is, in contrast to positive action measures, not time restricted and has been transposed in Article 3(1)(b) of the Dutch Discrimination Disability Act ("Wet Gelijke Behandeling op grond van Handicap of Chronische Ziekte") or DDA.

In the past, several supportive measures (that are in accordance with Article 3(1) sub (b) DDA) have been introduced, with an eye to the (re)integration of people with disabilities in society and on the labour market. The main example is the 1998 Act on the Reintegration of People with Disabilities in Employment ("Wet op de (Re)integratie Arbeidsgehandicapten"). This Act, which aimed at creating a coherent set of measures that facilitate the (re)integration of people with disabilities ("arbeidsgehandicapten") in employment, was however repealed in 2005.

The position of this vulnerable group of people on the labour market has remained problematic in the aftermath of the repeal. The 2012 Coalition Agreement therefore included a proposition on the imposition of a 5% legal quota reserving jobs for people with disabilities. In April 2013 however, the proposition was repealed, in response to a Social Accord between trade unions and employers' organisations. The Coalition was in need of such an accord because it lacked a majority in the Dutch Senate. Without support from the social partners, it feared it would be unable to pass the 2014 budget.

In the Social Accord, it was agreed to take the 5% quota off the table for the next few years. The employers' organisations promised to hire more people with disabilities on a voluntary basis in return. It was agreed that if the employers would fail to meet a certain number of newly created jobs for people with disabilities, a legal obligation could be imposed after all in 2017. The Government itself promised to create additional jobs for people with disabilities as well.



The further details of the promise made by the employers' organisations and the possible legal obligation have now been elaborated. The State Secretary for Social Affairs and Employment, Ms Klijnsma, has made a first draft of the Bill available for internet consultation. She is expected to send the definitive version to Parliament before the summer recess.

Employers' organisations are, on the basis of this Bill, expected to create 23.000 additional jobs for people with disabilities by 2017, only to reach a total of 100.000 extra jobs in 2026. If they fail to meet this number, fines may be imposed (on individual enterprises, 5000 EUR per job which has not been created). Under certain conditions, the 5% legal quota may enter into force and replace the voluntary promises made by the employers.

Also, the Bill encompasses a system of subsidies, compensating companies for hiring people with disabilities with a low productivity level. This eliminates the main threshold to hiring people with disabilities experienced by many companies, as a relatively high minimum wage applies to all employees in the Netherlands.

Internet link source: The (provisional) Bill and the explanatory memorandum may be retrieved at <http://www.internetconsultatie.nl/quotumwet> (last accessed 12 February 2014).