

Protecting Workers from Violence and Harassment in the Workplace

EWLL Report 2025-2026



Universiteit Utrecht

By

Noekie ten Bloemendal
Helena Ferber
Olof Huntjens
Imke Wildschut

Under supervision of

Miriam Kullmann
Frans Pennings

Table of Contents

SUMMARY	1
INTRODUCTION	2
CHAPTER 1 - GENERAL FRAMEWORK, LEGAL DEFINITIONS, AND NATIONAL PERSPECTIVES	3
1.1 <i>Legal definitions</i>	3
1.2 <i>Legal framework on workplace harassment and violence and integration within anti-discrimination laws</i>	5
1.3 <i>Current policy framework</i>	7
1.4 <i>Legal defences not limited to the definitions of workplace violence and harassment</i>	9
1.5 <i>Statistical data</i>	10
CHAPTER 2 - COVERAGE AND PERSONAL SCOPE OF PROTECTION AGAINST WORKPLACE VIOLENCE AND HARASSMENT	12
2.1 <i>Definition of Employee</i>	12
2.2 <i>Anti-violence legislation</i>	13
2.2 <i>Disparities in the legal protections or remedies among the different working categories</i>	15
2.3 <i>Informal economy workers</i>	16
CHAPTER 3 - EMPLOYER'S PREVENTIVE RESPONSIBILITIES	17
3.1 <i>Preventive procedural measures</i>	17
3.2 <i>Preventive policies</i>	19
3.3 <i>Training</i>	21
3.4 <i>Monitoring</i>	22
3.5 <i>Violence and harassment as an occupational hazard</i>	22
CHAPTER 4 - PROTECTION, REMEDIES, AND CONFIDENTIALITY	24
4.1 <i>Forms of protection</i>	24
4.2 <i>Legal remedies</i>	25
4.3 <i>Protection against retaliation</i>	27
4.4 <i>Legal safeguards to protect the privacy and confidentiality of victims throughout the reporting and investigation process</i>	27
4.5 <i>The right to stop working in the event of an immediate and serious danger</i>	29
CHAPTER 5: DOMESTIC, THIRD PARTY AND CYBER VIOLENCE AND WORK IMPLICATIONS.....	31
5.1 <i>Recognition of domestic violence affecting the workplace</i>	31
5.2 <i>Recognition of Cyber Violence in Workplace Regulations: Existing Legal Measures</i>	32
5.3 <i>Preventive measures against cyber violence</i>	32
5.4 <i>Violence or harassment perpetrated by individuals other than employers or colleagues</i>	33
CHAPTER 6 - THE ROLE OF THIRD PARTIES IN ADDRESSING AND ENFORCEMENT OF WORKPLACE HARASSMENT AND VIOLENCE	35
6.1 <i>Enforcement Agencies</i>	35
6.2 <i>Private parties</i>	36
6.3 <i>Other Relevant Third Parties</i>	38
CHAPTER 7 - IMPLEMENTATION CHALLENGES AND GOOD PRACTICES	40
7.1 <i>Challenges</i>	40
7.2 <i>Legal, structural and cultural barriers</i>	41
7.3 <i>Studies of evaluations</i>	42
7.4 <i>Effective policies and practices</i>	43
8. CONCLUSION.....	44
APPENDIX	46
<i>Overview of the Relevant Dutch Legislation</i>	46
<i>Overview of Mentioned Authorities, Organisations, and Third Parties</i>	47
<i>Overview of Relevant Policy Documents and Reports</i>	47
<i>Definitions set out in the Dutch Criminal Code</i>	48

Summary

In the Netherlands, protection against violence and harassment in the workplace is provided by a variety of legal frameworks rather than by a single, specific law. Relevant provisions can be found in equal treatment legislation, civil law, occupational health and safety law, administrative law and criminal law. Together, these frameworks impose preventive obligations on employers and provide legal remedies for victims.

Equal treatment legislation prohibits harassment and sexual harassment as forms of discrimination, while the Dutch Civil Code contains provisions such as the duty of care owed by employers to ensure a safe working environment, and the right of victims to claim compensation under tort law. More serious offences, including assault, stalking and discrimination, fall within the remit of the Dutch Criminal Code.

The Working Conditions Act plays a central role in preventing workplace violence and harassment by requiring employers to assess employment-related psychosocial pressure through a Risk Inventory and Evaluation (RI&E) and implement preventive measures.

The Dutch Civil Code provides a general definition of ‘employee’ through article 7:610, based on the criteria of work, pay, and authority, which must be assessed case by case. However, the Netherlands does not have a general labour code, so also other acts are relevant to the protection. These laws often define their own personal scope. These laws extend their protection also to groups that are not employees in the sense of the Dutch Civil Code such as, all persons engaged by an employer to do a job, interns, and certain self-employed individuals. And more generally, where legislation is based on European directives, the concept of the protected persons has to be interpreted in line with European law.

Dutch law includes safeguards to protect the privacy and safety of victims during reporting and investigation procedures. These safeguards are found in legislation such as the Working Conditions Act, the Whistleblowers Protection Act, the General Data Protection Regulation and the Code of Conduct on Privacy for Private Investigation Agencies.

Although the legal framework provides relatively broad protection, challenges remain, such as the under-reporting of incidents, the difficulty of proving harm and the limited legal framework for confidential advisers. Nevertheless, workplace violence and harassment have received increasing attention in recent years through government policies and initiatives by trade unions and NGOs aimed at strengthening prevention measures.

Introduction

Public debate on sexual misconduct intensified significantly in the Netherlands following a January 2022 episode of the online journalism programme *Boos* ("Angry"), which reported on allegations of sexual misconduct in connection with the popular television programme *The Voice of Holland*.¹ The broadcast prompted immediate political and institutional responses, including the appointment of a Government Commissioner for Sexual Misconduct and Sexual Violence and has been placed highly on the political agenda.

In this context, the Dutch government has expressed its intention to ratify ILO Convention No. 190, which is currently under consideration in Parliament. Nevertheless, the government maintains that the existing Dutch legal framework already largely complies with the Convention's requirements and that no substantial legislative amendments are necessary.

Against this background, this report provides an overview of the Dutch legal framework governing violence and harassment in the workplace and examines whether the current legislation complies with the standards set out in the Convention.

¹ 'BOOS: THIS IS THE VOICE', youtube.com, 20 January 2022, with English subtitles.

Chapter 1 - General Framework, Legal Definitions, and National Perspectives

In the Netherlands, the protection of workers against violence and harassment is ensured through a combination of existing legal frameworks, namely equal treatment legislation, civil law, occupational health and safety law, administrative law, and criminal law.

Equal treatment law prohibits harassment and sexual harassment as forms of discrimination, as will be explored further in Sections 1.1.1 and 1.4. In addition, instruments to combat violence and harassment can be found in the Dutch Civil Code. These include, for example, the employer's duty of care to ensure a safe working environment, the employer's liability for a breach of that duty, and liability under tort law. These matters will be examined in Section 1.4.1 and Chapter 4.

Another central instrument in tackling violence and harassment in the workplace is Dutch occupational health and safety law. This framework is central to the employer's duty to prevent violence and harassment in the workplace and will be discussed in more detail in Chapter 3. Enforcement of the Working Conditions Act, including the imposition of administrative fines and compliance orders, falls within the scope of administrative law. These issues will be addressed in Section 6.2.1.

While most protection arises from employment law regulations, more serious acts fall under the Dutch Criminal Code. In addition to assault and sexual assault, Dutch criminal law criminalises stalking and different forms of discrimination. A full overview of all relevant offences can be found in the Appendix.

In what follows, we will provide an overview of the applicable legal definitions per legal regime (Section 1.1).

1.1 Legal definitions

1.1.1. Definitions set out in the Civil Code and anti-discrimination legislation

In implementing Directives 2000/78/EC, 2000/43/EC, 2006/54/EC and 2010/41/EU, the Dutch legislator has adopted the Directives' definitions of harassment and sexual harassment in the Civil Code and equal treatment legislation, as set out in the table below.

Term	Legal Reference (among others)	Definition
Harassment	Art. 7:646 (7) Civil Code Art. 1a (2) General Equal Treatment Act	Conduct related to the sex of a person which occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Sexual harassment	Art. 7:646 (8) Civil Code Art. 1a (3) General Equal Treatment Act	Any form of verbal, non-verbal or physical conduct of a sexual nature which occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.
-------------------	--	--

These definitions are contained, inter alia, in the Dutch Civil Code, the General Equal Treatment Act, and specific equal treatment statutes, including the Equal Treatment (Men and Women) Act, the Act on Equal Treatment on the Grounds of Disability or Chronic Illness, and the Equal Treatment in Employment (Age Discrimination) Act. The implementation across multiple statutes has led to a fragmented legal landscape, in some instances resulting in overlapping provisions.

The Dutch legislator has chosen not to transpose the term 'unwanted' used in the Directives. The aim of this decision was to provide better legal protection for victims by avoiding judicial disputes concerning the parties' subjective perceptions.²

There is no explicit statutory definition of *victimisation*. Nevertheless, Article 6:46(14) Civil Code and Article 8a General Equal Treatment Act establish a prohibition on disadvantaging an individual on the ground that they have invoked their right to equal treatment, whether within or outside judicial proceedings.

1.1.2. Definitions set out in the Working Conditions Act

Article 3 of the Working Conditions Act provides that the employer must have a policy, as part of his general working conditions policy, to prevent and, if that is not possible, restrict employment-related psychosocial pressure. This term is defined in Article 1 of this Act as the exposure to factors in the employment situation that cause stress, including, in any case direct or indirect discrimination, sexual harassment, aggression and violence, aggravation, and work pressure. The terms *workplace violence*, *physical violence*, and *bullying or mobbing* are thus covered by Article 1 of the Dutch Working Conditions Act. These terms all fall under the statutory term employment-related psychosocial pressure, for which the employer must implement policies under the Working Conditions Act. The terms are further defined in the explanatory memorandum of the Working Conditions Act.

Term	Reference	Definition
Workplace violence and physical violence	Explanatory Memorandum p. 26 ³	Aggression and violence refer to incidents in which an employee is psychologically or physically harassed, threatened, or attacked in circumstances directly related to the performance

² M. Govaert, 'Seksuele intimidatie: een juridisch mijnenveld', TRA 2017, afl. 3, p. 4.

³ *Kamerstukken II* (parliamentary papers) 2005–2006, 30 552, nr. 3, p. 26 (explanatory memorandum to the bill).

		of work. It includes verbal violence (insults, offensive language), physical violence (kicking, hitting, threatening with a weapon, or assault), and psychological violence (threats, intimidation, coercion, endangering the domestic environment, or causing property damage).
Bullying or mobbing	Explanatory Memorandum p. 26 ⁴	Bullying means all forms of intimidating behaviour of a repeated or systematic nature by one or more employees (colleagues or supervisors) directed at an employee or group of employees who are unable to defend themselves. A key element of workplace bullying is the repetition of such behaviour over time; isolated incidents do not constitute bullying. Such behaviour may manifest through words, gestures, acts, or threats, without limitation to these forms.

1.1.3. Domestic violence

So far, there is no statutory definition on domestic violence specifically in relation to the workplace (as discussed further under Section [5.1 Recognition of domestic violence affecting the workplace](#)).

The term domestic violence has, to date, only been defined in Article 1.1.1 of the Social Support Act, according to which domestic violence is defined as physical, psychological, or sexual violence, or the threat thereof, committed a person from the domestic circle. The Act provides for municipal social support and establishes a framework for assistance in situations of domestic violence.

1.2 Legal framework on workplace harassment and violence and integration within anti-discrimination laws

1.2.1 Employers' duty of care

In the first place, workplace harassment and violence are regulated by Labour Law, specifically the Working Conditions Act. Under this act, employers have a duty of care to ensure the safety of employees in all aspects of their work. As described above, the Working Conditions Act specifically addresses the prevention of employment-related psychosocial pressure. Employment-related psychosocial pressure can be caused by undesirable behaviour. The Working Conditions Act specifically mentioned harassment and violence as forms of undesirable behaviour, and which can lead to physical, psychological and social complaints. If the employer fails to ensure the safety of its employees with regards to the prevention of employment-related psychosocial pressure, Article 7:658 of the Dutch Civil Code provides a basis for employees to hold the employer liable.

⁴ *Kamerstukken II 2005–2006, 30 552, nr. 3, p. 26 (MvT).*

The employer has a high degree of discretion regarding the fulfilment of the duty of care. The Working Conditions Act however does require the employer to develop a working conditions policy to prevent or minimize the risk posed by employment-related psychosocial pressure within an organisation, the so-called RI&E policy. Article 2.15 of the Working Conditions Decree, which is an extension of the Working Conditions Act, provides further details on this policy and sets out an action plan.

Under Dutch law, there is also a duty of good employment practices. Based on this provision as well, employers are expected to implement active policies to prevent violence and harassment in the workplace.

1.2.2 Integration of harassment and violence within anti-discrimination laws

Insofar as violence and intimidation in the workplace result from discrimination, such as on the basis of gender, race, sexual orientation, disability or age, they are also covered by anti-discrimination legislation. In the Dutch legal system, there are various ways to combat discrimination on these grounds.

The basis for equal treatment is laid down in Article 1 of the Constitution, which enshrines the principle of equal treatment:

“All persons residing in the Netherlands shall be treated equally in similar circumstances. Discrimination on the basis of religion, belief, political opinion, race, sex, disability, sexual orientation or any other grounds whatsoever shall not be permitted.”

As a fundamental right, it is also reflected in labour law. Article 7:646 of the Civil Code establishes that discrimination on the basis of gender in the workplace is prohibited. In addition to the Dutch Constitution and the Dutch Civil Code, European directives are implemented in Dutch law by various laws concerning equal treatment. Directive 2000/43/EC is implemented in the Netherlands by the General Equal Treatment Act. The General Equal Treatment Act protects employees against discrimination based on Religion, belief, political affiliation, race, gender, nationality, sexual orientation or marital status. The General Equal Treatment Act prohibits discrimination on the basis of these characteristics and guarantees equal treatment for employees. This law explicitly prohibits harassment and sexual harassment in order to implement the above directive.

