

Annual Report

Human rights in the Netherlands 2020

The consequences of the coronavirus pandemic for the protection of human rights on the labour market

Summary

The consequences of the coronavirus pandemic profoundly affect the Dutch labour market. People work from their homes or, in contrast, run a risk of being infected with the coronavirus because working from home is not possible. For some people, the crisis caused an increase in work pressure, for example, because colleagues dropped out sick, because they had to combine work and the provision of care, or because the amount of work suddenly increased sharply. Others lost their job, now being at risk of long-term unemployment and poverty. This report by the Netherlands Institute for Human Rights discusses the consequences of the coronavirus pandemic and, in particular, its impact on the protection of human rights on the Dutch labour market. It turns out that not everyone's labour market rights are sufficiently well protected. In order to safeguard the human rights of every human being, the central government must implement a number of measures.

Work and human rights

The right to work is a basic human right. It protects human dignity and autonomy, and contributes to economic independence and participation in society. Certain other rights are also important for protecting these values, such as the right to fair and beneficial working conditions, to non-discrimination, to legal protection, and to participation. Work contributes to the protection of other human rights, such as the right to an adequate standard of living, to health, to housing, and to education. The government therefore has obligations in order to protect the rights of every person on the labour market.

Divide in the Dutch labour market widens

This report will show that the coronavirus pandemic has not only exposed the existing divide on the Dutch labour market, but has also widened it. It concerns a divide between the position of, on the one hand, the "privileged" - highly educated, healthy, working a job featuring a high level of protection - and, on the other, the "underprivileged" - with a lower level of education, less healthy, working jobs featuring less protection, and running a far higher risk of (long-term) unemployment and poverty.

Consequences of the coronavirus pandemic crisis are not the same for everyone

Even though everyone experiences the consequences of the coronavirus pandemic, these consequences are not the same for everyone. Some groups have been disproportionately hard hit and therefore run the risk of suffering severe and long-term consequences. This includes persons with a low level of education, youths, migrants, and persons with disabilities or with physical or mental health conditions that do not allow them to work. These persons more often work as self-employed or have temporary contracts and flexible working hours ("flexible workers"). And they are the first persons to lose their jobs due to the coronavirus pandemic, while having no or only limited access to social security.

Positions in the healthcare, education, and food industry sectors are predominantly filled by women and migrant workers. These positions were designated as being crucial by the government and frequently could not be done from home. This disproportionately increased their risk of becoming infected with the coronavirus. Many migrant workers were in a difficult position, as reporting sick was not an option for them: not only would they lose their job if they would do so, but they would also lose their housing and access to healthcare, both of which are linked to their jobs.

Persons experiencing labour market discrimination, having no or only a limited command of the Dutch language, or requiring workplace adaptations are more often at a distance from the labour market and therefore experience greater difficulty with landing a job or an internship. As the coronavirus pandemic has led to a decreasing number of vacancies, they will experience even greater problems entering or returning to the labour market.

The coronavirus pandemic also seems to be detrimental to the labour participation of women and persons with disabilities. While the labour market participation of these groups had increased over the past few years, this trend is in danger of stagnation or even of being reversed. Reasons for this development include the fact that they work in sectors that are particularly hard hit by the crisis or because they had to combine work with care duties, causing them to work fewer hours or even quitting their jobs.

Coronavirus pandemic causes additional deprivation

Not only does the coronavirus pandemic intensify the structural problems existing on the labour market, it also causes new problems. Working from home has become tremendously more common since the first lockdown in 2020, for example. Despite the various advantages associated with homeworking, it renders labour market participation more difficult for many women, for people with a disability, and for persons lacking digital skills. Students are disadvantaged due to lessons and training courses being cancelled, limited opportunities for internships and traineeships, and delays with their studies. The coronavirus pandemic also disproportionately affects youths studying in sectors that have been particularly hard hit, such as the hospitality and travel industries. Moreover, training and language courses for asylum permit holders have been temporarily shut down, causing them to fall behind.

Problems with accessing the labour market increase the difficulty of finding work. In the long term, this has consequences for the income, pension, housing, and autonomy of certain people, as well as for their ability to enter into a relationship and start a family.

Government: ensure that the labour market is fair, equal, and just

The government has implemented unheard-of emergency measures to dampen the economic shock caused by the crisis, helping a great many people in Dutch society. However, the coronavirus pandemic has increased the systemic labour problems faced by certain groups and also threatens to have new groups end up on the wrong side of the existing labour market divide. The government must prevent a (widening) divide on the Dutch labour market, such by tackling not only the new problems, but also the causes underlying the existing deprivation. For the government is obliged to safeguard the rights of every person on the labour market. Its strategy to counter the problems on the labour market must for this reason give central stage to vulnerabilities, so as to ensure that persons in a vulnerable position, too, will come out of the crisis in a sound position and with due protection of their human rights.

The Institute therefore urges the government to take expeditious and immediate action so as to prevent various groups from falling behind for a longer term. This means that the government should develop and adjust policy and regulations, as well as improve supervision, enforcement, and legal protection to guarantee a fair and just Dutch labour market that offers equal opportunities to everyone.

RECOMMENDATIONS

On the basis of the Annual Report 2020, the Institute makes the following recommendations to the central government to ensure a fair, equal, and just labour market:

1. Develop (recovery) policies and regulations for the labour market in accordance with the existing human rights framework and ask human rights experts to provide advice in this connection.
2. Collect and analyse data, broken down into groups with vulnerable positions on the labour market, in order to improve policy development and evaluation, and engage these groups when developing and evaluating such policies.
3. Develop policies featuring measurable objectives to tackle the systemic problems in the field of labour market access, and do so in the short term.
4. Safeguard human rights protection of workers by employers, through supervision and enforcement, and by guaranteeing effective legal protection.
5. Protect the position of every person against, and in the event of, the loss of work in regulations and policy.