

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR THE NETHERLANDS

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

Milieu Ltd. (Belgium), rue Blanche 15, B-1050 Brussels, tel: +32 2 506 1000; fax: +32 2 514 3603; nathy.rassmasson@milieu.be; web address: www.milieu.be

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ABBREVIATIONS USED

AB	<i>Arbodesluit</i> (Working Conditions Decree)
AOR	Artificial Optical Radiation
AR	<i>Arboregeling</i> (Working Conditions Regulation)
ATEX	Appareils destinés à être utilisés en ATmosphères EXplosibles
ATW	<i>Arbeidstijdenwet</i> (Working Time Act)
AW	<i>Arbowet</i> (Working Conditions Act)
DSE	Display Screen Equipment
EMF	Electromagnetic Fields
MHL	Manual Handling of Loads
NIR	National Implementation Report 2013
OSH	Occupational Safety and Health
PHA	Public Health Authority
PPE	Personal Protective Equipment
SZW	<i>Sociale Zaken en Werkgelegenheid</i> (Social Affairs and Employment)
VDU	Video Display Unit
VVB	<i>Vissersvaartuigenbesluit 2002</i> (Decree on Fishery Vessels 2002)
WAAI	<i>Wet Allocatie Arbeidskrachten door Intermediairs</i> (Act on the allocation of workers through intermediaries)
WE	Work Equipment

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in the Netherlands. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Country Summary Reports prepared for each of the other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report, are the following:

Mapping question
MQ1: "Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?"
MQ2: "What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?"
MQ3: "What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?"
MQ4: "What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?"
MQ5: "What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?"
MQ6: "What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?"
MQ7: "What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?"

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

The first Dutch OSH legislation dates back to 1874, with the introduction of a law against child labour. The first Labour Act (*Arbeidswet*) was implemented in 1889 and six years later the first Safety Act (*Veiligheidswet*) was adopted. After various amendments, they were replaced by the first Working Conditions Act in 1980 - which was amended in 1994 to comply with European legislation - and the first Labour Time Act in 1996.

Currently, the main Dutch legal framework regarding health and safety at work consists of the Working Conditions Act (*Arbeidsomstandighedenwet / Arbowet*), the Working Conditions Decree (*Arbeidsomstandighedenbesluit / Arbobesluit*) and the Working Conditions Regulation (*Arbeidsomstandighedenregeling / Arboregeling*). The Act sets out the general provisions for employers and workers concerning OSH and provides certain powers to the Labour Inspectorate. The Act is the main legal instrument that, together with the Medical Examinations Act, transposes the Framework Directive (together with the Working Conditions Decree and Regulation). It also transposes (parts of) Directive 92/85/EEC (pregnant/breastfeeding workers), Directive 94/33/EC (young people at work) and Directive 91/383/EEC (temporary workers).

The Working Conditions Decree covers a more specific range of OSH topics and directly transposes the following directives: Directive 1999/92/EC (ATEX), Directive 90/269/EEC (manual handling of loads), Directive 2002/44/EC (vibration), Directive 2003/10/EC (noise), Directive 2006/25/EC (artificial optical radiation), Directive 92/57/EEC (temporary or mobile construction sites) and Directive 92/104/EEC (surface and underground mineral-extracting industries). The Working Conditions Regulation contains very specific provisions, and transposes, together with the Decree, the following directives: Directive 2009/104/EC (work equipment), Directive 92/58/EEC (OSH signs), Directive 90/270/EEC (display screen equipment), Directive 2004/37/EC (carcinogens or mutagens), Directive 98/24/EC (chemical agents at work), Directive 2009/148/EC (asbestos) and Directive 2000/54/EC (biological agents). The remaining individual directives are transposed by the Working Conditions Act, Decree and/or Regulation, in combination with other national legislation specific to the OSH topic addressed.

The Dutch legislation in the area of health and safety at work covers all types and sectors, without distinction, including the public sector and SMEs. In particular, Working Conditions Act does not distinguish between private and public sectors. All public services are covered by the Act, including work that is carried out by police, fire departments and armed forces (for as far a proper execution of these activities is not hindered). Some exceptions are mentioned by the Act concerning matters of state security.

Six infringement cases were initiated against the Netherlands in relation to OSH related directives, more specifically, Directive 89/391/EEC (Framework Directive), Directive 98/24/EC (chemical agents at work) and Directive 1999/92/EC (ATEX). Three of these cases were linked to a case of non-communication and national measures were adopted and notified. Two cases were linked to bad application of Directive 89/391/EEC (Framework Directive) and Council Directive 98/24/EC (chemical agents at work), and all cases are now closed. There has also been one infringement case linked to non-conformity with Directive 89/391/EEC (Framework Directive), and also this case has been closed.

The next table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1- 1 General Legal Framework¹

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)		S	<p>Working Conditions Act (<i>Arbeidsomstandighedenwet / Arbowet, Staatsblad nr 757</i>), entry into force on 18/03/1999, revised on 01/01/2007 (AW)</p> <ul style="list-style-type: none"> Act of 13 December 2000 to amend the Working Conditions Act (technical improvements and adaptations) (<i>Wet van 13 december 2000 tot wijziging van de Arbeidsomstandighedenwet 1998 (Technische verbeteringen en aanpassingen)</i> ref: <i>Staatsblad nr 595 van 2000, 28/12/2000</i>), entry into force on 29/12/2000 Act of 7 April 2005 to amend the Working Conditions Act (<i>Wet van 7 april 2005 tot wijziging van de Arbeidsomstandighedenwet 1998 in verband met een gewijzigde organisatie van de deskundige bijstand bij het arbeidsomstandighedenbeleid en de daarmee samenhangende bepalingen</i>), entry into force on 6/6/2005. Act of 30 November 2006 to amend the Working Conditions Act (<i>Wet van 30 november 2006, houdende wijziging van de Arbeidsomstandighedenwet 1998 en enige andere wetten in verband met het vergroten van de verantwoordelijkheid van werkgevers en werknemers voor het arbeidsomstandighedenbeleid</i>) Act of 23 December 2010 to amend the 	Y	<ul style="list-style-type: none"> - Case 1993/0403 on non-communication has now been closed - Case 1995/2139 on non-conformity has now been closed - Case 2008/4998 on bad application of the Framework Directive has now been closed

¹ Sources: Transposition table EU Directives; Annex 1 to Working Conditions Decree; OSHA.EU website.

² Sources: eur-lex.europa.eu; Ir. RE.A. in 't Veld: *'De arbeidsbeschermende wetgeving in de periode 1987-1997'* (NVVK, 1997).

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>Working Conditions Act concerning the Risk Assessment and Evaluation (<i>Wet tot wijziging van de AW ten aanzien van de Risicoinventarisatie en –Evaluatie</i>)</p> <p>Medical Examinations Act (<i>Wet op de Medische Keuringen, Staatsblad nr 365 van 1997, 09/12/1997</i>), entry into force on 01/01/1998, amended on 31/12/1997 (Medical Examinations Act)</p> <p>Working Conditions Decree (<i>Arbeidsomstandighedenbesluit / Arbobesluit, Staatsblad nr 782</i>), entry into force on 15/01/1997 (AB)</p> <ul style="list-style-type: none"> • Order of 20 May 2005 to amend the Working Conditions Decree (<i>Besluit van 20 mei 2005 tot wijziging van het Arbeidsomstandighedenbesluit en enige andere besluiten in verband met een wijziging van Arbeidsomstandighedenwet 1998 inzake een gewijzigde organisatie van de deskundige bijstand bij het arbeidsomstandighedenbeleid</i>), entry into force on 6/6/2005. • Order of 5 December 2006 to amend the Working Conditions Decree (<i>Besluit van 5 december 2006 tot wijziging van het AB ter vergroting van de verantwoordelijkheid van werkgevers en werknemers voor het arbeidsomstandighedenbeleid en ter beperkingen vereenvoudiging van de regelgeving en van enige andere besluiten in verband hiermee</i>). • Order of 2 February 2011 to amend the Working Conditions Decree concerning the Risk Assessment and Evaluation (<i>Besluit tot wijziging van het AB ten aanzien van de Risicoinventarisatie en –Evaluatie</i>) • Order of 13 June 2012 to amend the Working Conditions Decree concerning the protection of self-employed, place independent work and more (<i>Besluit tot wijziging van het AB in verband met verdere bescherming van zelfstandigen, het plaatsonafhankelijk werken et cetera</i>). <p>Working Conditions Regulation, as amended (<i>Arbeidsomstandighedenregeling</i>)</p>		

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>/ Arboregeling), entry into force on 12/03/1997 (AR)³</p> <p>Working Conditions Policy Rules (<i>Beleidsregels op het gebied van de Arbeidsomstandighedenwetgeving</i>), entry into force on 27/06/1997. Deregulated in 2010 and 2012; some 'policy rules' concerning chemical agents and pregnant workers have later been included in AB.</p> <p>Decree on Company Emergency Response Services (<i>Besluit Bedrijfshulpverlening</i>, <i>Staatsblad</i> 1993, 783) (later included in AB)</p> <p>Decree on Health and Safety Services (<i>Besluit arbodiensten</i>, <i>Staatsblad</i> nr 782), entry into force on 28/12/1993 (later included in AB)</p>		
Council Directive 89/654/EEC (workplace)		S	<p>AB – chapter 3</p> <p>Decree on workplaces of 8 October 1993 (<i>Besluit arbeidsplaatsen</i>, <i>Staatsblad</i> nummer 534), which was later included in AB (<i>Staatsblad</i> nummer 60, 15/01/1997)</p> <p>Building Decree (<i>Besluit houdende wijziging van het Bouwbesluit en enige andere algemene maatregelen van bestuur (correcties en aanvullingen van het Bouwbesluit en aanpassing van andere besluiten aan het Bouwbesluit)</i>) of 17 April 2002</p>	Y	
Directive 2009/104/EC (work equipment)		S	<p>AB – chapter 7</p> <p>AR</p> <p>Decree on Work Equipment of 14 October 1993 (<i>Besluit Arbeidsmiddelen</i>, <i>Staatsblad</i> 1993, 537), which was later included in AB (<i>Staatsblad</i> nummer 60, 15/01/1997) and in AR (02/04/1997)</p>	Y	
Council Directive		S	AB - chapter 8, part 1	Y	

³ The legislation on working conditions in the Netherlands is divided into three levels: the Working Conditions Act (AW), the Working Conditions Decree (AB) and the Working Conditions Regulation (AR). The Working Conditions Act forms the basis of the occupational health and safety legislation in the Netherlands. It contains the general provisions applicable to all places where work is performed (including associations and foundations). The Working Conditions Act is a framework law. The Working Conditions Decree is an elaboration of the Working Conditions Act. It contains the rules that both employer and employee must abide to go in order to prevent occupational risks. These rules are mandatory. There are also different and additional rules for certain sectors and categories of workers. The Working Conditions Regulation is again a further elaboration of the Working Conditions Decree. It includes specific rules, such as the exact tasks of the internal or external preventive and protective services. Also here, the rules are mandatory for employer and employee. The three levels are always considered together as being the Dutch OSH legislation.

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
89/656/EEC (PPE)			Decree on Personal Protection Equipment of 15 July 1993 (<i>Arbeidsomstandighedenbesluit persoonlijke beschermingsmiddelen</i> , <i>Staatsblad nummer 442</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>) Product Safety Decree of 24 June 1992 (<i>Warenwetbesluit persoonlijke beschermingsmiddelen van 24 juni 1992</i>)		
Council Directive 92/58/EEC (OSH signs)		S	AB – chapter 8, part 2 AR – chapter 8, Annex XVIII and XIX Decree of 1 October 1993 on Health and Safety Signs (<i>Besluit Veiligheids- en Gezondheidssignalering</i> , <i>Staatsblad 1993, 530</i>), entry into force on 22/10/1993, which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>) and in AR (<i>02/04/1997</i>) Order of 04/02/1995 to amend the Mines Regulation of 1964 and the Continental Shelf Mines Regulation (<i>Besluit tot wijziging van het mijnreglement 1964 en het mijnreglement continentaal plat (veiligheids en gezondheidssignalering)</i> , <i>Staatsblad nummer 86 van 1995</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)	Y	
Directive 1999/92/EC (ATEX)	O		AB – chapter 3, part 1, paragraph 2a • Order of 16/06/2003 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB houdende regels betreffende explosieve atmosferen</i>), entry into force 19/6/2003.	Y	03/0719/NL Case of non-communication – national measures adopted and notified following letter of formal notice
Council Directive 90/269/EEC (manual handling of loads)	O		AB – chapter 5, part 1 Decree of 27 January 1993 to establish rules to protect workers against the dangers of workloads (<i>Besluit Fysieke Belasting</i> , <i>Staatsblad nummer 68 van 1993</i>), entry into force on 10/02/1993, which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)	Y	
Council Directive 90/270/EEC (display)		S	AB – chapter 5, part 2 AR – chapter 5	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
screen equipment)			Decree on Display Screen Equipment of 10 December 1992 (<i>Besluit Beeldschermwerk, Staatsblad nummer 677 van 1992</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>) and AR (<i>02/04/1997</i>)		
Directive 2002/44/EC (vibration)	○		AB – chapter 3, part A <ul style="list-style-type: none"> Order of 5/7/2005 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB houdende voorschriften inzake veiligheid en gezondheid met betrekking tot blootstelling van werknemers aan risico's van fysieke agentia (mechanische trillingen)</i>). 	Y	
Directive 2003/10/EC (noise)	○		AB – chapter 6, part 3 <ul style="list-style-type: none"> Order of 25/1/2006 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB houdende regels met betrekking tot de blootstelling van werknemers aan de risico's van lawaai</i>) 	Y	
Directive 2004/40/EC (electromagnetic fields)			<u>The Directive has not been transposed into national legislation</u> due to presumed problems with the introduction for mainly MRI applications in hospitals. The deadline for introducing the Directive has been postponed until October 2013 to give the Council the opportunity to modify it. Meanwhile, the Implementation Plan for the implementation of this Directive has been determined. The actual implementation will take place from now onwards in accordance with this plan.	N	
Directive 2006/25/EC (artificial optical radiation)	○		AB – articles 6.12a to 6.12g <ul style="list-style-type: none"> Order of 1 February 2010 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB, houdende regels met betrekking tot de blootstelling van werknemers aan de risico's van kunstmatige optische straling, Staatsblad 103 van jaargang 2010</i>), entry into force on 27/04/2010 	Y	
Directive 2004/37/EC (carcinogens or mutagens)		S	AB – chapter 4, part 2 <ul style="list-style-type: none"> Order of 29 March 2002 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB houdende regels inzake chemische en carcinogene agentia, Staatsblad nr 190 van 2002</i>). AR – chapter 4.3 and 4.4 Decree of 4 February 1994 on Carcinogenic Substances and Processes (<i>Besluit</i>	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<i>Kankerverwekkende Stoffen en Processen, Staatsblad 1994,91</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>) and AR (<i>02/04/1997</i>)		
Council Directive 98/24/EC (chemical agents at work)		S	AB – chapter 4 <ul style="list-style-type: none"> Order of 29 March 2002 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB houdende regels inzake chemische en carcinogene agentia, Staatsblad nr 190 van 2002</i>). AR – chapter 4.3, 4.4 and 4.8 Decree of 19 August 1991 on Specific substances hazardous to health (<i>Besluit Specifieke Gezondheidsschadelijke Stoffen, Staatsblad 1991, 453</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)	Y	- 01/0412/NL Case of non-communication – national measures adopted and notified following reasoned opinion - Case 2004/4684 on the bad application of the Directive has now been closed
Directive 2009/148/EC (asbestos)		S	AB – chapter 4, part 5 AR – chapter 4.5 and 4.6 Decree of 22 November 1988 on Asbestos (<i>Asbestbesluit, Staatsblad 1988, 560</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>) and AR (<i>02/04/1997</i>) <ul style="list-style-type: none"> Order of 10 December 1991 to amend the Asbestos Decree (<i>Staatsblad 1991, 685</i>). Order of 19 February 1993 to amend the Asbestos Decree (<i>Staatsblad 1993, 135</i>). Entry into force on 1-7-1993. 	Y	
Directive 2000/54/EC (biological agents)		S	AB – chapter 4, part 9 AR – chapter 4.4 Decree on Biological Agents of 17 May 1994 (<i>Besluit Biologische Agentia, Staatsblad 1994, 368</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)	Y	
Council Directive 92/57/EEC (temporary or mobile construction sites)	O		AB – chapter 2, part 5 <ul style="list-style-type: none"> Order of 8 June 2004 to amend the Working Conditions Decree (<i>Besluit tot wijziging van het AB (voorschriften inzake veiligheid en gezondheid bij het gebruik door werknemers van arbeidsmiddelen voor tijdelijke werkzaamheden op de arbeidsplaats</i> 	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>op hoogte).</p> <p>Order of 9 June 1994 to amend the Working Conditions Law (<i>Bouwproces, AW, Staatsblad nr 440, p. 1</i>), entry into force 3-8-1994 and later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p> <p>Order of 27 June 1997 to conclude on policy rules (<i>Besluit van de Staatssecretaris van SZW, Directie Arbeidsomstandigheden, Arbo/AIS 9701436 tot vaststelling van beleidregels op het gebied van de Arbeidsomstandighedenwetgeving, supplement bij de Staatscourant van 27/06/1997</i>); Deregulated in 2010 and 2012.</p>		
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	O		<p>AB – chapter 2 part 6; chapter 3 parts 3, 3A and 3B; chapter 6 part 5A; and chapter 7 part 5A</p> <p>Decree of 29 July 1994 on Mineral Extracting Industries during Daytime (<i>Besluit Winningsindustrie in de Dagbouw. Staatsblad 1994, 602</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p> <p>Order of 27 June 1997 to conclude on policy rules (<i>Besluit van de Staatssecretaris van SZW, Directie Arbeidsomstandigheden, Arbo/AIS 9701436 tot vaststelling van beleidregels op het gebied van de Arbeidsomstandighedenwetgeving, supplement bij de Staatscourant van 27/06/1997</i>); Deregulated in 2010 and 2012.</p>	Y	
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		S	<p>AB – chapter 2 part 6 and 6A; chapter 3 parts 3 and 3C; chapter 6 part 5B; and chapter 7 part 5A</p> <p>Decree of 29 July 1994 on Mineral Extracting Industries during Daytime (<i>Besluit Winningsindustrie in de Dagbouw. Staatsblad 1994, 602</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p> <p>Decree of 4 November 1994 to amend the Mining Regulations 1964 and Mining Regulations Continental Shelf (stronghold of mining installations, helicopter decks and radio diaries (<i>Staatsblad nummer 793, 1994</i>), entry into force on 23/11/1994.</p> <p>Further regulations included in the Mining Regulations 1964 and the Mining Regulations</p>	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>Continental Shelf:</p> <ul style="list-style-type: none"> Further regulations of 27/3/1995 (<i>nadere regelen mijnreglementen elektrische installatie, Staatsblad 61 van 27/03/1995, p. 5</i>) Further regulations of 19/9/1995 (<i>Nadere regelen mijnreglement 1964 en mijnreglement continentaal plat inzake veiligheid en gezondheid van arbeiders in de winningindustrie, Staatsblad nummer 181 van 19/09/1995</i>) Further regulations of 19/9/1995 (<i>Nadere regelen mijnreglement 1964 en mijnreglement continentaal plat veiligheids- en gezondheidsdocumenten, Staatsblad nummer 181 van 1995</i>) Further regulations of 26/9/1995 (<i>Nadere regelen mijnreglement 1964 en mijnreglement continentaal plat helikopterdekken, Staatsblad nummer 186 van 26/09/1995</i>) 		
Council Directive 92/29/EEC (medical treatment on board vessels)		S	<p>Decree on Fishery Vessels of 11 January 2002 (<i>Besluit houdende veiligheidsvoorschriften voor vissersvaartuigen (Vissersvaartuigenbesluit 2002)</i>).</p> <p>Decree on Seaships of 18 June 2004 (<i>Besluit van 18 juni 2004, houdende regels met betrekking tot de veiligheid en certificering van zeeschepen (Schepenbesluit 2004)</i>)</p> <ul style="list-style-type: none"> Order of 1 September 1995 to amend the Decree on Seaships and the Decree on Fishery Vessels according to Council Directive 92/29/EC (<i>Besluit houdende wijziging van het Schepenbesluit 1965 (staatsblad 367, 1965) en het Vissersvaartuigenbesluit in verband met de richtlijn 92/29/EEG van de Raad van de Europese Gemeenschappen van 31 maart 1992 betreffende de minimumvoorschriften inzake veiligheid en gezondheid ter bevordering van een betere medische hulpverlening aan boord van schepen, Staatsblad 456.</i>), entry into force on 2-9-1995 <p>Regulation on the Safety and Certification of Seaships (<i>Regeling houdende nadere regels met betrekking tot de veiligheid en certificering van in Nederland geregistreerde zeeschepen, alsmede regels met betrekking tot de veiligheid van buitenlandse schepen in Nederlandse wateren (Regeling veiligheid zeeschepen)</i>)</p>	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>Regulation of 30 November 1995 on Medical Supplies on board of Fishery Vessels (<i>Regeling medische uitrusting aan boord van vissersvaartuigen</i>, Staatsblad nummer 233 van 30/11/1995)</p> <ul style="list-style-type: none"> Order of 12 December 2011 to amend the Regulation on the Safety and Certification of Seaships and the Regulation on Medical Supplies on board of Fishery Vessels (<i>Regeling van de Minister van Infrastructuur en Milieu tot wijziging van de Regeling veiligheid zeeschepen en de Regeling medische uitrusting aan boord van Nederlandse vissersvaartuigen in verband met de MODU-Code, 2009, richtlijn nr. 92/29/EEG, en enige andere aanpassingen</i>). <p>Decree of 23 August 2001 on seacrew trade and sailing (<i>Besluit houdende bepalingen omtrent de bemanning van zeeschepen in de handelsvaart en de zeilvaart</i> (<i>Besluit zeevaartbemanning handelsvaart en zeilvaart</i>)).</p> <p>Decree of 27 August 2001 on fishery crew (<i>Besluit houdende bepalingen omtrent de bemanning van visvaartuigen</i> (<i>Besluit zeevisvaartbemanning</i>))</p>		
Council Directive 93/103/EC (work on board fishing vessels)	O		<p>Decree on Fishery Vessels of 11 January 2002 (<i>Besluit houdende veiligheidsvoorschriften voor vissersvaartuigen</i> (<i>Vissersvaartuigenbesluit 2002</i>)).</p> <ul style="list-style-type: none"> Order of 1 September 1995 to amend the Decree on Seaships and the Decree on Fishery Vessels according to Council Directive 92/29/EC (<i>Besluit houdende wijziging van het Schepenbesluit 1965 (staatsblad 367, 1965) en het Vissersvaartuigenbesluit in verband met de richtlijn 92/29/EEG van de Raad van de Europese Gemeenschappen van 31 maart 1992 betreffende de minimumvoorschriften inzake veiligheid en gezondheid ter bevordering van een betere medische hulpverlening aan boord van schepen</i>, Staatsblad 456), entry into force on 2-9-1995. <p>Decree on Fishery Vessels of 5 August 1989 (<i>Besluit houdende nadere regelen voor de veiligheid van Vissersvaartuigen</i> (<i>'Vissersvaartuigenbesluit'</i>)). Staatsblad 354,</p>	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			entry into force 4-10-1990.		
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		S	<p>AW</p> <p>AB – chapter 1 part 9; chapter 4 part 10 paragraph 3; and chapter 6 part 6 paragraph 4</p> <p>Decree of 2 May 1994 on Pregnant Women Workers (<i>Besluit Zwangere Werkneemsters, Staatsblad 337</i>), entry into force on 20-5-1994 and later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p>	Y	
Council Directive 91/383/EEC (temporary workers)		S	<p>AW – article 1 and article 6</p> <p>AB</p> <p>AR</p> <p>Decree on Health and Safety Services (<i>Besluit arbodiensten, Staatsblad nr 782</i>), entry into force on 28/12/1993 and later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p> <p>Decree on Company Emergency Response Services (<i>Besluit Bedrijfshulpverlening, Staatsblad 1993, 783</i>), which was later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p> <p>Regulation of 28 December 1993 for Certification of Health and Safety Services (<i>Ministeriële Regeling certificatie arbodiensten, Staatscourant nr. 252</i>), entry into force on 30/12/1993 and later included in AR (02/04/1997)</p> <p>Regulation of 28 December 1993 on Required Expertise of Health and Safety Services (<i>Ministeriële Regeling deskundigheidseisen arbodiensten, Staatscourant nr. 252</i>), entry into force on 30/12/1993 and later included in AR (02/04/1997)</p>	Y	
Council Directive 94/33/EC (young people at work)		S	<p>Working Time Act (<i>Arbeidstijdenwet, Staatsblad no. 598 van 23/11/1995</i>)</p> <p>AW – article 1 and article 6</p> <p>Working Time Decree (<i>Arbeidstijdenbesluit</i>) of 4/12/1995</p> <p>Further Regulation of Child Labour (<i>Nadere Regeling Kinderarbeid</i>) of 13 December</p>	Y	