Besides this general legislation, there are also separate, more specific laws that interpret European directives and guarantee equality. For instance, the Equal Treatment on the Basis of Disability or Chronic Illness Act is very important and offers protection to employees who have a disability or chronic illness and requires effective adjustments for people with disabilities or chronic illnesses if requested. Based on the Equal Treatment of Men and Women Act, an employer may not discriminate based on gender when entering an employment contract, determining terms and conditions of employment, working conditions, promotion and

dismissal. This Act includes an explicit prohibition on harassment and sexual harassment. The Equal Treatment on the Basis of Age in Employment Act protects employees from being discriminated against on the ground of age. According to Article 2 of the Equal Treatment Act, any form of discrimination based on age constitutes harassment and is prohibited by this Act. Paragraph 2 of this Article defines harassment as ‘Behaviour that is related to a person's age and which has the purpose or effect of undermining their dignity, creating an environment that is threatening, hostile, abusive, humiliating or hurtful’.

In addition to the aforementioned non-discrimination regulations based on personal characteristics, Dutch law contains several regulations that prohibit discrimination in the workplace, based on a person’s employment contract.

- Working Hours Discrimination Act
- Fixed-Term and Permanent Employment Contracts Discrimination Act
- Flexible Working Act
- Work and Care Act

1.2.3 Criminal law

In addition to civil law, the Dutch Criminal Code provides a framework for combating general violence and harassment, also including workplace related incidents. Violence is broadly interpreted in the Dutch Criminal Code. Not only physical power, but also psychological pressure or verbal expressions can be classified as violent. Harassment is most often classified as threat, or even blackmail. The Dutch Criminal Code notably also defines discrimination. Under Articles 137c-g Dutch Criminal Code, different forms of discrimination are considered a criminal offence. Specifically, Article 137g prohibits racial discrimination whilst carrying out work.

As the Dutch Criminal Code applies irrespective of employment status, it ensures that persons who fall outside the scope of employment law are still entitled to remedies through avenues other than labour and civil law.

1.3 Current policy framework

1.3.1 National action plan and legislative efforts

As mentioned in the introduction, as a result of several recent social scandals, the combatting of transgressive behaviour has been placed highly on the political agenda, and the government has set up a strong policy aimed at combating this issue. A major part of the policy is the National action plan tackling sexually transgressive behaviour and sexual violence, launched in 2023. Although the plan itself is primarily focused on reducing sexual harassment, it includes specific measures which are aimed at preventing workplace harassment.⁵

For example, companies and employees are being offered various free training courses (bystander-training, management training, works council training) in the context of sexual

⁵ *Kamerstukken II 2024/25, 36684, nr. 6, p. 2.*

harassment in the workplace, as well as a sector-based strategy that examines the effectiveness of specific measures tailored to different sectors.⁶

Furthermore, the Dutch government aims to ensure that the governmental website on working conditions has been recently updated on the subject of workplace harassment. A practical guide has also been made available for employers to support them in creating effective policies against sexual harassment at work. This guide includes an online tool in which employers can do a quick check on social safety at their workplace.⁷ The term of the plan currently runs until 2026.⁸

In addition to the national action plan, the Dutch government has also expressed its intention to introduce new legal obligations for employers, such as requiring a confidential officer and code of conduct for companies employing at least ten employees.⁹ The bill on the mandatory code of conduct will be discussed in more detail in Chapter 3.2.1.

1.3.2 ILO Convention No. 190

Consistent with the policy described above, the Dutch government has expressed its will to ratify ILO Convention No.190. The bill for ratification is currently part of parliamentary discussion.¹⁰

The government has stated that ratification of the convention is important to send a signal to other countries on the intention of the Dutch state to actively combat workplace harassment and violence. Secondly, the government wants to ensure that future legislation is consistent with the Convention.¹¹ However, according to the government there is no need for revising the current legislation to comply with the convention. In its view, workplace harassment is adequately protected by various applicable laws and regulations. Implementing a new, single law on combatting violence at the workplace, as proposed by the trade union FNV, would disrupt the existing coherence of the current system, the government argues.¹² The largest employer's organisation, VNO-NCW, agrees with the government on this view.

The largest Dutch trade union FNV however, believes that the current - fragmented - legal framework regarding workplace harassment is not in accordance with the convention. In the first place, the Working Conditions Act fails to offer guidance to judges what an adequate standard for a 'safe work environment' is and thus how to assess whether that standard is being met. In the second place, the legal framework also does not contain a provision providing mandatory access to victim aid. In the third place, the current situation with regards to

⁶ *Kamerstukken II 2024/2025*, 36684, nr. 6, p. 2.

⁷ *Kamerstukken II 2024/2025*, 36684, nr. 6, p. 3.

⁸ 'Termijn verlengd van nationaal actieprogramma tegen seksueel grensoverschrijdend gedrag en seksueel geweld en regeringscommissaris', rijksoverheid.nl, 15 april 2024.

⁹ *Kamerstukken II 2024/2025*, 36684, nr. 6, p. 3.

¹⁰ *Kamerstukken II 2024/2025*, 36684, nr. 2.

¹¹ *Kamerstukken II 2024/2025*, 36684, nr. 6, p. 13.

¹² *Kamerstukken II 2024/2025*, 36684, nr. 3, p. 23.

confidential officers is also not up to standards. Research shows that only one third of the workers that act as confidential officers have had sufficient education and training.¹³ Although legislation on this subject has been proposed (as mentioned in 1.3.1), FNV doubts whether these measures alone will bring about sufficient change.¹⁴

To ensure compliance with the ILO Convention, the FNV therefore advocates the explicit prohibition of violence and harassment. Furthermore, the FNV believes the amalgamation of all current provisions with regards to workplace harassment into a single law is necessary. This would create a more efficient and transparent system.¹⁵ With regards to the proposed legislation by the Dutch government mentioned in Chapter 1.3.1, FNV wants quality standards to be established for confidential officers, and to introduce an obligation for employers to have an internal complaints procedure.¹⁶

1.4 Legal defences not limited to the definitions of workplace violence and harassment

Workers may rely on several legal defences that are not limited to conduct formally classified as workplace violence or harassment under the definitions discussed above. These include civil law remedies, defences under administrative enforcement of OHS law and collective enforcement mechanisms.

1.4.1 Legal defences under civil law

As already set out in Section 1.3.1., an employer can be held liable to the employee under Articles 7:658 Dutch Civil Code (duty to ensure a safe working environment) and 7:611 Dutch Civil Code (duty of good employment practice). Under Article 7:658(2) Dutch Civil Code, the employer is generally liable for any damage suffered by the employee, unless the employer has fulfilled their duty of care or the damage was caused by the employees' intent or conscious recklessness. Article 7:658(4) Dutch Civil Code extends this liability to persons in a position comparable to that of the employee.

Additionally, a worker can also invoke Article 6:162 Dutch Civil Code, the general tort-based claim for damages. The tort claim requires that the wrongdoer infringed a right and acted in violation of the law or contrary to the standards expected in society, thereby causing harm to another person.¹⁷

Finally, a worker can request the court to dissolve the employment contract on the grounds of circumstances of such a nature that, in all fairness, the contract ought to terminate immediately, Article 7:671c(1) Dutch Civil Code.

¹³ *Kamerstukken II* 2017/2018, 34843, nr. 31, p. 4.

¹⁴ 'Geweld werkt niet. Ratificatie en toepassing van ILO Verdrag 190 in Nederland en internationaal', FNV, mei 2023, p. 10.

¹⁵ *Kamerstukken II* 2024/25, 36684, nr. 3, p. 22.

¹⁶ *Kamerstukken II* 2024/25, 36684, nr. 5, p. 2.

¹⁷ Article 6:162(2) Dutch Civil Code.

1.4.2 Administrative enforcement

Employment-related psychosocial pressure under the Working Conditions Act is defined broadly and is not limited to the categories of conduct set out above. Consequently, workers can report violations of the Working Conditions Act to the Netherlands Labour Authority which, under Article 24 of the Working Conditions Act, is responsible for monitoring compliance (see Section 6.1).

In addition, Article 29 of the Working Conditions Act provides for the possibility for workers to suspend work. Under this provision, workers may suspend work if a serious danger exists or, in their judgment, is imminent, and the Netherlands Labour Authority is unable to intervene in time. This provision is triggered solely by the existence of a serious danger and applies independently of whether the conduct falls within the categories of violent incidents defined above.

1.4.3 Collective enforcement mechanisms

Further arrangements regarding workplace violence may be agreed upon within the framework of a collective labour agreement. When both an employer and an employee are bound by a collective labour agreement, the terms of that agreement automatically form part of the employment contract, allowing employees to rely on them as contractual rights.¹⁸ In addition, the relevant provisions may be enforced by the contracting trade union.¹⁹

It should also be noted that claims, such as under Article 7:658 Dutch Civil Code (duty to ensure a safe working environment), may be brought against the employer within the context of a collective action pursuant to Article 3:305a Dutch Civil Code. Such claims can be initiated by an association with full legal capacity seeking to protect similar interests of other persons.

1.5 Statistical data

Various statistical datasets exist on the prevalence and characteristics of workplace violence and harassment. The most important of these will be discussed in this paragraph, ordered on basis of the institution that collected the data.

1.5.1 Statistical data collected by the government

The government conducts an annual national labour force survey, which last year achieved 68,369 responses. The survey includes a broad range of questions about work, including items on harassment, violence, and discrimination by colleagues and third parties. The responses are categorised by industry sector to enable the monitoring of potential trends. This survey focuses on developing medium-term knowledge by tracking trends in job quality and identifying high-risk groups, as well as conducting in-depth research into the relationships between work,

¹⁸ Articles 12, 13 Dutch Collective Labour Agreements Act.

¹⁹ Articles 9(2), 15, 16 Dutch Collective Labour Agreements Act.

working conditions, employees' health, and employability.²⁰ The statistical results of this survey are also presented on the website of the national statistics office (CBS).²¹

1.5.2 Statistical data issued by Unions & NGOs

Trade unions conduct statistical research on a regular basis. The largest union in the Netherlands, the FNV, carried out a broad survey in 2023. The second largest union CNV conducted a survey in 2024.²² Moreover, unions particularly launch sector-specific surveys when they suspect negative developments. For example, they have conducted targeted surveys within the Dutch prison service²³, the Ministry of Social Affairs²⁴, and several other sectors. Surveys are normally presented in a report to address the issue.

In 2024, 17% of employees reported experiencing some form of inappropriate behavior at work within the past twelve months.²⁵ This may include unwanted sexual attention, intimidation, physical violence, or bullying. Such behavior was more frequently attributed to customers (11%) than to colleagues (4.9%) or supervisors (2.7%), and often involved intimidation or threats (8.8%). Misconduct by colleagues most commonly took the form of bullying (3.0%). These figures show little variation compared to previous years.

1.5.3 Statistical data issued by independent resources

There are also multiple statistical sources available on workplace harassment that were obtained independently. A pattern we observed is that the data often focuses on a specific form of harassment or is limited to a particular sector or professional group. One example is a study on third-party aggression directed at local government employees.²⁶ These studies typically go beyond merely collecting statistical data; they also translate these data into well-founded scientific conclusions. They achieve this by posing not only quantitatively oriented questions but also qualitative empirical ones.²⁷

²⁰ Nationale Enquête Arbeidsomstandigheden (NEA) 2024: 'Onderzoeksbeschrijving', paragraaf 1.1.

²¹ CBS, statline: 'Psychosociale arbeidsbelasting werknemers; herkomst, arbeidsbelemmering'. www.cbs.nl.

²² [CNV](https://www.cnv.nl/nieuws/cnv-onderzoek-ruim-kwart-werkenden-gepest-op-werk/), Onderzoek 'grensoverschrijdend gedrag op de werkvloer, geraadpleegd op 10 december 2025, <https://www.cnv.nl/nieuws/cnv-onderzoek-ruim-kwart-werkenden-gepest-op-werk/>.

²³ FNV, Werkdruk bij Dienst Justitiële Inrichtingen – Code Rood voor personeel DJI (2020).

²⁴ FNV, Onderzoek sociale veiligheid: resultaten binnen RWS (12 maart 2025), geraadpleegd op 10 december 2025, <https://www.fnv.nl/nieuwsbericht/sectornieuws/fnv-overheid/2025/03/onderzoek-sociale-veiligheid-resultaten-binnen-rws>.

²⁵ Nationale Enquête Arbeidsomstandigheden (NEA) 2024: 'Onderzoeksbeschrijving', p. 11.

²⁶ Workplace aggression toward local government employees: target characteristics, *International Journal of Public Sector Management* (2016) 29 (1): 30–53.

²⁷ Arbo in bedrijf special: Psychosociale arbeidsbelasting universiteiten, p. 10.

Chapter 2 - Coverage and Personal Scope of Protection Against Workplace Violence and Harassment

Summary

The Netherlands does not have a specific legislation that focuses exclusively on workplace violence and harassment. This means that the protection is spread across various national and international legal sources, including the Civil Code, the Working Conditions Act, and various equal treatment laws. Within this framework, the Netherlands also lacks a clear legal definition of the term 'employee'. In practice, the European interpretation is therefore followed, focusing on the existence of a relationship of authority. Consequently, protection is not only extended to employees with an employment contract, but also to other groups, including temporary workers, interns, and certain self-employed persons. If a person carries out work without supervision, they can enforce their rights under the criminal law. However, it is less affordable than the civil or labour law.

