

# A fight for justice: how Dutch trade unions stood up for chromium VI victims

In recent years, there have been a number of scandals in the Netherlands over workers being exposed to the carcinogenic chemical chromium VI. Hundreds have suffered damage to their health as a result of restoring military and railway equipment. Representing the workers' cause, trade unions have refused to settle for half measures, demanding an independent inquiry and damage settlements.

**Pien Heuts**  
Journalist

Yet another Defence Ministry scandal, thought Anne-Marie Snels, chairman of the military personnel union AFMP (Algemene Federatie van Militair en Burger Personeel). The year was 2014. It had just come to light that Defence Ministry personnel were exposed to the carcinogen chromium VI in the course of their work at NATO<sup>1</sup> maintenance facilities. Sanding, grinding and welding work on American equipment led to the release of the toxic metal, which has been used for decades in the paint and steel industry because of its anti-corrosion properties. A fairly large number of these workers had become ill, and even died.

“We immediately demanded an independent joint committee of inquiry from the Minister, independent medical check-ups for victims and a damage settlement for personnel who had become ill,” says Snels. “No stone was to be left unturned.” Under pressure from both public opinion and the Defence Committee of the House of

Representatives<sup>2</sup>, the Minister agreed, with the reservation that the Defence Ministry denied any liability. Within a few months, a “goodwill settlement”<sup>3</sup> was agreed on, offering a provisional system of advances of between 3 000 and 15 000 euros, for which all (former) personnel (including agency and flexi-workers) were eligible if they had worked for at least one year in specific jobs and had developed specific health problems. The findings of the inquiry would be followed by a definitive financial settlement.

1. The North Atlantic Treaty Organization (NATO) is an inter-governmental military alliance between 30 North American and European countries.
2. The House of Representatives or ‘Tweede Kamer’ (literally ‘Second Chamber’) is the lower house of the bicameral parliament of the Netherlands.
3. A settlement that pays partial compensation for damage without a formal admission of culpability or obligation.

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*A system of financial payments was put together to save victims from lengthy legal proceedings.*

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## *Companies must register hazardous substances on pain of a fixed penalty.*

↳ More than 800 people on unemployment benefits were exposed to chromium VI when they were refurbishing Dutch rolling stock. Photo: ©Belga

### **Scant expertise in Europe**

The inquiry lasted a good three years. The joint committee worked closely on it with the National Institute for Public Health and the Environment (RIVM) and a number of experts. According to Snels, also a member of the committee, “The inquiry was conscientious. People who’d left the service a long time ago had to be traced. We held meetings to collect questions from personnel members and, on the basis of those, we set up all sorts of subcommittees. Cause and effect had to be established between certain illnesses and exposure. There was scant expertise in this field. Not in the Netherlands, not in Europe. That made the inquiry extremely valuable.”

In June 2018, the committee of inquiry unveiled a list of medical conditions shown to be potentially caused by chromium VI: lung cancer, nasal cancer, contact dermatitis, allergic asthma and rhinitis, and lung conditions such as chronic obstructive pulmonary disease (COPD). Cancer of the larynx was added to the list later. The committee recommended compensation to (former) personnel or their families of between 5 000 and 40 000 euros (more for comorbidities), monitoring of all personnel involved, improved health and safety measures and two follow-up inquiries, one of them an inquiry into chromium VI exposure across all the armed forces, to be completed by December 2020. In the meantime, it had become clear that some 2 400 workers had potentially been exposed to chromium VI during the period 1984–2006.

Snels is happy that the independent committee of inquiry was able to penetrate the bastion of Defence Ministry affairs. “They couldn’t keep the lid on this huge scandal. It is appalling and shocking that workers are exposed to a carcinogen. The



Defence Ministry knew about the risks. Financial compensation can never make up for damage to someone's health. And there are people who aren't covered by the definitive settlement (see box: Henk Coort). That's very hard. A lot of people have sued."