Directive	O	S	Transposing National Legislation ²	Legislation existing prior to transposition (Y/N)	Infringement proceedings
			<p>1995</p> <p>AB – chapter 1 part 8; chapter 3 part 4 paragraph 4; chapter 4 part 10 paragraph 2; chapter 6 part 6 paragraph 3; and chapter 7 part 6 paragraph 2</p> <p>AR</p> <p>Decree of 6 June 1996 amending the Mining Regulation of 1964 (<i>protection of young workers, Staatsblad nummer 294, 1996</i>), entry into force on 22-6-1996 and later included in AB (<i>Staatsblad nummer 60, 15/01/1997</i>)</p>		

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

The Netherlands has implemented a wide range of national policies, programmes and initiatives in the area of OSH, supporting the vision of the Dutch government to limit its role in formulating and controlling health and safety at the workplace and to put this responsibility with the employers and workers. Since 2007, when the Working Conditions Act was amended, employers and workers are encouraged to define and agree on ‘working conditions catalogues’, which sets out how safe and healthy working conditions will be managed and compliance with legal obligations and objectives will be ensured. The agreements have to be approved by the Labour Inspectorate (see below).

Competences over OSH at the national level fall under the direction of the Ministry of Social Affairs and Employment. There is one central labour inspectorate in the Netherlands - the Inspection of Social Affairs and Employment -, which is responsible for maintaining healthy and safe working conditions. In some fields, the inspection and enforcement is carried out by inspectorates of other ministries, such as the Human Environment and Transport Inspectorate (Ministry of Infrastructure and Environment), the State Authority for the Mines and the Dutch Food and Consumer Product Safety Authority (both inspection bodies of the Ministry of Economic Affairs). In order to improve cooperation and coordination between the different inspectorates, the Inspectorate Council was installed.

Social dialogue plays a large and important role in the Netherlands, whose legal basis is defined by the Working Conditions Act, which states that a safe and healthy workplace is the shared responsibility of employers and workers. The two main social partners at the national level are: the Social Economic Council, which consists of representatives of employers’ and trade unions umbrella organisations as well as neutral OSH experts called ‘crown members’, and the Labour Foundation, which is a bi-partite body representing employers and workers. There is also an active social dialogue at sectoral and enterprise level, which is recognised by the Dutch government.

1.2.1 Key Policy Documents

- The national programme: ‘**Prevention 2014-2016: Health is everything**’⁴ is a collaboration between six ministries, municipalities, companies and social partners. The programme runs from 2014 till 2016. It aims to improve the awareness and knowledge of health and safety at work and the opportunities for workers to combine work and informal care for relatives.
- Action plan ‘**Healthy Enterprise**’⁵ (*Actieplan Gezond Bedrijf*) has been implemented at the beginning of 2014. The project aims to raise awareness among SME companies in the care, construction and logistics sectors (up to approx. 250 workers) on the necessity to improve ‘sustainable employability’ with a specific focus on workers’ health. (Other themes that are addressed by the programme are mobility and education).
- ‘**Strategy plan 2014**’ (*Jaarplan 2014*)⁶ of the Inspection of Social Affairs and Employment, setting out its strategy, inspection programmes and organisation for 2014 (see chapter 5).
- National programme ‘**Vision for the System of Healthy and Safe Work**’ (2012) of the Ministry of Social Affairs and Employment⁷. This programme presents the policy agenda for health and safety at work for the upcoming years, which the Ministry SZW aims to address in cooperation with other stakeholders. Central issues of the agenda are: further simplification of legislation, aiming for concrete limit values at EU level, improved connection between health care in and outside companies, better instruments for risk assessment, more self-regulation, more participation of parties that are directly involved in making policies concrete, heavier sanctions on transgressions.
- The ‘**Arboportaal**’ by the Ministry of Social Affairs and Employment is a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work.⁸
- ‘**Arbokennisnet**’ is the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment and is a collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians.⁹

1.2.2 Main authorities and stakeholders

In the Netherlands, employment legislation and legislation on occupational health and safety are the competence of the **Ministry of Social Affairs and Employment** (*Ministerie van Sociale Zaken en Werkgelegenheid*, SZW). Also all OSH policies are the responsibility of the Ministry of SZW. In particular, the Ministry of Social Affairs and Employment “keeps a close watch on developments in the area of working conditions on the basis of a number of monitoring instruments”. In this way, the Ministry gains current insight into exposure to occupational risks, their consequences for employees in terms of symptoms, accidents and health, as well as the consequences for the employability of those employees in terms of absence, incapacity for work and productivity. The monitors also contain information about the nature/extent of occupational safety and health policy (OSH policy) in undertakings and compliance with laws and regulations. The monitoring instruments include the National Survey on Working Conditions (*Nationale Enquête Arbeidsomstandigheden* – NEA), the Employers’ Survey (*Werkgeversenquête* – WEA), the monitor of the Inspectorate SZW, ‘*Arbo in Bedrijf*’ (OSH in Undertakings) and the publication ‘*Arbobalans*’ (OSH Balance Sheet).”¹⁰

⁴ <http://www.arboportaal.nl/actueel/gezond-werk-met-nationaal-programma-preventie.html>

⁵ <http://www.wgvzorgenwelzijn.nl/ActieplanGezondBedrijf>

⁶ http://www.inspectieszw.nl/Images/Jaarplan-2014-Inspectie-SZW_tcm335-345837.pdf

⁷ <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2012/03/30/kamerbrief-met-visie-over-gezond-en-veilig-werken.html>

⁸ <http://www.arboportaal.nl/over>

⁹ <http://www.arbokennisnet.nl/index.html>

¹⁰ See National Implementation Report, Chapter 1, 1, (EN) p.4.

The body of the Ministry responsible for maintaining healthy working conditions is the **Inspection of Social Affairs and Employment** (*Inspectie Sociale Zaken en Werkgelegenheid*). In some fields the inspection and enforcement is carried out by the inspections of other ministries, namely the **Ministry of Infrastructure and Environment** (*Ministerie van Infrastructuur en Milieu*; *IenM*) and its inspectorate **'The Human Environment and Transport Inspectorate'** (*Inspectie Leefomgeving en Transport*; *ILT*), and the **Ministry of Economic Affairs** (*Ministerie van Economische Zaken*; *EZ*) and its inspectorates **the State Authority for the Mines** (*SodM*) and **'the Netherlands Food and Consumer Product Safety Authority'** (*Nederlandse Voedsel- en Warenautoriteit*; *NVWA*) (See chapter 5).

A scientific advisory role on specific issues concerning health at work (e.g. on limit values) is played by the **Health Council** (*de Gezondheidsraad*). Similarly, in technical and policy OSH issues, the Netherlands Organisation for Applied Scientific Research, **TNO** (*Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek*), is an important player.

The **Implementing Organisation for Worker Insurances** (*Uitvoeringsinstituut Werknemersverzekeringen*, *UWV*) is responsible for providing a judgement regarding worker's health status and setting up a basis for re-integration activities. It also pays out work-related insurance claims. The **Netherlands Centre for Occupational Diseases** (*Nederlands Centrum voor Beroepsziekten*, *NCvB*) registers and collects information on occupational diseases and accidents.

OSH service providers (*Arbodiensten*) are the private companies providing prevention and protective services. Their branch association is **OVAL**. The three biggest private OSH services are: **ArboNed** (acronym only); **ArboUnie** (acronym only); **Achmea** (acronym only; closely linked to insurance company).

The main stakeholder organisation from the employers' side is **VNO-NCW / MKB-NL**, which is the main employers' umbrella organisation. Previously these were two associations, but they currently have one OSH staff. The organisation is nowadays only referred to with its acronym: in full it refers to the Association of Dutch Enterprises and Dutch Christian Employers (*de Vereniging Nederlandse Ondernemingen – Nederlandse Christelijke Werkgeversorganisatie*), and the Association of Small and Medium-Sized Enterprises in the Netherlands (*Midden- en Kleinbedrijf Nederland*). Another specifically relevant employers' organisation is **LTO Nederland** (*Land- en Tuinbouw Organisatie Nederland*), which is the Dutch Federation of Agriculture and Horticulture; currently consisting of LTO Noord and LTO Zuid. Behind these is the General Employers' Association **AWVN** (; an organisation that mainly fulfils a co-ordinating role on the employers' side in collective bargaining. Constituting these umbrella organisations are hundreds of branch associations that are more or less relevant stakeholders to both the framework directive and to specific directives.

The main stakeholder organisations from the workers side (the trade unions) is first of all the Federation Dutch Labour Movement, **FNV** (*Federatie Nederlandse Vakbeweging*), which is the umbrella organisation of all FNV unions, the most relevant of which are: **FNV Bondgenoten** (private sector union); **ABVA KABO** (Public sector union); **FNV Bouw** (construction sector); **FNV KIEM** (printing / AV sector). Additionally, there are the Christian Trade Union, **CNV** (*Christelijk Nationaal Vakverbond*) and the **Unie / MHP** (only in acronym), which is the trade union for middle and higher personnel.

1.2.3 Coordination

The **Social Economic Council** (*Sociaal Economische Raad*; *SER*) plays a statutory advisory role in the preparation of policies and legislation, also concerning health and safety at work. This Council consists of representatives of employers' and trade unions umbrella organisations, together with 'neutral' experts nominated by government (*Kroonleden*; 'Crown members'). Consultation in the SER serves to meet advice requirements and for the social partners to have an input in the policy

process. The SER has played a vital role in the past in maintaining the Dutch consultation economy ('*de polder*'). This role has weakened and become less important in recent years.

Besides, the social partners themselves have a co-ordination structure in the bi-partite **Labour Foundation** ('*Stichting van de Arbeid*' STAR). Its main official goal is to promote good industrial relations.

Furthermore, co-ordination takes place through **bilateral consultation** between officials of the government, the trade unions and the employers' organisations (which probably is a typical aspect of the Dutch 'polder' as well).

The **social partners' umbrella organisations** (VNO-NCW and the 'Vakcentrales' (FNV, CNV, MHP)) provide for coordination between their sectoral member organisations.

The last years the government policy has been directed at making employers and workers and their representatives (**social partners**) more responsible for OSH matters. Therefore more and more detailed prescriptions on OSH are left for the social partners to agree upon, taking into account the regulatory requirements and the goal definitions given by (European) law. It is the task of the **Labour Inspectorate** ('*Arbeidsinspectie*'), which is a more or less autonomous part of the ministry SZW, to check on the legitimacy and validity of these agreements. Once approved, the agreements get the status of '**Working Conditions Catalogue**' ('*Arbocatalogus*'), which the employers and workers in the sector can go by.

With an eye to improve the promotion of 'good inspection' and to improve cooperation and coordination between different inspectorates, the **Inspectorate Council** ('*Inspectieraad*') has been installed.¹¹ Its coordinating role is on a general 'meta' level and does not concern specific inspection and enforcement issues at content level. Rather, the Council develops general methods, tools, trainings, et cetera and serves as a platform for the different inspectorates to discuss overall strategic inspection themes.

There are several coordination mechanisms via **Nogepa** (the branche organisation in the Netherlands for mineral extracting through drilling companies) for safeguarding health and safety in mineral extracting through drilling. First of all, on a regular basis the **Inspector General for the Mines (IGM)** convenes with the directors of all (that is to say: 13 to 15) mineral extracting companies in the Netherlands at the executive level (the so-called '**Excom meeting**'). Similar meetings take place at operational level (with the **Operations Committee**) and in a **HSE committee**.

Secondly, **tripartite meetings** take place with the employers and the trade unions, which are chaired by the IGM. Thirdly, the inspectorate has meetings in the **North Sea Offshore Authorities Forum (NSOAF)** with the authorities of the other North Sea States. Similar meetings take place in the **EU OAG**, the Offshore Oil and Gas Authorities Group within the EU. They meet six times per year. The **SodM** coordinates on a regular basis with the **I-SZW** on legal-technical issues and on fine-reports. The SodM also makes use of the **Expert Centre** and of **trainings** provided by I-SZW.

Many (or most) of the regulations for health and safety on board of ships are discussed on the mundial (UN) platform of the **IMO (International Maritime Organisation)** and the **International Labour Organization (ILO)**. **Three-partite coordination** between the Dutch participants (employers KVRN, trade union Nautilus, the Ministry of Infrastructure and Environment and the Inspectorate ILT) takes place in advance of meetings with the IMO/ILO.

Regulations for training and medical surveillance are discussed in the **STCW (The Standards of Training, Certification & Watchkeeping Convention)**. Coordination between the Dutch participants

¹¹ Instellingsbesluit Inspectieraad, 21-12-2009

takes place in the **ACVAZ (Algemene Commissie tot Voorkoming van Arbeidsongevallen Zeevarenden)**; ‘general committee for the prevention of work accidents seafaring workers’) between three ministries (IenM, SZW and OC&W), two employers organisations (KVRN and the Redersvereniging voor de Zeevisserij) and trade union Nautilus.

Supervision on the **Radio Medical Services** (‘Radio Medische Dienst’; RMD) is held by a **committee** in which are represented the employers (KVRN and RVZ), the trade union (Nautilus), the inspectorate (ILT), The Dutch Council for Reanimation (NRR) and the Captains Association.

The coordination mechanisms described above for health and safety on board of ships seem to work most of all for the mercantile shipping sector. Less so for the fishery sector. The employers’ organisation of seafishers (RVZ) feels the coordination mechanisms are not functioning effectively. ‘Policies are made for us but not with us.’ There is lack of coordination between the making of economic policies and policies for safety. In one of the coordinating bodies for policies concerning safety on vessels, two out of the three involved ministries are withdrawing from tasks that the law has assigned them to do. It seems that the drive is lacking to do more than transposing international legislation. According to the RVZ, this is at the expense of larger Dutch interests.

The RVZ has the opinion that in the development of policies one Directorate (at either national or European level) ought to be the case officer. This would make it clear who is in charge and whom to address.

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive’s requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive’s ones. There is one table per directive.

Observed discrepancies between the Directive’s requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive’s provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

In general, the Netherlands has transposed OSH-related EU Directives in an efficient way with a few cases of observed discrepancies, while other cases are mainly related to more detailed and more stringent measures set out in national legislation compared to the provisions of the relevant directive. Regarding the Framework Directive, some observed discrepancies have been found with the lack of appropriate transposition of the CMP on training of workers, leading to an observed discrepancy. With regard to Directive 98/24/EC (chemical agents at work), observed discrepancies were found concerning its scope and definitions, as the Dutch legislation uses different criteria for dangerous substances and the requirements apply in all cases in which workers are or can be exposed.