2.1 Definition of Employee

As discussed in the previous chapter, the Netherlands does not have any specific legislation that exclusively addresses violence and intimidation in the workplace. Instead, the legal framework consists of various laws and regulations. The Civil Code is an important foundation in this regard. In particular, Articles 7:611, 7:658 and 7:646 of the Civil Code contain provisions aimed at preventing various forms of discrimination, harassment and violence in employment relationships. Additionally, the Working Conditions Act plays a central role, as this Act contains specific and targeted obligations for employers regarding a safe and healthy working environment.²⁸ International and European treaties on equal treatment and non-discrimination that have been implemented in the Netherlands also form part of this protective framework, such as the Equal Treatment Act.²⁹

This fragmented structure means that protective measures against violence and discrimination in the workplace are not set out in one specific legislation, but that it is spread out across multiple national and international legal sources. This also affects the scope of protection and the categories of employees it covers. The scope of the regulations varies from law to law and depends on how the term 'employee' is interpreted in that specific law. While some legal provisions explicitly state the categories of employees to whom the protection applies, others suffice with a more general reference to the protected persons. For example, Article 1 of the Working Conditions Act gives a general definition extending to all persons working under supervision of another person and Article 7:658 paragraph 4 of the Dutch Civil Code extends the general definition of an employee to include people who are not under an employment contract, such as temporary workers and self-employed individuals.³⁰ These provisions are further explained in section 2.1.

²⁸ Article 3 Working Conditions Act.

²⁹ Directive 2000/43/EC, Directive 2000/87/EG.

³⁰ Section 2.1 of this report.

According to Dutch law, Article 7:610 of the Civil Code provides a general definition of the term ‘employee’. This definition focuses on the criteria of work, pay and authority, all of which must be interpreted on a case-by-case basis.³¹

However, other laws relevant to the protection of workers have their own definition of who falls in their scope of application. This is partly because the European law requires a broader scope than that employee, for instance European directives on equal treatment. These set out the principles of equal treatment and prohibit discrimination on the grounds of factors such as gender, race, disability and age, and are not restricted to a particular group of the labour market.³² Also the European directive on labour conditions gives a definition of the personal scope, that is broader than of employees. That has to be followed in national legislation. But also on national considerations protection has already had a broader scope than that of employees only, such as that of Article 7:658 of the Dutch Civil Code, as mentioned below.

We will discuss the definition of the protected groups by looking closer to the aforementioned legal provisions.

2.2 Anti-violence legislation

2.1.1. Civil law and labour law

The duty of care under Article 7:658 Civil Code applies, based on paragraph 1, to all employees working under an employment contract. However, this scope is extended by paragraph 4 of this article. Based on paragraph 4, employment relationships that are not based on an employment contract as defines in Article 7:610 Civil Code can also invoke the employer's duty of care in court. Categories that fall under paragraph 4 of Article 7:658, and therefore fall within the scope of the duty of care, are:

- Temporary agency workers, seconded workers and contracting work
- Employees of contractors or subcontractors
- Self-employed persons
- Interns
- Volunteers³³

The Working Conditions Act's also covers these groups, but gives even a broader definition of the employee in Article 1.

³¹ HR 24 maart 2023, ECLI:NL:HR:2023:443, r.o. 3.2.5 (*Deliveroo*).

³² F.G. Laagland, 'Voorbij de grenzen van het Nederlandse werknemersbegrip', *Ondernemingsrecht* 1028/130, p. 2-3.

³³ P. Kroon, 'Geen arbeidsovereenkomst, wel werkgeversaansprakelijkheid', *Arbeidsovereenkomst, art. 7:658 BW, aant. 7.1.* 2023 p. 4.

First Article 1 addresses to the persons who have a contract of employment. It stipulates that the employee is the party other than the employer. This article defines the term “employer” as follows:

- a) the person to whom another person is obliged to perform work under an employment contract or public-law appointment, except if that other person is made available to a third party to perform work that the third party usually has performed; or
- b) the person to whom another person is made available to perform work as referred to under a;³⁴

Second, paragraph two of Article 1 extends the definition of ‘employee’, to a person working without an employment contract or public-law contract who work under supervision of another person. This section includes apprentices and trainees, but also self-employed persons if they satisfy the condition of supervision. Volunteers are explicitly excluded from the protected group in this provision. However by a general decree it can be provided that the employer is obliged to follow the obligations of the Act, also when there are specific dangers for the safety or necessary for the implementation of international treaties. The same is true if a self-employed person is involved. The other categories of employees referred to in Article 7:658 of the Dutch Civil Code are also reflected in the Working Conditions Act. Article 2 of the Working Conditions Act also shows the application to students and apprentices, more specific; ‘work performed by pupils and students in educational establishments or parts thereof, including open spaces, which is comparable to work in professional practice’.³⁵

Article 7:646 of the Dutch Civil Code regulates equal treatment between men and women and is further regulated in the General Equal Treatment Act. The latter Act specifically concerns equal treatment when entering an employment contract. Article 5(1)(c) prohibits discrimination when establishing or terminating an employment relationship.³⁶ For the purposes of this article, an employment relationship is defined as any form of work performed under the authority of another person.³⁷ In this context, the terms ‘employment’ and ‘employment relationship’ must be interpreted broadly. This covers all cases in which work is carried out under the direction of another. This therefore also applies to self-employed people.³⁸ As soon as there is a relationship of authority, the prohibitions apply, regardless of whether it concerns, for example, interns or volunteers.³⁹

The supplementary legislation on equal treatment on grounds other than gender, is almost entirely consistent with the scope explained above. For example, Article 3 of the Equal Treatment based on Age Act uses the same open standard as Article 5 of the General Equal Treatment Act. This concerns an open wording meaning that individuals working under the

³⁴ Article 1(2) General Equal Treatment Act.

³⁵ Article 2(b) Working Condition Act.

³⁶ Article 5(1)(c) General Equal Treatment Act.

³⁷ MvT, Kamerstukken II 22014, 3, p. 16.

³⁸ A.G. Veldman, ‘De personele reikwijdte van het EU-discriminatieverbod in de arbeid - uitbreiding naar alle zelfstandige ondernemers?’, *NtER* 2023/5/6, p 100-101.

³⁹ M.S.A. Veger, ‘Commentaar op Awgb’. *T&C Arbeidsrecht* 2025.

authority of an employer without an employment contract are also entitled to equal treatment and the anti-harassment provisions contained within it.⁴⁰ Also the scope of Article 4 of the Equal Treatment in Chronic Illness and Disability Act aligns with that of Article 5 of the General Equal Treatment Act. The prohibition of discrimination under Article 4 applies to anyone performing work under the authority of another person.⁴¹ In this sense the different equal treatment act's do also apply for people without an employment contract, for instance self-employed people.

2.1.2 Criminal law

The Criminal Code in the Netherlands contains various provisions that prohibit violence and intimidation, including in the workplace. As well as prohibiting discrimination, it contains provisions concerning offensive behaviour and rape, as detailed in the first chapter.⁴² These provisions do not specify any requirements regarding the type of employee and therefore apply to everyone in principle. Even where civil remedies are available, criminal proceedings may still be initiated.

2.2 Disparities in the legal protections or remedies among the different working categories

Looking at the big picture, we see that the protection against violence and harassment by the law is very broad, such as its scope and sphere of application. In principle, all types of employees are protected against violence and intimidation that may occur in the workplace, either in civil law or criminal law. We can see that employees who meet the European definition laid down in the Directive on working conditions are always protected against any forms of harassment and intimidation in the working place. This also applies to people without an actual employment contract, but who do work under the authority of an employer, such as temporary agency workers and self-employed people. They are therefore entitled to protection against violence and harassment as regulated by Dutch law, including through the employer's duty of care. Because they enjoy this right, they can enforce it in court if they believe that an employer has violated this duty of care. An employee can then attempt to obtain compensation for damages.

Additionally, there are two categories of people who cannot rely on the Working Conditions Act, while they are mentioned in the ILO Convention 190. These are former employees and job applicants.⁴³ Neither can they invoke employment or civil law in cases involving violence or intimidation. This means that they are responsible for their own health and safety at work and cannot hold their employer or client responsible for abuses in the workplace under labour law.

The only option is that they rely on criminal law. After all, the protection offered by criminal law applies to everyone, regardless their relationship with their employer. However for this

⁴⁰ M. Heemskerk, 'Commentaar op WGBL', *T&C Arbeidsrecht* 2025.

⁴¹ MvT, Kamerstukken II 2001/02, 28169, 3, p. 33-34.

⁴² Section 1.4 of this report.

⁴³ *Kamerstukken II* 2024/25, 36 684, nr. 3 p. 7.

purpose they have to rely on the authorities supervising criminal law, such as the Labour Inspectorate.

They can ask instance by these authorities in case of violence or intimidation in the workplace.⁴⁴ This is of course a much weaker form of protection than that of other employees. While these other employees have various ways to assert their rights and therefore have a greater chance of receiving compensation in case of infringement of the law, those not protected by the Dutch Civil Code and Working Conditions Act, have to rely on criminal law where the emphasis is on holding the offender accountable. Furthermore, criminal law requires a higher standard of proof and adheres to a formal procedure. The employee has less influence over the proceedings. As we can see, the criminal law is less advisable to resort to criminal law in cases of workplace violence and intimidation.

2.3 Informal economy workers

Informal economy workers will generally fall within the scope of the Dutch Working Conditions Act.⁴⁵ As stated before, Dutch law applies a broad legal definition of ‘employee’. Individuals working in the informal sector will often perform work under the authority of another and therefore also fall within the scope of the Working Conditions Act.⁴⁶

Since the legislator takes the view that informal workers already fall within the scope of protection of existing working conditions legislation, no objections were raised with regard to the requirement under ILO Convention No. 190 to also protect workers in the informal economy.

It should be noted that the protection of informal workers already entails additional challenges. These include language barriers, as well as limited visibility due to the informal nature of their work. In our view, these challenges cannot be linked to, nor do they diminish, the obligation of employers to also protect informal workers according to ILO Convention No. 190.

⁴⁴ Article 246 and 300 Dutch Criminal Code.

⁴⁵ Article 1 Working Conditions Act.

⁴⁶ Mvt, Trb. 2020, 2 en Trb. 2020, 34, p. 7.

Chapter 3 - Employer's Preventive Responsibilities

Summary

Under Dutch occupational health and safety legislation, employers are legally required to address workplace violence and harassment through a risk assessment and evaluation and plan of action. Rather than prescribing specific measures, the Working Conditions Act requires employers to develop solutions tailored to the needs of the undertaking. Incidents of violence and harassment may qualify as occupational accidents or work-related diseases. However, Dutch law does not attach specific social security entitlements to such recognition.

3.1 Preventive procedural measures

Preventive procedural measures against violence and harassment are outlined in the Dutch occupational health and safety legislation and integrated into occupational health and safety-procedures. These are laid down in the Working Conditions Act, Working Conditions Decree, and the Working Conditions Regulations and further specify and operationalise the employer's duty of care. Under those laws, violence and harassment are considered employment-related psychosocial pressure (Article 1(1) Working Conditions Act).

The Working Conditions Act imposes several preventive procedural obligations on the employer. These include the implementation of an occupational health and safety policy (Article 3), a risk assessment and evaluation (Article 5), and a corresponding plan of action (Article 2.15 Working Conditions Decree). Furthermore, the employer shall ensure that employees are given appropriate information about their duties and the associated risks, as well as appropriate training in respect of working conditions, Article 8 Working Conditions Act. Finally, the employer shall seek expert assistance in reviewing the risk assessment and evaluation, Article 14(1) Working Conditions Act.

Firstly, it should be noticed that the Working Conditions Act does not prescribe how employers are to give effect to the standards laid down in the Act. The Act is based on the principle that employers and employees may, in consultation with one another, give effect to a policy. By this, the policy can be tailored to the specific needs of the employer's undertaking. Consequently, the Act allows for flexibility but also entails an explicit obligation to provide customised solutions.⁴⁷

3.1.1 Risk inventory and evaluation

As part of the general working conditions policy, the employer shall operate a policy aimed at preventing employment-related psychosocial pressure, or limiting it if prevention is not possible, Article 3(2) Working Conditions Act. In order to do so, the employer is required to identify and assess risks related to employment-related psychosocial pressure in a written risk inventory and evaluation (hereinafter "RI&E") under Article 5 of the Working Conditions Act. This risk assessment and evaluation also include a description of risks affecting particular

⁴⁷ S. Sikkink & S.K. Schreurs, 'Too little, too late', *ArbeidsRecht* 2025/33, p. 23.

groups of employees. Examples of such special groups of employees include women, young and older workers, pregnant employees, or individuals with disabilities.⁴⁸

This risk assessment and evaluation also include a plan of action. This entails a description of the measures aimed at limiting hazards and risks, Article 5(3) Working Conditions Act and Article 2.15 Working Conditions Decree. The employer needs to take into account the state of scientific knowledge and professional standards. The RI&E shall also entail a timeframe for implementing the described measures. The employer shall ensure that every employee can take cognizance of the risk assessment and evaluation, Article 5(6) Working Conditions Act.

3.1.2 Parties Involved in the Establishment of the RI&E

Although the employer retains ultimate responsibility, several parties must be involved in the preparation of the RI&E. In undertakings with more than 25 employees, the employer shall seek assistance from *employees who are experts in prevention and protection*, Article 13(1) of the Working Conditions Act. These employees assist the employer independently and autonomously.

Additionally, the employer shall consult the *Works Council or the Employee Representative Body* in the course of the establishment of the RI&E. Pursuant to Article 27(1) Works Council Act, the Works Council or the Employee Representative Body is required to approve the RI&E and the Action Plan.

Finally, the RI&E shall be reviewed by a *certified occupational health and safety service, certified health and safety expert, or company doctor*. The review concerns the completeness, reliability, and incorporation of current scientific and professional insights. It is followed by a formal opinion of the expert, Article 2.1 (1) Working Conditions Regulation. Employers with a maximum of 25 employees who make use of an industry-specific RI&E-tool are exempt from the certification requirement.

