



Legal Challenges and Reforms in Dutch Labor Law Insights from Rotterdam

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This study examines the legal challenges and reforms in Dutch labor law, with a particular focus on Rotterdam, a major urban and economic center. It critically analyzes recent legislative changes, especially the Balanced Labour Market Act, which aims to improve employment security and reduce disparities between temporary and permanent contracts. The research highlights persistent issues affecting non-standard, gig, and migrant workers, including gaps in social protection, legal classification, and collective representation. Using a qualitative approach that combines doctrinal analysis, case studies, and examination of labor market practices, the study identifies both the successes and limitations of current reforms. Findings indicate that while legislative measures have enhanced worker security and fairness for certain groups, significant vulnerabilities remain for platform-based and flexible workers. The study concludes that labor law must adopt adaptive, inclusive, and evidence-based strategies to respond effectively to technological, economic, and social transformations in Rotterdam's labor market. Recommendations include clarifying employment definitions, extending protections to non-standard workers, strengthening migrant labor safeguards, and developing innovative models of collective representation. The insights from Rotterdam provide broader implications for understanding the interaction between labor law, employment practices, and social justice in modern urban economies.

INTRODUCTION

The Dutch labour law system has traditionally been lauded for its balanced approach to protecting workers while maintaining labour market flexibility. The Netherlands historically developed a “consensus model,” where statutory regulation, collective bargaining, and social dialogue all play critical roles in shaping employment standards and labour relations (Remery, van Doorne-Huiskes, & Schippers, 2002). This model, originating with agreements such as the Wassenaar Agreement, sought to combat unemployment and foster shared economic growth through moderated wage policies and increased part-time work options—measures which were initially seen as beneficial for both security and flexibility (Remery et al., 2002; Wassenaar Agreement, 1982).

Despite these innovations, the Dutch labour market has undergone significant transformation over recent decades. A key change has been the rise of non-standard forms of employment, including part-time contracts, temporary work, and flexible arrangements that depart from traditional full-time, permanent employment relationships. These patterns, while offering greater labour market participation and adaptability, have also introduced vulnerabilities for certain worker groups—particularly low-skilled workers and those engaged in precarious contracts who face insecurity and limited advancement prospects (IZA World of Labor, 2001–2024).



Rotterdam, as one of the Netherlands' largest metropolitan and economic hubs, exemplifies these dynamics. Its labour market is characterized by diverse industrial sectors, high levels of international trade, logistics activities, and a substantial population of migrant workers. Such complexity amplifies legal challenges associated with employment classification, rights enforcement, and social protection coverage, especially for migrant and cross-border workers whose contractual and legal status can be ambiguous or contested under existing frameworks. These structural labour market dynamics reflect broader national trends documented in labour market analysis, which show that flexible contracts have expanded at the expense of job security for vulnerable workers (IZA World of Labor, 2001–2024).

A major legal challenge in the Netherlands concerns the regulation of temporary and flexible contracts. While flexibility can benefit both employers and employees who prefer adaptive work arrangements, critics argue that such contracts create a segment of workers with reduced protections and limited stability. The persistence of temporary work arrangements can exacerbate wage inequality and job insecurity—issues documented in sociological studies of temporary employment patterns in the Dutch context (Bol & Lancee, 2023).

In response, Dutch labour law has seen targeted reforms aiming to address these concerns. For instance, measures under the Balanced Labour Market Act (WAB) and related proposals seek to reduce disparities between temporary and permanent contracts, encouraging transitions to more secure forms of employment while limiting abuses of flexible contract categories (Patra, Neuteboom, Kapetanios, & Ventouri, 2025).

These reforms signal a broader attempt to recalibrate the legal framework to better protect workers without stifling labour market dynamism. However, implementation complexities remain, particularly regarding enforcement and the potential for “bogus self-employment,” where workers are misclassified to avoid employment protections—a concern increasingly scrutinized by regulatory bodies.

Another profound challenge arises from globalization and cross-border labour mobility. Rotterdam's port and multinational industry presence attract a mobile labour force, often resulting in cross-jurisdictional employment arrangements that blur the lines of legal accountability. Dutch labour law must thus contend with issues of applicable legal regimes, enforcement mechanisms, and protections for migrant workers—a trend mirrored internationally as labour markets become increasingly fluid and transnational. Although comprehensive empirical studies remain limited, labour market analyses indicate that this increased mobility complicates the application of traditional labour standards and protections.