The scope of the national legislation transposing Directive 94/33/EC (young people at work) is inconsistent, as it excludes pupils and students in educational institutions. Finally, a observed discrepancy has been noted with regard to the transposition of Directive 91/383/EEC (temporary workers), since, in the Netherlands, protective and prevention services are not to be informed about the assignment of workers with temporary or fixed-duration contracts

Additionally, Dutch national legislation often includes more detailed and more broader requirements - including more stringent -, compared to the provisions included in the different directives, which are described below (see: additional information from the interviews) as well as in the next 24 tables.

Additional information from the interviews

In addition to the thorough analysis that aimed at the identification of legal requirements that differ from or exceed the requirements from the Directives, the interviewed stakeholders were asked what they see as different or more stringent requirements. Their answers sometimes point to requirements that are more or less unrelated to specific Directives and are therefore missed in the analysis presented in the following tables. The answers of the interviewees are listed here.

The authorities commented that Dutch legislation is becoming more and more consistent with the European Directives. Several more detailed or broader requirements have been withdrawn in recent years. At some point, a deliberate choice was made to have more stringent requirements, concerning:

- professional services, certification and expertise;
- sexual intimidation, aggression and violence, and psychosocial disorders;
- limit values for several carcinogenic substances;
- the substitution of volatile organic solvents (VOS).

According to the employers, there are a number of more stringent requirements in the Working Conditions Act. The employers consider most of these as problematic, since they disturb the level of playing field in the EU. Examples are:

- The Additional Risk Assessment obligation (ARIE) for high risk companies;
- Certification schemes for fork lift trucks, cranes, elevators;
- Certification schemes for professional skills;
- Requirements for evacuation of other persons (other than workers);
- A process requirement concerning psycho-social disorders;
- Specific requirements for sandblast activities;
- Specific requirements for work under atmospheric pressure;
- Requirements concerning health surveillance in relation to privacy and professional confidentiality;
- Specific requirements for maintenance of tank ships;
- Requirements to prevent the dangers of falling;
- Requirements for working with firework.

There are also more stringent requirements for self-employed workers¹² and for pregnant female

¹² See the Decree of 13 June 2012 amending the Working Conditions Decree in relation to further protection for self-employed workers, location-independent work and the introduction of the general obligation for employers to digitally report data to the Inspectorate SZW. According to NIR 2013, "All applicable target-setting provisions of the Working Conditions Decree now also apply to self-employed workers without employees. This is the case with the rules relating to the hazards of physical strain (the articles from Chapter 5 of the Working Conditions Decree) and noise, temperature and vibrations (Chapter 6). Because of this amendment, the same rules apply to self-employed workers (without employees) and employees at the same place of work. This also means that if specific standards are set in an OSH catalogue in the relevant sector, this

workers. These requirements are however a deliberate choice based on an agreement with social partners. They are therefore not considered as problematic by the employers.

According to the trade unions, the further elaboration of some of the requirements (for example the risk assessment requirements) should not be considered as more stringent regulations. It is merely a provision of further specifications in accordance with the implementation principles of the Directives.

will be used as terms of reference for supervising self-employed workers (without employees). If self-employed workers (without employees) perform work entirely on their own, only the rules relating to measures against serious hazards apply. In short, this is largely in line with the advice from social partners (Social and Economic Council of the Netherlands - SER) that the Working Conditions Regulations must also apply to self-employed workers in situations with very serious, life-threatening occupational hazards. Nevertheless, certain situations remain excluded, for instance in the window cleaning industry, in which self-employed workers perform work entirely on their own. Employees moreover find that such situations can give rise to confusion.” See National Implementation Report, Chapter 1, 1, (EN) p.8.

Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions (Art.1 and 3)	<p>Art.1</p> <p>1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).</p> <p>2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>No observed discrepancy has been identified in terms of scope and definitions</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? <p>Yes, work that is carried out by police, fire departments and armed forces is covered by the law, for as far a proper execution of these activities is not hindered. Some exceptions are mentioned in the AB in matters of state security.</p> <ul style="list-style-type: none"> • Does the legislation include domestic servants in its scope? <p>Yes</p> <ul style="list-style-type: none"> • Is the definition of employer broader than the Directive's? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None</p>
Conducting a risk assessment Art. 6(3), 9(1)(a)	<p>Art.6</p> <ul style="list-style-type: none"> • The employer must, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places. <p>Art.9</p> <ul style="list-style-type: none"> • The employer shall be in possession of an 	<p>No observed discrepancy has been identified in relation to the risk assessment</p>	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No: no specific risks are described, the Law only mentions 'the risks'</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Yes: The risk assessment needs to be in writing, and should also include a description of the measures aimed at limiting hazards and risks, and limiting risks</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks.		<p>affecting particular groups of workers. It should also address the access of workers to preventive and protective services. A plan of action to deal with the risks that are identified needs to be part of the risk assessment, including a timetable. It is updated as often as required (depending on e.g. the experience with the risk assessment, changes to working methods or working conditions, or the state of the art and professional provision of services).</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>If the employer has work carried out by a temporary work agency worker, he shall provide the agency supplying the staff with the risk assessment, well before the agency worker takes up his/her post, so that the agency can pass this description on to the worker</p>
Ensuring preventive and protective services Art.7(1)	<ul style="list-style-type: none"> The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment. Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> Does the legislation define in more specific terms who shall be designated? <p>No.</p> <ul style="list-style-type: none"> Are the conditions for resorting to external services more specifically defined in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>and shall be allowed adequate time to enable them to fulfil their obligations.</p> <ul style="list-style-type: none"> • If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. • He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. • In all cases (internal/external services), they must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number. • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment/. The worker(s) and/ or agency(ies) must work together whenever necessary. • MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility. 		<p>Yes. The obligation for employers with 25 or less workers to have the risk assessment checked by an external service does not apply in case it is based on a model risk assessment</p> <ul style="list-style-type: none"> • Are the competences required from workers or external services defined in the legislation? <p>Yes. For workers only in general terms; External services must have a certificate (as defined in the AW) or be a registered occupational physician.</p> <ul style="list-style-type: none"> • Are criteria to define the resources (number of persons designated) provided in the legislation? <p>Yes. One or more expert workers; employers employing no more than 25 workers may also perform assistance-related tasks themselves</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>The information that the employer has to give to expert workers and external services is specifically defined. It includes the list and report of accidents and the reports, demands and prohibitive actions of the inspection.</p>
Information for workers Art.10	<ul style="list-style-type: none"> • The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive 	No observed discrepancy has been identified in relation to the information of workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>measures and activities in respect of the establishment and each type of workstation.</p> <ul style="list-style-type: none"> The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health. 	<p>However, no explicit mention is made in Dutch OSH law of an obligation for employers to ensure that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information (this may or may not be covered by the definition of employer)</p>	<p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Yes. It concerns workers' duties and the associated risks, the measures in place to prevent or limit these risks, how the panel of expert workers and external services are organised, and the purpose and operation of personal protection equipment and how they are to be used.</p> <ul style="list-style-type: none"> Are there more detailed requirements relating specifically to one of the individual directives? <p>The employer is to take particular account of the fact that workers under the age of 18, are, because of their age, lacking in work experience and not yet physically or mentally fully mature.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>No.</p>
Training of workers Art.12	<ul style="list-style-type: none"> The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary. The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. Workers' representatives with a specific role in protecting the safety and health of workers shall be 	<p>Observed discrepancies have been identified:</p> <p>The Arboret only states that the employer shall ensure that workers are given appropriate training for their particular tasks in respect of the working conditions.</p> <p>No explicit mention is made in Dutch OSH law of an obligation for employers to ensure that workers from outside undertakings and/ or establishments engaged in</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Are there more detailed requirements relating

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment.	work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. (this may or may not be covered by the definition of employer) No mention is made of an obligation for the training to be given during working hours. Also, no mention is made of training rights of workers' representatives with a specific role in protecting the safety and health of workers.	specifically to one of the individual directives? No. • Other additional or more detailed requirements No.
Health surveillance Art.14	<ul style="list-style-type: none"> • The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. • These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. • Health surveillance may be provided as part of a national health system. 	No observed discrepancy has been identified in relation to health surveillance.	<ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? No. • Other additional or more detailed requirements None.
Consultation of workers Art.11, 6(3)(c)	<ul style="list-style-type: none"> • Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. • Workers' representatives with specific responsibility for the safety and health of workers shall have the 	<p>No observed discrepancy has been identified in relation to consultation of workers.</p> <p>However, the right for workers representatives to ask the employer to take appropriate</p>	<ul style="list-style-type: none"> • Is balanced¹³ participation reflected in the national legislation? Are specific criteria put in place? Balanced participation is effected through the requirements of the Works Councils Act (Wet op de Ondernemingsraden), through elections and

¹³ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger.</p> <ul style="list-style-type: none"> • They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. • Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. • Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 	<p>measures and to submit proposals to him is stated only implicitly in the law.</p> <p>Also, "time off work and necessary means" are not explicitly mentioned.</p>	<p>stacking of Works Councils. Moreover, the Arboret ensures participation in larger companies (through Works Councils) as well as in smaller companies (through personnel representation) and in very small companies (with the workers directly affected).</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? No. • Other additional or more detailed requirements No.
Limit values	N/A	N/A	N/A
Other issues identified	<p>Eg. List and reports regarding occupational accidents, emergency measures, adequate controls and supervision, other protective and preventive measures</p>	<p>Other issues are:</p> <ul style="list-style-type: none"> * The worker shall notify the relevant supervisor immediately of any accidents at work leading to death, lasting injury or hospital admission; The employer shall keep a list of notified accidents at work, and of accidents at work leading to workers taking more than three days off work; the companies' registered physician shall make a notification of all cases of occupational disease. * Information to the public about risks of major accidents involving hazardous substances (by the supervisor) * Appropriate measures to prevent hazards to third parties * Flexibility of approach for employers and workers is possible when provisions established by virtue of this Act can be complied with in a manner other than the manner specified in the provision in question and in respect of which the employer has reached agreement in writing with the works council or staff representation body. 	

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>Such variations in approach must never lead to the level of protection falling below that established by the provisions laid down in the first sentence.</p> <p>In addition, NIR 2013 mentions the following:</p> <p>“Article 14(1)(a) of the Working Conditions Act stipulates that the employer must arrange to be assisted by one or more experts in testing the HIRA and to give advice in that regard. The independent test on the HIRA is performed by a certified OSH service provider or OSH expert. This is regarded in the Netherlands as a ‘national lead’ (i.e. where more than the EU requires is arranged).</p> <p>It has also been added in Article 14(12)(b) that undertakings of up to 25 workers are exempt from testing, if they:</p> <ul style="list-style-type: none"> • use a model HIRA tool¹⁴ that is included in or in accordance with a CBA or another authorised scheme for that purpose; • or use a tool that is registered at an institution designated by the Minister.”¹⁵ 	

Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and Art. 2</i>	<ul style="list-style-type: none"> • The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Does the transposing legislation cover any of the elements that the Directive expressly excludes¹⁶? <p>Yes. For means of transport specific obligations concerning electric installation</p>

¹⁴ The Dutch have developed digital tools with social partners that enable employers and branches of industry to comply in a simpler and less time-consuming manner with the obligation to draw up a hazard identification and risk assessment. Around 170 digital HIRA tools are now available. The Dutch tools are being used by the European Agency for Safety and Health at Work (EU-OSHA) to develop the OIRA tool for risk assessment.

¹⁵ National Implementation Report 2013, (EN) p. 29.

¹⁶ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.</p> <ul style="list-style-type: none"> • 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. 		<p>and their operation and emergency exits (and some other specific obligations) are only excluded for older vehicles (aircraft, ships, trains, on the road; from before 1994/1997) and only 'unless compliance can reasonably be required'. No specific exclusion for fields, woods and other land' is made.</p> <ul style="list-style-type: none"> • Is the definition of 'workplace' in national law broader than the required by the Directive? <p>In Dutch translation workplace and workstation appears to be the same. They are both defined as 'any place where work is (usually) performed'. This is intended to be a wider definition, according to the memorandum of clarification.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace 	<p>No observed discrepancies have been identified.</p> <p>The Framework Directive i.c. the Arbowet applies.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Framework Directive applies. 	<p>However, no explicit mention is made of an information obligation specifically concerning health and safety at the workplace or work station (apart from a requirement for written information in the extracting industries).</p>	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No, only a requirement for written information in the extracting industries</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>No</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None</p>
Limit values	N/A	N/A	N/A
Others			<p>NIR 2013 mentions the following:</p> <p>"The amendments to the Working Conditions Act were accompanied by a review of the regulations in terms of limiting, simplifying and explaining them. This involved further consideration of and, as far as possible, dispensing with the 'national lead' (i.e. those rules that go further and embrace more than the EU requires of the Member States).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			The Netherlands has more rules relating to the safety of electrical installations. A number of these specific provisions formed part of the former Electrical Safety Decree and remained in force. The provisions with regard to fall prevention are also more extensive than those of the Workplace Directive. At the express request of workers and with consent from employers, several provisions from the old policy rules have been included in OSH legislation. This applies, among other things, to 'falling from a height'. ¹⁷

Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and Art. 2(a)</i>	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>'Means of transport' are also considered to be work equipment.</p> <p>The requirements are not applicable to work equipment that has been disassembled or demolished.</p>
Conducting a risk assessment <i>Art. 3 #</i>	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without 	No observed discrepancy has been identified in terms of conducting a risk assessment.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No</p>

¹⁷ National Implementation Report 2013, (EN) p. 39.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>impairment to their safety or health.</p> <ul style="list-style-type: none"> In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question. 		<ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No; it refers to the general Risk Assessment that the Framework Directive requires.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>Yes. Attention is drawn to specific sources of risks (unintended events such as shifting, falling over, toppling over, being hit by the work equipment or parts of it, overheating, fire, explosion, lightning strike and being directly or indirectly in contact with electricity) and to the importance of maintenance, repair and cleaning.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>No (other than the fact that a lot of risk reducing measures are already described in the Decree, which are similar to the Directive).</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancy has been	<ul style="list-style-type: none"> Does the legislation provide for specific

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art. 8	<ul style="list-style-type: none"> Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	identified in terms of information for workers.	<p>conditions (e.g. size of the establishments) in relation to workers information?</p> <p>No</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Yes. Further requirements are included on making written instructions available concerning the operating pressure of hoisting and lifting equipment.</p>
Training of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies. Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail. Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training. 	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>Yes. Operators of tower cranes, mobile cranes or mobile pile driving installations require certificates of proven skill and education.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>No.</p>
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers <i>Art. 10</i>	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> Is balanced¹⁸ participation reflected in the national legislation? Are specific criteria put in place? <p>See under Framework Directive</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and 2</i>	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other public order	<p>No observed discrepancy has been identified in terms of scope and definition.</p> <p>The Working Conditions Decree refers for its scope to the Dutch Product Safety Decree, which in turn refers to Annex 1 of Directive 89/686/EEG on PPE. In annex I an exhaustive list of exclusions is presented, including:</p> <ul style="list-style-type: none"> – PPE designed and manufactured 	<ul style="list-style-type: none"> Does the transposing legislation cover PPE used by emergency and rescue services? <p>This is largely excluded. See the text in the left-hand column.</p> <ul style="list-style-type: none"> Does the transposing legislation cover any of the other exclusions in the Directive? <p>See the text in the left-hand column.</p>

¹⁸ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.</p>	<p>specifically for use by the armed forces or in the maintenance of law and order (helmets, shields, etc.).</p> <ul style="list-style-type: none"> – PPE for self-defence – PPE designed and manufactured for private use against: atmospheric conditions, damp and water, heat. – PPE intended for the protection or rescue of persons on vessels or aircraft, not worn all the time. – Helmets and visors intended for users of two- or three-wheeled motor vehicles. <p>These exclusions are not fully identical to the exclusions of directive 89/656/EEC.</p>	<ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
<p>Conducting a risk assessment Art. 5*</p>	<ul style="list-style-type: none"> • Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements. <p>This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available.</p> <ul style="list-style-type: none"> • The assessment shall be reviewed if any 	<p>No observed discrepancy has been identified in terms of conducting a risk assessment.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	changes are made to any of its elements		
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers <i>Art. 7</i>	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work. 	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>Yes. Adequate information on each item of personal protective equipment should be available in the business or establishment and should be passed on if necessary.</p>
Training of workers <i>Art. 4(8) and 4(9)</i>	<ul style="list-style-type: none"> • The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment. • Personal protective equipment [...] must be used in accordance with instructions. Such instructions must be understandable to the workers. 	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training on PPE provided in the legislation? <p>Only in general terms; the Working Conditions Regulation contains general requirements for training, concerning the material, the trainers, the facilities and the certificate.</p> <ul style="list-style-type: none"> • Are there detailed requirements on demonstrations to be organized in the wearing of PPE? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements No.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	Requirements concerning availability and maintenance of PPE, time duration of use, adaptation to user.