### Fast financial compensation

During this large-scale inquiry into the chromium VI exposure of Defence Ministry personnel, another scandal was already brewing. In 2016, it emerged that in Tilburg, a city in the south of the Netherlands, some 800 people on unemployment benefits had been exposed to chromium VI between 2004 and 2011 while working on a back-to-work project. They had been employed, on pain of losing their benefits, in a shed where they had to refurbish rolling stock of Dutch Railways (NS) and the Railway Museum (see box: Patrick Hebbelinc on the scandal involving Belgian Railways) – with no protective equipment and under intimidating and strict conditions. "Here too an independent committee of inquiry was set up straight away," says Marian Schaapman, who was then a member of the committee in her capacity as director of the Occupational Diseases Office of the Dutch Trade Union Confederation (FNV) and has, since 2017, headed the Unit for Health & Safety and Working Conditions at the European Trade Union Institute. "From my

↴ **The POMS (prepositioned organizational material storage) site in Eygelshoven, South Limburg, in the Netherlands.** Photo: ©Belga



## *Vulnerable people, mostly refugees, are forcibly exposed to the worst possible work conditions.*

experience at the Occupational Diseases Office, I knew what was important: independent medical check-ups, free access to healthcare and ultimately leaving no stone unturned in securing financial compensation for illness and distress. It was disgraceful how vulnerable people – usually refugees and low-skilled individuals – were forced by the city of Tilburg and by Dutch Railways to endure the very worst kind of work conditions, while their employer, the railway company, was fully aware of the risks." (see box: Natascha van de Put)

In the course of the inquiry, all former personnel quite promptly received medical check-ups and partial payment of their medical insurance costs. In 2019, the independent committee of inquiry ruled that the city of Tilburg had failed in its duty of

care and that Dutch Railways had known the risks. The recommendation was that all former personnel should receive a payment of 7 000 euros, whether they were currently ill or not. This was to compensate them for the distress they had had to endure up to the time the inquiry was completed.<sup>4</sup>

The committee also ruled that a financial settlement (of between 5 000 and 40 000 euros) should be made to those who had developed one of the illnesses scientifically shown to be linked to chromium VI (in the RIVM list) during their work in the shed.

### A question of substance

It seems that, when it comes to exposure to hazardous substances, the Netherlands lurches from one incident to the next. Partly because of this, the latest scandals have led to consideration of a general system of indemnification, whereby workers shown to have been exposed to hazardous substances would receive compensation from the government. A settlement of this kind (in the form of a one-off payment of 21 000 euros) already exists for victims of asbestos and workers made ill by organic solvents. An opinion with the title "A question of substance" was delivered to the House of Representatives. "Dutch victims find it hard to get recognition that it is their job that has made them sick," says Schaapman. As director of the FNV's Occupational Diseases Office, which provides union members with free legal advice, she conducted countless court cases. "A generic system of compensation will save a lot of people from all that pain, whilst keeping open the possibility of legal liability. Procedures of this kind create legal precedents, which are sorely needed in order to, on the one hand, improve the position of workers and, on the other hand, make employers aware of the risks to which they are exposing their staff."

4. Read the article by Mehmet Koksakal page 39.
5. In 2014, France also adopted an occupational exposure limit value of 1 µg/m<sup>3</sup> for chromium VI.



**HesaMag+**

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[www.etui.org](http://www.etui.org)

## Enforcing the rules

Partly as a result of the chromium VI scandals, the permitted limit value in the Netherlands was set at 1 µg/m<sup>3</sup> (microgram per cubic metre of air) in 2017. That is strict compared with the European value of 10 µg/m<sup>3</sup>, which will be cut by 2025 to 5 µg/m<sup>3</sup>.<sup>5</sup> In Europe, about a million workers are exposed to chromium VI every day. “Employers must be forced to register their hazardous substances, and the rules on exceeding limit values must be enforced,” says Wim van Veelen, employment standards policymaker for the FNV and member of the chromium VI committees. Dutch law requires employers to register their carcinogenic substances every 10 years and to list the jobs that potentially place workers in danger, but only seven per cent of them do so. For Van Veelen, the solution is clear: “Employers know that countless rounds of cost-cutting mean that the Labour Inspectorate does hardly any checking. They laugh at these strict limit values. We should enforce the registration requirement, on pain of a fixed penalty, and

