

The Netherlands: EWCO comparative analytical report on Information, consultation and participation of workers concerning health and safety in SMEs -

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In the Netherlands, the information, consultation and participation of workers concerning health and safety in SMEs is scarce. In addition to this, the expertise available to management on OSH issues in SMEs is less compared to larger firms.

1. National settings and regulatory framework (max 400 words)

- How is the 1989 Framework directive on H / S and in particular information / consultation practically implemented in SMEs? Any data available? Do administrative reports exist in particular from the Labour Inspectorate?

The Framework directive has been implemented on January 1 1994 in the Dutch Working Conditions Act. The law is broadly accepted within organisations in the Netherlands. Compliance with this law is good, especially for the medium-sized and larger companies (Bakhuys Roozeboom et al., 2008). Saleh et al. (2009) for instance report that 100% of all companies with 100 or more employees have contracts with preventive health care organisations and/or professionals and 96% of all companies with 100 or more employees have an internal policy document for preventive action.

Micro companies do have a much smaller compliance-rate compared to bigger companies. Saleh et al. (2009) report that 75% of all companies with less than 10 employees have contracts with a preventive health care organisation and/or professional, and 75% of all companies with 10-99 employees and 39% of all companies with less than 10 employees possess an internal policy document on preventive action

Article 8 of the Working Conditions Act obliges employers to inform all employees about the risks at work and to inform them which safety measures should be taken.

Article 12 of the Working Conditions Act contains the obligations to work together as employer and employees regarding working conditions and especially the implementation of the OSH-related policy within the company. Besides that, the Netherlands the Works council Act obligates employers with more than 50 persons to create a works council. This works council has a number of rights, for example to approve or to disapprove with regulations made by the employer about OSH related subjects such as the choice of the preventive health care organisations and/or professionals to be contracted and the contents of the preventive actions.

The Dutch Labour Inspectorate yearly publishes a report with the results of about 2000 inspections in companies by inspectors of the Labour inspectorate to map the Dutch situation considering the compliance with the Working conditions act and related policies (see for instance Saleh et al., 2009; Saleh et al., 2008). The yearly sample is made representative for the Dutch situation of companies.

Does its implementation in micro and small companies follow similar patterns than in medium ones?

No, in companies with less than 50 employees there's no obligation to establish a works council. Works councils often play an important role in stimulating employers to comply with the Working Conditions Act. At the same time in micro- and small companies OSH information is exchanged by the employer and employees informally, for instance during work, the start of new projects, and/or informal end of the week meetings (Saleh et al., 2009).

The risk of an inspection by the Labour Inspectorate is relatively small for micro- and small companies. Only 10,000 inspections are held every year among about half a million companies (Annual reports, labour Inspectorate). An interesting development is the so-called VCA-system (safety certificate) in the Netherlands. Companies in the petro-chemical industry only hire contractors with VCA-certificate. Contractors without this certificate cannot get orders from the petro-chemical industry. One of the most important elements of the VCA-system is the training of workers, for example via toolbox-meetings.

- Is H&S the current focus of legislation or did it evolve by incorporating "well-being at work" as the basic concept?

The current focus in the Dutch Working Conditions Act is Occupational Safety and Health. At the beginning of the Working Conditions Act, from 1983 and onwards, well-being at work was a hot legal issue. Today the word well-being cannot be found in the Working Conditions Act, it has been successfully pulled out of this Act during the last 15 years.

- The Community strategy health and safety at work for 2007-2012 calls upon the member states to work out and implement strategies to reduce the number of industrial accidents and occupational diseases; are the SMEs specially singled out in the national strategies and cooperation between social partners underlined / foreseen / called for?

No national action plan related to the Community strategy is implemented at this moment. No specific policies for SME's are known. The development most closely related to the Community strategy is the start of the so-called OSH-catalogue (Arbo-catalogus) policy by the government since 2007 (http://docs.szw.nl/pdf/27/2007/27_2007_2_18001.pdf). An OSH-catalogue can be prepared by the social partners in a sector, and consists of solutions to the OSH problems within the sector. The idea is that this OSH-catalogue offers tailor made sector solutions to the OSH-problems of the employers in the sector. The internet-based OSH-catalogue is especially interesting for SME's, because larger companies often have their own OSH-experts. The Dutch Labour Inspectorate uses the OSH-catalogues for their inspections to employers. Sometimes OSH-catalogue can be prepared as a part of the collective labour agreement. The prepared OSH-catalogue needs to be approved by the Labour Inspectorate and should be kept up-to-date and can be refilled with new ideas and developments.

