

## **AN IMPROVED FRAMEWORK FOR PREVENTION IN THE NETHERLANDS**

### **Introduction**

Employers, employees and the authorities have a joint interest in occupational health and safety. Employees should be able to reach retirement in a healthy state and also remain healthy after their working life. These are values to which the government has committed itself. A proper health and safety policy is a major factor to reduce sickness leave and occupational disability. The Joint Industrial Labour Council, formed by employees and employers, stressed that an integral approach to prevention policy, working environment policy, sickness leave guidance, re-integration policy and income policy should be promoted.

The Council explicitly stressed the responsibility of the employer to conduct, in consultation with the employees, a proper social policy including a prevention policy. In the context of this (public) discussion a new vision on Occupational Safety and Health emerged in which:

- Authorities should restrict themselves to the *public domain* (Occupational Safety and Health Act and related Regulations) and set targets. Target regulations with health or safety values or limit values are provided where possible. Where no concrete target regulations are possible, process standards will be formulated as much as possible. Employers have to develop a preventive policy for these issues. In the Decree based on the Act on OSH these obligations are refined in agenda stipulations. The agenda stipulations include elements that must form part of the working environment policy with regard to a certain subject;
- Social partners describe in the *private domain* ways in which the public target regulations can be complied with. This can take place at the level of the individual business or at sector level. Methods of operation can be laid down in a 'catalogue' from which a choice can be made to comply with target regulations. It is the responsibility of the social partners to produce these catalogues jointly.

The essence of target regulations has to be seen in the light of a European level playing field with: equal and effective public protection for all employees working in European Member States. To be able to develop such a system it is desirable that more scope is created at European level for decentralised implementation. Therefore simplification and modernisation of existing European legislation is useful. By reviewing the national OSH-regulations the government has taken steps towards achieving target regulations. A new Act on Occupational Health and Safety, taking into account these principles, became effective on 1 January 2007.

### **The role of enforcement in the renewed vision**

Where abuses occur the authorities have their own responsibility to act adequately. Enforcement elements by the Labour Inspectorate consists in this context primarily of concrete target regulations, limit values and process standards in the public domain. The government considers it important to take into account possible 'self-activation' of employers and employees with regard to the manner in which legal target regulations are complied with. This obviously also encourages further self-activation of employers and employees. The concept of self-activation is acknowledged by the Labour Inspectorate by adopting a lower profile in sectors where it becomes clear from monitoring that for example 'catalogues' have positive effect. This implies also an efficiency gain with regard to the deployment of inspection capacity. After all, attention can then be dedicated to sectors with substantial working environment problems where self-activation is still absent.

The Labour Inspectorate will announce the inspection priorities per sector. These inspections will be preceded by a sector specific brochure produced by the Labour Inspectorate. This brochure will be sent to all the businesses that according to the Trade Registers of the Chambers of Commerce belong to the target group. During the inspections of the Labour Inspectorate, enforcement is carried out on the risks forming the objective of the inspection and on abuses encountered by the inspectors. The primary aim of the brochures is to give clarity to businesses about the standards applied in enforcement by the Labour Inspectorate. These standards are based on the legislation and regulations and the OSH catalogues. Moreover, it is pointed out in the brochures that there are private working conditions catalogues describing ways by which the legal target regulations can be complied with. Also of importance is that the brochures indicate the subjects to which the Labour Inspectorate gives the highest priority in a sector and will therefore inspect in this respect in its enforcement. Finally, the brochure will inform the sector in a general sense about the status of those private means regulations in the catalogues in concrete enforcement situations for the Labour Inspectorate.

### **Supporting measures**

This joint vision of government and social partners on Occupational Safety and Health is supported by a number of activities:

- A national information campaign ‘Getting active better together’ was launched aimed at clear communication with businesses, employers and employees. In this campaign, the emphasis was on the increased responsibility of employers and employees and what the new system means for them in practice.
- In cooperation with the Joint Industrial Labour Council a subsidy scheme ( €10 million available for the period 2007 – 2009) was established with the aim of boosting the creation of (sector) ‘catalogues’ .
- A demand-driven digital public information structure will be set up for employers and employees (*www.arboportaal.nl*). In order to live up to their responsibilities, employers and employees should have sufficient access to information about their obligations with regard to chain prevention, absenteeism and re-integration, as well as about the ways in which they can comply with their obligations. As far as the parties are not sufficiently able to do so, authorities can contribute in making knowledge and tools accessible. This means that the information is offered in such a way that it meets the demands and wishes of the individual employer and employee as much as reasonably possible.
- Data giving information about OSH in businesses will be collected systematically and fed back to the employers, including the sector employers, and can then serve as input for sector arrangements.