*In Europe, a million workers are exposed to chromium VI every day.*

have companies file their risk inventory and evaluations (RI&E) online with the Labour Inspectorate. The Inspectorate can have only a vague picture of actual practice and can check properly only if it has a database of sector-specific information. There should be an online resource of this kind for the whole of Europe. With one click, you’ll then be able to see that someone was grinding down an aircraft or tank at any given time and may have been exposed to carcinogenic substances.” ●

## HENK COORT (62, Netherlands)

Former senior mechanic, Defence Ministry POMS site, Brunssum

“There was dust everywhere, even in your cheese sandwich and your coffee cup.”



Henk Coort started working for the Defence Ministry in 1976 as a specialist technician. From 1984 to 2006, he was a tank assembler at the POMS sites at Brunssum and Eygelshoven (South Limburg), which were NATO repair and maintenance centres for American tanks and other military vehicles.

“It was great, exciting work and I loved it. All the American materiel from the Gulf Wars (1980–2003) and peacekeeping missions came in full of desert sand and in a real mess. It was our job to patch them up again.”

He now knows, years later, that those doing the job were exposed to all manner of hazardous carcinogens like chromium VI, depleted uranium, benzene and PX10. “Those tanks were coated in depleted uranium from the anti-tank shells fired at them. And they had seen action in areas where poison gas was used. And, to cap it all, we were exposed for years to chromium VI given off by paints. How were we to know? The Defence Ministry knew, as it later transpired. The danger from chromium paints was known since 1973. We were there the whole day, without any form of protection, grinding, sanding, drilling and welding. We usually blew the chippings away with an air blow gun. There was dust everywhere, even in your cheese sandwich and your coffee cup.”

In 2004, the NATO depot in Brunssum closed, and Coort went to work a few kilometres away at the POMS site in Eygelshoven. “That’s when I first started to get problems: painful joints, hair loss and brittle nails. Other colleagues were suffering too. In 2010, I developed problems with my digestion. Esophageal cancer. A major operation to

remove my esophagus and part of my stomach went wrong. From November 2010 to February 2011, I was kept in a medically induced coma. It’s a miracle I’m still here.”

After he had recovered, he heard more and more reports from former colleagues about illnesses and problems like cancer, lung ailments, kidney complaints and skin disease. When he too learned indirectly of confidential measurement results that pointed to hugely excessive exposures to chromium VI, the ball started rolling. “The Defence Ministry fobbed me off. So, together with five former colleagues who also had problems, I founded a group for hazardous substance victims called NL-POMS and hired a lawyer to sue the Defence Ministry on our behalf. Last spring, I and three colleagues had our case upheld in a higher court; the Defence Ministry has appealed to the court of cassation. Esophageal cancer is not on the list of the RIVM as an illness caused by chromium VI. I did get compensation under the goodwill settlement, it is true, but that doesn’t make up for the damage I suffered to my health.”

## Natascha van de Put (44, Netherlands)

tROM back-to-work project, Tilburg,  
January 2006–September 2006

**"I won't rest until  
justice is done."**

When Natascha van de Put received a letter from the city of Tilburg in 2016, a lot of things fell into place. Along with numerous others, she had been invited to attend a briefing about the carcinogen chromium VI. In 2006, van de Put, who was on benefits, had started work in a shed where old trains were restored. A job which Dutch Railways (NS) offered, between 2004 and 2011, to 800 or so long-term unemployed people in Tilburg.

