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Office of the United Nations High Commissioner for Human Rights (OHCHR)

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**OPD Report on the Barriers to Inclusive Employment and Social Protection
for Persons with Disabilities in the Kingdom of the Netherlands**

Submitted by AccessibilityAtlas

an organization of young persons advancing disability rights throughout the world

for the

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OPD Contribution for the Review of the Kingdom of the Netherlands

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Introduction

AccessibilityAtlas presents this report to the United Nations Committee on Economic, Social and Cultural Rights ahead of the 78th session for the review of the Kingdom of the Netherlands. AccessibilityAtlas is a global non-profit organization based in the United States, committed to creating a world where persons of all abilities can fully participate in their communities.

AccessibilityAtlas collaborates with civil society, international mechanisms, institutions of higher education, and local governments to catalyze change around the thematic issues of accessibility in civic life, education, and right to information for persons with disabilities worldwide. We actively engage with the United Nations human rights mechanisms in Geneva and beyond to address accessibility gaps and advocate for systemic solutions grounded in the lived experiences of persons with disabilities.

Our reporting process involves comprehensive research on nation-states under review by the Committee on Economic, Social and Cultural Rights (CESCR), dialogue with civil society and individuals with disabilities in those countries, and collaborative drafting of reports to highlight successes, challenges, and gaps in disability rights.

This petition focuses on three main issues as they relate to persons with disabilities in the Kingdom of the Netherlands: (1) barriers to inclusive employment and systemic discrimination in the labor market; (2) administrative and structural challenges in accessing disability-related social protection; and (3) the inadequacy of income support schemes in covering the true cost of living with a disability.

We offer our findings and recommendations with the goal of supporting the Committee’s work in holding State Parties accountable for their obligations under the International Covenant

on Economic, Social and Cultural Rights, and in advancing disability-inclusive development throughout the Kingdom of the Netherlands.

Barriers to Inclusive Employment for Persons with Disabilities

Legal Framework and National Action Plans on Disability Employment

82% of the five million Dutch people without disabilities have a job, compared to only 72% of the 6 million people with disabilities.¹ Many persons with disabilities face extreme difficulty in finding employment. The Participation Act is implemented at the municipal level and is responsible for helping persons with disabilities gain access to various workspaces. The act replaced the previous system of sheltered workshops with a decentralized model: Municipalities are responsible for supporting jobseekers with disabilities in accessing employment opportunities. Municipalities use job placement services, subsidies, and funding for necessary workplace adjustments to motivate employers to employ persons with disabilities. However, local governments have fallen short of national targets for creating sheltered jobs. Out of a goal of 8,600 cumulative municipal sheltered work positions that year, only about 6,767 (79%) were realized.²

The Ministry of Social Affairs and Employment introduced an action plan to combat labor market discrimination (“Actieplan Arbeidsmarktdiscriminatie 2022–2025 – Gelijkwaardige kansen voor iedereen”).³ The plan recognized that persons with disabilities continue to face unfair barriers to employment. It sets out an integrated approach with four pillars: (A) raising awareness among employers and workers of their rights and obligations; (B) promoting inclusive recruitment practices and diversity in the workplace; (C) strengthening enforcement of anti-discrimination laws; and (D) improving data collection and knowledge on discrimination trends.⁴

Job placement varies significantly across regions in the Netherlands. The Haaglanden region achieved 126% of its target, whereas the Amersfoort region achieved only 16%,

¹ ABN AMRO:

<https://www.abnamro.com/en/news/around-600-000-people-in-the-netherlands-with-a-disability-sidelined>

² Mensen met beperking op de bank:

<https://www.rtl.nl/rtl-nieuws/artikel/5337677/beschut-werk-participatiewet-beperking-bijstand-fnv-lcr#:~:text=Voor%202021%20was%20het%20totale,van%20Leeuwen%20van%20de%20LCR>

³ European Agency for Fundamental Rights:

https://fra.europa.eu/sites/default/files/fra_uploads/frr_2023_the_netherlands_en_1.pdf

⁴ Ministerie van Sociale Zaken en Werkgelegenheid:

<https://zoek.officielebekendmakingen.nl/blg-1041623.pdf#:~:text=3%20Focus%20Actieplan%202021,Cluster%20A>

indicating significant regional disparities in opportunity.⁵ Municipalities cite varying reasons for these discrepancies. Several Municipalities claim demand in their region is lower, while others admit that budget constraints led to their lack of results.

We urge the Committee to ask: **What concrete steps will the Dutch government take to eliminate regional disparities in employment outcomes for persons with disabilities and ensure full implementation of the Participation Act's mandates, including sheltered employment quotas and inclusive hiring targets?**

Persons with disabilities continue to face structural barriers to employment in the Netherlands. The decentralization of the Participation Act has led to significant discrepancies in municipal implementation, with some regions exceeding targets while others fall drastically short. Municipalities often cite low demand or budget constraints as reasons for their underperformance, but these explanations reveal a lack of adequate national oversight and coordination. We urge the Committee to compel the Dutch government to adopt binding accountability measures to ensure municipalities fulfill their obligations under the Participation Act. The government should allocate resources based on local need, offer technical assistance to underperforming regions, and develop a national monitoring system to track compliance. Additionally, inclusive hiring practices must be enforced for public contractors, and financial incentives should be strengthened for employers who provide accessible and sustainable work environments for persons with disabilities.

