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POLICYBRIEF

JUSTMIG

The Netherlands

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SUMMARY / EXECUTIVE SUMMARY

In addition to the important policy initiatives and regulatory changes being implemented and proposed already in the Netherlands, the systemic asymmetry in power between employers and migrant workers needs to be more fundamentally addressed. While the strengthening of enforcement procedures to ban migrant rights violations and labour exploitation is important and long overdue, this does not sufficiently address the drifted industry norms in the workplaces where many low-waged migrants work, where frequent (small) breaches of workers' rights are ubiquitous, yet often left unchallenged. To break this vicious cycle, collective means of enforcement need to be strengthened. The empowerment of migrant workers within and beyond the contractual relationship is key and cannot be left to the realm of employers and authorities alone. Migrants working low-waged jobs on temporary (agency) contracts need better and low-threshold access to information, support, and representation, preferably provided by trade unions or NGOs. To encourage collective conflict and grievance resolutions in the workplace, we recommend granting trade unions unconditional access rights to the workplace and a

default trade union membership. Finally, we support state-sanctioned legal limitations on the use of agency work to improve migrant workers' employment and bargaining position.

INTRODUCTION

In the Netherlands, a plethora of policy initiatives to strengthen enforcement practices and address the precarious employment position of low-waged (EU) migrant workers¹ have been taken over the last few years. Ranging from the prepared reinstatement of a permit scheme for temporary agency firms², tightened regulation on temporary leasing and registration, strengthened labour exploitation legislation, to the set-up of local information and service points for migrant workers. While important stepping stones to improve migrant workers' positions, these proposals do not sufficiently address the fundamental asymmetry of power between employers (often temporary agency firms) and migrant workers. Across migrant-dominated workplaces, industry norms (Ioannou and Dukes, 2021) of pervasive (small) breaches of workers' rights, which are often left unchallenged, are common. This makes individualized migrant workers accustomed to everyday substandard treatment and (minor) rights infractions, such that few expect anything better. Migrant workers' exposure and ability to resist bad working conditions are essentially a reflection of their bargaining strength (Jeffery et al., 2024). To break the vicious cycle, collective means of enforcement need to be strengthened. For this, the empowerment of migrant workers within and beyond the contractual relationship is key and cannot be left to the realm of employers and authorities alone.

We base our policy recommendations on qualitative research conducted in the Dutch meat and supermarket distribution sectors under the auspices of the JUSTMIG project. This involved in-depth interviews in 2024 and 2025 with Polish and Romanian workers; interviews and conversations with trade unionists and enforcement actors; as well as field visits to workplaces, workers' accommodations, and local Polish and Romanian retailers. From the interviews, a broad range of issues surfaced, ranging from frequent everyday breaches to sometimes severe maltreatment, with the former often considered more as nuisances than issues worthy of or realistic to challenge. Even among the unionized migrants we interviewed, mundane breaches would rather be accepted or individually remedied than collectively challenged, despite trade union presence in and around their workplace.

We therefore recommend that, besides strengthening enforcement procedures³, collective means of enforcement and the empowerment of migrant workers need fundamental improvement to alter the current asymmetrical distribution of information and power. Our call to strengthen collective enforcement does not dismiss the state and employers (both hiring companies and

¹ We use the term migrant workers in this brief for Polish and Romanian EU citizens who use their EU freedom of movement rights to work in another EU member states. These are the largest nationality groups that work in low-waged and/or temporary agency employment in the Netherlands.

² Following the 'Bill to tackle abuses at employment agencies and other lenders' (Wtta, *Wetsvoorstel aanpak misstanden bij uitzendbureaus en andere uitleners*) employment agencies require a permit from 1 January 2028 onwards to be able to operate in the Netherlands. Businesses that are granted such a permit by the Ministry of Social Affairs will be listed in a public registry.