"It was a big shed in which the men carried out sanding, grinding and spray-painting work on trains from the Railway Museum. The women did cleaning or kitchen work. I had

to type up files in a little office. We worked and took our breaks in just one big space; there was dust everywhere. We weren't given any protective equipment. The conditions were really harsh; it was forced labour, pure and simple. If you didn't work hard enough, complained or arrived late, you got punished. It was quite normal to have your wages docked. The most vulnerable groups – refugees who didn't speak the language, people on benefits and ex-prisoners – were treated appallingly. We were ordered about and yelled at."

After working in the shed for eight months, van de Put dropped out sick. "I was at the end of my tether, couldn't sleep, suffered panic attacks and hallucinations. I later had COPD, asthma, a ruptured diaphragm, stomach and intestinal problems, rheumatism, and arthritis. When it became known in 2016 that we had been exposed to chromium VI, asbestos and heavy metals, the penny dropped. The worst thing is that both Dutch Railways and the city of Tilburg had already known it."

Van de Put didn't leave matters there. In 2016, she set up a group of fellow sufferers (the

*Stichting Lotgenotengroep*) and took up the cudgels along with 60 former colleagues. She got the trade union involved, sent letters to the House of Representatives and hired a lawyer. "It is criminal to knowingly expose people to carcinogenic substances and make money out of it."

While van de Put appreciates the goodwill settlement whereby all those formerly working on the tROM project were offered 500 euros plus 7 000 euros once the inquiry was completed, she is also critical. "The procedure to qualify for additional compensation is complicated. The government [the RIVM] reckons that only a limited number of conditions are related to chromium VI. But any scientist will tell you that you can get very sick from a combination of hazardous substances. Because only six illnesses are officially linked to chromium VI, a lot of victims are losing out. I'm one of them. I am now suing Dutch Railways myself. I won't rest until justice is done."

## Patrick Hebbelinck (60, Belgium)

Formerly a general hand working for  
Belgian Railways (SNCB/NMBS),  
1975–2019

**"I often lie awake at nights,  
thinking that maybe I'll get  
cancer."**



Patrick Hebbelinck finds it ironic that people have to wear face masks because of the coronavirus, when he was exposed to the carcinogen chromium VI for years with no protection at all. To asbestos too. So far, he has had no symptoms. "I often lie awake at nights, thinking that maybe I'll get cancer. Chromium VI is a silent killer. Some colleagues from the Belgian site at Gentbrugge got ill or even died, but just try proving that it was due to chromium VI. I've worked the maximum number of years and am retired now. I want to enjoy it."

As a general hand, Hebbelinck did painting and welding work on railway carriages. Sanding, grinding, welding and spray-painting released chromium VI from old layers of paint. "So much dust and vapour was generated that we couldn't even see each other from one or two metres away. The extraction system was inadequate, and we were not well protected. All we had was safety goggles and gloves. We were reluctant to complain; you want to keep your job."

According to Hebbelinck, everyone had problems with their noses, breathing and headaches. Because so many people had medical issues, work was halted late in 2015, and tests were conducted by an external inspection service. Four of the five workers involved had too much chromium VI in their blood. Gentbrugge had to close; the work was moved to Malines/Mechelen, which had proper booths for work involving hazardous substances.

"Belgian Railways were adamant that they had not known their workers were exposed to hazardous substances. But the inspectors had given a warning as early as 2008. It was already known then that extra precautions were needed, such as sealed units and booths. We worked behind a curtain. And no risk assessments were done. There was no money for health and safety. We raised this with the union a million times, but in vain. It is downright immoral to expose workers to hazards like these."

In June 2020, the court in Ghent fined Belgian Railways 210 000 euros for exposing some 60 workers to the carcinogen chromium VI between 2014 and 2016.\* The judge ruled that the railway company was aware of the dangers but provided inadequate safeguards. "That fine will go straight to the government," says Hebbelinck. "We get nothing, because, under Belgian law, you can't sue your employer. The court judgment is useless. The only gain is that the railway company has been rapped over the knuckles and, hopefully, workers will be better protected in the future."

\* See article by Pien Heuts and Marian Schaapman, page 29.