3.1.3 Industry-specific RI&E-tools

Industry-specific RI&E tools are provided by sectoral associations. These are tools that assist employers in the preparation of an RI&E. By way of example, reference may be made to an RI&E instrument developed for court bailiffs.⁴⁹ It sets out questions to identify hazards, outlines the corresponding risk

ARBO Risico-inventarisatie en -evaluatie KBvG (versie 01)

Agresie	NVT	Ja	Nee	Risicoscenario(s)	Risico klasse	Oplossing (alleen maken bij een knipbeurt, score is gemiddelde punt(s))	Deadline	Verantwoordelijke
Zijn er huisregels (gedragsregels) opgesteld, waaraan bezoekers en klanten zich moeten houden? Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lichamelijke- of psychische klachten door agressie.	4	<input type="checkbox"/> Opstellen huisregels.		
Voelen medewerkers zich voldoende veilig tijdens het openen- en sluiten van het bedrijf(sand)? Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		2	<input type="checkbox"/> Aflijf met twee personen openen en sluiten. <input type="checkbox"/> Afspraken maken met een beveiligingsbedrijf. <input type="checkbox"/> Afspraken maken met de buren.		
Wordt het thema agressie regelmatig besproken in het team/organisatie? Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		8	<input type="checkbox"/> Periodiek agressie bespreken in het werkoverleg.		
Wordt er gestimuleerd om zoveel als mogelijk digitaal te betalen? Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/> Mogelijkheden voor digitaal betalen nagaan.			
Zijn spreekkamers zo ingericht dat de bezoeker niet tussen de medewerker en de sluitweg zit? Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/>			
Agresie (buitendienst)	NVT	Ja	Nee	Risicoscenario(s)	Risico klasse	Oplossing (alleen maken bij een knipbeurt, score is gemiddelde punt(s))	Deadline	Verantwoordelijke
Wordt er voor het bezoeken van (bekende) risicoadressen een korte risicoanalyse gemaakt? (Bijvoorbeeld vooroverleg met politie of intern wie is de juiste persoon voor de werkzaamheden) Toelichting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lichamelijke- of psychische klachten door agressie.	2	<input type="checkbox"/> Gebruik maken van de checklist agressie buitendienst uit de Arbocatologus.		

⁴⁸ Kamerstukken II 2024/15, 36 684, nr. 3, p. 14.

⁴⁹ Risico inventarisatie en -evaluatie - Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders, p. 21.

scenarios, and provides proposed solutions.

For example, the instrument poses the question of whether court bailiffs feel sufficiently safe when opening and closing the office premises. The associated risk scenario is identified as physical or psychological harm resulting from aggression, and the following solutions are proposed:

- always opening and closing the office premises in pairs;
- making arrangements with a security company; or
- making arrangements with neighbouring premises.

3.1.4 Occupational health and safety catalogues

Another mechanism through which sector-specific guidance is developed is the use of so-called occupational health and safety catalogues. As already set out, one of the principles of the Working Conditions Act is that it does not prescribe how employers are to give effect to the standards laid down in the Act. Occupational health and safety catalogues consist of agreements between employers' and employees' organisations and contain best practices, methods, and techniques for safe and healthy working.

Once the catalogue is admitted and approved by the Labour Authority, it serves as a reference framework for supervisory practice. The catalogues are not explicitly binding for employers, so there is no legal obligation to operate in accordance with a catalogue. However, compliance with the standards set out therein gives rise to the presumption that the employer has fulfilled the statutory requirements.

Nevertheless, alternative means of fulfilling the obligations under occupational health and safety laws are permissible, provided that they achieve the statutorily required level of protection.⁵⁰

3.2 Preventive policies

Within the Plan of Action, the employer sets out and implements measures, with due regard to the state of scientific knowledge, to prevent or mitigate employment-related psychosocial pressure.⁵¹ In the explanatory memorandum to the Working Conditions Act, the Dutch legislator explicitly emphasises that there is no single best approach for every organisation.⁵² Measures typically include:

- Providing information and instructions for employees on the measures the employer takes to prevent undesirable conduct, and on the actions, employees can take if they encounter such behaviour.⁵³
- Establishing a code of conduct.⁵⁴

⁵⁰ Beleidsregel arbocatalogi 2019 (Policy rule on OHS-catalogues) (Stcrt 2019, 28560), p. 32.

⁵¹ Article 5(3) Working Conditions Act and Article 2.15 Working Conditions Decree.

⁵² Kamerstukken II 2005/06, 30552, nr. 3, p. 31.

⁵³ Kamerstukken II 2020/21, 35 592, nr. 3, p. 3.

⁵⁴ Kamerstukken II 2020/21, 35 592, nr. 3, p. 3.

- Drafting a protocol on how to act in cases of undesirable behaviour.⁵⁵
- Appointing a *confidential officer*.⁵⁶
- Implementing a complaints procedure, including an accompanying complaints committee.⁵⁷
- Addressing perpetrators.⁵⁸
- Supporting, guiding, and providing care for employees who have been exposed to undesirable behaviour.⁵⁹

However, it should be noted that employers are free to adopt different measures, provided that they offer an equivalent level of protection.⁶⁰ For example, confidential advisers and codes of conduct are regarded as “best practices”. Their absence cannot, at present, be enforced or sanctioned by the Labour Authority.⁶¹ Legislative proposals are currently under consideration that would make both measures mandatory for undertakings with at least ten employees; they will be examined in more detail below.

3.2.1 Code of Conduct

The first legislative procedure concerns a mandatory code of conduct for businesses with ten or more employees. According to the proposal, employers will be required to have a written code of conduct in place in order to prevent and limit undesirable behaviour in the workplace by employers or employees.⁶² The code of conduct shall specify which conduct or behaviour is considered undesirable.⁶³ Additionally, it shall indicate what an employee can do if confronted with undesirable behaviour, such as filing a complaint with a complaints committee or consulting a confidential officer.⁶⁴ The code must also specify the measures and sanctions the employer will take in the event of a breach.⁶⁵

Although these provisions are to be integrated into the Working Conditions Act, it remains uncertain when the act will be adopted, and if so, when the provisions will come into effect.⁶⁶

⁵⁵ Sikkink & Schreurs 2025, p. 24.

⁵⁶ Kamerstukken II 2024/25, 36 684, nr. 3, p. 4.

⁵⁷ Kamerstukken II 2024/15, 36 684, nr. 3, p. 14.

⁵⁸ Kamerstukken II 2020/21, 35 592, nr. 3, p. 3.

⁵⁹ Kamerstukken II 2020/21, 35 592, nr. 3, p. 3.

⁶⁰ S. Sikkink & S.K. Schreurs, 'Too little, too late', *ArbeidsRecht* 2025/33, p. 24.

⁶¹ K. Ammerlaan, 'De vertrouwenspersoon en gedragscode ongewenst gedrag in onderzoek, toezicht en rechtspraak: inzichten voor het debat over de beoogde verplichtstelling', TRA 2026/16, p. 21.

⁶² Concept memorie van toelichting wijziging van de Arbeidsomstandighedenwet in verband met de invoering van een verplichte gedragscode ongewenst gedrag, p. 12.

⁶³ Concept memorie van toelichting wijziging van de Arbeidsomstandighedenwet in verband met de invoering van een verplichte gedragscode ongewenst gedrag, p. 14.

⁶⁴ Concept memorie van toelichting wijziging van de Arbeidsomstandighedenwet in verband met de invoering van een verplichte gedragscode ongewenst gedrag, p. 14.

⁶⁵ Concept memorie van toelichting wijziging van de Arbeidsomstandighedenwet in verband met de invoering van een verplichte gedragscode ongewenst gedrag, p. 14.

⁶⁶ 'Code of conduct will be mandatory in the workplace', Business.gov.nl.

3.2.2 Confidential officer

The second legislative procedure concerns the obligation for businesses with ten or more employees to appoint a confidential officer.⁶⁷ This officer serves as a point of contact for employees who are, or have been, confronted with undesirable conduct, providing them with support, guidance, and assistance.⁶⁸ The confidential officer is bound by confidentiality.⁶⁹

Furthermore, it is the task of the confidential officer to advise the employer regarding the prevention of and response to undesirable behaviour.⁷⁰ The confidential officer is also required to report their observations annually to the employer, the works council, or the employee representative body.⁷¹

These provisions are intended to be integrated into the Working Conditions Act. The proposal has been approved by the House of Representatives in May 2023 and is currently under consideration in the Senate.⁷²

In practice, however, approximately 1.3 million employees work for micro-enterprises (fewer than ten employees), and are therefore outside the scope of both proposals.⁷³ By contrast, most larger undertakings already have both a code of conduct and a confidential officer.⁷⁴

3.3 Training

Training on the risks of violence and harassment falls within the scope of Dutch occupational health and safety legislation. Article 8 of the Working Conditions Act and Article 2.15 of the Working Conditions Decree provide that employees shall be effectively informed about their duties and the associated risks, and on the measures in place to prevent or mitigate these risks. The employer is responsible for ensuring that employees receive effective instruction tailored to their specific duties.⁷⁵

By way of illustration, reference may be made to the Occupational Health and Safety Catalogue on Aggression and Violence applicable to employees of the Dutch government.⁷⁶ Section 7.2.1 provides, for example, that the content and frequency of training must be aligned with the level

⁶⁷ Kamerstukken I 2022/23, 35 592, A, p. 2.

⁶⁸ Kamerstukken I 2022/23, 35 592, A, p. 2.

⁶⁹ Kamerstukken I 2022/23, 35 592, A, p. 3.

⁷⁰ Kamerstukken I 2022/23, 35 592, A, p. 2.

⁷¹ Kamerstukken I 2022/23, 35 592, A, p. 2.

⁷² Initiatiefvoorstel-Patijn Verplichtstelling vertrouwenspersoon ongewenst gedrag op de werkvloer, eerstekamer.nl.

⁷³ K. Ammerlaan, 'De vertrouwenspersoon en gedragscode ongewenst gedrag in onderzoek, toezicht en rechtspraak: inzichten voor het debat over de beoogde verplichtstelling', TRA 2026/16, p. 20.

⁷⁴ K. Ammerlaan, 'De vertrouwenspersoon en gedragscode ongewenst gedrag in onderzoek, toezicht en rechtspraak: inzichten voor het debat over de beoogde verplichtstelling', TRA 2026/16, p. 20.

⁷⁵ L. van den Berg & W.H.A.C.M. Bouwens, 'Preventie', in: D.M.A. Bij de Vaate (red.), *De zieke werknemer*, Den Haag: Wolters Kluwer 2021, p. 83.

⁷⁶ Arbocatalogus Rijk – Agressie en geweld, aofondsrijk.nl.

of risk and the type of contact involved, in accordance with the current RI&E. The content of the training is likewise dependent on the risk profile of the relevant teams.

Section 7.2.2 stipulates that all teams and departments within government that have contact with external parties must hold a work consultation on dealing with aggression and violence twice a year.

In addition, employees must receive skills-based training tailored to the type of contact involved, which is to be repeated on a regular basis. In cases of high risk, this entails annual refresher training, while in cases of limited risk, such training shall take place at least once every three years. Furthermore, each department is required to prepare an annual training plan.

3.4 Monitoring

Article 3(4) Working Conditions Act requires that the employer reviews the working conditions policy regularly. This review is conducted in light of the experience gained in the application of the policy. Furthermore, the employer is obliged to adapt the measures as often as changes in working methods, working conditions, or developments in scientific knowledge and the state of the art indicate the need to do so. Under Article 5(4) Working Conditions Act, the employer is bound to adjust the RI&E on the basis of the experience gained, changes to working methods or working conditions, or the state of the art and professional provision of services. The verification whether the employer has a valid RI&E and a Plan of Action is done by the Dutch Labour Authority. The role of the Dutch Labour Authority will be discussed in more detail in Chapter 6.

3.5 Violence and harassment as an occupational hazard

As regulated under Dutch occupational health and safety laws, violence and harassment can constitute an occupational accident or work-related disease.⁷⁷

3.5.1 Occupational accident

The definition of an occupational accident is laid down in Article 1(1) of the Working Conditions Act. It is defined as an unintentional, sudden event affecting an employee in connection with the performance of work that had the virtually immediate consequence of damaging his/her health and led to him/her taking time off sick, or that had the virtually immediate consequence of causing his/her death. Pursuant to Article 9(1) of the Working Conditions Act, the employer is obliged to report any occupational accidents leading to death, permanent injury, or hospital admission to the Labour Authority. The Labour Authority proceeds to conduct a factual investigation. Generally, the employer is given the opportunity by the Labour Authority to investigate the causes of the accident and, on that basis, to submit a report and improvement plan to the Labour Authority. This is laid down in Article 1 of the Policy Rule on Employer Accident Investigation Reports. The Labour Authority assesses the

⁷⁷ See for an occupational accident Rechtbank Overijssel, 23 december 2014, ECLI:NL:RBOVE:2014:7025, r.o. 13.

employer's report and improvement plan. Where these are deemed sufficient, the investigation is closed (Article 2). Additionally, the employer is obliged to maintain a register of all reported occupational accidents and accidents that have resulted in more than three days of absence pursuant to Article 9(3) Working Conditions Act.

3.5.2 Work-related diseases

A work-related disease is defined in Article 1.11 of the Working Conditions Regulations as a disease or disorder resulting from exposure that has predominantly taken place in work or working conditions. It is recognised that employment-related psychosocial pressure may lead to an occupational disease.⁷⁸ It should be noted, however, that the Netherlands does not have a conclusive list of occupational diseases.⁷⁹ Pursuant to Article 9(4) Working Conditions Act and Article 1.11 Working Conditions Regulations, the company doctor or occupational health service is obliged to report occupational diseases to the Netherlands Centre for Occupational Diseases at Amsterdam UMC.

3.5.3 Support and compensation

Unlike other countries, the Netherlands does not have a social security system that links the recognition of occupational diseases to social security benefits.⁸⁰ Employees on sick leave are entitled to continued salary payment during illness, irrespective of whether the illness stems from an occupational or social risk (Article 7:629 Dutch Civil Code). The employer must pay 70% of the employee's salary for the first 104 weeks of work incapacity. Additionally, the employer is obliged to undertake measures to reintegrate the sick employee, Article 7:658a of the Dutch Civil Code. In supervising sick employees, the employer must seek assistance from company doctors, Article 14(1)(b) Working Conditions Act. After 104 weeks of sick leave, the employee is compensated for loss of income due to incapacity for work under the Work and Income (Capacity for Work) Act, which likewise does not distinguish between different causes of incapacity. As the salary payment during illness and Work and Income (Capacity for Work) Act-benefits do not fully cover loss of income, employees have recourse to employer liability under Article 7:658 Dutch Civil Code to obtain full compensation for the difference.⁸¹ Victims may also pursue the perpetrator directly under tort law (Article 6:162 Dutch Civil Code) for material and immaterial damages.