³ For a selection of these reports, see for instance: (Aanjaagteam Bescherming Arbeidsmigranten, 2020; Adviesraad Migratie, 2024; Algemene Rekenkamer, 2021; LURA, 2011; McGauran et al., 2016; Nederlandse Arbeidsinspectie, 2025; SOMO, 2024)

temporary agency firms) from the legal and moral responsibility to increase efforts to improve migrant workers' well-being. We substantiate our policy recommendations first by discussing the observed industry norms and migrants' expectations of work, and second, the possibility of collective empowerment of migrant workers.

DRIFTED INDUSTRY NORMS AND MIGRANTS' EXPECTATIONS OF WORK

The drifted industry norms observed in migrant-dominated workplaces are facilitated by the flexibility enshrined in Dutch temporary agency regulations and industry pressures towards low-cost competition. Through the interplay of different workplace controls in and outside the workplace, using work targets, employee monitoring, low pay, and insecure (temporary agency) employment, employers dictate the terms and conditions of work unilaterally, individualizing and fragmenting workers, leaving collective conflict resolution rather ineffective. From our interviews, a broad scope of issues surfaced, ranging from common everyday breaches to sometimes severe maltreatment: wage thefts (paying less than an employee is entitled to), employment insecurities, physically demanding and unsafe working conditions, housing problems, and health and health care issues were frequently mentioned. At the same time, workers are so accustomed to the frequency of (small) breaches that existing rules and regulations are perceived as unrealistic, or not applicable to their situation, if they know their rights at all. Different interviewees explained that agencies routinely profit at the expense of workers through (small) irregularities in wages or housing fees, for instance, which might be remedied through individual (or collective) intervention, but are considered by many as part of the employment system. Anna Matyska (2019: 74–75) captured this complex and ambiguous relation between migrants and employers with the Polish concept of *kombinować* (meaning to contrive and balance on the edge of the law in pursuit of self-interests (profit)), that feed migrants' distrust of employers, yet at the same time an understanding for business strategies that take advantage of (gaps in) regulations.

For brevity's sake, we highlight only two subjects here that migrants raised in our interviews to illustrate expectations of work around sickness leave and the physical working conditions. As Joanna, a Polish mother of four, working as an order picker in a Dutch supermarket distribution center, explained: 'If you get sick and you don't come to work, you'll get a penalty: they'll change your schedule, or take away your function [other additional job tasks]. Only because you didn't show up for work. It's like kindergarten, right? But this treatment, that's nothing special'. This kind of bullying by agencies happens everywhere, according to Joanna, it is inherent to the way the temporary agency industry works. Joana has worked at the distribution center on and off for in total of six years, always via short-term temporary agency contracts. Although she now works on a permanent temporary agency contract,⁴ such bullying tactics have not disappeared. In other workplaces, employer control mechanisms are less subtle to prevent migrants from taking sick leave. Denisa, a female Romanian in her late twenties, cynically explained the type of sickness policy they face at the meat factory she works: 'If we're sick, we need to use our vacation days. If

⁴ The legally extended collective agreement for the Dutch agency sector knows a temporal phase system through which agency workers accrue more rights the longer they work as agency workers. The first phase is the most precarious and lasts up to 52 weeks, in which an unlimited number of agency work employment contracts may be entered into. It provides no to few guaranteed hours of work and no dismissal protection. In the last phase of agency employment an agency employment contract is entered for an indefinite period of time.

we run out of those, then we don't get anything. If you're out of vacation days, and you cannot pay your rent, you need to go.' Denisa works on the first most precarious phase of temporary agency employment that provides no guaranteed working hours, nor dismissal protection. While the CBA for temporary agency work knows a waiting day in case of sickness, the CBA for the meat sector does not. Denisa, like many migrant workers, is not informed about her rights. She does not know where to find information about her rights and entitlements, nor does she know where she could turn for help.

