

> Retouradres PO Box 90801 NL-2509 LV The Hague The Netherlands

Unict C.2: modernisation of social protection systems, DG Employment, Social Affairs & Inclusion, European Commission, Rue Joseph II 27, B-1049 Brussels, Belgium

PO Box 90801  
2509 LV The Hague  
The Netherlands  
Parnassusplein 5  
The Hague  
T +31 (0)70 333 44 44  
www.rijksoverheid.nl

**Onze referentie**  
2018-0000000534

Date

Subject Public consultation on a possible EU action addressing the challenges of access to social protection for people in all forms of employment in the framework of the European Pillar of Social Rights

Dear Sir, Madam,

The Netherlands welcomes the opportunity to respond to the public consultation on possible EU action addressing the challenges of access to social protection for people in all forms of employment. This consultation was opened by the European Commission on 20 November 2017. With this letter I will describe the Dutch vision regarding the topics in the consultation.

The labour market in the EU is changing. A growing number of people is doing atypical work. The question of how we organize security and protection in a labour market with increasing flexibilisation is relevant here. The Dutch government recognizes that problems with formal and actual coverage play a role in the EU, and that regulation is complex.

The Netherlands regards social protection for all forms of work, including atypical forms, as a national matter. The EU can provide support via coordination through the European Semester and the open method of coordination, and by facilitating the exchange of best practices. The Netherlands is not in favour of any new EU legislation in this area. Naturally, any EU initiative in the field of social protection needs to take into account the principle of subsidiarity.

All residents in the Netherlands have basis protection through national insurance schemes (old age, child schemes and health care). In addition, employees are covered by compulsory employee insurances. Self-employed are not covered by compulsory employee insurances. In the Netherlands, this has been a conscious choice, because the group of self-employed is very heterogenous. This practice allows self-employed to see for themselves whether and which insurance is appropriate for them.

To ensure that self-employed make a conscious and well-informed choice, the government provides support. For example, an information campaign has recently been set up about occupational disability insurance. Of course, the situation is different in cases of bogus self-employment. A new law that should prevent

bogus self-employment will be introduced. Field parties will be involved in the elaboration of this law.

Finally, the Netherlands is mentioned as an example in the background document accompanying the consultation. Temporary agency workers, and on-call and zero-hour workers would not be formally covered by social protection in the Netherlands. This is incorrect. These persons are all employees with an employment relationship and the employee insurance schemes are compulsory for them (Unemployment Act, Work and Income according to the Labour Capacity Act, Sickness Benefits Act). In addition, they are protected by the compulsory national insurance (General Old Age Pensions Act, General Surviving Relatives Act and the Long-term Care Act).

We would be happy to further elaborate on this in case you have additional questions regarding our position or the practises in the Netherlands.

Yours sincerely,

The Minister of Social Affairs and Employment,

W. Koolmees

**Directie Internationale  
Zaken**  
Afdeling **Europese  
aangelegenheden**

**Datum**

**Onze referentie**  
2018-0000000534