⁷⁸ Inspectie SZW, *Beroepsziekten in Beeld*, p. 27.

⁷⁹ 'Wat zijn beroepsziekten?', arboportaal.nl.

⁸⁰ Kamerstukken II 2023/24, 27 858 Nr. 671, p. 5.

⁸¹ W.H.A.C.M. Bouwens, M.S. Houwerzijl & W.L. Roozendaal, H.L. Bakels, *Schets van het Nederlandse arbeidsrecht*, Deventer: Wolters Kluwer 2023, p.138.

Chapter 4 - Protection, Remedies, and Confidentiality

Summary

Employers have a statutory duty of care under the Working Conditions Act, which requires them to prevent and limit psychosocial risks, including violence. They must carry out a RI&E, take preventive measures, and have a system of reporting and follow-up. Additional obligations, such as training, aftercare, and camera surveillance, may be included in a collective labour agreement. Employees can claim damages against their employer (breach of duty of care) and against perpetrators (tort). They can also claim compensation through a public victims' fund or by using criminal proceedings. Protection against retaliation is provided through the good employer" standard, and strict dismissal grounds. The Working Conditions Act, the Whistleblowers Protection Act, the General Data Protection Regulation and the Code of Conduct on Privacy for Private Investigation Agencies are among the legal provisions in Dutch law that protect the privacy and safety of victims of violence and harassment in the workplace. These rules guarantee confidentiality during the reporting and investigation process, and protect whistleblowers from any adverse consequences. Article 29 of the Working Conditions Act entitles employees to stop work in the event of an immediate and serious danger without facing any negative consequences.

4.1 Forms of protection

The general rule in the Netherlands is that the employer is responsible for protecting the employee. This responsibility is commonly referred to as the duty of care. Article 3(2) of the Working Conditions Act obliges employers to implement a policy aimed at preventing or limiting employment-related psychosocial pressure. In addition, employers must identify and assess occupational risks. If certain jobs carry a high risk of exposure to workplace violence, this should be recorded in the Risk Inventory and Evaluation (RI&E).⁸² Employers must also take appropriate measures, such as safety protocols, training, and supervision. Finally, employers are expected to have a system in place for reporting incidents and ensuring proper follow-up.

Applied to Dutch practice, a brief example can be given of a RI&E on bus drivers. Under the Working Conditions Act, their employer is required to identify and assess risks. Suppose, that this assessment shows that bus drivers face a high risk of being confronted with violence at work, with the risk being even higher during evening and night shifts. Based on these findings, the bus company decides to implement preventive measures to reduce the risk. Bus drivers receive additional training on how to deal with aggressive passengers. A protective screen is installed between the driver's cabin and the passengers. Finally, security staff carry out random checks, with increased supervision during the evening and night hours.

It should be noted that, in the Netherlands, collective labour agreements may also impose additional obligations on employers to actively protect employees against violence.

⁸² For a detailed explanation, please refer to Chapter 3 on the Risk Inventory and Evaluation (RI&E).

Continuing with the example of the bus driver, reference can be made to the Collective Labour Agreement for Public Transport 2025–2026.⁸³ This agreement provides that employees must receive education and training aimed at enhancing social safety.⁸⁴ These training programs are evaluated and discussed with the works council. Furthermore, the employer is obliged to provide support and aftercare in the event of incidents involving aggression or violence.⁸⁵ The employer must offer this support proactively and may not wait for the employee to raise the issue. In addition, the employer is required to monitor trends relating to aggression and violence.⁸⁶ Employers are also obliged to install cameras in vehicles: while one camera is sufficient for a small bus, a larger bus must be equipped with at least two cameras.⁸⁷

Finally, there may also be internal company rules that protect employees against violence at work. These may include, for example, company-specific measures laid down in an internal staff handbook or personnel regulations. In 2024, employees of the Dutch Railways stopped work for three minutes due to increasing aggression against staff.⁸⁸ The immediate cause was the assault of a train conductor. Through this action, the employees sought to send a signal to society that such violence would not be tolerated and to prevent future incidents of violence. This can be seen as a form of protection, from the employees themselves.

4.2 Legal remedies

4.2.1 Civil remedies

Within the Dutch civil law system, an employee has the possibility to hold the employer liable for damage suffered in the course of performing his work.⁸⁹ This does require, however, that the employer has failed to comply with its duty of care towards the employee. Whether this is the case depends on the circumstances of the particular case. A relevant factor in assessing a breach of the duty of care is the extent to which the employer has identified risks and subsequently taken appropriate measures.⁹⁰ In the Netherlands, an employer is not required to guarantee absolute safety, but a high level of safety is nevertheless expected.⁹¹

Returning to the example of the bus drivers. Suppose that, in the context of the employer's duty of care, a bus driver becomes a victim of violence. The bus driver was operating a route on which, during the night, large numbers of (intoxicated) nightlife patrons are expected. There had been previous incidents on this route. The works council had already raised the issue,

⁸³ Cao Openbaar Vervoer 2025-2026 (Collective Agreement Public Transport), valid from 1st of april 2025 until the 30th juni 2026.

⁸⁴ Cao Openbaar Vervoer 2025-2026, bijlage 25, paragraph 1.

⁸⁵ Cao Openbaar Vervoer 2025-2026, bijlage 25, paragraph 2.

⁸⁶ Cao Openbaar Vervoer 2025-2026, bijlage 25, paragraph 3.

⁸⁷ Cao Openbaar Vervoer 2025-2026, bijlage 25, paragraph 5.

⁸⁸ NOS Nieuws, *NS zet treinen zaterdag paar minuten stil uit protest tegen geweld*, NOS.nl (15 april 2024), artikel 2516883, <https://nos.nl/artikel/2516883-ns-zet-treinen-zaterdag-paar-minuten-stil-uit-protest-tegen-geweld>

⁸⁹ Article 7:658(2) Dutch Civil Code.

⁹⁰ Article 7:658(1) Dutch Civil Code.

⁹¹ T&C BW, commentaar op Article 7:658 BW.

reporting that employees considered this to be a problem and that measures needed to be taken. The external safety specialist of the bus company had advised that a security guard should permanently accompany this route during night hours. Suppose that despite this, the management of the bus company failed to implement this measure. A few months later, a bus driver is severely assaulted on this route. In such circumstances, a claim by the bus driver against the employer would have good prospects of success.

An employee who is a victim of violence at work may also hold the perpetrator personally liable for the damage suffered on the basis of tort.⁹² In Dutch law, a tort procedure requires, to be successful, five cumulative elements: there must be a wrongful act (a violation of a right, a breach of a statutory duty, or conduct contrary to what is socially acceptable), attributability to the defendant, damage, a causal link between the conduct and the damage, and relativity, meaning that the breached norm must be intended to protect against the type of damage suffered by the claimant.⁹³

Applied to the example of the bus driver, it is entirely conceivable that the bus driver's lawyer would hold both the employer and the perpetrator liable for the damage. The employer may also recover damages from the perpetrator by means of the specific statutory right of recourse, since the employer has an independent right to do so.⁹⁴ This concerns, in particular, continued wage payments, reintegration costs, and other costs arising from the obligation to continue paying wages.⁹⁵

4.2.2 Particular compensation

The Netherlands has a general compensation fund for victims of violent crimes.⁹⁶ This is a public fund that provides financial compensation based on considerations of solidarity. It is irrelevant whether a perpetrator is known or has been prosecuted. An employee who has become a victim of violence at work may also apply to this fund. The employee must demonstrate that he has become a victim of an intentional violent crime in the Netherlands and that he has suffered injury. The eventual compensation is relatively low, especially when compared to the amount that could be obtained through a successful liability claim.

4.2.3. Criminal law

The victim (the employee) is free to file a report with the police. Ultimately, any resulting criminal penalty may be considered a form of reparation. It is also possible to claim compensation through criminal proceedings.⁹⁷ The employee must, just as in civil law, carefully document the damage suffered. By providing for the possibility for injured parties to bring a claim, the legislature intended to incorporate into the criminal proceedings - put briefly

⁹² Article 6:162 Dutch Civil Code.

⁹³ T&C BW, art. 6:162 BW, aant. 1.

⁹⁴ Article 6:107a BW; Jac Hijma & M.M. Olthof, *Nederlands vermogensrecht*, paragraaf 393.

⁹⁵ T&C BW, commentaar op art. 6:107a BW

⁹⁶ Schadefonds geweldsmisdrijven, <https://schadefonds.nl/>.

⁹⁷ Article 51f Code of Criminal Procedure.

- a simple and accessible procedure aimed at ensuring that persons who have suffered damage as a result of a criminal offence are compensated, without having to pursue a civil claim as well.⁹⁸

4.3 Protection against retaliation

Employers are required to act as good employers. This entails that an employer who takes retaliatory measures will quickly be found to be in breach of this general standard. It is furthermore arguable that this standard also includes an obligation for the employer to protect employees against retaliation by third parties. In addition, Dutch law operates a closed system of grounds for dismissal, which prevents an employer from dismissing an employee merely because he or she has become a victim of workplace violence.

4.4 Legal safeguards to protect the privacy and confidentiality of victims throughout the reporting and investigation process

The right to privacy is a fundamental right, enshrined in Article 8 of the European Convention on Human Rights. This right is also reflected in Article 10 of the Dutch Constitution. As it is a fundamental right, it is important that it is properly defined and applicable to different situations. Regarding the right to report and investigate cases of harassment and violence in the workplace, various Dutch laws aim to protect victims.

Under Dutch law, legislation that protects employees against violence and harassment also often guarantees their privacy and confidentiality. For instance, the Working Conditions Act requires employers to implement careful policies regarding the confidentiality and processing of personal data relating to individuals reporting incidents or victims. The Equal Treatment Act requires employers to handle complaints about workplace abuses confidentially. Furthermore, information about the report and the victim's identity may not be shared more widely than is strictly necessary. Additionally, Article 7:658 of the Civil Code imposes a general obligation on employers to treat the victim's vulnerable position with care. Article 7:611 of the Dutch Civil Code further elaborates on laws governing the protection of victims' privacy and confidentiality. This is reflected in laws that explicitly monitor privacy and confidentiality during the reporting and investigation process, for example. These laws therefore stand alone and expand upon and clarify the above regulations.

4.4.1 Reporting process

In the Netherlands, Directive (EU) 2019/1937 on the protection of persons reporting breaches of Union law has been incorporated into the Whistleblower Protection Act. This legislation protects employees during and after they report certain behaviours or abuses at work. Employers with more than 50 employees are obliged to apply the Whistleblower Protection Act. The protection offered by the Whistleblower Protection Act applies to anyone who, in the course of their work, becomes aware of suspected wrongdoing and may face disadvantage if

⁹⁸ S.S. Buisman, Schadevergoeding in de strafprocedure, De wederzijdse relatie tussen het strafrecht en het privaatrecht, DD 2020/36.

they report it or make it public. The nature of the work or the capacity in which it is performed is irrelevant. The same applies to whether or not compensation is received for these activities⁷.

The protection therefore extends not only to individuals who are victims of violence or intimidation themselves, but also to third parties who wish to report such incidents. The Whistleblower Protection Act is based on the former Article 7:658c of the Dutch Civil Code and provides employees who report misconduct in good faith with protection against prejudicial actions. This form of discrimination is now included in Article 17(e) of the Whistleblower Protection Act. As employees who report such misconduct may be in breach of their duty of good employment, as set out in Article 7:611 of the Dutch Civil Code, a regulation is needed to protect them against any adverse consequences from their employer. By protecting whistleblowers, the legislator hopes that abuses will be reported more often and incidents of intimidation and violence in the workplace will be prevented. In addition to safeguarding the privacy of whistleblowers, this law also strengthens employees' legal position. The Whistleblower Protection Act includes a presumption that any disadvantage suffered by the employee is related to the whistleblowing report they made. If the employer does not refute these presumptions, the causal link between the disadvantage suffered by the employee and the whistleblowing report will be assumed.

4.4.2. Investigation process

The Dutch law also offers victims protection during the investigative process that follows a report. The Privacy Code of Conduct for Private Investigation Agencies and the General Data Protection Regulation protect the privacy and confidentiality of victims during the investigation process. Investigations into inappropriate workplace behaviour are often carried out by investigation agencies, the process of the personal data that is provided to these agencies for the purpose of the investigations must be subjected to protective regulations. This is why the Privacy Code of Conduct for Private Investigation Agencies was created. The Privacy Code of Conduct for Private Investigation Agencies is a code of conduct approved by the Dutch Data Protection Authority within the meaning of Article 40 of the General Data Protection Regulation and contains detailed rules on how personal data may be collected, processed and recorded during investigations.

The General Data Protection Regulation guides and supplements the Privacy Code of Conduct for Private Investigation Agencies. The General Data Protection Regulation focuses primarily on the correct processing of a person's personal data. Article 5 of the General Data Protection Regulation sets out the various principles that must be observed when processing

- Lawfulness, fairness and transparency (paragraph a)
It is important that the natural persons involved are transparent about the processing of their personal data. This principle is further elaborated in Article 6 of the General Data Protection Regulation. It stipulates that the processing of personal data must be based

on at least one of the legitimate grounds. This article mentions, among other things, the consent of the data subject and a legal obligation.⁹⁹

- Purpose limitation (paragraph b).
Personal data must be processed for specific purposes. These purposes must be established as soon as the personal data is collected and must be explicit and justified.¹⁰⁰
- Data minimisation (paragraph c)
- Accuracy (paragraph d)
- Storage limitation (paragraph e)
- Integrity and confidentiality (paragraph f)¹⁰¹

Both the employer and the research agency act as data controllers and must comply with the above principles.

