



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

### **FLASH REPORT**

<b>Country:</b>	Netherlands
<b>Title:</b>	Work-life balance during COVID-19
<b>Date:</b>	22 July 2020
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<b><u>Context</u></b>	
<b>Issue at stake:</b>	Work-life balance during corona crisis
<b>Grounds of discrimination:</b>	Gender, Sex
<b>Field of application:</b>	Employment, Family leave
<b>Source:</b>	Policy development, National court decision

### **Content**

Starting from 12 March 2020, the coronavirus got hold of the Netherlands. Economic and social life was put on hold, during a so-called intelligent lockdown. Schools and childcare facilities closed and parents had to work from home as much as possible. Employers were requested to be flexible with working schemes (starting later, stopping earlier, working in the evening hours etc.), but there was no obligation to do so. There have been no national special leave arrangements or subsidies. The only exception is the regulation for those people working in so-called crucial professions or vital processes who could not work from home. For them special school and childcare support was arranged during the period in which schools and childcare facilities were closed. Crucial professions included professions in healthcare, education, public transport, the food chain, transport of energy sources, trash collection, and media. Vital processes, included processes that are essential in a democracy, public health and safety, and security.

Despite the urgent request from the Dutch Government to work from home, there was and is no right to do so. According to Article 2(3)(4) and (6) of the Flexible Working Act the employer has to seriously consider a request by an employee to work from another place or to work remotely, but there is no obligation to allow them to do so. In a recent court case an employee demanded the right to continue to work from home. She had done so during the lockdown and did not want to go back to work (after the restrictions of the lockdown became less strict) out of fear to contract COVID-19. Her employer however stated that he needed her at work. The court ruled that (1) there is no legal right to work from home, especially not because Article 2 of the Flexible Working Act does not apply to employers with 10 or less employees, (2) the employer had taken sufficient measures to protect employees against the coronavirus, and (3) the employer had made it sufficiently clear that he needed the employee at work.

Research from Utrecht University, Amsterdam University and the Radboud University (Nijmegen) made it clear that the lockdown affected mothers more than fathers. The most important results from the research are the following:

- Approximately 20 % of the fathers spent more time on care for their children than before the crisis;

- Mothers continued to carry out the vast majority of care tasks and household tasks, even though they work more often in crucial professions (especially in health care and education) and therefore more often work outside the home;
- In particular mothers adapted their working hours;
- Many parents experienced more work pressure (35 %), less free time (48 %), more conflicts about the care for the children (51 %) and less balance between their work- and their private life;
- Mothers experienced a higher increase in work pressure than fathers and massively gave up on free time;
- Work pressure was (is) highest in families where both parents have a crucial profession.

In their study, the researchers investigated the division of labour and care of 863 Dutch respondents in families with at least one working parent and one or more children under the age of 18 living at home. More than half of the parents who were interviewed worked from home from April 2020 and almost all respondents indicated that their child(ren) were at home. Among those working at home, there are many highly educated parents and parents who work in the public sector.

**Key points of analysis:** The above makes it clear that the Dutch Government did not take specific measures to help women during the lockdown. The only measures taken related to those in crucial professions. The aim of these measures was not to help women, but to make sure that those in crucial professions, especially in health care, were able to continue their work.

**Internet link sources:**

Link to the research:

<https://www.uu.nl/nieuws/taakverdeling-vaders-en-moeders-verandert-door-coronacrisis>  
(‘Division of tasks fathers and mothers changes because of the corona crisis’).

Link to the court decision:

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBGEL:2020:2954>.