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport. 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p> <p>All requirements are regulated in the Working Conditions Regulations (<i>Arboregelingen</i>)</p>	<ul style="list-style-type: none"> Any additional or more detailed requirements None.
Conducting a	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>risk assessment</i>			
<i>Ensuring preventive and protective services</i>	N/A	N/A	N/A
<i>Information for workers</i> Art. 7	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? No. <ul style="list-style-type: none"> • Other additional or more detailed requirements None.
<i>Training of workers</i> Art. 7(2)	<ul style="list-style-type: none"> • Framework Directive applies. • Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? No. <ul style="list-style-type: none"> • Other additional or more detailed requirements None.
<i>Health surveillance</i>	N/A	N/A	N/A
<i>Consultation of workers</i> Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? No. <ul style="list-style-type: none"> • Other additional or more detailed requirements None.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture. 	No observed discrepancy has been identified in terms of scope and definition.	<ul style="list-style-type: none"> Does the transposing legislation include¹⁹ : <ul style="list-style-type: none"> areas used directly for and during the medical treatment of patients? No. Is explicitly excluded. <ul style="list-style-type: none"> the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? No. Is explicitly excluded. Other additional or more detailed requirements None.
Conducting a	<ul style="list-style-type: none"> The employer shall assess the specific risks 	No observed discrepancy has been	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly

¹⁹ Please note that points (b),(d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
risk assessment <i>Art. 4(1)</i>	<p>arising from explosive atmospheres, taking account at least of:</p> <ul style="list-style-type: none"> — the likelihood that explosive atmospheres will occur and their persistence, — the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, — the installations, substances used, processes, and their possible interactions, — the scale of the anticipated effects. <ul style="list-style-type: none"> • Explosion risks shall be assessed overall. 	identified in terms of conducting a risk assessment.	<p>and in any event when any changes occur in the conditions of the type of work involved?</p> <p>Yes, 'at any major change, expansion or conversion of the workplace, the working equipment or the work process'.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>No.</p>
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers	N/A	N/A	N/A
Training of workers <i>Annex II, 1.1</i>	<ul style="list-style-type: none"> The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection. 	<p>No observed discrepancies have been identified.</p> <p>However, no specific mention of training is made. Article 3.5f of the Working Conditions Decree states that written instructions must be provided with regard to the implementation of the work. Nevertheless, the general training provisions of the Arbowet apply.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Yes. Written instructions must be given with regard to the implementation of the work.</p> <p>The Working Conditions Regulation contains general requirements for training, concerning the material, the trainers, the facilities and the certificate.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers. 	<p>No observed discrepancy has been identified in terms of scope and definition.</p>	<p>The Dutch Working Conditions Decree refers to Directive 90/269/EEC and provides no further specification of 'physical load'.</p>
Conducting a risk assessment Art. 4(a)	<ul style="list-style-type: none"> Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive. 	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? <p>The general provisions of the Arbowet apply. No further specific mention.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? <p>No. Explicit reference is made to Annex I of the Directive.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>assessment provided in the legislation?</p> <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on: <ul style="list-style-type: none"> the weight of a load, the centre of gravity of the heaviest side when a package is eccentrically loaded. 	<p>No observed discrepancy has been identified in terms of information for workers.</p> <p>However, there is no reference to workers' representatives, only the workers who are directly involved are referred to.</p> <p>The general provisions of the Arbowet apply.</p>	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Training of workers <i>Art. 6</i>	<ul style="list-style-type: none"> Framework Directive applies Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive. 	<p>No observed discrepancy has been identified. The general provisions of the Arbowet apply.</p> <p>However, no further specific mention is made of obligations to provide additional training.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>The Working Conditions Regulation contains general requirements for training, concerning the material, the trainers, the facilities and the certificate.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers <i>Art. 7</i>	Framework Directive applies	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.
Annex I	<p>Reference Factors:</p> <ul style="list-style-type: none"> The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp; unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a 		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>collision.</p> <ul style="list-style-type: none"> • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture. • The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable. • The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	<p>Individual Risk Factors</p> <p>The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.</p>		

Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> • The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. • The Directive does not apply to: <ul style="list-style-type: none"> (a) drivers' cabs or control cabs for vehicles or machinery; (b) (computer systems on board a means of transport; 	<p>No observed discrepancy has been identified in terms of scope and definition.</p> <p>However, no mention is made of the typewriter of original design.</p>	<ul style="list-style-type: none"> • Does the transposing legislation cover any of the elements that the Directive expressly excludes? <p>Yes. See the text in the left-hand column.</p> <ul style="list-style-type: none"> • Is the definition of 'display screen equipment' in national law broader than required by the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	(c) computer systems mainly intended for public use; (d) 'portable' systems not in prolonged use at a workstation; (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; (f) typewriters of traditional design, of the type known as 'typewriter with window'		requirements None.
Conducting a risk assessment Art.3	<ul style="list-style-type: none"> Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress. Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found. 	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? The general provisions of the Arbowet apply. No further specific mention. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No. Is the content of the risk assessment more detailed than described in the Directive? No. Is a more specific methodology for risk assessment provided in the legislation? No. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>than in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight). 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, no further mention is made of information for workers.</p>	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, no further mention is made of training for workers.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the notion of 'substantially modified' further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>The Working Conditions Regulation contains general requirements for training, concerning</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			the material, the trainers, the facilities and the certificate.
Health surveillance Art. 9*	<ul style="list-style-type: none"> Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> — before commencing display screen work, at regular intervals thereafter, and — if they experience visual difficulties which may be due to display screen work. Workers shall be entitled to an ophthalmological examination if the results such test show that this is necessary. If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. In no circumstances these measure may involve workers in additional financial cost. Protection of workers' eyes and eyesight may be provided as part of a national health system. 	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> Are the conditions in which eye and eye sight test is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the periodicity of eye and eye sight test provided in national law? <p>No. The wording is exactly the same as in the Directive.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Consultation of workers Art. 8	Framework Directive applies.	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			None.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	<p>The requirement of the Directive to have the VDU work periodically interrupted, is specified in Dutch law to 'after not more than two consecutive hours'.</p> <p>In addition, NIR 2013 mentions the following: "The Dutch government has specified in greater detail Article 7 of the Directive, which indicates that the employer must plan the worker's activities in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity reducing the workload at the display screen.</p> <p>Part 2 of Chapter 5 of the Working Conditions Regulations stipulates that 'Work at the display screen must be organised in such a way that this work is alternated after no more than two consecutive hours with another type of work or a rest period'.</p> <p>The Working Conditions Decree further stipulates in the scope of application that the provisions do not apply to work where an worker normally uses a display screen for less than two hours in a 24-hour period. This is not seen as an additional measure, but as a specification.</p> <p>A new part has been added to Chapter 1 of the Working Conditions Decree which stipulates that the provisions on display screen work in Part 2 of Chapter 5 of the Working Conditions Decree also apply to</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			location-independent work." ²⁰

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 1(2) and Art 2</i>	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work. • hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders; • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 	No observed discrepancy has been identified in terms of scope and definition.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>None.</p>
Conducting a risk assessment <i>Art.4</i>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a 	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p>

²⁰ National Implementation Report 2013, (EN) p. 61.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>later stage.</p> <ul style="list-style-type: none"> • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration - the extension of exposure to whole-body vibration beyond normal working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a 		<ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? No. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No. • Is the content of the risk assessment more detailed than described in the Directive? No. • Is a more specific methodology for risk assessment provided in the legislation? No. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? No. • Other additional or more detailed requirements None.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary.</p> <ul style="list-style-type: none"> • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: <ul style="list-style-type: none"> - measures taken to eliminate or reduce to a minimum the risks from mechanical vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; - why and how to detect and report signs of injury; - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure. 	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No. • Is the content or form of information to workers further specified? No. • Other additional or more detailed requirements None.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Training of workers Art. 6	Same as above	No observed discrepancy has been identified in terms of training for workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance Art. 8	<ul style="list-style-type: none"> Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, it is probable that the illness or the effects occur in a worker's particular working conditions, and 	<p>No observed discrepancy has been identified. The general health surveillance requirements of the Arboret apply.</p> <p>However, no specific requirements are in place for the contents and storing of health records.</p>	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to vibration? <p>Yes</p> <ul style="list-style-type: none"> Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? <p>No.</p> <ul style="list-style-type: none"> Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - there are tested techniques for the detection of the illness or the harmful effects on health. • Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance. • Individual health records are required and kept up-to-date. • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure; - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. - Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly 		<p>or reduce risk?</p> <p>Yes. The assessment should be reviewed if results of the occupational health medical examinations give rise to it.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? <p>No.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Yes. It 'can be re-taken at the request of the employer or the worker involved.'</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Additionally, the Working Conditions Decree requires:</p> <ul style="list-style-type: none"> * Any worker who is entrusted with activities for the first time which might cause hazards to health and safety, should be given the opportunity to submit to an occupational health medical examination before commencing the work. * If the worker is found to have a disorder which could be the result of exposure to mechanical vibrations, workers who have

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination.		<p>been exposed in a similar way to mechanical vibrations should in the meantime be given the opportunity to submit to an occupational health medical examination.</p> <p>* The occupational health medical examination can be re-taken at the request of the employer or the worker involved. The results of the re-taken examination replace the previous one.</p> <p>* If an worker is found to have a demonstrable illness or harmful effect to health as a result of exposure to mechanical vibrations, he must be informed by the expert about the manner in which he is given the opportunity after the termination of the exposure to submit to an occupational health medical examination.</p>
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Limit values Art.3	<ul style="list-style-type: none"> • The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. • Hand-arm vibration: <p>- Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²;</p>	No observed discrepancy has been identified in terms of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². • For whole-body vibration: - Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; - Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 		
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> • Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. - daily noise exposure level (L_{EX,8h}) (dB(A) re. 20 µPa): time weighted average of the noise exposure levels for a nominal; - weekly noise exposure level (L_{EX,8h}): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment</p> <p>Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives; - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; - appropriate information from health surveillance, including published 	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>No.</p> <ul style="list-style-type: none"> • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>information, as far as possible;</p> <ul style="list-style-type: none"> - the availability of hearing protectors with adequate attenuation characteristics. • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		None.
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> • The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	No observed discrepancy has been identified in terms of ensuring preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>None.</p>
Information for workers Art. 8	<ul style="list-style-type: none"> • Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure action values 	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance - safe working practices to minimise exposure to noise 		
Training of workers Art. 8	Same as above	No observed discrepancy has been identified in terms of training for workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? No.
Health surveillance Art. 10	<ul style="list-style-type: none"> • Health surveillance of workers where the results of the assessment/measurement show a risk to their health. • A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, • Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health. • The objectives of these checks are to provide early diagnosis of any hearing loss 	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to noise? No. <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? No. <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? No. <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>and preserve hearing function.</p> <ul style="list-style-type: none"> • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance carried out. • They shall be kept in a suitable form to permit consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. • Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the 		<p>described in the legislation?</p> <p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Yes, it is required 'periodically' (no further specification)</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>possibility of assigning the worker to alternative work where there is no risk of further exposure; and</p> <p>- arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed.</p>		
<p>Consultation of workers <i>Art. 9</i></p>	<ul style="list-style-type: none"> Framework Directive applies 	<p>No observed discrepancy has been identified in terms of consultation of workers.</p>	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>Yes. The Works Council or the staff representation body or, in the absence thereof, the interested workers, should be given the opportunity to express their opinion on the manner of assessment and measurement of noise levels. Also, the results of the assessment and measurement and an explanation of the results should be brought to the notice of the Works Council or the staff representation body or, in the absence thereof, to the interested workers.</p> <p>Moreover, the Works Council or the staff representation body or, in the absence thereof, the interested workers must be given the opportunity to express their opinion about the measures to reduce exposure to noise and about the choice of the individual ear protectors to be provided.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None</p>
Limit values	<ul style="list-style-type: none"> For the purposes of this Directive the 	<p>No observed discrepancy has been</p>	<ul style="list-style-type: none"> Does the transposing legislation set more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.3	<p>exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at:</p> <p>(a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively;</p> <p>(b) upper exposure action values: $L_{EX,8h} = 85$ dB(A) and $p_{peak} = 140$ Pa (2) respectively;</p> <p>(c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively.</p> <ul style="list-style-type: none"> When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors. 	identified in terms of limit values.	<p>stringent values?</p> <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Other issues identified	<ul style="list-style-type: none"> 	No observed discrepancy has been identified.	None.

Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work. It refers to the risk to the health and safety of workers due to known short-term adverse 	<i>This Directive has not yet been implemented.</i>	<ul style="list-style-type: none"> Does the national legislation cover suggested long-term effects? Does the national legislation address the risks resulting from contact with live conductors?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents.</p> <ul style="list-style-type: none"> • It does not address suggested long-term effects, nor the risks resulting from contact with live conductors. • electromagnetic fields': static magnetic and time-varying electric, magnetic and electromagnetic fields with frequencies up to 300 GHz; 		<ul style="list-style-type: none"> • Other additional or more detailed requirements
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of electromagnetic fields to which workers are exposed. • On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded. • Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage • The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> - level, frequency spectrum, duration and 		<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? • Is the content of the risk assessment more detailed than described in the Directive? • Is a more specific methodology for risk assessment provided in the legislation? • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>type of exposure;</p> <ul style="list-style-type: none"> - the exposure limit values and action values; - any effects concerning workers at particular risk; - any indirect effects. <ul style="list-style-type: none"> • The employer shall be in possession of a risk assessment. • The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary. • The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		
Ensuring preventive and protective services Art 4(4)	<p>Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals,</p>		<ul style="list-style-type: none"> • Any additional or more detailed requirements • Other additional or more detailed requirements
Information for workers Art. 6	<p>The employer shall ensure that exposed workers and/or their representatives receive any necessary information/training relating to the outcome of the risk assessment, in particular on:</p> <ul style="list-style-type: none"> - measures taken to implement this Directive; 		<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? • Is the content or form of information to workers further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - values and concepts of the exposure limit values and action values and the associated potential risks - the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields - how to detect adverse health effects and to report them; - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure 		
Training of workers Art. 6	Same as above		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? • Other additional or more detailed requirements
Health surveillance Art. 8	<ul style="list-style-type: none"> • Framework Directive applies • In any event, where exposure above the limit values is detected, a medical examination shall be made available to the worker(s) concerned. • If health damage resulting from exposure is detected, the employer must carry out a reassessment of the risks • The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment 		<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields? • Are the arrangements for health surveillance records specified in the legislation? • Are the conditions in which health surveillance is required more specifically described in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual workers shall, at their request, have access to their own personal health records 		<ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? Other additional or more detailed requirements
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 		<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Other additional or more detailed requirements
Limit values Art.3	<p>Exposure limit values are as set out in the Annex, Table 1.</p> <p>Action values are as set out in the Annex, Table 2.</p>		<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? Other additional or more detailed requirements
Other issues identified			

Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work. It refers to the risk to the health and safety 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin.</p> <ul style="list-style-type: none"> optical radiation: any electromagnetic radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical radiation is divided into ultraviolet radiation, visible radiation and infrared radiation: <ul style="list-style-type: none"> (i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm); (ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm; (iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm); 		
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. The employer shall give particular attention, when carrying out the risk assessment, to the following: 	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical substances; - any indirect effects e.g. temporary blinding, explosion or fire; - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification; 		<p>detailed than described in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>Same as in the Directive.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services Art 4(2)	<ul style="list-style-type: none"> • The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals 	No observed discrepancy has been identified in terms of ensuring preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art. 6	<ul style="list-style-type: none"> • The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: - measures taken to implement this Directive; - the exposure limit values and the associated potential risks; - the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; - how to detect adverse health effects of exposure and how to report them - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure; - proper use of appropriate personal protective equipment 	<p>No observed discrepancy has been identified in terms of information for workers.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Training of workers Art. 6	<p>Same as above</p>	<p>No observed discrepancy has been identified in terms of information for workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance Art. 8	<ul style="list-style-type: none"> Health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance Individual health records are made and kept up to date. Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment where such results may be relevant to the health surveillance. Individual workers shall, at their request, have access to their own personal health records When exposure above limit values is 	<p>No observed discrepancy has been identified in terms of health surveillance.</p> <p>However, no mention is made of copies of the appropriate records to be supplied to the CA.</p>	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to artificial optical radiation? <p>No.</p> <ul style="list-style-type: none"> Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? <p>No.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>Yes. The records will be updated regularly. They will contain a summary of the results of the occupational health and safety examination that was conducted. They will be stored in a suitable format so that they can be consulted at a later date.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>detected, a medical examination shall be made available to the worker(s) concerned.</p> <ul style="list-style-type: none"> • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure; - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; - the employer shall: <ul style="list-style-type: none"> o review the risk assessment o review the measures taken to eliminate or reduce risks o take into account the health professional advice in implementing such measures o arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		<p>provided in national law?</p> <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>No.</p>
Consultation of workers	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 7			<p>Yes. The Works Council or the staff representation or, in the absence thereof, the workers in question will be given the opportunity to express their opinions about the assessment, measurement and calculation methods. Also, the results of this assessment, measurement and calculation will be accompanied with an explanation and brought to the attention of the Works Council or the staff representation or, in the absence thereof, the workers in question.</p> <p>The Works Council or the staff representation or, in the absence thereof, the workers in question will be given the opportunity to express their opinions about the measures taken.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Limit values Art.3	<ul style="list-style-type: none"> • Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. • Exposure limit values for laser radiation are set out in Annex II. 	No observed discrepancy has been identified in terms of limit values. The law refers to the Annexes of the Directive.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 3(1) read in conjunction with Art 2</i>	<ul style="list-style-type: none"> This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	<p>Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008?</p> <p>Yes.</p>	<ul style="list-style-type: none"> Does the transposing legislation also cover reprotoxic substances (1A and 1B)? <p>No. However, as part of the transposition of Directive 98/24/EC additional obligations have been included concerning the risk assessment in connection with the nature of the activities carried out at the workplace, dangerous substances usually occur which are «poisonous for procreation» as well as substances which have to be labelled with the warning sentence R64. (see the respective table).</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Conducting a risk assessment <i>Art. 3</i>	<ul style="list-style-type: none"> nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken. The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens. The employer shall supply the authorities at their request with the information used for making the assessment. When assessing the risk, account shall be taken of all other routes of exposure, such 	<p>No observed discrepancy has been identified in terms of risk assessment.</p> <p>However, no obligation exists for employers to supply the authorities with information either automatically or on request.</p>	<ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? <p>No.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directives? <p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directives? <p>Yes. Also the following must at least be recorded:</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	as absorption into and/or through the skin.		<ul style="list-style-type: none"> * the reason why the use of a carcinogenic substance or the application of a carcinogenic process is strictly required for the work and why a replacement would technically not be feasible; * the quantity of the carcinogenic or mutagenic substance which is usually manufactured or used per year or which is usually present with regard to storage or the frequency with which a process is usually applied per year; * the type of work which is usually carried out with the carcinogenic or mutagenic substance or in which the carcinogenic process is usually applied; * the number of workers who are usually or might be exposed to the carcinogenic or mutagenic substance or a carcinogenic process; * the preventative measures which have been taken to prevent or minimise the exposure of workers to carcinogenic or mutagenic substances or to substances released during carcinogenic processes; * the personal protective equipment used during the activities whereby workers are or can be exposed to carcinogenic or mutagenic substances or to substances released during carcinogenic processes; * the cases in which carcinogenic or mutagenic substances or carcinogenic processes are replaced by substances or processes whereby the workers are not or are

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>less exposed to health or safety dangers.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment; the measures in case of foreseeable 	<p>No major consistencies have been identified.</p> <p>The obligations concerning information for workers are partly following from the obligations in relation to hazardous substances in general (see the next table). In the transposition of this Directive, specific obligations include information on the list of exposed workers and their exposure, and information on abnormal exposure (no further explanation of 'abnormal' is given. Reference is made to the article in the AB (4.2 under 2) that obliges to determine ("normal") exposure levels.)</p>	<ul style="list-style-type: none"> Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> relevant activities and industrial processes, including reasons why carcinogens mutagens and reprotoxins are used; quantities of substances and preparations manufactured or used that contain CMR numbers of workers exposed replacement by another product

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>exposure</p> <ul style="list-style-type: none"> Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure Doctors and/or competent authorities have access to this list. Each worker has access to the information about him Workers and/or workers representatives have access to anonymous collective information 		<ul style="list-style-type: none"> negative impacts on fertility <p>No. Only as following from the general provision that the employer informs workers on the outcomes of the risk assessment.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers Art.11	<ul style="list-style-type: none"> Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> Potential risks to health including the additional risks due to tobacco consumption Precautions to be taken to prevent exposure 	<p>No observed discrepancy has been identified in terms of training of workers.</p> <p>However, all training obligations are following from the obligations in relation to hazardous substances in general (see next table).</p> <p>No specific mention is made of potential risks to health including the additional risks due to tobacco consumption</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance Art.14 and ANNEX II	<ul style="list-style-type: none"> Health surveillance prior exposure and at regular intervals thereafter If a workers suffer from an abnormality suspected to be the result of exposure the doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out. Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. Advice must be given to workers on health surveillance after the end of exposure Workers have access to the result of health surveillance that concern them Workers/employers may request a review of the results of the health surveillance 	<p>No observed discrepancy has been identified in terms of health surveillance.</p> <p>However, most health surveillance obligations are following from the obligations in relation to hazardous substances in general (see next table).</p>	<ul style="list-style-type: none"> Does the national legislation set health surveillance requirements after the end of exposure? <p>Yes. The worker should be informed about the manner in which he is given the opportunity after termination of the exposure to submit to an occupational health medical examination.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>Yes. Reference is made to annex II of the Directive (2004/37/EC) (no further specifications).</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>Yes. The occupational health medical examination can be offered or carried out again at the request of the employer or the worker involved.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			None.
Consultation of workers Art.13	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>Yes (following for general provisions concern hazardous substances): the results of the occupational health medical examination in a statistical form which cannot be traced back to the individual, provided with an explanation, can be inspected by the works council or the staff representation body or, failing these, be presented to the interested workers.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values Art 16 and Annex II	<ul style="list-style-type: none"> Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? <p>Same values for Benzene and Vinyl chloride. For hardwood dust the limit value is 2,0 (in the Directive the value is 5,0)</p> <ul style="list-style-type: none"> Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres)? <p>An additional list of limit values is given with approx. 60 carcinogens.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>If no statutory limit value for a certain carcinogenic or mutagenic substance or substance released during a carcinogenic</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			process has been determined, the employer must determine the lowest possible limit value for that substance.
Other issues identified		No observed discrepancy has been identified.	No

Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope definitions Art. 1 and 2	<ul style="list-style-type: none"> The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community. Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market. Hazardous chemical agent is defined as <ul style="list-style-type: none"> any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether 	<p>Observed discrepancies have been identified.</p> <p>The Dutch law uses different criteria.</p> <ul style="list-style-type: none"> Dangerous substances: substances, mixtures or solutions of substances to which workers are or can be exposed at work and which due to the characteristics of or circumstances under which these substances, mixtures or solutions occur, may jeopardise health or safety. The requirements apply 'in all the cases in which workers are or can be exposed to dangerous substances'. 	<ul style="list-style-type: none"> Is the scope broader than the directive's for: <ul style="list-style-type: none"> Chemical agent? This is not easy to assess. <ul style="list-style-type: none"> Hazardous chemical agent? This is not easy to assess. Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment;</p> <p>o any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment;</p> <p>o any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive.</p>		
<p>Conducting a risk assessment Art. 4(1), (2) and (4)</p>	<ul style="list-style-type: none"> The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit 	<p>No observed discrepancy has been identified in terms of risk assessment.</p> <p>No specific mention is made concerning documenting and possession of the risk assessment; the general provisions of the Arbowet apply.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance.</p> <ul style="list-style-type: none"> • In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination. • The risk assessment must be documented. The employer must be in possession of the risk assessment. 		<p>No.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Yes. Also the 'reasonably foreseeable events which may lead to a considerable increase in the extent of the exposure even when preventative measures have been taken' should be taken into account;</p> <p>If, due to the nature of the activities carried out at the workplace, dangerous substances occur frequently which are «poisonous for procreation» as well as substances which have to be labelled with the warning sentence R64, the following information with regard to those substances must be mentioned in the risk assessment and evaluation:</p> <p>a. the quantity of the substance which is usually manufactured or used or which is usually present in connection with storage each year;</p> <p>b. the number of workers usually working in the workplace where the substance is usually present;</p> <p>c. the form of the work usually carried out with the substance.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are the sources of information and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Yes. Additional requirements are put forward in case works take place involving professional fireworks (concerning an addition to the risk assessment, supervision of a person holding a certificate and written statements of these that must be shown to the inspection upon request).</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> • The employer must ensure that workers are provided with: <ul style="list-style-type: none"> ◦ Data obtained from the risk assessments ◦ Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values) ◦ Training and information on appropriate precautions and actions to be taken ◦ Safety data sheet 	<p>No observed discrepancy has been identified in terms of information for workers.</p> <p>Instead of a 'safety data sheet', the information to be given is described as: "the information with regard to health and safety given by the supplier of a dangerous substance including the mandatory information which is given under or pursuant to a legal provision."</p>	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? <p>Yes. Additionally, information has to be given about:</p> <ul style="list-style-type: none"> * the precautions to be taken to prevent, as much as possible, an unintended event occurring with regard to dangerous substances; * the hygienic measures; * wearing and using personal protective equipment; * the measures to be taken in the event of an unintended event arising with dangerous

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>substances.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Yes. The manner in which this information and instructions are given should be geared to the results of the risk assessment. Also, the information and instructions must be brought up-to-date and should be changed in case circumstances require to do so.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Training and information on appropriate precautions and actions to be taken 	<p>No observed discrepancy has been identified in terms of information for workers.</p> <p>The training should address the same issues as the information described above.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>See above.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
			None.
Health surveillance Art.10	<ul style="list-style-type: none"> • The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. • Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. • Copies must be supplied on request to the authorities 	<p>No observed discrepancy has been identified in terms of health surveillance.</p> <p>However, no obligation exists for copies of records to be supplied on request to the authorities.</p> <p>There is, on the other hand, the obligation to register the results of the occupational health medical examination in a suitable form and to archive these for each worker for up to at least 40 years after the termination of his or her exposure to dangerous substances along with the list of workers and the register of exposed workers. In the event of the activities in the business or establishment of the employer being discontinued during the period of 40 years, the documents should be transferred to the supervisor.</p>	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? <p>No.</p> <ul style="list-style-type: none"> • Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? <p>No.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Yes. See the text in the left-hand column.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>Yes. It is to be offered before exposure, after exposure and after detrimental effects or a disease has been noted (in which case also other workers who have been similarly exposed are to be offered health surveillance).</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Yes. The occupational health medical examination can be offered or carried out</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>again at the request of the employer or the worker involved.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>Yes. The results of the occupational health medical examination in a statistical form which cannot be traced back to the individual, provided with an explanation, can be consulted by the Works Council or the staff representation body or, in the absence thereof, be presented to the interested workers.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values 	<p>Presently there are some observed discrepancies concerning limit values:</p> <p>1. Some substances for which the Directives (particularly 91/322/EEC) set ILV's, do not have a public OEL in the Netherlands. This is the case for 5 substances:</p> <ul style="list-style-type: none"> 64-19-7; Acetic acid 88-89-1; Picric acid 1305-62-0; Calcium dihydroxide 	<p>In order to understand the Dutch approach to limit values, a preliminary remark is in order.</p> <p>In the Netherlands a new system of exposure limit values (OEL's) was introduced in 2007. OEL's are to be <i>privately</i> set, through cooperation between employers and workers. Employers may also choose to apply a 'safe working method' (which has proven to maintain exposure levels below OEL) instead of working with (and measuring on the basis of) OEL's.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<ul style="list-style-type: none"> - 1319-77-3; Cresols (all isomers) - Tin (inorganic compounds as Sn) <p>2. Some substances get higher OEL's than the ILV's mentioned in the Directives. This is the case for seven substances mentioned in directive 2000/39/EC.</p>	<p>Next to private OEL's the Ministry sets <i>public</i> OEL's in cases where:</p> <ul style="list-style-type: none"> - the EU requires a threshold value (ILV's) - substances are deemed to be 'without an owner' or have 'high risks for health' - substances for which no threshold value can be set (most of the carcinogenic and allergenic substances). <p>• Does the transposing legislation set more stringent limit values?</p> <p>Yes. The resulting OEL's (public and private) are considered to be on a level at which the health of the worker cannot be harmed ('gezondheidskundige waarde'). These OEL's are therefore binding values.</p> <p>Several of the public values are more stringent than the directives prescribe.</p> <ul style="list-style-type: none"> - Of the nine (9) substances mentioned in directive 91/322/EC two (2) have lower OEL's. - Of the sixty-one (61) substances mentioned in directive 2000/39/EC nine (9) have lower OEL's. - Of the thirty-two (32) substances mentioned in 2006/15/EC ten (10) have lower OEL's. - Of the nineteen (19) substances mentioned in 2009/161/EC one (1) has a lower OEL.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements None.
Other issues identified		No observed discrepancy has been identified.	No

Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	<p>The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates:</p> <ul style="list-style-type: none"> - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1). 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements None.
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> In the case of activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and 	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	degree of the workers' exposure.		<p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services <i>Art.7(4)</i>	<ul style="list-style-type: none"> Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting. 	No observed discrepancy has been identified in terms of ensuring preventive and protective services.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>None.</p>
Information for workers <i>Art.4(4) Art.17</i>	<ul style="list-style-type: none"> Art.4(4): Workers must have access to the documents used in the documentation system Art.17: Workers must receive adequate information on: <ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials 	<p>No observed discrepancy has been identified in terms of information to workers.</p> <p>However, where the documents used in the document system and the results of asbestos-in-air concentration measurements are concerned, the information obligations concern the Works Council or the staff representation body or, in the absence</p>	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? <p>No.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>containing asbestos;</p> <ul style="list-style-type: none"> - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. <ul style="list-style-type: none"> • Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. if the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken. 	thereof, the interested workers.	<ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Training of workers Art.14	<ul style="list-style-type: none"> • Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. • The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, 	<p>No observed discrepancy has been identified in terms of training of workers.</p> <p>However, no mention is made that the training should be at no cost to the workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>particularly as regards:</p> <ul style="list-style-type: none"> - properties of asbestos and its effects on health; - types of products or materials likely to contain asbestos; - operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; - safe work practices, controls and protective equipment; - appropriate role, choice, selection, limitations and proper use of respiratory equipment; - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 		<p>knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> • Are there more detailed requirements on the content of training than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Are there more detailed requirements on the regularity of training than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Health surveillance Art.18 and ANNEX I	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It must include a specific examination of the chest. • A new assessment must be available at least once every 3 years for as long as exposure continues. • Individual health record to be established for each worker • The doctor or responsible authority shall 	<p>No observed discrepancy has been identified in terms of health surveillance.</p> <p>However, most health surveillance obligations are following from the obligations in relation to hazardous substances in general (see previous table).</p>	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded? <p>No.</p> <ul style="list-style-type: none"> • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? <p>Yes. Upon advice of a medical expert.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos.</p> <ul style="list-style-type: none"> • Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. • The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health • The worker concerned or the employer may request a review of the assessments • These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) 		<ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Yes. The results of the occupational health medical examination must be archived in a suitable form for each worker for up to at least 40 years after the termination of his or her exposure along with the list of workers and the register of exposed workers. In the event of the activities in the business or establishment of the employer being discontinued during the period of 40 years, the documents should be transferred to the supervisor.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Yes. Every three year.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Consultation of workers Art.3(5) and 7(3) and 12	<ul style="list-style-type: none"> • Art.3(5): risk assessment is subject to worker consultation • Art.7(3): sampling is carried out after worker consultation • Art.12: workers must be consulted on measures to be taken in case of activities 	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> • Does the national legislation set additional worker consultation requirements? <p>Yes. The Works Council or the staff representation body or, in the absence thereof, the interested workers:</p> <p>* can consult the results of the measuring and</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start.		<p>can obtain clarifications about the meaning of these results;</p> <p>* must be notified as soon as possible of the excess, its cause and the measures to be taken. In addition, they must be given the opportunity to express their opinion about the measures unless there are urgent reasons to take these measures without giving this opportunity. In the latter case they must be informed about the measures taken;</p> <p>* can consult notifications to the authorities;</p> <p>* should be given the opportunity to express their opinion on additional measures;</p> <p>* can consult the information in the register in a statistical form which cannot be traced back to the individual, provided with an explanation.</p> <ul style="list-style-type: none"> • Are more specific criteria put in place? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Limit values Art.8	<ul style="list-style-type: none"> • Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	No observed discrepancy has been identified in terms of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? <p>Yes, 0,01 instead of 0,1</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified		No observed discrepancy has been identified.	<p>NIR 2013 mentions the following: "The certification system and classification are additional measures taken by the Netherlands. For certain work (such as demolition, removal, repair and maintenance), where it can be expected that the limit value will be exceeded, the employer must establish measures, inter alia inhalation equipment, warning notices and containment of area/work site. There are three classes: 1, 2 and 3. This system has been in force throughout the entire reporting period. The requirements imposed on certification are continuously being improved.</p> <p>The Inspectorate SZW actively exchanges enforcement information with other supervisors in the asbestos chain, such as the municipalities. The Inspectorate also signed up to an information protocol in June 2012 with the Certifying and Examining Institutions (<i>Certificerende en Keurende Instellingen</i> – CKI), with which the asbestos removal companies have placed their process certificate. This protocol also shares information with the aim of increasing compliance with the legislation on working safely with asbestos."²¹</p>

Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

²¹ National Implementation Report 2013, (EN) p. 184.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> • The Directive covers risks, arising or likely to arise from exposure to biological agents at work. • 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Is the scope of the national legislation broader than the Directive? No. • Other additional or more detailed requirements No.
Conducting a risk assessment Art. 3, 7(1)	<ul style="list-style-type: none"> • The nature, degree and duration of workers' exposure must be determined. • In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. • The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure • The employer must supply the CAs, at their request, with the information used for making the assessment. • The assessment is conducted on the basis of all available information: <ul style="list-style-type: none"> - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a 	<p>No observed discrepancy has been identified in terms of risk assessment.</p> <p>However, no obligation exists to make information available to the CA about the activities during which workers have been exposed or may have been exposed, and the number of workers exposed.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities automatically? Yes, at least 30 days prior to first time work is conducted with biological agents of the category 2, 3 or 4. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? No. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No. • Is the content of the risk assessment more detailed than described in the Directive? No. • Is a more specific methodology for risk assessment provided in the legislation? No.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>biological agent as a result of their work</p> <ul style="list-style-type: none"> - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; - an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment. 		<ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art.10	<ul style="list-style-type: none"> Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> a serious accident or incident involving the handling of a biological agent; handling a group 4 biological agent. Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. Each worker shall have access to the information on the list of exposed workers which relates to him personally. Workers or their representatives shall have access to anonymous collective information. Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 	<p>Some observed discrepancies have been identified in terms of information for workers.</p> <p>First of all, written instructions and, if appropriate, display notices should be available at the workplace and should at least set out the procedures to be followed whilst working. This includes regulations for safely handling and transporting biological agents within the business or establishment, as well as an effective contingency plan in case of accidents or incidents involving biological agents. No explicit mention is made of handling a group 4 biological agent.</p> <p>Secondly, no explicit obligation exists to provide workers, at their request, with the information for CAs.</p> <p>Finally, information about accidents, serious accidents and anonymous collective information is not available to workers, only to the Works Council or the staff representation body or, in the absence thereof, the interested workers.</p>	<ul style="list-style-type: none"> Does the information to be provided to the CAs need to be available to the workers independently of their request? No. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No. Is the content or form of information to workers further specified? Information needs to be provided to workers concerning: <ul style="list-style-type: none"> * the possible health hazards associated with working with biological agents; * the measures to be taken to avoid exposure; * the action to be taken in cases of accidents with biological agents; * the existing hygiene provisions; * wearing and using working clothes and personal protective equipment. Other additional or more detailed requirements The information and instructions must be brought up-to-date and should be changed in case circumstances require to do so.
Training of	<ul style="list-style-type: none"> Workers receive training concerning: 	No observed discrepancy has been	<ul style="list-style-type: none"> Is more specific information on the scope

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art.9	<ul style="list-style-type: none"> - potential risks to health; - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. • Training shall be: - given at the beginning of work involving contact with biological agents, - adapted to new or changed risks, and repeated periodically if necessary 	identified in terms of training for workers.	<p>of training provided in the legislation?</p> <p>No.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Health surveillance Art.14 and ANNEX IV	<ul style="list-style-type: none"> • Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals • When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. • A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end 	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> • Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)? <p>No.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Yes. The occupational health medical examination should take place with due observance of the practical recommendations included in Annex IV of the Directive. (2000/54/EC).</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>of exposure.</p> <ul style="list-style-type: none"> • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure. • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. • Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. • Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. • All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA 		<p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Yes. Prior to work, when infected or ill or when a colleague is infected or ill, upon request or after termination of the work.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Consultation of workers Art.12	<ul style="list-style-type: none"> • Framework Directive applies 	<p>No observed discrepancies have been identified.</p> <p>The general provisions of the Arboret apply. However, additional provisions are included.</p>	<p>Are there more detailed requirements than in the Framework Directive?</p> <p>Yes. The Works Council or the staff representation body or, in the absence thereof, the interested workers:</p> <p>* should be informed of any accident or incident which occurred, nearly occurred or might possibly have occurred involving biological agents and which has resulted in the release, near release, or possible release of an agent or agents of categories 2, 3 or 4. In doing so, the causes of the accident or</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>incident should also be communicated and also the measures being taken or which will be taken in order to remedy the consequences and to avoid further accidents or incidents.</p> <p>* Is informed upon request about:</p> <p>a) the manner in which the risk assessment and evaluation was formed and the result of it;</p> <p>b) the activities with respect to which the workers are or might be exposed to biological agents;</p> <p>c) the number of workers which is or might be exposed to biological agents;</p> <p>d) the name and position of the person responsible for health and safety at the workplace;</p> <p>e) the preventative and protective measures taken also including the work instructions, the work processes and working methods applied.</p> <p>* are entitled to consult the information in a statistical form which cannot be traced back to the individual.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	No

Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1, 2 and 10(1) and (2)</i>	<ul style="list-style-type: none"> The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*. 	No observed discrepancy has been identified in terms of scope and definitions.	No.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers <i>Art.11</i>	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site. The information must be comprehensible to the workers concerned. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, no further specification of the information for workers is given.</p>	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
			<p>Yes. The Working Conditions Decree contains the obligation that a health and safety plan is drawn up that includes a description of the manner in which information and instructions are given to the workers on the construction site. A co-ordinator has to be appointed, among whose tasks it is to coordinate the information for the workers on the construction site.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> Framework Directive applies. The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, no further specification of the consultation of workers is given.</p>	<ul style="list-style-type: none"> Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	<p>The Working Conditions Decree contains the obligation that a health and safety plan is drawn up, which includes:</p> <ul style="list-style-type: none"> - an assessment and evaluation of the specific dangers resulting from simultaneous and subsequent implementation of the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>construction work</p> <p>- and should the occasion arise from the interaction with continuing operating activities;</p> <p>- as well as the measures resulting from this risk assessment and evaluation.</p>

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions</p> <p>Art. 1 and 2</p>	<p>The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).</p>	<p>A observed discrepancy has been identified.</p> <p>The Working conditions Decree has a section that concerns all surface and underground mineral-extracting industries including extraction by drilling, and a section that only concerns the extra obligations for extraction by drilling.</p> <p>Work carried out in the opencast industry by dredging is excluded.</p>	<p>No.</p>
<p>Conducting a risk assessment</p> <p>Art. 3.2</p>	<p>The employer shall ensure that a document concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been</p>	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	determined and assessed.		<p>specific manner than in the Directive?</p> <p>Yes. For instance concerning the measures to restrict and fight fires.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring internal and/or external preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers <i>Art. 7</i>	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). • The information must be comprehensible to the workers concerned. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, no further specification of the information for workers is given.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Training of workers <i>Art. 10 (Annex, Part 1.5 and 1.6)</i>	<ul style="list-style-type: none"> • Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. • The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p> <p>However, the only reference to training is the obligation that the necessary safety exercises should be held at regular intervals.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Health	<ul style="list-style-type: none"> • To ensure that workers receive health surveillance appropriate to the health and 	<p>No observed discrepancies have been identified. The general provisions of the</p>	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance if workers experience

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
surveillance Art. 8	<p>safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.</p> <ul style="list-style-type: none"> • The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. • Health surveillance may be provided as part of a national health system. 	<p>Arbowet apply.</p> <p>However, no reference to health surveillance is made.</p>	<p>health problems that can be attributed to the performance of the activities covered by the Directive?</p> <p>Not specifically.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>Yes. It is required to send a copy of the health and safety document to the Works Council or staff representation body or, in the absence thereof, to the interested workers.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	<p>A register will be present at suitable locations mentioning the persons carrying out activities in the opencast mining industry, underground mining industry and the mineral-extracting industry through drilling.</p> <p>The employer must immediately notify the supervisor:</p> <ul style="list-style-type: none"> * about all major and unusual events occurring in traffic or transport, which have or might have jeopardised safety; * when safety is threatened in any way or persons are or were in danger of their lives; * about all incidents which occurred during the use, transport or storage of explosive substances which jeopardised or could have jeopardised safety. <p>Once every month all accidents and other events which jeopardised or could have jeopardised safety should be reported to the supervisor insofar as no reporting took place.</p>

Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by 	<p>No observed discrepancy has been identified.</p> <p>The Working conditions Decree has a section</p>	<ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted.	that concerns all surface and underground mineral-extracting industries including extraction by drilling, and a section that only concerns the extra obligations for extraction by drilling. (See also table above).	
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed. 	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically?. <p>Yes, automatically.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>Yes. It shall also contain a specification of the specific risk sources attached to the workplace including any activity at that location which can cause accidents with serious consequences for the health and safety of the workers involved; as well as an evaluation of the risks of these specific sources.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in the legislation in a more specific manner than in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? <p>Yes. Proof has to be provided that a health and safety management system is in place.</p> <p>Also, specific issues are mentioned that must be addressed in the health and safety document, including:</p> <ul style="list-style-type: none"> - the risk assessment; - the measures to reduce these risks; - the measures that are taken to prevent previous accidents that had serious consequences from happening again; - requirements for situations in which more employers are having work carried out at the working place; - measures to prevent and fight fires. <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been	<ul style="list-style-type: none"> Does the legislation provide for specific

