



# Factsheet about occupational health and safety in the Netherlands

Human capital is one of the biggest assets of successful organizations. The health and safety of employees is therefore paramount. Dutch occupational health and safety laws grant employees a range of protections that create obligations for employers. This factsheet provides a high level outline of aforementioned obligations.

## 1 Legal framework



Employers are required to ensure the health and safety of their employees, supported by related obligations. The aforementioned also applies to temporary workers, trainees, volunteers and self-employed persons who are in a similar position to an employee.

The general regulations regarding health and safety at work are in principle determined in the Working Conditions Act (in Dutch: "Arbeidsomstandighedenwet"). The specific rules are determined in among others the Working Conditions Decree (in Dutch: "Arbeidsomstandighedenbesluit") and the Working Conditions Regulation (in Dutch: "Arbeidsomstandighedenregeling").

## 2 General responsibilities



The employer is required to ensure the protection of the health and safety of the employees, with respect to all employment-related aspects. The employer shall conduct a policy aimed at achieving the best possible working conditions, such as:

- ▶ organizing the work in such a way that it has no detrimental effect on the health and safety of the employees;
- ▶ avoiding or limiting the hazards and risks to the safety or health of the employees;
- ▶ adapting the design of the workplace, working methods, the tools and content of the work, to the individual characteristics of the employees;
- ▶ avoiding or limiting monotonous work and work that needs to be carried out at a particular speed;
- ▶ taking appropriate measures in respect of first aid for accidents, fire safety and the evacuation of the employees and other individuals present. Furthermore, appropriate contact shall be maintained with the relevant external emergency services;
- ▶ each employee must be capable of taking the necessary appropriate action in the event of a serious and immediate threat to his or her own safety or that of others. Employees are e.g. entitled to stop work and not to resume work, if they have a reason to believe that there is a serious violation of health and safety regulations.

## 3 Risk assessment and evaluation



Employers are in principle required to perform a risk assessment and evaluation (in Dutch: "risico-inventarisatie en -evaluatie") from time to time. When performing the risk assessment and evaluation, the employer has to verify among others:

- ▶ the risks that may occur during the execution of the work by the employees;
- ▶ the measures taken in order to avoid any harm to the health of the employees;
- ▶ the access of the employees to a health and safety expert (which can be an employee, a certified individual or a certified external health and/or safety service);
- ▶ the measures to be taken (over time), including a timetable for taking these measures.

The risk assessment and evaluation is an ongoing process and should be adjusted as often as required in view of among others experience, changes to working methods or working conditions, the latest scientific insights and/or available professional services.

Please note that under circumstances such risk assessment and evaluation is not required.

## 4 Information and training



With respect to information and training, the employer is obliged to:

- ▶ ensure that employees are given appropriate information about their duties and the associated risks, as well as the measures in place to prevent or limit these risks;
- ▶ ensure that employees are given appropriate training for their particular tasks;
- ▶ in the event that protective equipment is supplied to employees and/or protective devices are fitted to tools or other objects, ensure that employees are informed of among others its purpose and how the equipment must be used;
- ▶ monitor compliance with instructions and rules issued to prevent or limit the health and safety risks, as well as the correct use of protective equipment.

## 5 Accidents and diseases



With respect to accidents at work and/or occupational diseases, employers have to:

- ▶ notify the Inspectorate SZW (i.e., the Dutch labor inspectorate) immediately when any accident at work leading to death, lasting injury or hospital admission occurs, and comply with instructions given by the Inspectorate SZW in this respect;
- ▶ keep a list of notified accidents and accidents leading to employees taking more than three days off work, indicating the nature and date of the accident.

## 6 Other obligations



Furthermore, the health and safety regulations impose other obligations, such as:

- ▶ the obligation to seek the assistance of one or more expert employees regarding the everyday health and safety matters;
- ▶ under circumstances the employer has to obtain assistance from certified experts or a certified health and safety service;
- ▶ the employer shall seek the assistance of one or more employees who have been designated as emergency response expert.

## 7 Inspectorate



The Inspectorate SZW reviews compliance with the Dutch health and safety regulations and is empowered to take corrective actions, such as:

- ▶ imposing warnings;
- ▶ demanding compliance with the law;
- ▶ (temporary) shutdown of the business;
- ▶ imposing fines.

## What we can do for you:

- ▶ Ensure compliance with national and international health and safety regulations.
- ▶ Provide guidance in creating a safe and healthy work environment.
- ▶ Provide support with regard to claims and/or (intended) actions from the Dutch labor inspectorate and/or employees.

## For more information please contact:



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