



NEWS REPORT

Date: 25 March 2014
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Title: Age requirements in job ads temporarily permitted
Country: The Netherlands
Context
Issue at stake: Government decides to temporarily permit age requirements in job ads in the struggle against youth and 50-plus unemployment
Ground of discrimination: Age
Source: Legislation / political development
Field: Employment

Content

Political development: The rising unemployment rate in the Netherlands is widely recognised to constitute a great challenge for the current coalition government. The Dutch unemployment rate has been above 8% for over a year now, relatively low in the EU-context, but still considerably higher than the Netherlands' low figures over the past decade. Accordingly, the need to address rising unemployment has become more and more urgent.

Consequently, the coalition government has now announced a number of steps, particularly targeting to help those who are hit hardest, namely the age categories 16-27 and 50-plus, in the process of finding a job. Among the steps taken is also the temporary permission (until 31 December 2015) to include age requirements in job advertisements. Employers may (temporarily) include in the advertisement that they only hire people between 16 and 27 years old, but only if the vacancy is specifically focused on addressing youth unemployment, which should also be mentioned explicitly in the job advertisement. Similar provisions apply to job advertisements specifically focused on older job seekers.

It should be clear from the text of the advertisement why the employer has decided to make a distinction on the ground of age. Government agency UWV, *inter alia* responsible for labour market services such as assisting job seekers, underlines in its declaration on this measure that the reason given needs to be credible and necessary. It remains to be seen how this will turn out in practice.

It turned out from a report on discriminatory job advertisements conducted less than a year ago by the author of this flash report, that Dutch job ads frequently include age requirements that are not objectively justified. In that report, the prevalence of discrimination in job advertisements was examined and analysed, in commission of the International Labour Organization. Among its conclusions was also the observation that the Netherlands is still lacking effective sanctions and that



awareness of (especially indirectly) discriminatory job ads is waning.¹

Discrimination is, together with lack of experience / a higher level of absenteeism, often included among the reasons given for the higher unemployment rate among the group of 16-27 years old and those older than 50. It is highly paradoxical that the current government tries to address this problem by means of (temporarily) institutionalizing discriminatory requirements.

This measure highlights and emphasizes the existing difference between the respective age groups, possibly even resulting in a counterproductive outcome as it implies that jobs without the specific disclaimer are not intended for younger job seekers or for 50-plussers. We can, moreover, only guess at the effect of this kind of measures on public awareness of anti-discrimination legislation in the field of employment.

Internet link source: The new policy as explained and clarified by the UWV (the government agency responsible for labour market measures):
https://www.werk.nl/portal/page/portal/werk_nl/werkgever/meerweten/werving/spelregels/leeftijdsdiscriminatie (last accessed 18 March 2014).

¹ The report (working title: 'Wanted': Effective Legal Measures to Eliminate Discrimination in Job Advertisements) is expected to be published in the course of 2014. Countries included were Moldova, the Netherlands, Portugal, Romania, Ukraine and the United Kingdom.