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers <i>Art. 7</i>	<ul style="list-style-type: none"> Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). The information must be comprehensible to the workers concerned. 	<p>identified. The general provisions of the Arbowet apply.</p> <p>However, no further specification of the information for workers is given.</p>	<p>conditions (e.g. size of the establishments) in relation to workers information?</p> <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers <i>Art. 10 (Annex Part A 2.5))</i>	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	<p>No observed discrepancy has been identified in terms of training of workers.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>Yes. Safety exercises must be held from time to time at any workplace which is normally manned, and exercises should aim to train workers who are entrusted with concrete tasks in emergencies whereby emergency equipment has to be used, applied or operated and to check whether they are competent to perform these tasks.</p> <p>The workers must be trained to perform actions which have to be carried out in emergencies.</p> <p>At mining locations where workers are staying for an extended time there should be sufficient workers present on the helicopter landing platform (no number specified) during helicopter movements whose task it is to take action in emergencies. These workers should be sufficiently trained to this end.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Workers who are working on mining installations must also be trained to perform actions which have to be carried out at a specific workplace.</p> <p>Workers who are working on mining installations must be trained in the application of survival techniques with due observance of the criteria laid down in the health and safety document.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at 	<p>No observed discrepancy has been identified. The general provisions of the Arbowet apply.</p> <p>However, no reference to health surveillance is made.</p>	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? <p>No.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>regular intervals.</p> <ul style="list-style-type: none"> Health surveillance may be provided as part of a national health system 		<p>No.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Consultation of workers <i>Art. 9</i>	<ul style="list-style-type: none"> Framework Directive applies 	<p>No observed discrepancy has been identified.</p> <p>The working Conditions Decree states that insofar as the Works Councils Act is not applicable, consultation with and participation by workers will take place in accordance with Article 11 of Directive 89/391/EEC (Framework Directive)</p>	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> • The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. • It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. • Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay. • Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 	<p>No observed discrepancy has been identified in terms of scope and definition.</p>	<ul style="list-style-type: none"> • Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? <p>No.</p> <ul style="list-style-type: none"> • Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Port pilots are not excluded from the requirements.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information	Each Member State shall take the measures	No observed discrepancy has been	<ul style="list-style-type: none"> • Does the national legislation set additional

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
for workers Art. 5	<p>necessary to ensure that:</p> <ol style="list-style-type: none"> 1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III; 2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency; 3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V' 	<p>identified in terms of information for workers.</p> <p>The captain of a Fishing vessel is obliged to ensure the proper state of the medical supplies, its replenishment and when necessary renewal. He may delegate this responsibility (without diminishing his own responsibility) to one or more members of the crew, who must at least have a certificate 'Ship Healthcare B'.</p>	<p>information requirements?</p> <p>No.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Training of workers Art. 5	<p>Same as above.</p>	<p>Same as above.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel? <p>See text above.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	<p>NIR 2013 mentions the following: "Pilot boats do not fall under the provisions of the Directive, but are included in Dutch legislation. This was a decision of the Dutch government. These boats are found up to 10 nautical miles from the coast. If anyone feels unwell, it is always possible to reach the coast in half an hour. Medicines and medical equipment may only be used by doctors. There is an exception for captains of vessels who have medical training. In practice, the captain of a pilot boat will never prescribe medicines as he is sailing too close to the coast. Furthermore, pilot boats are not excluded from the Dutch legislation, as stated in the Directive, and these boats must also be fully equipped with medical supplies."²²</p>

²² National Implementation Report 2013, (EN) p. 95.

Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over respectively. 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive? No. The Dutch 'Vissersvaartuigenbesluit 2002' applies to any new or existing fishing vessels with a length of 24 meters or more. Article 13.3., lid 2 of the 'Vissersvaartuigenbesluit 2002' states that, for fishery vessels with a length of less than 24 meters, the 'Vissersvaartuigenbesluit of 1989' ('Vissersvaartuigenbesluit') remains applicable. Other additional or more detailed requirements <p>None.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The framework Directive applies. The information must be comprehensible to the workers concerned. 	<p>No observed discrepancy has been identified in terms of information for workers.</p>	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? <p>Yes. In every crew cabin a handbook for education should be available, containing instructions for rescue means and lifesaving</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>methods. Also, safety instructions are to be given on a regular basis.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Yes. It concerns rescue means and lifesaving methods, the use of self-inflating rescue boats, dealing with undercooling, other relevant first aid measures, use of rescue means in heavy weather and storm.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers Art.9 Art.10	<p>Art.9</p> <ul style="list-style-type: none"> Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals Such training shall be subject to the necessary updating where this is required by 	<p>No observed discrepancy has been identified in terms of training for workers.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel? <p>Yes. Practical training in 'leaving the ship' and firefighting is to be given at least once a month for all personnel.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>Yes. The Working Conditions Regulation (chapter 1, paragraph 1.2) requires that 'tutors shall demonstrably have broad theoretical, practical and didactic</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>changes in the activities on board</p> <p>Art.10</p> <ul style="list-style-type: none"> Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; radio navigation and communication, including procedures. 		<p>knowledge or expertise in the subjects which they address during training.'</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers Art.11	<ul style="list-style-type: none"> The framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Limit values	N/A	N/A	N/A
Other issues identified			None.

Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> • <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice; • <i>worker who has recently given birth</i> shall mean a worker who has recently given birth within the meaning of national legislation and/ or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • <i>worker who is breastfeeding</i> shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice. 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p> <p>However, no definition is given of 'worker who has recently given birth'.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>None.</p>
Conducting a risk assessment Art. 4	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? <p>No.</p> <ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>the assessment described in a more specific manner than in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.4(2)	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Yes. The information shall be provided within two weeks of a pregnant or breast-feeding worker notifying the employer that she is pregnant or working during the period in which she is breast-feeding.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values Art. 6	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in	<ul style="list-style-type: none"> This Directive shall apply to: <ul style="list-style-type: none"> employment relationships governed by a fixed-duration contract of 	<p>No observed discrepancy has been identified in terms of information for workers.</p> <p>The definitions of the Directive apply by lack</p>	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>None.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
conjunction with Art 2	<p>employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event;</p> <ul style="list-style-type: none"> temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services. 	of a distinction in the Arboret in duration of contracts and by full inclusion of persons whom are made available to perform work.	
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	A observed discrepancy has been identified: no mention is made of this obligation.	<ul style="list-style-type: none"> Does the legislation define in more specific terms information to be provided to such services? <p>No.</p>
Information for workers Art.3 (and 7)	<ul style="list-style-type: none"> In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	No observed discrepancies have been identified. The general provisions of the Arboret apply.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>No.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
			<p>The employer has to provide the agency supplying the staff with a description of the measures aimed at preventing hazards and risks, and the risks to which the agency worker will be exposed at his/her workstation, well before the agency worker takes up his/her post, so that the agency can pass this description on to the worker.</p> <p>Moreover, the law 'Allocation of staff through intermediaries' (1998) states that the Agency provides the worker with information about the required qualification and about the measures aimed at preventing hazards and risks, and the risks to which the agency worker will be exposed at his/her workstation.</p>
Training of workers Art.4	<ul style="list-style-type: none"> In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	No observed discrepancies have been identified. The general provisions of the Arbowet apply.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>The Working Conditions Regulation contains general requirements for training, concerning the material, the trainers, the facilities and the certificate.</p>
Health surveillance Art.5(2)	<ul style="list-style-type: none"> Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance. 	No observed discrepancies have been identified. The general provisions of the Arbowet apply.	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? <p>No.</p> <ul style="list-style-type: none"> Are the arrangements for health

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>surveillance records specified in the legislation?</p> <p>No.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract 	An observed discrepancy has been identified, as pupils and students in	<ul style="list-style-type: none"> Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<p>or an employment relationship.</p> <ul style="list-style-type: none"> It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	<p>educational institutions are excluded.</p> <p>The Working Conditions Decree defines a 'young worker' as 'a worker below the age of 18' (referring to the definition of 'worker' in the Arboret).</p>	<p>considered to be harmful, damaging or dangerous to young people in a family undertaking?</p> <p>Yes. No exceptions are made for these circumstances.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
Conducting a risk assessment Art. 6(2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p> <p>(d) the arrangement of work processes and operations and the way in which these are</p>	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major changed in working conditions? <p>No.</p> <ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>No.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. The free health assessment and monitoring may form part of a national health system. 		<p>No.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>No.</p>
<p>Ensuring preventive and protective services</p> <p>Art. 6(4)</p>	<ul style="list-style-type: none"> The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	<p>No observed discrepancies have been identified. The general provisions of the Arbowet apply.</p>	<ul style="list-style-type: none"> Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>None.</p>
<p>Information for workers</p> <p>Art. 6(3)</p>	<ul style="list-style-type: none"> The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health. 	<p>No observed discrepancies have been identified. However, no mention is made of information to young people.</p> <p>No observed discrepancy has been identified in terms of information to the legal representatives of children (implemented in the Working Time Act (Arbeidstijdenwet).</p>	<ul style="list-style-type: none"> Is the content or form of information to young workers/legal representatives of children further specified? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			None.
Training workers of Art.6 (2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people. *</p>	No observed discrepancy has been identified in terms of training of young people.	<ul style="list-style-type: none"> Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? <p>Similar like in the Directive.</p> <ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation in relation to young workers? <p>No.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>The Working Conditions Regulation contains general requirements for training, concerning the material, the trainers, the facilities and the certificate.</p>
Health surveillance Art. 6(2) and 9(3)	<p>Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p>	No observed discrepancy has been identified in terms of health surveillance for young people.	<ul style="list-style-type: none"> Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances? <p>No.</p> <ul style="list-style-type: none"> Are the arrangements for health

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 		<p>surveillance records specified in the legislation?</p> <p>No.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>No.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>No.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>None.</p>
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	None.

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

The Netherlands has only made use of the option laid down in Directive 91/383/EEC on temporary workers.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	N	
Directive 91/383/EEC on temporary workers - Art. 5(1)	N	
Directive 91/383/EEC on temporary workers - Art. 5(3)	(Y)	In Dutch law temporary workers and agency workers have the same rights to medical surveillance as all other workers. No special measures have been taken. Special medical surveillance beyond the end of the employment is available to all inhabitants of the Netherlands and is financially covered by regular healthcare regulations.
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	N	

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

For each of the CPMs, the Working Conditions Act (AW) contains a general requirement, e.g. on risk assessment, which is often completed by the Working Conditions Decree (AB) with regard to the relevant individual Directives' requirements.

The results of the analysis are presented in table 1-27 below.

Table 1- 27 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	Art 5 AW	Art 13, 14, 15 AW	Art. 8 AW	Art. 8 AW	Art 9, 18 AW	Art. 12 AW
Council Directive 89/654/EEC (workplace)	/	/	/	/	/	/
Directive 2009/104/EC (work equipment)	Art. 7.3 AB	/	Art. 7.11a AB	Art. 7.6 AB	/	/
Council Directive 89/656/EEC (PPE)	Art. 8.2 AB	/	Art. 8.1-6 AB	/	/	/
Council Directive 92/58/EEC (OSH signs)	/	/	/	/	/	/
Directive 1999/92/EC (ATEX)	Art. 3.5c AB	/	Art 3.5f AB	/	/	/
Council Directive 90/269/EEC (manual handling of loads)	Art. 5.3 AB	/	Art. 5.5 AB	/	/	/
Council Directive 90/270/EEC (display screen equipment)	Art. 5.9 AB	/	/	/	/	/
Directive 2002/44/EC (vibration)	Art. 6.11b AB	/	Art. 6.11d AB	Art. 6.11d AB	Art. 6.11e AB	/
Directive 2003/10/EC (noise)	Art. 6.7 AB	Art. 6.7-2 AB	Art. 6.11 AB	Art. 6.11 AB	Art. 6.10 AB	Art. 6.7-5, 6.7-7, 6.8-8 AB
Directive 2004/40/EC (electromagnetic fields)	N/A ²³	N/A	N/A	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	Art. 6.12d AB	Art. 6.12d-5, 6.12g-1 AB	Art. 6.12f AB, 6.12g-4 AB	Art. 6.12f AB	Art. 6.12g AB	Art. 6.12d-7, 6.12d-8, 6.12e-6 AB
Directive 2004/37/EC (carcinogens or mutagens)	Art. 4.2, 4.13 AB	Art. 4.7-4, 4.10a-5, 4.10c, 4.23 AB	Art. 4.10d, 4.10a AB	Art. 4.10d AB	Art. 4.2, 4.10a, 4.10c, 4.23 AB	Art. 4.10c-3 AB

²³ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Council Directive 98/24/EC (chemical agents at work)	Art. 4.2 AB	Art. 4.7-4, 4.10a-5, 4.10c AB	Art. 4.10d, 4.10a AB	Art. 4.10d AB	Art. 4.2, 4.10a, 4.10c AB	Art. 4.10c-3 AB
Directive 2009/148/EC (asbestos)	Art. 4.2, 4.13 AB	Art. 4.7-4, 4.10a-5, 4.10c, 4.23, 4.52-4 AB	Art. 4.10d, 4.10a, 4.45a, 4.53-3 AB	Art. 4.10d, 4.45b AB	Art. 4.2, 4.10a, 4.10c, 4.23, 4.52 AB	Art. 4.10c-3, 4.47-4, 4.47-9, 4.47a-2, 4.47a-7, 4.47c-3, 4.48-3, 4.53-3 AB
Directive 2000/54/EC (biological agents)	Art. 4.85 AB	Art. 4.90-6 AB	Art. 4.87a-g, 4.90-5, 4.91-8, 4.91-10, 4.102 AB	Art. 4.102 AB	Art. 4.85, 4.91 AB	Art. 4.92, 4.93 AB
Council Directive 92/57/EEC (temporary or mobile construction sites)	Art. 2.28-2c AB	/	Art. 2.28-2g, 2.31-c AB	/	/	/
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Art. 2.42-2a AB			Art. 2.41-4 AB		Art. 2.42-5 AB
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Art. 2.42-2a, 2.42e, 2.42f AB			Art. 2.41-4, 2.42g, 2.42h AB		Art. 2.42-5, 2.42i AB
Council Directive 92/29/EEC (medical treatment on board vessels)	/	/	Art. 6.5 VVB	Art. 6.5 VVB	/	/
Council Directive 93/103/EC (work on board fishing vessels)	/	/	/	Art. 8.3 VVB	/	/
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	Art. 1.41 AB	/	Art. 1.42a	/	/	/
Council Directive 91/383/EEC (temporary workers)	/	/	Art. 5.5 AW, art. 11 WAAI	/	/	/
Council Directive 94/33/EC (young people at work)	Art. 1.36 AB	/	Art. 1.36-1f AB, art. 3.4 ATW	Art. 1.36-1f AB	Art. 1.38 AB	/

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Conclusions on interactions between Directives	The requirements of the AW are formulated in general terms. In all Directive issues concerning specific risk sources, more specific requirements are formulated in the AB.	The requirements of the AW are formulated in general terms. Specific tasks for preventive and protective services are formulated in the AB where noise, chemical or radiation risks are concerned.	The requirements of the AW are formulated in general terms. They are specified for almost every aspect of OSH.	The requirements of the AW are formulated in general terms. They are specified for the aspects of OSH that required well trained behaviour or response of workers.	The requirements of the AW are formulated in very general terms. As is shown later, they seldom give rise to actual health surveillance. In cases where specific noise, chemical or radiation risks are concerned, the requirements are formulated more extensively and strictly.	The requirements of the AW are formulated in general terms, and refer to the general structure of co-determination laid out in the Works Councils Act. In cases where an expressly structured way of dealing with risks is required, probably also with checks and balances, additional requirements are formulated in the AB.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in the eight Directives as listed below. For all these Directives, the Netherlands has set transitional periods, which have been respected in all cases. However, no public record is kept of the dates of the end of application of the transitional period, as is further explained in the following box.

The general policy in the Netherlands is to apply and respect the transitional periods of OSH Directives. This is confirmed by the Ministry of Social Affairs and Employment (SZW). However, no public record is kept of the dates of the ends of transitional periods. Also, it proves to be no easy task for the Ministry SZW to track these dates. Therefore they are lacking in Tabel 2-1.

Table 2- 1 Transitional Periods

Directive	Transitional periods applied	Transitional period respected	Date of end of application of the transitional period
Directive 90/270/EC (display screen equipment)	Y	Y	See explanation in the frame above
Directive 92/91/EC (mineral-extracting industries through drilling)	Y	Y	See explanation in the frame above
Directive 92/104/EC (surface and underground mineral extracting industries)	Y	Y	See explanation in the frame above
Directive 93/103 (work on board fishing vessels)	Y	Y	See explanation in the frame above
Directive 1999/92/EC (ATEX)	Y	Y	See explanation in the frame above
Directive 2002/44/EC (vibration)	Y	Y	See explanation in the frame above
Directive 2003/10/EC (noise)	Y	Y	See explanation in the frame above
Directive 2009/104/EC (work equipment)	Y	Y	See explanation in the frame above

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Transposing legislation of the Netherlands reflects, with regard to Directive 94/33/EC, the derogation from the prohibition to employ young people for the works listed in Article 7.2, as well as the conditions attached to them. The Netherlands has also used the derogation (same Directive) from rest periods in respect of adolescents for work performed in the context of the armed forces or the police. Here, the conditions attached have not been reflected in national legislation.