2. The micro-level settings: the role of H&S representatives (max 700 words)

- From what level onwards / number of employees onwards, is it legally binding to establish an H&S Committee in the companies? What's its role and function?

There is no legal obligation to establish an OSH-committee on company level. The works council has the possibility to establish a sub-commission of the works council; but this is not an obligation. The sub-commission is often called: the safety, health, well-being and environment commission (VGWM-commissie). The majority of this commission should be works council members.

In our answers we consider the works council as the Dutch version of the H&S Committee.

- From what level onwards / number of employees onwards are risk prevention representatives elected? Are they distinct representatives from H&S Committee and works councils?

In the Netherlands the risk prevention representative is not elected. Every company is obliged to appoint one or more prevention workers. The task of the risk prevention representative is to monitor the daily health and safety situation in the company. The risk prevention representative should have enough knowledge of the daily health and safety risks on the work floor. From January 1, 2007 the employer of companies with a maximum of 25 employees is legally allowed to adopt the role of risk prevention representative. Another legal task of the prevention worker(s) is to support and to cooperate with the works council.

In all matters concerning occupational safety and health the works council is the representative organ for the employees.

- Does the H&S Committee deal with individual health related complaints? Does it have the right to initiate action?

No, the works council doesn't deal with individual health complaints. Employees with health complaints have the (legal) possibility to consult the OSH-physician. Of course works council members can listen to complaints of individual employees. But the works council has no legal possibilities to initiate actions for individual employees or on behalf of individual employees.

The works council has the right to initiate general actions on several issues, such as OSH-issues.

- Do regional/territorial risk prevention representatives exist, covering several small SME's?

No, there are no formal regional/territorial prevention workers active in the Netherlands. In some sectors however, there are prevention specialists who are on the pay list of sector-organisations. SMEs can call the sector-organisation for support of these prevention specialists. Sectors using this model are the metal industry and the primary school sector.

- Is there special H&S training foreseen for OSH representatives/committees? Is it adequate in order to cope with both emerging risks and legislative and technological changes in SMEs?

No. There are many training schools specialised in training works councils. Part of the training programme can be occupational safety and health. SMEs with less than 50 employees can establish a works council on a voluntary basis. On the average 33% of companies with 10-49 employees have a works council, compared to 76% of the companies with 50-99 employees and 90% of the companies with 100 or more employees (Oeij et al., 2009). The training of works councils deals mostly with general knowledge of the Works council Act and how to work together in order to bargain effectively with the employer. Only a small portion of the training is related to occupational safety and health and emerging risks.

- In order to carry out prevention policies, does a right exist for the H&S Committee to carry out surveys, call in outside independent experts? Who finances the costs of the operations / expertise? Does this right exist also in SMEs?

Based on the Works council Act the works council, and if there is one, the VGWM-commission has the right to consult experts. Mostly these are judicial and financial experts. Only big industrial companies have internal OSH-services or OSH-experts in service. For works councils in these companies it's easier to consult an OSH-expert.

There is no right for H&S Committees and works councils to initiate surveys or to call assistance from outside independent experts. However we know from professional consultancy and research experience that companies perform OSH surveys and hire outside independent OSH experts in cooperation with these committees and works councils, certainly when employee concerns are involved such as working time and roster questions. In these cases the employer finances the costs of the operations.

The prevention worker is the legal consultant within every company. This is based on article 13 of the Working Conditions Act. But there is no legal right for this expert to carry out surveys or to call in outside independent experts.

The task of the prevention worker is to support and to cooperate with the works council. Prevention workers gather their knowledge by experience, reading professional literature, and attending training and courses. In complex questions they recommend the employer that surveys or outside externally independent experts are necessary. The employer makes the final choice.

- Does the H&S Committee have the right to consult the Labour Inspectorate?

Yes, just like any other civilian the works council can consult the Labour Inspectorate. The Labour Inspectorate is not obliged to answer all questions or requests. A main right of works councils is the right to ask the Labour Inspectorate to start an inspection. This is based on the Working Conditions Act.

- Does regular reporting, annual reports exist which describe enterprises occupational diseases, assess the occupational risks at the workplace and present prevention policies? Are they submitted to the H&S Committee for discussion before publication?

As a result of the risk assessment and –evaluation every employer is obliged to make an annual plan of action how to prevent or minimize the risks within the company. The works council has the right of co-decision. That's to say: if the works council cannot agree with this annual plan of action, the employer cannot start with this plan.

- Is the H&S Committee, when providing a high standard of working conditions and of occupational health and safety seen as a positive competition factor?