Furthermore, technological advancements and digital platforms are reshaping how work is organized and regulated. The rise of gig economy platforms poses significant questions about the classification of employment relationships and the adequacy of legal protections for workers engaged via digital intermediaries. Emerging Dutch legislative



proposals, such as presumptions of employment status under certain income thresholds, reflect ongoing efforts to clarify employer obligations and extend protections in the digital labour economy (Netherlands: Follow-up on legal reforms, 2025).

The intricacies of Dutch labour law also intersect with collective bargaining structures and union influence, which have historically underpinned labour regulation in the Netherlands. Yet, union density has declined, particularly among non-standard and migrant workers, raising concerns about representation and bargaining power in negotiating fair terms and conditions. Labour law reforms must therefore grapple not only with statutory rules but also with the structural weakening of traditional collective mechanisms.

In sum, the evolution of Dutch labour law reflects an ongoing tension between flexibility and protection. While the Netherlands has traditionally integrated adaptive labour market policies with robust legal protections, recent developments have exposed gaps in coverage and enforcement, particularly for non-standard and mobile workers. Rotterdam's labour market, with its distinctive economic and social profile, provides a compelling case study for understanding these challenges and the effectiveness of legal reforms. This article aims to critically examine how Dutch labour law responds to contemporary labour market transformations, evaluating both the strengths and limitations of recent reforms in reconciling flexibility with equitable legal protections.

METHOD

This study employs a qualitative research design aimed at critically analyzing the legal challenges and recent reforms in Dutch labor law, with a particular focus on Rotterdam. Given the complexity of labor law and its interaction with socio-economic realities, a qualitative approach allows for an in-depth exploration of legislative texts, judicial decisions, policy documents, and relevant academic literature. Data collection involves a documentary analysis of primary sources, including statutory regulations such as the Dutch Civil Code (Burgerlijk Wetboek), amendments under the Balanced Labour Market Act (Wet arbeidsmarkt in balans, WAB), and key case law from Dutch labor courts. Secondary sources include peer-reviewed journal articles, government reports, and international labor studies that contextualize Rotterdam's labor market within broader Dutch and European legal frameworks (Bol & Lancee, 2023; Patra, Neuteboom, Kapetanios, & Ventouri, 2025).

In addition, the research applies a comparative lens to evaluate the effectiveness of recent labor law reforms against prior legislation and labor market outcomes. This involves analyzing the extent to which legal changes address vulnerabilities associated with non-standard employment, migrant labor, and emerging gig economy work. Emphasis is placed on identifying gaps between the legal provisions and actual labor market practices, particularly in Rotterdam's diverse economic sectors. Furthermore, the study incorporates case study methodology by selecting illustrative instances of labor



disputes and reform implementation, highlighting the practical implications of Dutch labor law in real-world contexts.

To ensure critical rigor, the study adopts thematic analysis to identify recurring patterns, challenges, and reform outcomes across the collected data. Key themes include employment security, legal protection for non-standard workers, enforcement mechanisms, and the influence of technological and global labor market changes. By synthesizing these themes with normative and doctrinal analysis, the research critically evaluates the balance between flexibility and protection inherent in Dutch labor law. The methodology also acknowledges potential limitations, such as reliance on published cases and legal documents, which may not capture informal labor practices or unreported disputes. Nonetheless, by triangulating multiple sources and perspectives, the study aims to provide a robust, evidence-based assessment of legal challenges and reforms in Rotterdam's labor market.

RESULT AND DISCUSSION

This section presents a critical examination of the empirical and doctrinal findings that emerged from the analysis of legal texts, policy documents, academic literature, and labor market trends pertaining to Dutch labor law, with specific emphasis on Rotterdam. The discussion synthesizes legal reforms particularly the Balanced Labour Market Act (Wet arbeidsmarkt in balans, WAB) their effectiveness, persistent legal challenges, and implications for distinctive worker groups, such as flexible contract workers and platform workers. The analysis situates these findings within broader socioeconomic trends and jurisprudential developments in labor regulation.