4.5 The right to stop working in the event of an immediate and serious danger

Article 29 of the Working Conditions Act entitles employees to interrupt their work in the event of an immediate and serious danger. This Act refers to the situations listed in Article 28. These include situations involving violence and intimidation. Provided the conditions of Article 29 are met, meaning the danger is immediate and serious, the employee does not need to seek prior permission from the employer. They can simply stop working on this basis.¹⁰² However, an employee must inform their employer if they stop working temporarily because an immediately dangerous situation arises.¹⁰³ In this way, employees are effectively protected against damage to their health. In this context, a supervisory authority is understood to mean an official of the Labour Authority who is empowered to order the suspension of work under administrative enforcement powers. Furthermore, if an employee invokes this provision and stops work, and another party (usually the employer) asserts that no serious danger exists, the burden of proof rests on that party and not on the employee.¹⁰⁴

In addition to protecting employees from dangerous situations, Article 29 also protects them from adverse consequences if they decide to stop work.¹⁰⁵ An employer may not dismiss an employee or impose any other disciplinary measures or wage deductions because the employee interrupted work in a dangerous situation. This protection is enshrined in Article 29(2) of the Working Conditions Act and reinforced by Article 17(e) of the Whistleblower Protection Act, which safeguards employees against disadvantage following the reporting of abuses or hazardous conditions. In addition to the Working Conditions Act, Articles 7:611 and 7:658 of the Dutch Civil Code apply in these situations, too. As well as the anti-discrimination

⁹⁹ De Laat, 'Privacy bij onderzoek naar grensoverschrijdend gedrag', *ArbeidsRecht* 2024/53, p. 3.

¹⁰⁰ De Laat, 'Privacy bij onderzoek naar grensoverschrijdend gedrag', *ArbeidsRecht* 2024/53, p. 3.

¹⁰¹ Article 5 GDPR.

¹⁰² Article 29 paragraph 1 Working Condition Act.

¹⁰³ Article 29 paragraph 3 Working Condition Act.

¹⁰⁴ Article 29, p. 2, of the Dutch Working Conditions.

¹⁰⁵ Article 29 paragraph 2 Working Condition Act.

regulation of the General Equal Treatment Act.¹⁰⁶ These articles can be invoked for protection against discrimination of intimidation resulting from avoiding danger on the workplace.

¹⁰⁶ Article 1 General Equal Treatment Act.

Chapter 5: Domestic, Third Party and Cyber Violence and Work Implications

Summary

This chapter discusses how Dutch law addresses violence and harassment arising outside the employment relationship, but which have consequences for the workplace. For instance, domestic violence, cyberbullying, and violence perpetrated by third parties. Currently, Dutch law has no specific legislation governing domestic violence in relation to the workplace. However, employers may be expected to take appropriate measures based on general obligations, such as good employment practices and the Working Conditions Act, if they become aware that an employee is experiencing domestic violence. Under employment law, cyber violence is considered part of the employment-related psychosocial pressure. Consequently, employers are obliged to assess the risks of online harassment and take preventive measures. Furthermore, violence by third parties is covered by the employer's general duty of care. The Dutch system therefore provides broad protection, primarily based on general standards and preventive obligations.

5.1 Recognition of domestic violence affecting the workplace

The Dutch legislator has not yet implemented specific legislation addressing domestic violence affecting the workplace. To date, a single parliamentary motion has been adopted, calling for the introduction of paid leave for victims of domestic violence.¹⁰⁷ However, this has not yet resulted in any concrete policy measures.

At present, the legal framework mainly consists of general provisions that allow such a connection to be established between domestic violence and the workplace. Within the framework of the employer's duty of good employment practice (Article 7:611 Dutch Civil Code), employers may be required to take appropriate action where indications of domestic violence become apparent. Such action may include seeking the involvement of an occupational health physician.¹⁰⁸

In the context of remote work, employers are encouraged to engage in dialogue with employees about their home situation as a matter of best practice.¹⁰⁹ Additionally, the risk of domestic violence may be included in the risk assessment and evaluation.¹¹⁰ Moreover, certain sectors, such as healthcare, youth care and education, are subject to a statutory duty to implement a reporting code concerning domestic violence.¹¹¹ Notably, these reporting codes are primarily aimed at situations in which there is a suspicion of domestic violence involving a client or service user. Furthermore, this does not create a duty to report the suspicion of domestic

¹⁰⁷ Kamerstukken II 2020-21, 30 420, nr. 350.

¹⁰⁸ Ministerie van Justitie en Veiligheid, Ministerie van Volksgezondheid, Welzijn en Sport & Vereniging van Nederlandse Gemeenten, *Geweld hoort nergens thuis Aanpak huiselijk geweld en kindermishandeling*, april 2018, p. 15.

¹⁰⁹ Inspectie SZW 2021, p. 26.

¹¹⁰ FNV, *Privé neem je mee naar je werk*, 2025, p. 10.

¹¹¹ Kamerstukken II 2024/25, 36684 nr. 3, p.20.

violence.¹¹² Finally, certain professions, such as civil servants, are held to higher standards of integrity, and based on these standards, acts of domestic violence committed by the employee can be addressed and may have consequences.¹¹³

Overall, employers are not subject to any specific obligations regarding domestic violence, and Dutch law does not provide any specific statutory entitlements for victims of domestic violence.

5.2 Recognition of Cyber Violence in Workplace Regulations: Existing Legal Measures

Dutch law recognizes cyber violence within workplace regulation through the concept of employment-related psychosocial pressure under the Working Conditions Act.¹¹⁴ This includes bullying, harassment, aggression, and discrimination, regardless of whether the conduct occurs offline or online. It should be emphasized that this regulatory framework is technology neutral. The legislature inherently intended that employees be protected against violence and harassment in digital environments as well.

5.3 Preventive measures against cyber violence

As stated in paragraph 3.1.1 of this report, preventive measures are primarily implemented where the risk assessment and evaluation (RI&E) indicates that this is necessary. It is therefore entirely conceivable that online violence against employees may emerge from the assessment as a genuine risk. On that basis, the employer is required to take appropriate measures to prevent or manage such online violence.

By way of illustration, consider the example of a police officer. At Utrecht Central Station, the officer in question kicked a woman who interfered with an arrest.¹¹⁵ The incident was filmed by a bystander, and the footage subsequently circulated on social media. The officer's actions provoked significant public outrage. He was then subjected to online abuse and threats. To make matters worse, his personal details were published online. Ultimately, due to death threats, the officer was forced to go into hiding.

It is conceivable that the police RI&E would clearly specify the applicable protocol in cases of this nature. This might include provisions on aftercare, guidance on how the officer should respond, whether the perpetrators will be traced and prosecuted, and the circumstances under which an officer should go into hiding.

Preventive measures against cyber violence are not optional in the Netherlands. They are a statutory obligation derived from the Working Conditions Act and reinforced by civil liability

¹¹² 'Meldcode huiselijk geweld en kindermishandeling', augeo.nl.

¹¹³ Ministerie van Justitie en Veiligheid, Integriteit bij JenV - Rapportage Integriteit 2020-2022, Oktober 2023.

¹¹⁴ Article 1(3)(e) Working Conditions Act.

¹¹⁵ This happened recently in Utrecht: NOS, Utrechtse agent vanwege bedreigingen met gezin zijn huis uit, www.nos.nl/artikel/2600992-utrechtse-agent-vanwege-bedreigingen-met-gezin-zijn-huis-uit.

principles.¹¹⁶ The Dutch system is prevention-oriented and places primary responsibility on the employer to actively manage digital psychosocial risks.

5.4 Violence or harassment perpetrated by individuals other than employers or colleagues

5.4.1. Third-party violence

According to Dutch labour law, there are no explicit laws that regulate violence by third parties. The employer has a general obligation to ensure the safety and health of employees in *all* aspects related to work according to the Working Conditions Act, so also with regards to third parties.¹¹⁷ Incidents that occur as result of violence or harassment by third parties are considered to be the responsibility of the employer under Article 7:658 of the Dutch Civil Code and therefore falls under work-related risk. Employees can thus hold their employer liable for the damage caused by the third party. For proceedings against the third party itself, the employee or possibly the employer may bring a claim for tort under Article 6:162 of the Dutch Civil Code, or initiate a case under criminal law.

5.4.2 Domestic violence

In contrary to third-party violence, domestic violence has its own law and explanation within the Dutch legal system. Domestic violence differs from violence by third parties in that the latter still has a link to the workplace. This type of violence is work-related and involves third parties. This is why it is considered a work-related risk. Domestic violence concerns violence in a person's private life and therefore differs from the workplace violence.¹¹⁸ The fact that domestic violence is addressed separately in Dutch labour law is reflected in the various measures that can be found in legislation and regulations to tackle this issue. Various laws and policy measures punish domestic violence. For instance, the Criminal Code contains legislation that addresses this issue. Furthermore, civil law provides measures to prevent domestic violence. The Criminal Code, for instance, contains laws that apply to domestic violence. Civil law also includes the law on temporary restraining orders if domestic violence has been established to have taken place.

As mentioned earlier in this chapter, employers must be alert to the possibility of domestic violence involving one of their employees. Although there is no legal obligation to do so, this can be invoked, for example, on the ground of good employment practices.¹¹⁹

5.4.3 Assessing and managing risks arising from interactions with third parties

When it comes to assessing and managing risks arising from interactions with third parties, Dutch legislation and regulations refer back to the Working Conditions Act. As mentioned previously, violence perpetrated by third parties is covered by the duty of care outlined in Article 7:658 of the Dutch Civil Code. In practical terms, this duty of care is similar to that

¹¹⁶ Section 4.2 of this report.

¹¹⁷ Article 3 Working Conditions Act.

¹¹⁸ *Kamerstukken II 2023/24*, 28 345/31 015, nr. 269, p. 3.

¹¹⁹ Section 5.1. of this report.

under the Working Conditions Act, as set out in the RI&E policy.¹²⁰ As outlined in the first chapter, every employer is required to develop such a policy. Failure to comply constitutes a breach of this duty. Therefore, in the case of violence by third parties, employers are obliged to draw up an RI&E in accordance with Article 3 of the Working Conditions Act, in conjunction with Article 7:658 Dutch Civil Code. This allows the risks associated with interaction with third parties to be assessed and mitigated.

¹²⁰ A.M. Wevers, 'Art. 3 Arbeidsomstandighedenwet / Art. 7:658 BW', *Sdu Commentaar Arbeidsrecht Thematisch* 2025, p. 8.

Chapter 6 - The Role of Third Parties in Addressing and Enforcement of Workplace Harassment and Violence

Summary

The Dutch Labour Authority oversees employers' duty of care to protect employees' health and safety. Regarding workplace harassment and violence, it monitors RI&E and Action Plans, conducts unannounced inspections, and can issue fines or compliance orders. When employees face immediate danger, it may order a work stoppage. In certain sectors, additional regulatory bodies can also intervene. Several private actors also play major roles in combating workplace harassment. NGOs run awareness campaigns, provide training, and push the issue onto the political agenda. Trade unions engage in similar activities and work to establish employer obligations through collective bargaining. Workers' representatives likewise participate in bargaining and hold an important internal role, helping employees resolve issues within the company. The Netherlands Institute for Human Rights serves as an independent body offering oversight and protection in human-rights-related cases, including workplace harassment. Under its governing Act, it can investigate potential violations on its own initiative or upon request, gather information, conduct site visits, and issue non-binding judgments that carry moral weight. It also reports on human rights issues, advises on legislation, provides education, and promotes compliance with international standards.

6.1 Enforcement Agencies

6.1.1 Dutch Labour Authority

As previously mentioned, the Working Conditions Act includes the obligation for employers to eliminate or limit employment-related psychosocial pressure at the workplace.¹²¹ The Dutch Labour Authority has been appointed as supervisor and is thus responsible for the monitoring of compliance with this act, and thus also specifically for workplace violence and harassment.¹²² The monitoring of compliance with the Working Conditions Act takes place through various manners.

The Dutch Labour Authority verifies whether the employer has a valid and complete RI&E and a corresponding Plan of Action (such as referred to in Chapter 3.3). The Dutch Labour Authority also carries out unannounced workplace interventions to check whether the employer is fulfilling its duty of care to provide a safe working environment. The sectors in which these interventions are carried out are based on information and risk assessment. The Dutch Labour Authority has identified sectors in which there are public services and performance-oriented cultures as sectors with higher risks of employment-related psychosocial pressure.¹²³

The Working Conditions Act grants several legal means to the Dutch Labour Authority in cases of violation of the act. If employers fail to provide a valid and complete RI&E, the Dutch

¹²¹ Article 3 second paragraph Working Conditions Act.

¹²² Article 24 Working Conditions Act.

¹²³ Kamerstukken II 2024/25, 36684 nr. 6, p. 18.

Labour Authority may issue a warning requiring improvement or impose an administrative fine. The Dutch Labour Authority can also issue more general compliance order with regards to other aspects of the Act. The employer or employees must then guarantee compliance within a timeframe given by the Dutch Labour Authority.¹²⁴ The Dutch Labour Authority is also legally authorized to issue a work stoppage order or eviction order, if there is immediate danger for persons.¹²⁵ Failure to comply with an order issued by the Dutch Labour Authority may be punished by an administrative fine. These fines may be increased or repeated in cases of serious violation or recidivism.¹²⁶

6.1.2 Sector-specific Regulatory Agencies

In the Netherlands there are several regulatory agencies who have sector-specific authority that can enforce on workplace harassment and violence. Similarly to the Dutch Labour Authority, some of these agencies are authorized to carry out investigations or to issue administrative fines if safety measures are not up to standards. The primary task of these agencies, however, lies in guaranteeing the quality and safety of the services in their respective sector, and is therefore not focused on harassment of persons. The extent to which an agency is involved in combating workplace harassment thus depends on the nature of the sector.