On the average employees rate their satisfaction with the works council as 7,3 on a scale from 1 (=not satisfied at all) to 10 (=maximally satisfied). On the average employers rate their satisfaction with the works council as 6.5 on a scale from 1 (=not satisfied at all) to 10 (=maximally satisfied).

Can the image of the companies be regarded as important in the context for winning major contracts?

In general terms it's difficult to answer this question. Some sectors, for example the petro-chemical sector uses the above mentioned VCA-certificate. Only contractors with a solid safety record and safety systems are allowed to compete. But the VCA system is not only a question of image; it's a necessity for contractors to survive.

Do companies refer to the activities of the H&S Committee in their Annual report of activities, to the existence of day-to-day bargaining and the management of working conditions by the H&S Committee? Do and how differ the approaches between micro/small, medium and large companies?

Only large multinational companies are paying attention to occupational safety and health. They focus especially on world-wide working conditions problems, such as how to prevent dealing with factories with child labour. Mostly these facts and figures are part of annual company reports and on reports on corporate social responsibility (CSR) of these companies that can be found on their internet sites .

3. Social partners and the role of collective bargaining (max 300 words)

Please summarize specific arrangements on H&S for SMEs and SME-dominated industries, and how territorial OSH representatives could intervene at workplace. What is the role of Social partners in drawing guidelines and implementing H&S and work organization intervention aimed to prevent work accidents and WRDs? What is the role of labour inspectorates, social security institutions, OSH services and national agencies in promoting local-level experiences in SMEs? Please summarize, if there exist, the extent of the cooperation between these latter and social partners.

The most interesting development is the start of the so-called OSH-catalogue policy by the government since 2007. This internet-based OSH-catalogue is especially interesting for SMEs, because larger companies have often their own OSH-experts.

4. Figures, quantitative and qualitative studies. (max 800 words)

Are there specific surveys which prove that standards of working conditions, health and safety within small enterprises as compared to larger ones are significant lagging behind? Do these surveys also

investigate the impact of training, information and consultation over working conditions also in SMEs? When surveys lack, are there qualitative studies investigating the impact of involvement and training on working conditions and health in SMEs? Develop on the findings / results. Please mention / enumerate / give links.

The Dutch Labour Inspectorate yearly conducts and publishes the 'Monitor Arbo in Bedrijf' (see for instance: Saleh et al., 2008; Saleh et al., 2009). This is a yearly held company survey, that started in 2004, and is based on interviews with management representatives of about 2000 establishments and companies. This survey does not really investigate the impact of training, information and consultation over working conditions. However, this is an establishment survey in which management representatives are interviewed about their OSH policies and activities.

The Netherlands Working conditions Survey (NEA), was held first in 2003 as a pilot project among a net representative sample of 10,000 employees. From 2005 it is held yearly among a net representative sample of at least 22,000 employees (Koppes et al., 2009). Employees are asked if measures have been taken to tackle different working conditions risks, and if these were enough, or if taken, this was done sufficiently or not.

The Netherlands Employers Work Survey (WEA) is held among a stratified sample of about 5,000 employers that are questioned on company characteristics and company policy (Oeij et al., 2008). The WEA is made representative by weighting.

One can get a good overview when combining these sources of information in time, e.g. subdivided by company size and sector.

A major issue in the Netherlands is the obligation for all companies to develop and write a policy document on all occupational OSH risks that is called the Risk Inventory and Evaluation (RI&E). This risk assessment instrument describes all risks in the company or establishment. Despite the obligation, small companies are less likely to have such an RI&E (see table 1a).

Table 1a Companies with a risk assessment instrument (per July 1, 2008) by company size (%)

Presence of a risk assessment (RIE)	< 5 employees	5-9 employees	10-49 employees	50-99 employees	100 employees
Yes, and approved by an occupational health service	22	48	56	83	92
Yes, but not approved of by an occupational health service	12	13	17	10	4
Total	33	66	73	94	96

In table 1b the development of the number of companies with a risk assessment instrument is given. The development is quite stable over the years.

Table 1b Companies with a risk assessment instrument by year (%)

Presence of a risk assessment (RIE)	2004	2005	2006	2007	2008
Yes, and approved by an occupational health service	37	36	36	35	34
Yes, but not approved of by an occupational health service	13	11	14	14	13
Total	49	53	50	52	54

In sectors with many small companies like the hotel and restaurant sector, or retail such a RIE is less often present than in sectors with many large companies like the public administration, education and manufacturing. A positive exception is the building and construction industry with many SME's.

When they perform or have performed a risk assessment, smaller companies also more often use a model RIE in use of or developed by the sector (see table 2a).