1. The Balanced Labour Market Act (WAB) and Its Impact

One of the most salient developments in Dutch labor law over the last decade has been the introduction of the Balanced Labour Market Act (WAB), which came into force on January 1, 2020. The WAB aimed to address well documented disparities between permanent and temporary employment contracts by making permanent contracts relatively more attractive and less costly while maintaining flexibility for employers (HLB Nederland, 2020).

Under the WAB, several important changes were enacted:

- a. Chain rule reform: Employers may offer up to three successive temporary contracts over a period of three years before the contract is automatically converted into an indefinite (permanent) contract, intended to reduce insecure contract cycling.
- b. Transition compensation: Employees became entitled to transition payment from the first day of work, which strengthens worker protection in early employment stages (Arslan & Partners, 2021).
- c. On call worker rights: New provisions require employers to offer guaranteed minimum working hours if on call workers have worked consistently over time, introducing more predictability into unstable work patterns.



- d. Equal treatment for payroll workers: Payroll employees must receive equivalent conditions to directly employed workers, addressing differential treatment that had previously disadvantaged temporary labor pool members.

Empirical analyses suggest that these reforms have indeed contributed to reducing the number of temporary contracts in the Netherlands and increasing permanent employment. For example, Patra, Neuteboom, Kapetanios, and Ventouri's causal inference study found that the WAB led to a notable shift toward permanent contracts, with strong anticipatory effects observable even before the law's full implementation. ScienceDirect However, the study also found inconclusive evidence regarding unintended consequences such as substitution toward self employment, which remains an area for further investigation (Patra et al., 2025).

While the WAB represents a significant legislative initiative to improve worker security, important challenges remain. One critical issue is that changes in contract regulation do not automatically translate into improved conditions for all worker categories. Certain forms of non standard work, including freelance arrangements and gig economy engagements, are not always clearly captured by traditional employment definitions. This leaves a gap in legal protection that is particularly salient in cosmopolitan cities like Rotterdam, where diverse economic activities rely heavily on flexible labor (Ius Laboris, 2021).

2. Persistent Legal Challenges in the Context of Flexible and Gig Work

The transformation of labor markets driven by technological change and platformization has created substantial legal friction in applying existing labour law doctrines. As digital platforms proliferate, workers increasingly engage in gig economy roles performing on demand tasks through digital interfaces, often classified as independent contractors rather than employees. This classification has significant implications for access to labour protections, including minimum wage, social security, and collective bargaining rights (Janssen, Hendriks, & Vermeer, 2025).

Studies indicate that platform labor blurs the boundaries between independent contracting and employment relationships, challenging traditional definitions embedded in Dutch labour law and broader EU labour frameworks (Janssen, Hendriks & Vermeer, 2025). ResearchGate Scholars argue these distortions generate legal fragmentation and insufficient worker protection due to inadequate legal classification schemes, which can exclude platform workers from social protections and labour rights (Janssen et al., 2025).

Although Rotterdam's gig economy remains relatively modest compared to total employment, its presence highlights how vulnerable workers are situated outside clear legal categories. The lack of formal recognition for many platform workers means that crucial protections—such as unemployment benefits, paid leave, and workplace safety standards may not apply. This failure of legal coverage reinforces structural inequality by disproportionately affecting younger workers, migrants, and those in precarious positions. Such vulnerabilities mirror broader global patterns where gig work is simultaneously an



opportunity and a source of insecurity for migrant workers (Quotations from Migration and Migrant Labour in the Gig Economy).

In Rotterdam, where migrant labour and diverse work arrangements are common, the legal uncertainty around platform work can undermine labor law objectives of fairness and security. For example, platform workers classified as self employed often lack entitlement to statutory protections such as minimum wages, overtime, and unemployment insurance contradicting core principles of labour law that aim to ensure decent work standards. This structural gap suggests that Dutch labour legislation needs further clarification on employment status and protective mechanisms that align with the realities of digital labor platforms.

A related concern is that legal reforms, including WAB's chain rule adjustments, may inadvertently reinforce this divide by shifting workers toward presumed self employment. If employers replace temporary workers with self employed contractors, the result could be an erosion of collective protections—a scenario that some research anticipates as an unintended consequence of contract reforms.

3. Migrant Workers and Cross Border Legal Implications

Rotterdam's labour market is enriched by its status as a major global port, attracting cross border workers. This mobility intensifies the need for legal clarity around applicable labor protections and enforcement mechanisms when legal regimes intersect. Labour law must often address cross jurisdictional issues, such as regulation of wage standards and dispute resolution for workers who operate under multinational or transnational employment arrangements (ILO, 2023).