Employment Disparities and Economic Exclusion of Persons with Disabilities

Within the Netherlands, there are clear disparities between the ratio of employed persons with disabilities versus persons without disabilities. About 60% of working-age people with disabilities were in paid employment, versus roughly 78% of the general working-age population.⁶ This discrepancy highlights ongoing issues related to accessibility for persons with disabilities seeking to enter the Dutch workforce.

Employers have been heavily urged by the government to hire from target groups to meet Jobs Agreement commitments. As a result, by 2021 the Netherlands reported that roughly 59,000

⁵ Mensen met beperking op de bank:

<https://www.rtl.nl/rtl-nieuws/artikel/5337677/beschut-werk-participatiewet-beperking-bijstand-fnv-lcr#:~:text=niet%20aan%20de%20grondwet>.

⁶ Inzicht in inclusie III:

<https://publicaties.mensenrechten.nl/file/fce520ac-93f6-f42c-97bf-00bbd2f645ed.pdf>

extra jobs for persons with disabilities had been created since 2013, about half of the 2026 goal.⁷ This figure includes both regular jobs and additional support roles.

The net employment rate among women with a long-term health limitation was several percentage points below that of men with a similar limitation, and both were below national averages.⁸ This indicates discrimination against women, who are not being hired at the same rate as men even when affected by the same condition.

The lack of persons with disabilities in the work force perpetuates existing inequalities. Employment has been shown to offer many benefits: corporate programs that support work/life balance can promote productivity, reduce turnover, and improve employees' mental and physical health.⁹

We urge the Committee to ask: **What specific measures will the Dutch government adopt to ensure equitable employment access across all disability groups, and how will it address the compounded discrimination faced by women with disabilities in the labor market?**

Persons with disabilities continue to face unequal access to employment, with significant gaps across disability types. Women with disabilities face compounded discrimination and remain underrepresented in workforce participation. We urge the Committee to compel the Dutch government to implement targeted strategies to address these disparities, including inclusive recruitment practices, job coaching programs, and specific incentives to support the hiring of women with disabilities. Stronger enforcement of anti-discrimination laws and accountability measures for employers are also needed to ensure equal access to employment for all persons with disabilities.

Administrative Barriers and Systemic Challenges in Inclusive Employment

The systems for hiring persons with disabilities are extremely complex and difficult to navigate. This complexity discourages both employers and prospective employees from pursuing disability-inclusive employment. As a result, fewer persons with disabilities are represented in

⁷ABN AMRO:

<https://www.abnamro.com/en/news/around-600-000-people-in-the-netherlands-with-a-disability-sidelined>

⁸ Emancipatiemonitor:

<https://zoek.officielebekendmakingen.nl/blg-1170497.pdf#:~:text=%5BPDF%5D%20Emancipatie.groep%20met%20een%20beperking>

⁹ Harvard Business Review:

<https://hbr.org/2022/09/the-surprising-benefits-of-work-life-support>

the workforce. For small businesses, the associated paperwork and bureaucracy are often viewed as overly burdensome, making them particularly hesitant to hire persons with disabilities.

A positive development is that the “Toezicht gelijke kansen bij werving en selectie” bill under consideration will also address the use of automated systems in recruitment, making sure they are fair and transparent.¹⁰ With the increasing use of AI in hiring processes, concerns have been raised about its impact on the ability of persons with disabilities to secure employment. Government oversight in this area will likely improve the fairness of hiring practices for persons with disabilities.

Organizations of Persons with Disabilities (OPDs) and the Institute for Human Rights have played key roles in holding the Dutch government accountable regarding employment issues affecting persons with disabilities. They have gathered significant insight into these challenges. Both OPDs and the Institute have concluded that a more coherent, cross-ministerial approach is needed across all levels of government. The Institute also emphasized that involving persons with disabilities and their representative organizations leads to better insight into their lived experiences.¹¹ The more perspectives included, the better the government can understand and address the problem.

We urge the Committee to ask: **What steps will the Dutch government take to simplify disability employment systems, regulate the use of algorithmic biases in AI hiring, and ensure meaningful involvement of persons with disabilities in employment policymaking?**

The systems governing disability-inclusive employment in the Netherlands remain overly complex and difficult to navigate, discouraging both employers and prospective employees. Small businesses, in particular, view the bureaucracy as burdensome. The proposed “Toezicht gelijke kansen bij werving en selectie” bill is a welcome step, as it would introduce oversight over automated hiring systems and help prevent discrimination. However, a more coherent, cross-ministerial approach is still needed. We urge the Committee to recommend that the Dutch government streamline administrative processes, strengthen regulation of AI hiring tools, and ensure the structural involvement of Organizations of Persons with Disabilities (OPDs) in designing and monitoring employment policies.