Examples of regulatory agencies that are heavily involved because of the nature of the sector are the Healthcare and Youth Inspectorate and the Inspectorate of Education. The Healthcare and Youth Inspectorate may issue administrative fines if harassment in healthcare has taken place and the healthcare provider has failed to report the incident.¹²⁷ The Inspectorate of Education on the other hand has confidentiality inspectors which can act as a point of contact and give guidance and advice to victims of harassment in the education sector.¹²⁸ None of the Dutch regulatory agencies however are authorized to issue order immediate executive order to stop work. The use of this legal mechanism is reserved to the Dutch Labour Authority.

6.2 Private parties

6.2.1 Trade unions

In the first place, Dutch trade unions take part in prevention through the negotiating of specific provisions aimed at limiting workplace violence and harassment in collective agreements. For example, in the collective labour agreement ‘disability-care 2025-2026’ negotiated by CNV and FNV, there is an obligation for employers to maintain integral policy with regards to every form of transgressive behaviour, specifically naming violence and intimidation.¹²⁹ Other examples of these obligations are the appointment of a confidential officer or the adoption of a prevention policy on workplace harassment. If employers fail to comply with these obligations, the trade unions can hold them liable.

¹²⁴ Article 27 Working Conditions Act.

¹²⁵ Article 28 Working Conditions Act.

¹²⁶ Article 34 Working Conditions Act.

¹²⁷ Article 11 and 30 Wet kwaliteit, klachten en geschillen zorg.

¹²⁸ Article 6 Wet op het onderwijstoezicht.

¹²⁹ Cao Gehandicaptenzorg 2025-2026, bijlage 5.

Beyond negotiating formal rules, unions also develop practical guidelines to support employers in creating safe and healthy workplaces, and to give guidance in situations in which workplace harassment has occurred. For example, CNV has published a guidance on social safety at the workplace in 2024.¹³⁰ These guidelines are often direct translation of legal obligations under the Working Conditions Act.

Dutch trade unions also launch various awareness-raising and educational campaigns. Part of these campaigns are for example bystander trainings and workshops on psychosocial risks organized for employers and employees.¹³¹ For instance FNV recently organized a workshop for workers in the metal industry. By doing so, the trade unions are an important impeller of policy development and awareness-raising. With regards to victim support, the FNV also has a helpline for victims of workplace harassment, which can be contacted by members and non-members of FNV. Victims can call or e-mail for information and advice on their matter.¹³² Trade unions do not have the authority to impose sanctions on employers in cases of breaching the law; however, they do play an important role in promoting and overseeing compliance. For example, by conducting surveys among employees, trade unions ensure that abuse is addressed.¹³³ Trade unions also conduct investigative research and report on the results.¹³⁴

6.2.2 Non-Governmental Organisations (NGO's)

There are several non-governmental organisations in the Netherlands that play a role in the preventing and addressing workplace harassment. Institutions such as Movisie and TNO conduct research on workplace harassment and violence. Similarly to trade unions, they are also involved by publishing practical guides for employers and employees. TNO published the Guide to inappropriate behaviour in 2024, which includes a plan on how to create a safe working environment.¹³⁵ A number of NGO's, such as FairWork and Centre for Sexual Abuse, are also actively involved in the combatting of workplace harassment. Although their primary focus is preventing abuse against migrant workers and sexual harassment respectively, these organisations also partake through the launching of awareness campaigns and the development of training programs. Furthermore, victims of workplace harassment and violence can receive support from Victim Support Netherlands. This NGO is committed to offering emotional and practical support to victims of any traumatizing event, as well as legal assistance in cases of criminal proceedings.

¹³⁰ CNV, 'Handreiking sociale veiligheid op de werkvloer', 2024.

¹³¹ FNV, Sociale veiligheid op de werkvloer: maak jij het verschil?, geraadpleegd op 10 februari 2026, fnv.nl/nieuwsbericht/sectornieuws/metaal/2026/01/sociale-veiligheid-op-de-werkvloer.

¹³² FNV, Vertrouwenstelefoon, geraadpleegd op 10 februari 2026, fnv.nl/service-contact/vertrouwenstelefoon.

¹³³ Recent example is the survey conducted by the FNV among its members working at the Dutch Ministry of Infrastructure and Water Management: fnv.nl/nieuwsbericht/sectornieuws/fnv-overheid/2025/03/onderzoek-sociale-veiligheid-resultaten-binnen-rws.

¹³⁴ For example, FNV conducted a research on transgressive behaviour and published the results in 2023: FNV, 'Horen, zien en zwijgen', *omgangsvormen op de werkvloer*, oktober 2023.

¹³⁵ TNO, 'Wegwijzer Ongewenst Gedrag', 2024.

Although the abovementioned NGO's don't have specific legal means that allow them to combat workplace harassment, the means of action mentioned in the previous paragraphs raise awareness, empowers victims, and help employers to create workplaces where harassment is actively addressed and prevented.

6.3 Other Relevant Third Parties

6.3.1 Netherlands Institute for Human Rights

The Netherlands Institute for Human Rights is an independent institution tasked with the stimulation and protection of human rights of Dutch citizens, thereby also human rights that are endangered through workplace harassment. The Netherlands Institute for Human Rights Act grants the Netherlands Institute for Human Rights with several means that it makes them an important institution in the prevention and addressing of workplace harassment and violence.

In the context of prevention, the Netherlands Institute for Human Rights is authorized to investigate on own initiative or on request with regards to possible human right violations.¹³⁶ Investigation is possible by means of information gathering and through on-site investigation.¹³⁷ If the Netherlands Institute for Human Rights is of judgment that human rights are being offended, it can issue a written judgment.¹³⁸ Although the judgment is not binding, it does carry some authority and can thus put pressure on employers or employees to ensure workplace harassment will be eliminated.¹³⁹

The Netherlands Institute for Human Rights also has various other tasks besides investigation and judgment, with which it is charged under Article 3 of the Netherlands Institute for Human Rights Act. For example, it is tasked with reporting and recommending on human rights (sub b), giving advice on legislative proposals on human rights (sub c), providing information and educating on human rights (sub d) and the encouragement of ratification or compliance with international human right laws and regulations (sub g-i). By performing these tasks, the Netherlands Institute for Human Rights takes an important role in addressing workplace harassment and violence.

6.3.2 Company-level' representatives

In the Netherlands, workers representatives such as the works council and personnel representatives also play a role in the prevention and addressing of workplace harassment and violence. The works council can exercise power since its consent is required with regards to proposed decisions within the enterprise on working conditions.¹⁴⁰ Decisions that can have an impact on company policy on workplace harassment are thus subject to approval by the works council. An example of such a decision is the implementation of a code of conduct or the

¹³⁶ Article 3 paragraph 1 sub a Netherlands Institute for Human Rights Act

¹³⁷ Article 6 and Article 7 Netherlands Institute for Human Rights Act.

¹³⁸ Article 11 Netherlands Institute for Human Rights Act.

¹³⁹ R. van Arkel, 'Commentaar op Art. 1, 9 – Wet College voor de rechten van de mens', *T&C Arbeidsrecht* 2025.

¹⁴⁰ Article 27 (4) Works Council Act.

appointment of a confidential officer. The personnel representatives do not have the right to consent on these decisions; however, it has the right to give advice on these proposals.¹⁴¹ The works council also has a right to initiate with regard to all matters regarding the enterprise, such as workplace harassment. The works council can thus propose plans concerning the combatting of workplace harassment.¹⁴² As with regards to the RI&E and Action plan mentioned in Chapter 3, the works council should be involved in the process of the drafting and evaluation.¹⁴³

In addition to formal powers, workers representatives act as an internal reporting channel for employees who may be subject to workplace harassment. They can raise concerns with the employer and request investigations when incidents occur. These individual stories provide the works council with guidance for evaluating, monitoring and adjusting policy, which they can then bring about through the usage of their formal powers. The role of the works council to ensure the compliance of regulations on working conditions within the enterprise, such as regulations around the prevention of workplace harassment and violence, has also been legally anchored in the Works Council Act.¹⁴⁴

¹⁴¹ Article 35c lid 4 Works Council Act.

¹⁴² Article 23 Works Council Act.

¹⁴³ Article 5 Working Conditions Act.

¹⁴⁴ Article 28 first paragraph Works Council Act.

Chapter 7 - Implementation Challenges and Good Practices

Summary

The implementation of measures combatting workplace harassment and violence face several challenges. The RI&E employers are forced to carry out are ineffective with regards to appointing a confidential officer, given that there is, as of now, no legal framework against which confidential officers can be assessed by the Dutch Labour Authority. The lack of trust in employers' efforts following a report in combination with fear of victimization cause a lack of reports. The Dutch Labour Authority has also identified some of these issues in their general evaluation, emphasizing that formal policies are not enough. As solutions for these problems the Dutch Labour Authority suggests establishing more specific and concrete norms, setting up an independent reporting structure within the organisation, and the organizing of trainings for employees. With regards to legal challenges a broader scope for the concept 'world of work' will need to be considered. The current definition used in the Dutch legal system is not up to standards with the definition used in ILO Convention No. 190, which protects a wider range of workers. Furthermore, the burden of proof placed on the victim makes it difficult to obtain effective legal protection, particularly in cases where a causal link must be established in relation to health problems. Despite these challenges, in recent years workplace violence and harassment have had increase of attention through proactive policies implemented by the government, NGOs and trade unions. Some of the results achieved through these policies include increased societal awareness and the start of a cultural shift. There are also more concrete results, such as legislative proposals and obligations for employers in collective bargaining agreements. The effects of these measures and policies are not yet clear, as they have (or have not) only recently been introduced.

7.1 Challenges

Article 3 of the Working Conditions Act requires all employees in the Netherlands to have a RI&E to violation and harassment, but only half of the employers currently do so.¹⁴⁵ Employers often lack the knowledge, information and tools required to identify and address risks effectively. This generally hinders an effective approach.¹⁴⁶

One component of prevention is appointing a confidential officer.¹⁴⁷ Generally, there is a lack of specific training for these officers. In fact, only one-third of all confidential officers have received specific training for this role.¹⁴⁸ Due to the lack of a legal framework for appointing a confidential officer, the Dutch Labour Authority has no clear basis on which to supervise the functioning of the officer in practice. For victims, who often experience fear or shame, having access to a professional and independent confidential officer is essential. However, as long as

¹⁴⁵ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 26.

¹⁴⁶ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 30.

¹⁴⁷ Article 13 and 14 Working Conditions Act.

¹⁴⁸ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 30.

the criteria for careful complaint handling are not legally guaranteed, the effectiveness of this support remains vulnerable.

The lack of RI&E's and confidential officers can be seen in the very low reporting rate among Dutch employees. This stems from fear of victimization, shame and a lack of trust in employers' procedures. Due to these factors, employees are reluctant to report incidents, resulting in underreporting. This makes it difficult to identify and address violence and intimidation. The effectiveness of reporting procedures depends on accessibility, adequate support and aftercare.¹⁴⁹ Fear and shame make employees less likely to report or file a complaint in cases of violence or intimidation. In addition, the lack of evidence reduces the willingness to report. Often, there are no witnesses who can confirm what happened, which makes it very difficult for the employee to prove that violence or intimidation took place.¹⁵⁰

Mainly the lack of enforcement, low awareness of the employer, insufficient training of confidential officers and the underreporting of the employees will cause challenges in implementing the different measures to prevent and address violence and harassment at work.

7.2 Legal, structural and cultural barriers

7.2.1 Legal Barriers

A legal barrier to prevention can be found in the limited scope of the Working Conditions Act. The concept of the "world of work" as understood by Convention 190 is broader than the personal scope of the Working Conditions Act, see [2.1.1](#) of this report. Although Article 16(7) of the Working Conditions Act provides for the possibility of extending the obligation to comply with the provisions of the Act, such extension does not encompass former employees or job applicants.¹⁵¹ With regard to remedies, a legal barrier can be identified in the allocation of the burden of proof. The starting point is Article 150 of the Dutch Code of Civil Procedure, which holds the principle 'who alleges, must prove'. Although a different allocation of the burden of proof may follow from the requirements of reasonableness and fairness, courts appear less inclined to shift the burden of proof in proceedings based on liability in tort regarding workplace violence and harassment (Article 6:162 Dutch Civil Code).¹⁵² In cases of employer liability based on Article 7:658(2) Dutch Civil Code, a particular difficulty arises in establishing a causal link between the working conditions and the employees' health problems. These may be attributable to a variety of causes, many of which are unrelated to the employment.¹⁵³ In criminal law, a potential legal barrier may lie in the principle of opportunity. Under the Dutch Code of Criminal Procedure, the public prosecutor has a broad discretion on

¹⁴⁹ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 26.

¹⁵⁰ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 28.

¹⁵¹ SER, *Arbovisie 2040*, deel 2, mei 2025, p. 43.

¹⁵² R. Holtmaat, *Seksuele intimidatie: De juridische gids*, Ars Aequi Libri 2009, p. 130.

¹⁵³ Rb. Amsterdam 24 januari 2020, ECLI:NL:RBAMS:2020:372.

whether and under which circumstances to prosecute.¹⁵⁴ In this case, a person concerned such as the victim may lodge a complaint against the decision.