Workers also expressed little confidence that physically harsh working conditions could be challenged, although many experience these as problematic. Andrei, a Romanian meat worker in his early thirties, working for six years in the Netherlands on a temporary agency contract, characterized the working conditions: 'We work long hours, the work is comparable to working in a mine. For example, my arm is numb right now from the steel glove I need to wear at work. I can't feel my left hand anymore. I told management about it, but they didn't do much. For the work we do, we don't earn much. Plus, they take money from our wages for rent, transportation, and insurance. But there's nothing we can do about it.' For workers like Andrei, the main (and often only) lines of contact and communication in the workplace are with temporary agencies, which frequently employ workplace supervisors who speak their language, minimizing interactions with the company where they work (which is also responsible for healthy and safe working conditions). Ludwik, a Polish order picker in his early twenties, working on a temporary agency contract, explained that he received health and safety instructions at the start of employment at the supermarket distribution center, but that these are not enforced when it comes to workers' health. In his experience, employer control (executed by team leaders also employed by the temporary agency firm) centers on performance monitoring above all else: 'The supervisors go around watching, but they do not look out for our safety, they control if we are working. I don't think they are concerned about our health. I mean, they are more concerned if we are doing the norm and if we are working. That's the truth.' When companies and temporary agencies dodge employer responsibilities to guarantee safe and healthy working conditions, this compromises migrants' well-being at work, if not in the short term, certainly in the long run.

While many migrants realize that the physically (and mentally) demanding (and substandard) conditions of work make it difficult to perform these jobs for the full duration of their careers, they are so accustomed to the widespread and continuous (small) breaches and physical demands in working conditions across workplaces, that few expect better conditions of work. As such, the industry norms are both cause and consequence of a vicious cycle of precarious employment.

COLLECTIVE EMPOWERMENT OF MIGRANT WORKERS

There are (exceptional) cases where industry norms as described above are collectively challenged. While Dutch trade unionism is not characterized by a strong work floor presence, nor known for its workforce mobilization strength, in one supermarket distribution center, the Dutch FNV (*Federatie Nederlandse Vakbeweging*) trade union succeeded in organizing Polish temporary agency workers to fight for better working conditions together with Dutch colleagues on direct company contracts. In 2023, workers jointly fought for a pay rise and more direct company contracts for temporary agency workers by going on strike. Through these demands, the workers were united instead of pitted against each other, reinforcing workers' collective bargaining power. Workers realized that

without the temporary agency workforce participating in the strike, the company would be little affected as the majority of warehouse work is performed by migrant temporary agency workers. As Alexander, a Polish warehouse worker in his mid-twenties, recalled: *'Me and a group of friends, who all worked there for quite some time, we said: it's not gonna work if our Dutch colleagues are outside and we are all inside. It's not gonna work. Either we all strike or nobody strikes. That's it.'* The trade union organizing effort united earlier fragmented workers and built up a collective presence in the workplace, with 1500 migrants signing up for trade union membership. After the successful strike, several Polish workers joined the active union ranks as well.

This example illustrates the importance of collective pressure by all workers, including migrants, in collective bargaining. Although this is a successful example of company-level bargaining, overcoming worker fragmentation at sectoral level bargaining (the dominant level of bargaining in the Netherlands) remains a larger challenge. Still, it shows that through collective response, structural imbalances in the workplace can be overcome, or at least mitigated.

POLICY RECOMMENDATIONS

That temporary agency employment makes migrants particularly vulnerable and dependent on employers is politically recognized in the Netherlands and addressed by legal and policy changes to strengthen enforcement procedures that protect migrant workers. While we endorse the importance of the measures already taken and urge the state and employers (both hiring companies and temporary agency firms) to increase efforts to protect migrant workers' well-being, we emphasize that collective means of enforcement and empowerment of workers need to be strengthened to fundamentally curb the systemic asymmetry in information and power between employers and migrant workers.

Our research shows that the widespread casual nature of employment importantly shapes migrant workers' perception of what is expected and accepted in terms and conditions of employment when working temporary agency jobs in the Netherlands. Many migrants lack accessible and for them trustworthy information and help that is not facilitated by employers or authorities. Therefore, we recommend to

1. **create accessible and low-threshold information, support, and representation, preferably provided by trade unions or NGOs.** These are important to lift information and power asymmetries and cannot be left to the responsibility of employers and authorities alone.