Table 2a: Ways of realizing the design of the risk assessment instrument (RIE) in 2008 by company size (%)

Presence of a risk assessment (RIE)	< 5 employees	5-9 employees	10-49 employees	50-99 employees	100 employees
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Model RIE from occupational health service	54	67	63	64	68
Model RIE from sector organisation, in Collective Agreement (CA)	15	4	7	5	6
Model RIE from sector organisation, not in CA	17	16	14	8	7
Own design	6	3	5	8	8
Model RIE from mother- /related company	1	2	5	6	3
IMA-method from TNO	1	1	2	3	4
Other	6	6	4	7	4

In table 2b the development of the ways of realizing the design of the risk assessment instrument is given. There is a tendency for companies to use the RIE from the occupational health service or the RIE from the Collective Agreement more often.

Table 2b: Ways of realizing the design of the risk assessment instrument (RIE) by year (%)

Presence of a risk assessment (RIE)	2006	2007	2008
Model RIE from occupational health service	57	58	60
Model RIE from sector organisation, in Collective Agreement (CA)	7	6	10
Model RIE from sector organisation, not in CA	18	20	15
Own design	5	6	5
Model RIE from mother- /related company	3	2	2
IMA-method from TNO	2	2	2
Other	8	6	5

Every employer in The Netherlands is legally obliged to call for assistance by professionally trained safety personnel in case of emergencies, where the health and safety of colleagues is at risk. These safety professionals are the so called 'bedrijfs-hulpverleners' (BHV-ers). Also the employer personally can adopt this task, and/or can hire external professionals to fulfil this task. The tasks of the BHV-ers are (1) to assist in case of accidents, (2) reducing and combating fire and reducing and preventing accidents, and (3) in case of emergencies evacuating all employees and other personnel and visitors in the building. In 63% of all companies employees are trained as 'BHV-ers'. This percentage has been rather stable across years. However, the percentage of companies that have these kinds of 'BHV-ers' varies with company size (table 3).

Table 3: Percentage of companies with safety professionals, in 2008, by company size.

Presence of a Bedrijfs-hulpverlener	2004	2005	2006	2007	2008
< 5 employees	-	54	56	52	55
5-9 employees	-	74	76	74	77
10-49 employees	-	89	88	86	88
50-99 employees	-	97	96	96	96
100 employees	-	99	99	98	100
Total	-	63	65	63	65

Companies are obligated to have at least one 'prevention worker'. This prevention worker takes care of the health and safety situation on the shop floor. In 48% of the companies such a 'prevention worker' is present. In smaller companies the employer often performs the tasks of 'prevention worker' (see table 4a).

Table 4a: Presence of prevention workers by company size (%)

One employee	19	10	22	41	58
Several employees	2	0,2	1	5	25
Employer himself	25	28	27	15	1
Only at another establishment	3	2	4	7	5
No prevention worker	52	61	45	32	11

Source: AI-monitor 2008

Table 4b: Presence of prevention workers by year (%)

	2005	2006	2007	2008
One employee	12	17	19	14
Several employees	2	2	2	2
Employer himself	16	30	25	27
Only at another establishment	-	5	3	5
No prevention worker	68 *)	47	52	51

Source: AI-monitor 2008

*) one category is missing

Next to that companies identify and acknowledge risks, it is also important that measures are taken. In the Netherlands Working Conditions Survey 2008 (Koppes et al., 2008) a representative survey of 22,025 employees is questioned about their working circumstances and the measures taken by the company. In table 5a the scores of employees that agree with five propositions on occupational safety management are given.

Table 5a: Scores of employees that agree with propositions on occupational safety management (1=totally disagree, 5=totally agree), by company size

Propositions	< 5 employees	5-9 employees	10-49 employees	50-99 employees	100 employees
Suggestions of employees to improve safety at work are taken seriously at my work	4.09	3.95	3.87	3.80	3.77
Employees receive much information on safety at my work	3.67	3.51	3.55	3.62	3.71
Problems with safety are quickly solved at my work	3.84	3.65	3.65	3.67	3.68
Working safely is stimulated at my work	3.93	3.79	3.81	3.84	3.91
Rules on safety are complied at my work	3.93	3.78	3.74	3.74	3.75

Source: Netherlands Working Conditions Survey 2008

In micro companies with less than five employees the scores are consistently high, but there does not seem to be a strong relationship with company size. In large organisations suggestions of employees are taken somewhat less seriously, but employees receive more information on safety at work and problems with safety are more often quickly solved.

In table 5b the scores of employees that agree with propositions on occupational safety management are summarised by year. There is an upward trend towards 2008.