Empirical studies show that migrant labour in platform contexts faces disproportionate legal vulnerabilities because of their ambiguous status and reliance on informal networks. While some migrants engage in platform work for economic opportunity, this engagement can expose them to degraded conditions absent robust legal recognition. This reality underscores a deeper structural challenge: current labour law often lags behind labour market innovation, leaving migrant workers without adequate safeguard (Nijhof, 2024).

4. Collective Representation and Worker Voice

Dutch labour law's historical strength has been its emphasis on social dialogue and collective bargaining. However, trends in employment structures especially the fragmentation of work and decline in union density among non standard workers present significant challenges to this model (Bol & Lancee, 2023). Collective agreements have traditionally played a critical role in supplementing statutory rights and ensuring workplace standards.

However, gig workers and many temporary workers rarely benefit from collective representation, weakening their bargaining power and perpetuating gaps in protection. Legal reform efforts may need to expand innovative mechanisms for inclusive worker



representation that accommodate diverse forms of employment and recognize the fragmented nature of contemporary work.

5. Jurisprudence and the Categorization of Workers

Legal doctrines around employment status are central to the enforcement of labour protections. In this regard, judicial precedents are essential instruments in shaping labor law's application to modern work forms. Developments in European jurisprudence, such as the recognition of "false self employment" in contexts analogous to Dutch law, highlight the judiciary's role in preventing contractual misclassification. For example, European case law has clarified that workers who are genuinely integrated into an employer's operations may be treated as employees even if labeled otherwise in contractual terms addressing some gig work classification issues.

Despite such jurisprudential tools, legal uncertainty persists. Dutch courts and policymakers must continue to refine legal criteria that distinguish workers from independent contractors, especially where algorithmic management and digital platforms blur lines of oversight and control.

6. Conclusion of Results & Discussion

Overall, the analysis reveals a complex interplay between legal reforms and labour market realities in Rotterdam. The Balanced Labour Market Act (WAB) has measurable effects particularly in reducing disparities between permanent and temporary contracts but also underscores limits in addressing the vulnerabilities of flexible, gig, and migrant workers. Persistent challenges include legal classification of employment status, cross border labour mobility, and inclusive representation for non traditional workers.

While Dutch labour law remains a robust framework compared to many jurisdictions, its capacity to protect all workers equitably in the face of rapidly evolving forms of work is an ongoing legal and normative challenge. Continued legal reform, informed by empirical research and comparative jurisprudence, is necessary to ensure that labour law fulfills its foundational role in balancing flexibility with protection, particularly in globalized, digitalised urban economies such as Rotterdam.

CONCLUSION

In conclusion, this study shows that Dutch labor law, particularly in Rotterdam, represents a continuous effort to balance labor market flexibility with worker protection, as reflected in recent reforms such as the Balanced Labour Market Act, which improved employment security through measures like limiting the overuse of temporary contracts, providing transition compensation, and ensuring equal treatment for payroll workers. Despite these advances, significant challenges remain, especially for non-standard and platform workers, who often lack access to essential protections such as minimum wage, social security, and paid leave, with migrant and cross-border laborers facing additional vulnerabilities due to inconsistent application of labor regulations. Furthermore, the traditional system of collective bargaining is weakened by declining representation among flexible and gig workers, reducing their ability to negotiate fair working conditions and



highlighting the need for innovative mechanisms that ensure worker voice and equity. Legal classification also remains a critical challenge, particularly in the digital economy, where the boundaries between employees and independent contractors are blurred, requiring ongoing legislative and judicial attention. To address these issues, labor law must clarify employment definitions for platform work, extend protections to all non-standard workers, strengthen safeguards for migrant labor, develop new models of collective representation, and continuously monitor labor market developments to adapt regulatory frameworks. Overall, Rotterdam exemplifies the broader dynamics of the Dutch labor market, showing that while reforms have enhanced worker security, continuous, adaptive, and inclusive approaches are necessary to ensure that labor law effectively protects all workers in the face of technological change, globalization, and evolving employment structures. autonomy.

Conflict of Interest

The author(s) declare(s) that there is no conflict of interest concerning the publication of this article.

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