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	The Netherlands have not made use of this derogation	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	The Netherlands have not made use of this derogation
Directive 92/57/EEC on temporary or mobile construction sites	Art. 3.2	Derogation from the obligation to drawup a health and safety plan	N	The Netherlands have not made use of this derogation	The derogation does not cover work involving particular risks as listed in Annex II.	N	The Netherlands have not made use of this derogation
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	The Netherlands have not made use of this derogation
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	The Netherlands have not made use of this derogation	Alternative measures guaranteeing the same level of protection laid down.	N	The Netherlands have not made use of this derogation
		Derogation from the application of Annex IX, section 3	N	The Netherlands have not made use of this derogation	Alternative measures guaranteeing the same level of protection laid down	N	The Netherlands have not made use of this derogation
Directive 92/85/EEC on breastfeeding workers	Art.11.4	Member States may make entitlement to benefits conditional	N	The Netherlands have not made use of this derogation	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	N	The Netherlands have not made use of this derogation
					These conditions may under no circumstances provide for periods of previous employment in	N	The Netherlands have not made use of this derogation

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					excess of 12 months immediately prior to the presumed date of confinement.		
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	N	The Netherlands have not made use of this derogation	In the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	N	The Netherlands have not made use of this derogation
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	Y	The Netherlands has exempted pupils and students in educational institutes from these requirements (Art. 1.39 AB)	Derogations indispensable for their vocational training	Y	Educational institutes are defined in Art. 1.3 AB (meaning: an educational institution paid for or designated; both types of educational institution are extensively enumerated in the article).
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC	Y	In specific types of work accidents may occur as a result of a lack of work experience, from not being able to assess hazards and from the young worker having insufficiently developed mentally and physically. These types of work may only be carried out if the expert supervision has been organised in such a manner that those hazards are prevented. If this is not possible, this work

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
							should not be carried out by young workers.
					Protection afforded by Framework Directive is guaranteed	Y	Reference is made to Art. 5 AW, which concerns the risk assessment ('the inventarisation and evaluation of risks').
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	The Netherlands have adopted all regulations required in art. 8 in the Nadere Regeling Kinderarbeid (Further Regulation of Child Labour)	Derogation is justified by way of exception	N	The Netherlands have not made use of this derogation
					<u>Or</u> Derogation is used because objective grounds are provided	N	The Netherlands have not made use of this derogation
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.	N	The Netherlands have not made use of this derogation
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	N	The Netherlands do not allow for night work by adolescents. Art. 5.2 ATW states that the rest times for young workers include the hours between 23.00 and 6.00 hours.	Work by adolescents in specific areas of activity	N	The Netherlands have not made use of this derogation
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	N	The Netherlands have not made use of this derogation
					Work shall continue to be prohibited between midnight and 4 a.m.	N	The Netherlands have not made use of this derogation
		Article 9 (2) b second indent Derogation from prohibition of night work for adolescents	N	The Netherlands have not made use of this derogation	Objective grounds for so doing	N	The Netherlands have not made use of this derogation
					and provided that adolescents are allowed suitable compensatory	N	The Netherlands have not made use of this derogation

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.			rest time and that the objectives set out in Article 1 are not called into question:	N	The Netherlands have not made use of this derogation
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration.	N	The Netherlands have not made use of this derogation			
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar	Y	The Working Time Decree (arbeidstijdenbesluit) states that in the armed forces young workers have the same rights as workers of 18 years and older. For all other types of work no use is made of derogations.	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question	N	No difference is made with senior workers.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		establishments; (d) work performed in agriculture; (e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.					
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	N	The Netherlands have not made use of this derogation	Work is of a temporary nature and must be performed immediately	N	The Netherlands have not made use of this derogation
					Adult workers are not available	N	The Netherlands have not made use of this derogation
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	The Netherlands have not made use of this derogation
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate	N	The Netherlands have not made use of this derogation	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	N	The Netherlands have not made use of this derogation
					Member States may provide for systems of individual authorisations.	N	The Netherlands have not made use of this derogation
					The competent authority	N	The Netherlands have not made

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use.			shall request the employer to submit the information listed in Article 9.3.		use of this derogation
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport,	N	The Netherlands have not made use of this derogation	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	N	The Netherlands have not made use of this derogation
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	N	The Netherlands have not made use of this derogation

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
	Art. 10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value	N	The Netherlands have not made use of this derogation	The exposure value averaged over 40 hours must be less than the exposure limit value and	N	The Netherlands have not made use of this derogation
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value	N	The Netherlands have not made use of this derogation
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	N	The Netherlands have not made use of this derogation
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to	N	The Netherlands have not made use of this derogation	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	N	The Netherlands have not made use of this derogation
					Review every four years and withdrawn as soon as the justifying circumstances no longer	N	The Netherlands have not made use of this derogation

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		health or safety than not using such protectors			obtain.		
Directive 2004/40/EC on physical agents (electromagnetic fields)	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N/A	Directive 2000/40/EC has not yet been transposed in the Netherlands.			

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- | | |
|-------------------------------------|-----------------------|
| (5) very high degree of compliance: | indicators above 80% |
| (4) high degree of compliance: | indicators 60-79% |
| (3) medium degree of compliance: | indicators 40-59% |
| (2) low degree of compliance: | indicators 20-39% |
| (1) very low degree of compliance: | indicators below 20%. |

In the case of the Netherlands, the main data sources available to ascertain the degree of compliance with the CPMs are the following: the annual data monitor reports of the Labour Inspectorate (*'Arbo in bedrijf'*) and the Employers Survey on Labour (*'Werkgeversenquête Arbeid'*).²⁴ For all CPMs, the degree of compliance varied between very low to high, and it can be concluded that overall, the national legislation transposing the Directive(s) is generally effective in medium or large companies compared to small or micro enterprises. Additionally, compliance is higher in the public sector.

With regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employers were not involved). Moreover, this information is based on managers' responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU's six largest countries (Germany, Spain, Italy, Poland and the UK).²⁵ The post-test of the ESENER survey noted that "it is important to mention that companies participating in the survey are likely to be the organisations with high standards or good procedures in place and therefore represent a self-selected sample of 'good examples'."²⁶

²⁴ Where this was possible the data of the inspectorate (*'Arbo in bedrijf'*) have been used (as these are considered to be the most independent and factual data). Only where these were not available, data from other sources were used.

²⁵ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

²⁶ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

Regarding compliance by individual Directive, similar trends are observed, with the degree of compliance ranging from very low to very high, and differences in compliance depending on the size of the company. In sectors such as agriculture, wholesale, retail and construction, significantly less RA's are conducted compared to sectors such as industry, energy supply, water management and waste disposal. Regarding information for workers, more information is provided in sectors with high risk levels, such as construction, agriculture, fishery, industry, financial, and utility sectors and in the public services.

Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ²⁷ risk assessment	(3): Medium degree of compliance (45%)	This information is based on the monitor 'Arbo in bedrijf 2012', with data from the Inspectorate. It was found that 45% of companies comply to the legal requirement to have a documented risk assessment	Size matters heavily (large companies (>100) have a very high level of compliance (94%), small ones (< 10) a low level (38%). This is typical for system requirements. Compliance is highest in the public sector and lowest in typical small scale sectors like cafés, restaurants, hotels and agriculture. Compliance in the banking sector is low, which may correlate to a low level of overall perceived risks.
	% of establishments that carry out risk management activities resulting from the risk assessment	(2) Low degree of compliance Or (3) Medium degree of compliance	In the Employers Survey on Labour (WEA 2012; 'Werkgeversenquête Arbeid') employers are asked whether they have taken any new risk management measures during the past two years. This is seen as a good indicator of active OSH management. 41% of the employers answered 'no' or 'don't know' to this question. Therefore, since an equal amount of employers report active risk management activities as the amount that reports to have a risk assessment, the percentage that carries out RM activities resulting from the RA is at most equal to the ones that have an RA (= 41%). A study of the Labour inspectorate (Arbo in bedrijf 2012) showed that approx. 25%	The same as above. Almost all (92/93%) employers with more than 50 employees report that they have taken new risk management measures. Employers of smaller companies report far more often that they have not: (2-4 workers: 48%; 5-9 workers: 30%; 10-49 workers: 18%).

²⁷ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																												
			of the RA's do not address the actual risks. Therefore it is reasonable to expect that less than 41% of the companies carry out RM on the basis of RA.																													
		According to ESENER1 data: 79.03% of workplaces are regularly checked for health and safety as part of RA	The ESENER1 survey suggests that most of the workplaces (79.03%) are regularly checked for health and safety as part of their risk assessment or similar measure. ²⁸	The ESENER survey ²⁹ shows the following differences according to enterprise size and sectors: <table><tr><th>Company size</th><th>Yes</th><th>No</th></tr><tr><td>10-19</td><td>76.64%</td><td>21.74%</td></tr><tr><td>20-49</td><td>75.76%</td><td>24.24%</td></tr><tr><td>50-249</td><td>89.86%</td><td>9.94%</td></tr><tr><td>250-499</td><td>93.44%</td><td>6.1%</td></tr><tr><td>500+</td><td>100%</td><td>0%</td></tr></table> <table><tr><th>Sector type</th><th>Yes</th><th>No</th></tr><tr><td>Production</td><td>86.1%</td><td>12.76%</td></tr><tr><td>Private</td><td>73.83%</td><td>25.27%</td></tr><tr><td>Public</td><td>83.72%</td><td>15.87%</td></tr></table>	Company size	Yes	No	10-19	76.64%	21.74%	20-49	75.76%	24.24%	50-249	89.86%	9.94%	250-499	93.44%	6.1%	500+	100%	0%	Sector type	Yes	No	Production	86.1%	12.76%	Private	73.83%	25.27%	Public
Company size	Yes	No																														
10-19	76.64%	21.74%																														
20-49	75.76%	24.24%																														
50-249	89.86%	9.94%																														
250-499	93.44%	6.1%																														
500+	100%	0%																														
Sector type	Yes	No																														
Production	86.1%	12.76%																														
Private	73.83%	25.27%																														
Public	83.72%	15.87%																														
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	(3) Medium degree of compliance Or (4) High degree of compliance (45% - 74%)	This information is based on the monitor 'Arbo in bedrijf 2012', with data from the Inspectorate. It was found that 44% of companies have sought the assistance of expert workers; 73% have hired expert assistance	The same as above.																												

²⁸ ESENER1, question MM161

²⁹ ESENER1, question MM161

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		According to ESENER1 data: 31.1% – 82.53%	ESENER1 2009 asks about different forms of service. Occupational Health Physician, 82.53%; Safety specialist, 54.49%; Psychologist 31.1%; Ergonomist, 34.27%; Health & Safety Consultant, 68.93% ³⁰	Data based on company size showed a general trend for greater usage in larger companies. As for sectors there was a similar trend of use of health and safety consultants in all sectors, while public services made wider use of psychologists and occupational health physicians, and the private sector relies more upon safety experts (compared to the other sectors).
Information for workers	% of establishment which provide information to workers	(4) High degree of compliance (70%)	According to a study by the Labour Inspectorate (AI-monitor Arbo in bedrijf 2012) 70% of the companies fulfil their information and training obligations	Public sector and healthcare provide most information and training. According to the inspectorate (personal expert judgement of inspectors) the quality of the information and training in these sectors is relatively high. The quality of information and training given is worst in agriculture.
Training of workers	% of establishment which provide training to workers			
Making available health surveillance	% of establishments which provide health surveillance to workers	(1) Very low degree of compliance (1% - 13%)	According to a study by the Labour Inspectorate (AI-monitor Arbo in bedrijf 2012) 13% of companies have health surveillance included in their contracts with prevention services. However, only 6% of these companies have actually made use of this service in the recent year.	No further breakdown is presented.

³⁰ ESENER1, questions MM150

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
		According to ESENER1 data: health of workers is monitored in 29.06% of the workplaces	The ESENER1 survey suggests that not many workplaces (29.06%) are monitored through regular medical examinations. ³¹	<div>The ESENER survey³² shows the following differences according to enterprise size and sectors:</div> <table><tr><th>Company size</th><th>Yes</th><th>No</th></tr><tr><td>10-19</td><td>21.41%</td><td>78.38%</td></tr><tr><td>20-49</td><td>29.53%</td><td>70.47%</td></tr><tr><td>50-249</td><td>46.51%</td><td>53.29%</td></tr><tr><td>250-499</td><td>53%</td><td>47%</td></tr><tr><td>500+</td><td>59.56%</td><td>40.44%</td></tr></table> <table><tr><th>Sector type</th><th>Yes</th><th>No</th></tr><tr><td>Production</td><td>52.65%</td><td>47.2%</td></tr><tr><td>Private</td><td>24.76%</td><td>75.24%</td></tr><tr><td>Public</td><td>17.51%</td><td>82.08%</td></tr></table>	Company size	Yes	No	10-19	21.41%	78.38%	20-49	29.53%	70.47%	50-249	46.51%	53.29%	250-499	53%	47%	500+	59.56%	40.44%	Sector type	Yes	No	Production	52.65%	47.2%	Private	24.76%	75.24%	Public	17.51%	82.08%
Company size	Yes	No																																
10-19	21.41%	78.38%																																
20-49	29.53%	70.47%																																
50-249	46.51%	53.29%																																
250-499	53%	47%																																
500+	59.56%	40.44%																																
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Production	52.65%	47.2%																																
Private	24.76%	75.24%																																
Public	17.51%	82.08%																																
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	(3) Medium degree of compliance (59%)	According to a study by the Labour Inspectorate (AI-monitor Arbo in bedrijf 2012), in 59% of the companies consultation takes place between the employer and workers on OSH issues (no distinction is made between RA and RM). Within the companies with a works council or personnel representation, 98% consulted workers on OSH issues. Within the companies without a works council or personnel representation, 55% consulted workers on OSH issues.	No further breakdown is presented.																														

³¹ ESENER1 survey, question MM154

³² ESENER1 survey, question MM154

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		According to ESENER1 data ³³ : 15.63% to 27.31% have some form of representation/consultation	<p>ESENER1 2009 asked separately about different forms of consultation. Companies were most likely to have a health and safety committee, although quite a low percentage of undertakings have some form of representation/consultation.</p> <ul style="list-style-type: none"> - Trade union representative 15.63% (production sector: 13.5%; private services: 10.34%; public services: 28.5%) - Health and safety representative: N/A - Health and safety committee: 27.31% (production sector: 28.21%; private services: 25.11%; public services: 31.1%) 	<p>The data showed an increasing trend for all questions with company size.</p> <p>Overall, the public sector was more likely to have each of the forms of consultation/representation (excluding health and safety representatives, for which data are not available).</p>

³³ ESENER1, questions MM351-355-358.

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ³⁴ risk assessment	1992/92 (ATEX)	(3) Medium degree of compliance (54 %)	Based on data from a study by the labour inspectorate (Arbo in bedrijf 2012). The percentages are based on an assessment whether in all the companies where the risk actually exists (a) the company has a RA; and (b) whether the RA addresses the risk. Interestingly, it was found that a very high percentage of these companies (> 80%) take measures, irrespective of whether they have an RA or not.	No further breakdown is presented.
		1998/24 (chemical agents)	(3) Medium degree of compliance (54 %)		Bigger companies have more often completed RA's. In sectors such as agriculture, wholesale and retail significantly less RA's are conducted compared to sectors such as industry, energy supply, water management and waste disposal.
		2004/37 (carcinogenics / mutagenics)	(2) Low degree of compliance (38 %)		Bigger companies (> 50 workers) have more often completed RA's. In the construction sector significantly less RA's are conducted compared to the industry, energy supply, water management and waste disposal sectors.
		2000/54 (biological agents)	(2) Low degree of compliance (34 %)		No further breakdown is presented.
		92/85 (pregnant / breastfeeding workers)	(2) Low degree of compliance (21 %)	Idem (Arbo in bedrijf 2010).	No further breakdown is presented.

³⁴ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		2002/44 (vibration)	(2) Low degree of compliance (37%)		No further breakdown is presented.
		2003/10 (noise)	(3) Medium degree of compliance (53%)		No further breakdown is presented.
		2004/40 (electromagnetic fields)	(1) Very low degree of compliance (13%)		No further breakdown is presented.
		90/270 (VDU)	(2) Low degree of compliance (34%)	Idem (Arbo in bedrijf 2009).	No further breakdown is presented.
		2009/148 (Asbestos)	(2) Low degree of compliance (35%)		Companies that encounter asbestos risks in classes 2 and 3 have identified asbestos as being a risk slightly more often (25%) compared to companies that have not encountered asbestos risks in classes 2 and 3 (11%).
		90/269 (manual handling of loads)	(3) Medium degree of compliance 43%)	Idem (Arbo in bedrijf, 2008). The assessments distinguish between different types of manual handling of loads (lifting, carrying, pushing, pulling, posture, etc.). The figure presents an estimated average.	

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		94/33 (young workers)	(2) Low degree of compliance (27%)	Idem (Arbo in bedrijf, 2008).	
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No Directive specific data available			
Information for workers and training of workers ³⁵	% of establishment which provide information and training to workers	1992/92 (ATEX)	(2) Low degree of compliance (37% information)	Based on data from a study by the labour inspectorate (Arbo in bedrijf 2012) and on further calculations by the Ministry SZW.	No further breakdown is presented.
		1998/24 (chemical agents)	(2) Low degree of compliance (almost 40%)	The percentages are based on an assessment identifying whether the risk exists in all the companies, and if so, whether (a) measures have been taken, and (b) whether one of these measures is provision of information on risks, measures or methods.	No further breakdown is presented.
		2004/37 (carcinogenics / mutagenics)	(2) Low degree of compliance (27%)		No further breakdown is presented.
		92/85 (pregnant / breastfeeding workers)	(4) High degree of compliance (63%)		No further breakdown is presented.
		2002/44 (vibration)	(1) Verly low degree of compliance 15%)	Idem (Arbo in bedrijf 2010). Also based on further calculations by the Ministry SZW.	More information is provided in the construction, agriculture and fishery sectors and in public services.

³⁵ In the sources available in several cases no distinction is made between information and training (informatie en onderricht)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		2003/10 (noise)	(2) Low degree of compliance (30%)		More information is provided in the construction, industry and utilities sectors and in public services.
		2004/40 (electromagnetic fields)	(2) Low degree of compliance (22%)		The information provided in the construction sector and public services is judged as 'good'; in industry it is 'poor' (personal expert judgement of inspectors).
		90/270 (VDU)	(3) Medium degree of compliance (40%)	Idem (Arbo in bedrijf 2009). Also based on further calculations by the Ministry SZW.	More information is provided in sectors with high risk levels: e.g. public sector, financial sector, service sector, education. More measures are taken in larger companies (68% of companies < 5 workers; 97% of companies > 100 workers).
		90/269 (manual handling of loads)	(4) High degree of compliance (between 63% and 66%)	Idem (Arbo in bedrijf, 2008). Also based on further calculations by the Ministry SZW. The assessments distinguish between different types of manual handling of loads (lifting, carrying, pushing, pulling, posture, etc.). The figure presents an estimated average.	Large companies take more measures (85% of companies < 10 workers; 98% of companies > 10 workers). Fewer measures are taken in transport, trade and the service sector.
		94/33 (young workers)	(4) High degree of compliance (76%)	Idem (Arbo in bedrijf, 2008).	Large companies provide more information (no details are presented about company size).