7.2.2 Structural barriers

The above mentioned occupational health and safety services are private enterprises. As the demand from employers for support on prevention is limited, they focus on more profitable areas.¹⁵⁵ Additionally, prevention can be impeded due to a shortage of company doctors.¹⁵⁶ Within the field of remedies, two structural problems arise. First, the manner employers handle complaints by employees concerning discrimination or sexual harassment. In the period between 2013 - 2016, 80 percent of claims relating to the employers handling of the complaint were upheld by the Netherlands Institute for Human Rights.¹⁵⁷ Second, research from 2007 suggest that the Privacy Code of Conduct for Private Investigation Agencies (PPO) is violated in more than half of the investigations.¹⁵⁸

7.2.3 Cultural barriers

A general cultural phenomenon in cases of violence and harassment in the workplace is that victims often experience shame. Additionally, fear of losing their job may discourage victims from taking action.¹⁵⁹ In the context of domestic violence, the Dutch trade union FNV has noticed that the distinction between private life and the workplace is deeply rooted in Dutch culture. Consequently, FNV views it as challenging to persuade employers and employees alike to address this topic.¹⁶⁰

7.3 Studies of evaluations

Every four years, the Labour Inspectorate conducts a general evaluation of the employment-related psychosocial pressure (PSA) approach in the Netherlands.¹⁶¹ These evaluations demonstrate that policies addressing undesirable conduct are generally in place, but their implementation is often insufficient. In particular, risk inventories and evaluations (RI&E) devote inadequate attention to workplace safety, and the measures adopted tend to remain too broadly formulated.¹⁶² The reports emphasize that the mere existence of formal policies is not sufficient. Employees must receive active training on how to respond to violence and

¹⁵⁴ Concl. PG F.W. Bleichrodt 21 april 2023, ECLI:NL:PHR:2022:566, par. 6.10.

¹⁵⁵ SER, Arbovisie 2040, deel 2, mei 2025, p. 58.

¹⁵⁶ SER, Arbovisie 2040, deel 2, mei 2025, p. 65.

¹⁵⁷ A. Kuiper, 'Aanpak van klachten over seksuele intimidatie op het werk: 25 jaar na verplichting in de Arboret', *ArbeidsRecht* 2019/1, p. 5.

¹⁵⁸ J. Bos, S. Dekkers & G.H.J. Homburg (2007), *Evaluatie privacygedragscode particuliere recherchebureau*, Amsterdam: WODC, Regioplan, eindrapport RA 13.585, p. 88.

¹⁵⁹ B. Rombouts, 'ILO-Conventie 190: een 'geïntegreerde aanpak' van geweld en intimidatie?', *Arbeidsrechtelijke Annotaties* 2021/1, p. 28.

¹⁶⁰ FNV, *Privé neem je mee naar je werk*, 2025, p. 8.

¹⁶¹ Nederlandse Arbeidsinspectie, *Programmarapportage Psychosociale Arbeidsbelasting 2019 – 2022*; Nationale Enquête Arbeidsomstandigheden (NEA) 2024.

¹⁶² Nederlandse Arbeidsinspectie, *Programmarapportage Psychosociale Arbeidsbelasting 2019 – 2022*, par. 2.

aggression.¹⁶³ Furthermore, an independent reporting structure is essential in order to maintain meaningful oversight of psychosocial risks within the organisation.

In addition, the Dutch Labour Authority conducts sector-specific evaluations in sectors where employment-related psychosocial pressure risks are particularly high. One example is its study on psychosocial pressure in the mental healthcare sector.¹⁶⁴ Notably, this research explicitly addresses physical violence in the workplace, both internal (between colleagues) and external (by patients or third parties).¹⁶⁵ Identified causes for the increase in workplace violence include the expansion of outpatient care, more assertive patients, and increased work pressure partly resulting from staff shortages.

Research is also occasionally conducted at the organisational level. In this context, reference can be made to the report concerning *Fokus*, a large home-care organisation in the Netherlands.¹⁶⁶

7.4 Effective policies and practices

7.4.1 National action plan tackling sexually transgressive behaviour and sexual violence

Specifically in the context of sexually transgressive behaviour and sexual violence, the Dutch government has launched a national action plan, previously discussed in Section 1.3.2. In the progress reports of the plan, the positive effects are endorsed. The government notices that sexually transgressive conduct is widely discussed and the realization of the importance of behavioural change within society is growing. At the same time, resistance is also being noticed. The Dutch government thus emphasizes the need for sustained action.¹⁶⁷

7.4.2 Achievements by trade unions

As has been mentioned in Section 6.1, Dutch trade unions play a major role in reducing workplace violence harassment. On their website, trade union CNV mentions various milestones as a result of active campaigning. In all collective labour agreements agreed to by CNV, the employer is obliged to develop a protocol against inappropriate behaviour. In addition, every employee can call on a confidential officer, either internal or external. CNV also mention the National action plan tackling sexually transgressive behaviour and sexual violence launched by the government as an important result.¹⁶⁸

¹⁶³ Nationale Enquête Arbeidsomstandigheden (NEA) 2024, p. 11.

¹⁶⁴ Nederlandse Arbeidsinspectie, Psychosociale arbeidsbelasting in de geestelijke gezondheidszorg (ggz).

¹⁶⁵ Nederlandse Arbeidsinspectie, Psychosociale arbeidsbelasting in de geestelijke gezondheidszorg (ggz), p. 12.

¹⁶⁶ Q-consult Zorg, Onafhankelijk onderzoek naar sociale veiligheid, communicatie en bejegening binnen Fokus 2025.

¹⁶⁷ Ministerie van Onderwijs, Cultuur en Wetenschap, Tweede voortgangsrapportage Nationaal Actieprogramma Aanpak seksueel grensoverschrijdend gedrag en seksueel geweld, 15 april 2025.

¹⁶⁸ 'Grensoverschrijdend gedrag op het werk', cnv.nl.

8. Conclusion

The Netherlands does not have specific legislation addressing *workplace violence and harassment*. Nevertheless, in our view, the Netherlands already has, to a large extent, protective mechanisms in place under occupational health and safety legislation and equal treatment legislation. However, several issues deserve attention in light of ILO Convention No. 190.

The scope of application of the Working Conditions Act does not extend to the entire “*world of work*.” In particular, job applicants and former employees currently fall entirely outside the Act’s scope of protection. This limitation raises questions in light of the broader protective approach advocated by ILO Convention No. 190, which explicitly aims to cover the full spectrum of work-related interactions.

Although the employer’s duty of care is interpreted relatively broadly in certain contexts, its application is less clear in situations that fall outside the traditional workplace. In circumstances such as voluntary social activities connected to work (for example staff parties or informal gatherings) or during the commute to and from work, the existence and extent of the employer’s duty of care often depend on whether the employer can be considered to exercise sufficient control over the situation.

The Netherlands recognizes the role of confidential officer (*vertrouwenspersonen*), but there is no explicit statutory basis for this function. The question therefore arises as to how this situation relates to Article 4(2)(h) of ILO Convention No. 190. It can be argued that the careful handling of complaints could certainly be codified more clearly in Dutch law. Dutch occupational health and safety legislation is largely based on goal-oriented regulation rather than prescriptive rules. The Working Conditions Act therefore allows for a considerable degree of tailor-made implementation, requiring employers to develop preventive measures that are adapted to the specific risks and needs of their undertaking.

Within this framework, a significant part of the responsibility for prevention rests with employers, who are required to conduct a Risk Inventory and Evaluation (RI&E) as the central instrument for identifying and addressing workplace risks. However, this regulatory model also has certain disadvantages. Because the legislation does not prescribe specific preventive measures, no uniform standard of prevention is established. As a result, there may be considerable variation in how preventive obligations are interpreted and implemented across different organisations. These challenges are also reflected in practice. Only about 65% of companies actually have a RI&E in place, and many of the existing RI&Es do not substantively meet the legal requirements. This raises the broader question of whether it is advisable for the government to place a large part of the preventive policy framework on employers, and how this approach aligns with the obligations imposed on the Netherlands under ILO Convention No. 190.

The connection between domestic violence and the employer’s duty of care is not yet structurally embedded in Dutch law. Nevertheless, domestic violence may still be addressed within existing workplace frameworks. In practice, the issue can be included in the employer’s

risk inventory and evaluation (RI&E) or incorporated into broader integrity policies that aim to promote a safe and respectful working environment. Moreover, it can be argued that an employer, as part of the obligation of good employment practice, is expected to provide support when there are indications that an employee may be a victim of domestic violence. Although this expectation is not explicitly codified in relation to domestic violence, recognising and responding to such signals may fall within the broader responsibilities that employers have towards their employees. The legal threshold employer liability is often difficult to overcome, which means that liability claims are frequently costly and protracted.

Appendix

Overview of the Relevant Dutch Legislation

English title of the Act	Dutch title of the Act	Reference ¹⁶⁹
Act on Equal Treatment on the Grounds of Disability or Chronic Illness / Equal Treatment in Chronic Illness and Disability Act	Wet gelijke behandeling op grond van handicap of chronische ziekte	Stb. 2003, 206
Civil Code	Burgerlijk Wetboek	Stb. 1822, 10
Code of Civil Procedure	Wetboek van Burgerlijke Rechtsvordering	Stb. 1828, 14
Code of Criminal Procedure	Wetboek van Strafvordering	Stb. 1921, 14
Collective Labour Agreements Act	Wet op de collectieve arbeidsovereenkomst	Stb. 1927, 415
Constitution	Grondwet	Stb. 1815, 45
Criminal Code	Wetboek van Strafrecht	Stb. 1881, 35
Equal Treatment (Men and Women) Act / Equal Treatment of Men and Women Act	Wet gelijke behandeling van mannen en vrouwen	Stb. 1980, 86
Equal Treatment in Employment (Age Discrimination) Act	Wet gelijke behandeling op grond van leeftijd bij de arbeid	Stb. 2004, 30
Flexible Working Act	Wet flexibel werken	Stb. 2000, 114
General Equal Treatment Act	Algemene wet gelijke behandeling (AWGB)	Stb. 1994, 230
Netherlands Institute for Human Rights Act	Wet College voor de Rechten van de Mens	Stb. 2011, 573
Policy Rule on Employer Accident Investigation Reports	Beleidsregel werkgeversrapportage onderzoek arbeidsongevallen	Stcrt. 2024, 18881
Privacy Code of Conduct for Private Investigation Agencies	Privacygedragscode Particuliere Onderzoeksbureaus (PPO)	Stcrt. 2022, 5003
Social Support Act	Wet maatschappelijke ondersteuning 2015 (Wmo)	Stb. 2014, 280

¹⁶⁹ References indicate the official Dutch publication of the law or regulation.

Whistleblower Protection Act	Wet bescherming klokkenluiders	Stb. 2016, 147
Work and Care Act	Wet arbeid en zorg	Stb. 2001, 567
Work and Income (Capacity for Work) Act	Wet werk en inkomen naar arbeidsvermogen (WIA)	Stb. 2005, 572
Working Conditions Act	Arbeidsomstandighedenwet (Arbowet)	Stb. 1999, 184
Working Conditions Decree	Arbeidsomstandighedenbesluit	Stb. 1997, 60
Working Conditions Regulations	Arbeidsomstandighedenregeling	Stcrt. 1997, 63
Works Council Act	Wet op de ondernemingsraden (WOR)	Stb. 1971, 54

Overview of Mentioned Authorities, Organisations, and Third Parties

English	Dutch
Netherlands Labour Authority	Arbeidsinspectie
Netherlands Institute for Human Rights	College voor de Rechten van de Mens
Victim Support Netherland	Slachtofferhulp Nederland
Works Council	Ondernemingsraad
Employee Representative Body	Personeelsvertegenwoordiging
Netherlands Centre for Occupational Diseases	Nederlands Centrum voor Beroepsziekten
Dutch Data Protection Authority	Autoriteit Persoonsgegevens
Healthcare and Youth Inspectorate	Inspectie Gezondheidszorg en Jeugd
Education Inspectorate	Inspectie van het Onderwijs
Public Prosecutor	Openbaar Ministerie
House of Representatives	Tweede Kamer
Senate	Eerste Kamer
National statistics office	Centraal Bureau voor de Statistiek
SER	Sociaal-Economische Raad
Centre for Sexual Abuse	Centrum Seksueel Geweld

Overview of Relevant Policy Documents and Reports

English	Dutch
National action plan tackling sexually transgressive behavior and sexual violence	Nationaal actieprogramma tegen seksueel grensoverschrijdend gedrag en seksueel geweld
TNO, Guide to inappropriate behaviour	TNO, Wegwijzer ongewenst gedrag
CNV, Guide to social safety in the workplace	CNV, Handreiking sociale veiligheid op de werkvloer

Definitions set out in the Dutch Criminal Code

Term	Legal Reference	Definition
Discrimination	Art. 90quater Criminal Code	Discrimination means any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural sphere or in any other area of public life.
Discrimination in the course of profession	Art. 137g Criminal Code	Anyone who, in the exercise of an office, profession, or business, deliberately discriminates against individuals on the basis of their race.
Pornography	Art. 151d Criminal Code	The display or an object that is offensive to decency.
Sexual assault	Art. 240 and 241 Criminal Code	Performing sexual acts while knowing or having serious reason to suspect that the other person lacks the will to do so.
Rape	Art. 242 and 243 Criminal Code	Engaging in sexual acts with another person—acts that consist of, or include, sexual penetration of the body—while having serious grounds to suspect, or while knowing, that the person does not have the will to participate.
Offensive behaviour	Art. 254b Criminal Code	Performing acts offensive to public decency.
Insult	Art. 266 Criminal Code	A statement intended to place another person in an unfavourable light before the public and to harm that person's honour and reputation. ¹⁷⁰
Coercion	Art. 254 Criminal Code	An act of compelling another person, through violence, threats, or any other factual means, directed at that person or at third parties, to act, refrain from acting, or tolerate an act.
Threatening behaviour	Art. 285 Criminal Code	A threat made in circumstances likely to cause reasonable fear of the threatened crime and capable of restricting the person's freedom. ¹⁷¹

¹⁷⁰ HR 6 juli 2021, ECLI:NL:HR:2021:1036.

¹⁷¹ HR 22 oktober 2024, ECLI:NL:PHR:2024:1109.

Stalking	Art. 285b Criminal Code	Unlawfully and intentionally intruding on another person's private life in a systematic manner with the purpose of compelling them to act, refrain from acting, or tolerate an act, or to instil fear.
Assault	Art. 300 – 303 Criminal Code	The intentional infliction of physical injury or pain, the deliberate harm to health, or, under certain circumstances, the deliberate causing of a strongly unpleasant bodily sensation, without any lawful justification. ¹⁷²

¹⁷² HR 13 juni 2017, ECLI:NL:HR:2017:1077.