



## **European network of legal experts in gender equality and non-discrimination**

### **NEWS REPORT**

<b>Country:</b>	The Netherlands
<b>Title:</b>	Government criticised for lack of progress in addressing labour market discrimination
<b>Date:</b>	15 March 2016
<b>Expert:</b>	Rikki Holtmaat
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Parliament debates progress regarding action plan against labour market discrimination
<b>Ground of discrimination:</b>	Age, disability, race/ethnic origin, sexual orientation
<b>Source:</b>	Legislation / political development
<b>Field:</b>	Employment

### **Content**

In 2014, the Dutch government published a comprehensive action plan against labour market discrimination, targeting discrimination on the grounds of age, disability, race/ethnic origin, sex and sexual orientation. The plan comprised dozens of measures, ranging from pre-existing government policies and already proposed legislative changes to new policy proposals. In September 2015, a report on the progress made in implementing the action plan's measures was published. Last week, the report was finally debated in Parliament. The Minister of Social Affairs and Employment, Mr. Asscher (Labour Party), was severely criticised for the lack of progress made over the last two years.

The action plan included the intention to draw up a so-called "black list". Companies found guilty of discrimination would be included on this list, and would subsequently be excluded from public tenders. The intention has not materialised however, as no company has been excluded over the last two years. According to Asscher, this is due to the fact that a verdict is necessary for the government to exclude companies, and that discrimination is very difficult to prove. Members of Parliament, in this respect, reproached Asscher for failing to enforce the existing anti-discrimination law.

Another measure that was part of the action plan, to include a non-discrimination clause in all government contracts with private companies, has first been implemented in February 2016 (in a contract with an employment agency). Contract compliance clauses are developed in cooperation with private sector companies, and are thought to enable the government body to more easily rescind the contract when the private company is found guilty of discrimination. The clause stipulates that the contract will be terminated if the company has been condemned for discrimination (if no appeal is possible against the verdict).

A special labour market discrimination team, consisting of one team leader and five inspectors, has been created at the Labour Inspectorate. The inspectors will visit companies in order to check whether they have an effective anti-discrimination policy in

place. A proposal to start a policy of naming and shaming companies found guilty of discrimination, for example in press releases, has not yet been implemented. This measure is intended to deter companies from violating anti-discrimination law. In the parliamentary debate, Minister Asscher has again promised that the Act on Working Conditions ("Arbeidsomstandighedenwet") will be changed in order to render it possible to publish inspection results.

Anonymous job applications are often proposed as a solution for labour market discrimination. The city council of The Hague has initiated an experiment with such applications after a report found that applicants experienced extensive discrimination on the Hague labour market. Mr Asscher indicated that he follows the results of this and other experiments, but was reluctant to utter his support for a larger-scale implementation of anonymous job applications.

### **Key points of analysis:**

Government criticised for lack of progress in addressing labour market discrimination

### **Internet link source:**

The 2014 Action plan against labour market discrimination can be found at:  
<http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2014/05/16/kamerbrief-actieplan-arbeidsmarktdiscriminatie-en-kabinetsreactie-ser-advies.html> (Tweede Kamer, 2013-2014, 29 544, no. 523)

The report on progress as regards the Action plan is available at:  
<http://www.tweedekamer.nl/kamerstukken/detail?id=2015D31436&did=2015D31436>  
(Tweede Kamer, 2014–2015, 29 544, no. 649)

All last accessed 26 February 2016.