¹⁰ Ministerie van Sociale Zaken en Werkgelegenheid:
<https://zoek.officielebekendmakingen.nl/blg-1041623.pdf#:~:text=Communicatie%20over%20het%20wetsvoorstel%20Toezicht,zoals%20de%20zogenoemde>

¹¹ Inzicht in inclusie III:
<https://publicaties.mensenrechten.nl/file/fce520ac-93f6-f42c-97bf-00bbd2f645ed.pdf>

Disability-Inclusive Social Protection

Structure and Adequacy of the Disability Social Protection System

The Institute for Human Rights observed that in some cases the social security system “only provides for an allowance below minimum wage (the minimum wage is slightly higher than the poverty threshold).”¹² Persons with disabilities are facing economic difficulties and struggle to find employment, and even when employed, often do not earn enough to adequately cover their cost of living.

Under Wajong, income is supplemented to reach the minimum wage, but under the Participation Act, it is not.¹³ The amount a person with a disability can receive from the government varies based on convoluted criteria, and many find it difficult to access proper assistance.

The energy allowance of €1,300 for low-income households in the Netherlands has also been extended to the Caribbean part of the Kingdom, where poverty levels are higher and the target group—those living on up to 130% of the minimum income standard—is larger.¹⁴ Many of the households receiving this allowance included persons with disabilities. In addition, the government increased benefits such as Wajong and Social Assistance.

The Commission on Social Minimum delivered a report titled “*Een zeker bestaan*” (“*A Secure Existence*”), concluding that current minimum income levels are insufficient to cover basic needs and allow social participation.¹⁵ Though it depends on the disability, persons with disabilities generally face higher costs of living, and low income levels result in a substandard quality of life.

Many persons with disabilities face economic hardship due to both bureaucratic barriers in the social security system and insufficient income. Researchers estimate that households with

¹² European Commission:
<https://ec.europa.eu/social/BlobServlet?docId=24780&langId=en>

¹³ European Commission:
<https://ec.europa.eu/social/BlobServlet?docId=24780&langId=en>

¹⁴ Council of Europe:
<https://rm.coe.int/nld-ad-hoc-report-on-the-cost-of-living-crisis/1680ae13f7#:~:text=3..apply%20in%202023%20and%202024>

¹⁵ Council of Europe:
<https://rm.coe.int/nld-ad-hoc-report-on-the-cost-of-living-crisis/1680ae13f7#:~:text=3..apply%20in%202023%20and%202024>

an adult who has a work-limiting disability require, on average, 28% more income (or an additional \$17,690 per year for a household at the median income level) to achieve the same standard of living as a comparable household without a member with a disability.¹⁶

We urge the Committee to ask: What concrete steps will the Dutch government take to ensure that persons with disabilities receive a guaranteed income sufficient to meet their basic needs and reflect the true cost of living with a disability?

Persons with disabilities in the Netherlands face persistent economic hardship due to inadequate income support and a fragmented, complex social security system. While some schemes such as Wajong offer wage supplementation, others under the Participation Act do not, leading to inconsistent and often insufficient support. Benefits remain difficult to access, and the amounts provided often fall below the minimum wage, which itself is barely above the poverty line. We urge the Committee to recommend that the Dutch government simplify access to income support, ensure that all persons with disabilities receive a livable income regardless of employment status or scheme, and adjust benefits to reflect the additional costs associated with disability. Additionally, the government should implement the recommendations of the Commission on Social Minimum and ensure that all social protection policies are developed in consultation with persons with disabilities and their representative organizations.

Conclusion

The Netherlands' treatment of persons with disabilities in areas such as employment, income support, and social protection reveals persistent gaps in fulfilling its obligations under the International Covenant on Economic, Social and Cultural Rights. Despite progressive legal frameworks and national action plans, enforcement remains inconsistent, and systemic barriers continue to exclude persons with disabilities from full participation in society.

Persons with disabilities in the Netherlands face widespread disparities in employment, compounded discrimination based on gender and disability, and complex bureaucratic systems that make it difficult to access essential services and income support. These challenges undermine their rights to work, social security, and an adequate standard of living.

We urge the Committee to call upon the Netherlands to implement meaningful reforms, including equitable enforcement of the Participation Act, simplification of administrative procedures, fair regulation of AI hiring tools, and adjustments to income support that reflect the

¹⁶ National Disability Institute:

<https://www.nationaldisabilityinstitute.org/reports/extra-costs-living-with-disability/#:~:text=Researchers%20estimate%20that%20households%20containing.a%20member%20with%20a%20disability.>

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real cost of living with a disability. These actions are necessary steps toward building a society rooted in dignity, equity, and inclusion.

This report may be published on the CESCRR webpage to the general public. Direct enquiries to admin@accessibilityatlas.org. This report was authored by Charles Miles Agle and Dinu Antonescu.