Table 5b: Scores of employees that agree with propositions on occupational safety management (1=totally disagree, 5=totally agree), by year

Suggestions of employees to improve safety at work are taken seriously at my work	3.66	3.66	3.84
Employees receive much information on safety at my work	3.40	3.43	3.66
Problems with safety are quickly solved at my work	3.49	3.52	3.70
Working safely is stimulated at my work	3.69	3.72	3.88
Rules on safety are complied at my work	-	-	3.77

Source: Netherlands Working Conditions Survey 2008

When asked to companies, often a relationship with company size is found. In the Netherlands Employers Work Survey (Oeij et al., 2008) about 5,000 employers were questioned on company characteristics and company policy. For five of the seven propositions on Occupational Safety and Health Law and rules, there is a strong relationship with company size (see table 6). No trend data are available, because the survey is held in 2008 for the first time.

Table 6: Companies that agree with propositions on the Occupational Safety and Health Law (1=totally disagree, 5=totally agree), by company size (%)

propositions	< 5 employees	5-9 employees	10-49 employees	50-99 employees	100 employees
Our company is well informed about changes in the in the OHS Law in the last two years	30%	29%	38%	52%	62%
Changes in the OHS Law lead to changes in the company policy	18%	23%	35%	45%	54%
OHS Law and rules are well feasible in our company	45%	46%	54%	69%	68%
In our company deliberation with employees about OHS and sick leave takes place	44%	53%	67%	79%	88%
OHS Law and rules are unclear	36%	38%	31%	23%	19%
The number of obligations in OHS Law is high	52%	60%	60%	61%	60%
Our company regularly experiences obstacles in complying with OHS Law and rules	20%	23%	28%	24%	27%

Source: Netherlands Employers Work Survey 2008

5. Good practices for SMEs: company/territorial level (max 200 words)

Are there well known examples for specific collective agreements in a given sector covering working conditions, H&S in particular in SME's which go far beyond legislation? Are they exceptions or the rule? Please report at least one example at national level and at least two at territorial/company level.

In The Netherlands collective agreements are voluntary. We call them "three quarter law", because once accepted by the social partners, the agreement can be made obligatory for all companies in the branch or sector by means of a general acceptance procedure by the Dutch Ministry of Social Affairs and Employment. Working conditions are mostly not included in collective agreements, but appointments can be made to establish a separate Education and Development Fund that deals with the main questions on working conditions and employment in the sector or branch. These funds are often financed by fees from employers and employees.

The current OSH-catalogue policy of the Dutch government can be part of a sectoral collective agreement. The aim of the government is to "cover" all sectors and employees by an OSH-catalogue, but this is not realised yet. By November 2009 the number of accepted catalogues was 78, all together covering 37.1% of the total Dutch working population. One year before there were only 20 accepted catalogues. The following website gives a complete overview of all accepted OSH-catalogues. <http://www.arboportaal.nl/content/szw-goedgekeurde-arbocatalogi>

From a somewhat older date are the so called Work and health Covenants. In the Netherlands, the Ministry of Social Affairs and Employment actively encouraged and subsidized this sectoral approach to risk management. The overall aim was to achieve a reduction in exposure to sector-specific psychosocial and physical risks of about 10% over a period of approximately three years. The government funded part of the initiatives, but these grants ended at about the year 2006. These sectoral risk management projects were called Safety and Health Covenants. A covenant can be described as a 'gentleman's agreement' between employer and employee representatives of a sector, who - in the presence and with the advice of the Ministry - agree on which risks to tackle, the approach or measures to be taken, and which specific goals are to be formulated at sectoral level. (See [website in Dutch](#), or [summary version in English](#).)

The Dutch Ministry of Social Affairs and Employment has encouraged and co-financed a sectoral approach to risk management in several sectors. The police force was one of the sectors to adopt this approach, and focused on the reduction of risks for work-related stress. Evaluation of this process showed a 10% drop in many of the risks for work-related stress; the reduction was concluded to be linked to the measures that had been taken. (<http://www.eurofound.europa.eu/ewco/2005/12/NL0512NU01.htm>).

Work-related stress in the hotel and restaurant sector in the Netherlands declined by 13.2% in the four-year period between 2000 and 2004, partly due to a tripartite voluntary covenant on reducing work-related stress. The parties involved were the employer organisations and trade unions active in the sector, as well as the Ministry of Social Affairs and Employment. When the covenant period ended in 2004, the Ministry withdrew its immediate involvement, and the social partners continued with a new and promising way of working together. (<http://www.eurofound.europa.eu/ewco/2006/02/NL0602NU02.htm>)

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