In Germany, Fair mobility ('Faire Mobilität') centers, run by the German trade union movement and 90 per cent state-funded, have successfully supported and empowered migrant workers for more than ten years (Cremers, 2023). Taking inspiration from the Fair Mobility network, Dutch trade unions should join the established Work in the Netherlands (WIN points) information and support points funded and organized by the Dutch government, to build more collective support for migrant workers. Inspiration could also be gained from the US-based Migrant Justice rights group. This group advocates supply chain approaches to establish better industry norms, including NGO

provided rights information sessions for migrant workers, facilitated and paid by the employer. This approach has successfully improved migrant working conditions in the agricultural sector.⁵

Our research also highlights that collective means of enforcement are missing in migrant-dominated workplaces. With few (migrant) union members in the workplaces where many migrants work, powerful market-dominating employers dictate the bargaining relations. As enforcement depends foremost on the willingness and ability of precarious individual migrant workers to bring claims before enforcement authorities, this compromises the effectiveness of the rules and allows for industry norms to drift. Workers' subjective lack of awareness of the possibility of (let alone confidence in) collective action also comes from the total absence of unions in the working lives of migrants. Therefore, we recommend to:

2. grant trade unions the legal right to access the workplace.

This is in line with the advice from the bipartite Labour Foundation⁶ and has already been included in certain sectoral collective bargaining agreements (in the meat sector, for instance). To avoid that collectively agreed access in practice still requires negotiation, a more solid legal basis would support trade union rights to access the workplace.

As we have shown, the routinization of (micro) breaches leads migrants to mostly fall back on individualized conflict resolution or, in dire cases, to individual and sometimes collective rights enforcement. To stimulate collective empowerment of migrant workers, we recommend to:

3. create sector-based default trade union membership for temporary agency workers or workers in migrant-dominated sectors (such as the meat sector).

This recognizes the systemic disadvantaged power position of these workers, providing migrants with an accessible and regular option of collective representation. As precisely the precarious status of workers prevents effective collective enforcement (Özkul and Vaate, 2025). The trade union FNV has occasionally at firm level experimented with employer-facilitated and paid union membership of migrant workers. From these, lessons can be drawn for broader implementation. Preferably, default trade union membership is laid down in sectoral collective agreements (such as the temporary agency sector, or the meat sector) to cover all workers in the industry or branch, and should be paid by employers (organizations) or the State. Union membership not only empowers migrants individually, it also enhances collective enforcement by shielding individual workers from employer intimidation and retaliation through collective voice.

As the Netherlands Labour Authority already pointed out, to protect migrants from health and safety risks at work, the employment relations of migrant workers need to be strengthened and employer responsibilities extended (Nederlandse Arbeidsinspectie, 2025). In general, enforcement procedures in the area of workers' health and safety have weakened over the years (TNO, 2023) and need reinforcement to prevent the physical (and mental) exhaustion of migrants through demanding (and substandard) working conditions.⁷ While the future sustainability of migrant-dominated sectors (such as meat-processing, distribution and agriculture) has been publicly

⁵ <https://migrantjustice.net>

⁶ Letter *Stichting van de Arbeid*, d.d. 27 September 2023.

⁷ For instance, following Oeij et al. (TNO, 2023) a strengthening of the Dutch Working Environment Circumstances Act with limitations on short-cyclical and monotonous work. The enforcement of which was followed up by the Netherlands Labour Authority and trade unions.

challenged from a social, economic, animal and human welfare point of view, the temporariness enshrined in migrants' employment relations does not reflect the ongoing, continuous and widespread use and demand for migrant labour in these same industries. In this light, we reiterate trade union and NGO calls and recommend to

4. **limit the use of temporary agency and subcontracted employment** in migrant-dominated low-waged sectors where standards of decent employment are structurally violated.

The feasibility of a sectoral ban or state-sanctioned legal limitations on the use of temporary agency employment is under examination by the Ministry. This is an effective way to instantly and structurally improve the employment and bargaining position of migrant workers, as the experience in the German meat sector has already shown. Migrant workers make a structural contribution to the Dutch economy and society, and it is not sustainable for migrants themselves, nor Dutch society as a whole, if the conditions of work do not fundamentally improve collectively.

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