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Making available health surveillance	% of establishments which provide health surveillance to workers	2000/54 (biological agents)	(1) Very low degree of compliance (7%)	Based on data from a study by the labour inspectorate (Arbo in bedrijf 2012). The percentages are based on an assessment identifying whether the risk exists in the companies and if so, whether (a) measures have been taken, and (b) whether one of these measures is health surveillance.	No further breakdown is presented.
		90/270 (VDU)	(1) Very low degree of compliance (9%)	Idem (Arbo in bedrijf 2009).	No further breakdown is presented.
Consultation of workers % of establishments with appointed worker rep	% of establishments which consult workers on risk assessment % of establishments which consult workers on measures	No Directive specific data available			

Table 3- 3 Degree of compliance: Key requirements

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
89/391/EEC (Framework Directive)	Controls and supervision, Art. 4(2)	260 FTE of inspectors Equals 1 inspector per 27.500 workers Number of inspections: 276 inspections per 100.000 workers	Information from the Dutch National Implementation report (Ministry SZW, 2013)	No further breakdown is presented
	Measures necessary for the safety and health protection, Art. 6(1) and 6(2)	(4) high degree of compliance 65 à 80 % of establishments have taken new measures to ensure safety and health protection in the last two years	Employers survey (WEA, 2010). Additionally, from the data presented in 'Arbo in Bedrijf 2012' it can be inferred that for all risks (except for 'workplace violence') at least 80% of all relevant companies have taken measures.	Almost all employers with more than 50 employees report that they have taken new measures.
	Emergency measures, Art. 8	(4) high degree of compliance 65 % of establishments have appointed workers with emergency aid tasks	Report from the Labour Inspectorate (Arbo in bedrijf, 2012).	Larger companies (> 10 workers) comply significantly more often (> 85%) than smaller ones (< 10) (< 60%). The catering industry has a markedly low score.
	List of occupational accidents, Art. 9(1)(c)	(4) high degree of compliance 65 % of establishments	Report from the Labour Inspectorate (Arbo in bedrijf, 2012).	Large companies have a registration significantly more often than smaller ones. (< 10 workers: 19% 10-99 workers: 60% >99 workers: 91%) The catering industry has a markedly low score.
	Reporting of occupational accidents, Art. 9(1)(d)	(2) low degree of compliance 37 % of establishments where incidents occurred, reported this to the Inspectorate	Report from the Labour Inspectorate (Arbo in bedrijf, 2012). N.b.: For statistical reasons (small sample) this figure can differ largely between years. In	No further breakdown is presented.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			2014 the percentage of establishments that reported to the inspectorate is 67% (not yet published).	
1999/92/EC (ATEX)	Measures to prevent and protect against explosions, Arts. 3, 5, 7 and Annex II	(5) very high degree of compliance 85 % of establishments have taken measures to prevent and to provide protection against explosions that meet the minimum requirements	Report from the Labour Inspectorate (Arbo in bedrijf, 2012). Inspectorate's judgement	Particularly in industry, the energy, water and waste management sector adequate measures are taken.
	Explosion protection document, Art. 8	(2) low degree of compliance 33 % of establishments have drawn up an explosion protection document	Report from the Labour Inspectorate (Arbo in bedrijf, 2012).	
90/269/EEC (manual handling of loads)	Avoidance of (hazardous) manual handling, Art. 3(1)	No data available	The available data show that 7% of relevant companies have completely avoided the risks of heavy lifting and carrying, and 4% have avoided all risks of heavy pushing and pulling. It can safely be assumed, however, that more companies have effectively taken measures to avoid one or more of these risks (though not all risks).	Notably less in the catering sector
	Measures to avoid and reduce exposure, Art. 3(2)	(5) very high degree of compliance 88% à 89% of establishments take measures to avoid and reduce exposure to manual handling risks	Report from the Labour Inspectorate (Arbo in bedrijf, 2008). Although the available data are hard to aggregate, they indicate a very high degree of	Notably less in the catering sector

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			compliance. It shows that 88% of relevant companies take measures to counter the risks of heavy lifting and carrying. Also, 89% of relevant companies take measures to counter risks of heavy pushing and pulling.	
	Organisation of workstations, Art. 4	(4) high degree of compliance >66% - 71% of establishments take measures to organise workstations in such a way to make handling safe	Report from the Labour Inspectorate (Arbo in bedrijf, 2008). Although the available data are hard to aggregate, they indicate a very high degree of compliance. It shows that at least 71% % of relevant companies have taken measures to organise workstations safe from heavy lifting and carrying, and at least 66% have done so for heavy pushing and pulling.	Notably less in the catering sector
90/270/EEC (VDU)	Minimum requirements for workstations, Arts. 4 and 5	(4) high degree of compliance 70 % of establishments have ensured that work stations meet minimum requirements	Report from the Labour Inspectorate (Arbo in bedrijf, 2009)	Mostly a high degree of compliance in the public, financial and service sector and education
	Daily work routine, Art. 7	No data available	The available data show that 15 % of relevant establishments have organised breaks every two hours. It is not clear, however, how many	Mostly a high degree of compliance in the public, financial and service sector and education

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			establishments have (also) taken other measures.	
2002/44/EC (vibration)	Exposure limit values and action values, Art. 3	(1) very low degree of compliance 4 à 5 % of establishments regularly assess or measure exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2010)	
	Measures to avoid and reduce exposure, Art. 5	(4) high degree of compliance 65 % of establishments takes adequate measures to eliminate or reduce exposure where values are exceeded	Report from the Labour Inspectorate (Arbo in bedrijf, 2010). Inspectorate's judgement	
2003/10/EC (noise)	Measures to avoid and reduce exposure, Arts. 5 and 7	(5) very high degree of compliance 91 % of establishments takes adequate measures to eliminate or reduce exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2010). Inspectorate's judgement	
	Individual hearing protectors, Art. 6	(5) very high degree of compliance 91% of relevant establishments provide individual hearing protectors	Report from the Labour Inspectorate (Arbo in bedrijf, 2010). Based on an estimate of the % of relevant companies which provide hearing protectors.	Mostly a high degree of compliance in construction, industry, utilities, ore winning and public services.
2004/40/EC (electromagnetic fields)	Measures to avoid and reduce exposure, Art. 5	(3) medium degree of compliance 40% of establishments takes adequate measures to eliminate or reduce exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2010). Inspectorate's judgement. Also based on further calculations by the Ministry SZW.	Measures less effective in industry (based on personal expert judgement of inspectors).
2006/25/EC (artificial optical radiation)	Measures to avoid and reduce exposure, Art.5	(4) high degree of compliance 71% of establishments takes measures to eliminate or reduce exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2010). Inspectorate's judgement. Also based on	Measures less effective in industry. (based on personal expert judgement of inspectors).

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			further calculations by the Ministry SZW.	
2004/37/EC (CMD)	Measures limiting worker exposure, Arts. 5(5) and 7(2) and 10(1)	(4) high degree of compliance 72 % of establishments take adequate measures to limit workers' exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2012). Inspectorate's judgement	No further breakdown is presented.
98/24/EC (chemical agents at work)	Specific protection and prevention measures, Art. 6	(4) high degree of compliance 72% of relevant establishments have taken adequate protective and preventative measures	Report from the Labour Inspectorate (Arbo in bedrijf, 2012). Inspectorate's judgement	Companies with 4 or less personnel more often (25%) take no measures; among larger companies this is 5-15%.
	ELVs and biological limit values, Arts. 3 and 6(4) and (5)	(1) very low degree of compliance 6 % of relevant establishments make a full assessment 9% a partial assessment	Report from the Labour Inspectorate (Arbo in bedrijf, 2012).	Larger companies (> 50 workers) more often have a full assessment (18%). Among smaller companies (< 50 workers) this is less than 6%. Industry, the energy, water and waste management sectors have a slightly higher score (12%; the average over all sectors is 6%).
2009/148/EC (asbestos)	Measures to reduce exposure, Art. 6	(2) low degree of compliance 28 % of establishments have introduced adequate measures to reduce exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2009). Inspectorate's judgement	No further breakdown is presented.
	Regular measurements of exposure, Art. 7	(2) low degree of compliance 23 % of establishments regularly measure exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2009).	Smaller companies (<10) have lower compliance (4% comply, whereas 59% of companies > 10 workers comply).
	Identifying asbestos containing material, Art. 11	(2) low degree of compliance 35 % of establishments take measures to identify asbestos containing material	Report from the Labour Inspectorate (Arbo in bedrijf, 2009).	No further breakdown is presented.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
2000/54/EC (biological agents)	Substitution, Art. 5	(1) very low degree of compliance 5 % of establishments have introduced measures to ensure substitution	Report from the Labour Inspectorate (Arbo in bedrijf, 2012).	No further breakdown is presented.
	Measures to avoid and reduce exposure, Art. 6	(4) high degree of compliance 68% of establishments have introduced adequate measures to avoid and reduce exposure	Report from the Labour Inspectorate (Arbo in bedrijf, 2012). Inspectorate's judgement	In healthcare more often measures are taken (92% of companies), in the fishery sector less often (56%). Company size matters heavily: of small companies (< 5 workers) 76% take measures; of big companies (> 100 workers) 96% take measures.
93/103/EC (work on board fishing vessels)	Personal protective equipment; Art. 7(1)(e)	(5) very high degree of compliance 97 % of establishments (vessels) comply with the minimum safety and health requirements concerning personal protective equipment	OSH report sea sailing 2008- 2010 (ARBO Zeevaart 2008/2010); Labour Inspectorate for road and water transport (now ILT), found a lack of PPE in 3% of cases	
91/383/EEC (temporary workers)	Responsibility of User undertaking, Art. 8	No data available	The available data show that 5% of relevant establishments additionally monitor safety, hygiene and health compliance at work. It is not clear, however, how many establishments already carry out such monitoring as a standard activity.	More often in public sector (17%), agriculture (11%), construction (11%) and industry (9%) and in larger establishments (>50 workers) (17-19%). Notably less in trade and health care (3%).

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that it aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

In the Netherlands, a number of approaches to compliance can be distinguished. Firstly, a dominant approach at sector level is the approach during which social partners actively assist the companies in the sector to comply with OSH regulations. Next, in sectors with specific high risks or specific circumstances an approach exists in which additional checks and balances are installed, giving a very strong impulse to companies to comply. Thirdly, an approach can be distinguished in which OSH requirements are part of contractual obligations in economic interactions.

During the stakeholder interviews it was noted that, notwithstanding the slightly different backgrounds (economic crisis in the private sector, budget cuts in the public sector), overall, developments are largely the same in both the private and the public sector: rising unemployment, increasing work pressure, growing flexibility with more short term contracts and more self-employment (with also similar effects on working conditions). Also, similar factors appear to explain differences in compliance between establishments: larger ones have more specialised and staff personnel for occupational health and safety, have more often a public reputation to worry about and often are less cost-efficiency driven than smaller ones. Membership of a sector organisation is a contributing factor for compliance in the public sector just as in the private sector. Sometimes public sector establishments are more labour intensive (for example in the caring and nursing sectors) than private sector companies (for instance parts of industry with heavy capital investments), but this is not a rule (think of the capital intensive public water supply and treatment sectors, or the labour intensive private sectors dealing with cleaning, security services or catering).

One difference between the public and private sectors that is reported on a regular basis (e.g. in the Arbobalans monitors) is that work pressure and psychosocial burdens are significantly higher in the public sector than in the private sector. One of the issues in this respect is 'aggression and violence'. It turns out that this issue is perceived less as an important problem in the Netherlands than in other EU countries, but that in the Netherlands a structural approach is more often present compared to other countries.

Table 3- 4 Approaches to compliance

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What approach has been adopted? Is it systematic?	A number of approaches can be distinguished. Firstly, a dominant approach at sector level, instigated by the ministry of SZW in response to an advice from the SER, is the approach in which social partners at sectoral level actively	The first approach is stimulated by government throughout industry. As a consequence, branch specific risk assessments and OSH catalogues can be

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>assist the companies in the sector to comply with OSH regulations. A typical way to do this (within the legal/policy framework that currently exists in the Netherlands) is firstly to agree on a branch specific model risk assessment (branche RI&E). Secondly, they agree on effective measures that companies can take (the 'how') in order to accomplish the goals defined by OSH law (the 'what'). After a formal ('marginal') check by the Labour Inspectorate, these agreements become the 'OSH catalogue' ('arbocatalogus') for the sector, that is also used by the Inspection to supervise and to enforce. These agreements have come in the place of previous 'OSH policy rules' ('beleidsregels') that were defined by the Ministry. A precursor to this approach was the strategy of 'OSH covenants' ('arboconvenanten'; voluntary tripartite agreements with additional stimulating measures for sectors and companies)) initiated by the Ministry of SZW.</p> <p>Secondly, in sectors with specific high risks or specific circumstances an approach exists in which additional checks and balances are installed, giving a very strong impulse to companies to comply. Examples of this can be found in transportation sectors like aviation or shipping, and in the petrochemical industries and in mining. For example, compliance to the Dutch transposition of 92/29/EC (and its underlying IMO regulation) by shipping crew is strictly observed through different means. The classification Agency checks compliance. The captain is obliged to carry out regular checks and administration. The inspectorate ILT monitors all surveillance reports. Trainings are controlled in their conformity to IMO model courses and rewarded with the STCW certificate. The Radio Medical Service (RMD) reports all transgressions. Port State Control checks on entering and leaving ports. All in all, the control is watertight. Compliance is approx. 100%.</p> <p>A similar story can be told about the industry for mineral</p>	<p>found in most sectors of the economy (145 sectors have adopted an OSH catalogue, addressing 1244 risks in total). Half of all workers in the Netherlands are covered by such a catalogue. Studies show that workers working in less organised sectors such as trade, services, et cetera, are to a far lesser extent covered by OSH catalogues.</p> <p>The approach proves to be most of all effective in sectors where the sector organisations are strong, where they have a higher organisation degree and where member organisations are facing risks and legal requirements that they cannot tackle on their own. Examples are the metal industry, the construction sector, the agricultural and green sectors, the paint sector and the soap and detergent sector.</p> <p>Effective examples of the second approach can most of all be found transport sectors like aviation or shipping, and in the petrochemical industries and in mining.</p>

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>extracting through drilling. This is a high-risk industry, where accidents can have severe consequences. It is a capital intensive sector, which also means that costs for personnel and for safety measures are of relative importance. Reputation is of the utmost importance to companies. The sector is homogeneous: all companies have similar processes. As a consequence, companies are well aware of the importance to control risks and are prepared to invest in occupational health and safety. They are more or less eager to be supervised and tested by the Inspectorate. The sector and the Inspectorate have worked together on drafting There is close cooperation between the sector and the Inspectorate. VG documents and VG-templates have been drafted together ('VG' = 'Veiligheid and Gezondheid'; Health and Safety), which help the sector to compile and submit their VG-documents. There is a lot of contact between the sector and the Inspectorate and much time spent together; companies may invest 1 to 2 man year in work for and contacts with the SodM.</p> <p>Thirdly, an approach can be distinguished in which OSH requirements are part of contractual obligations in economic interactions (see TNO, 2012). Examples include the need for some bigger companies to conform to ISO/NEN requirements, the obligation for building contractors to have a Safety Certificate ('Veiligheids Checklist Aannemer'; VCA), or requirements to be connected to an Insurance company.</p>	<p>The third approach can mostly be found in the construction sector and in sectors with a high level of contracting (e.g. window cleaning),</p>
What are the key characteristics of the approach?	The key characteristic of the first approach is: tailor made measures are offered to companies, that can more or less easily comply and meet requirements in a way accepted by the inspectorate.	As said before, the approach proves to be most of all effective in sectors where member organisations are facing risks and legal requirements that they cannot tackle on their own. The OSH catalogues helps them to solve their problem and thus facilitates compliance. They are however not a motivating factor to take OSH measures in themselves. The extent to which the catalogues are known and implemented at the

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>The third approach most often concerns specific measures (actual risk reduction measures) that are specifically required in order to obtain business or insurance contracts.</p>	<p>workplace differs per sector but is generally low (ITS, 2011). The implementation level of the OSH catalogues is higher in sectors where additional measures are taken to support and further sensitise the company to implement measures promoting OSH. Examples are the metal industry, where instruments are provided, information is given and free OSH coaching is provided for by sector organisations. Similar activities can be found in the construction sector, the agricultural and green sectors, the paint sector and the soap and detergent sector.</p> <p>In the third approach, compliance with issues such as 'having the required certificate' or 'having the required measure in place' is sometimes more important than the effectiveness of the measures.</p>
<p>What are the criteria upon which priorities for compliance measures are set?</p>	<p>In the first approach the most relevant ('priority') risks are defined by the social partners and are addressed in the OSH catalogues. So: noise is an important risk in the OSH catalogue for the metal industries, VDU work in the catalogue for the financial sector.</p> <p>In the third approach those measures have priority that minimise the actual chances of accidents happening, which would cause damage to the economic functioning of the (hiring) company or its overall image.</p>	
<p>Are stakeholders (workers and their representatives) involved in the forming of the compliance approach and its further development?</p>	<p>In the first approach, social partners (employers' organisations and trade unions) at sectoral level are the central actors and thus heavily involved in the forming of the compliance approach.</p> <p>In the second approach all stakeholders have a role in the system of checks and balances that is organised (with committees, supervisory boards, consultation groups and training and certification schemes).</p>	

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	In the third approach, economically powerful stakeholders (contractors, insurance companies, headquarters) play an important role.	

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

In the Netherlands, there are many accompanying actions, in particular guidance documents and support tools, which strive to support companies in implementing OSH requirements in an efficient manner. The accompanying actions considered by the authorities to be most useful and having the widest outreach are the 'Arboportaal', 'Arbokennisnet', the Information Campaign 'Arbowet 2007', the 'Branche RI&E', the 'Arbo catalogi' and the Focal Point. Other important campaigns mentioned by the authorities were FARBO, SPA and subsidies for work safety.

The employers agreed that FARBO and 'Branche RI&E' were good examples of support actions for entrepreneurs who want to invest in OSH. The best example of effective accompanying actions, according to the employers, is the bipartite programme '5xBeter' ('five times better') in Dutch metal industries. Employers' organisation in the fishery sector pointed out that several segments in fisheries have models for branch risk assessment.

The trade unions pointed at the digital risk assessment tool as an effective support tool (and to a lesser extent the Arboportaal) and they also mentioned the 'FNV Zwanger app' ('The FNV pregnancy app') and the 'FNV Geluid app' ('FNV noise app'). The trade union for the public sector ABVA KABO has the experience that Works Councils prefer ready-to-use tools to carry out measurements or surveys among the workers themselves. In general, trade unions believe that the available supporting measures and tools provide good help for those who are looking for help. The big issue, as far as they are concerned, is the process that precedes this phase: how to convince companies of the need and importance to take effective OSH measures? Fresh approaches to address this issue are lacking.

Stakeholders from specific sectors indicated that more creating supporting measures are required, targeting the specific sector. There is also a need for a mechanism that helps companies from one sector to join forces and to ensure compliance with certain OSH requirements. Also the issue of funding was highlighted, for the operational application of general norms in specific circumstances.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

The following documents have been identified:

Directive 89/391/EEC (Framework Directive)

- The 'Arboportaal' by the Ministry of Social Affairs and Employment is a website that

provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work. nl (<http://www.arboportaal.nl/>).

- **‘Arbokennisnet’** is the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment and is a collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (<http://www.arbokennisnet.nl/index.html>),
- **Information campaign Arboret 2007**; a campaign aimed at improving the awareness and knowledge of target groups of the new policy instruments and changed legislation. Target groups are social partners, individual employers and workers and OSH professionals.
- Development of **digital Risk Assessment tools**, carried out by social partners in co-operation with the Ministry of SZW, in order to facilitate the execution of risk assessments by employers. Around 170 sector specific tools have been developed.
- **OSH Covenants**; a programme that lasted 8 years (from 1999-2007), during which social partners and the ministry SZW concluded and implemented OSH covenants at sectoral level (69 in total), aimed at achieving targeted OSH goals and reducing sickness leave and the amount of people unfit for work.
- **The arbocatalogus project** (Project OSH catalogues), subsidized by the Ministry of SZW and carried out by a bipartite Commission to promote OSH catalogues (CBA: Commissie Bevoordere Arbocatalogi). The aim was for to stimulate sectors to develop their own catalogues. This has resulted in 145 sectors having their own OSH catalogue.
- **Dutch Focal Point**; the Dutch information centre, connected to the European Agency for Health and Safety at work in Bilbao (<https://osha.europa.eu/fop/netherlands/nl/front-page>).
- **Self-inspection tools** (Zelfinspectie) is a series of web-based instruments, developed by the Labour Inspectorate (Inspectie SZW), aiming to help companies to improve the OSH management and take the right OSH measures to comply to OSH laws (<http://www.zelfinspectie.nl/>).
- **Action plan ‘Healthy Enterprise’** has been implemented at the beginning of 2014. The project aims to make SME companies in the care, construction and logistics sectors (up to approx. 250 workers) aware of the necessity to improve ‘sustainable employability’ with specific focus on workers’ health. (Other themes that are addressed by the programme ‘Sustainable employability’ are mobility and education) (<http://www.wgvzorgenwelzijn.nl/ActieplanGezondBedrijf>).
- **FNV digital work pressure test** (FNV/SKB Sneltest Werkdruk) is a simple test that helps workers to establish the level of their work pressure (<http://www.sneltestwerkdruk.nl/>).
- **DVD about risks and measures for working safe with hatch cover cranes / gantry cranes on board of ships**; issued by Algemene Commissie tot Voorkoming van Arbeidsongevallen Zeevarenden (ACVAZ) (see: <http://www.kvnr.nl/restyle-website/dossiers/luikenwagens/20130412113524>).
- **Arbobladen (OSH sheets) on risks on board of vessels: (1) luikenwagens (‘hatch cover cranes / gantry cranes’); (2) meren en ontmeren (‘mooring and unmooring’); (3) gebruik kleine hijsmiddelen en hijswerktuigen (‘use of small hoists and cranes’)**. See: <http://www.kvnr.nl/restyle-website/arbocatalogus/actuele-risicos>

Council Directive 89/654/EEC (workplace)

- **Special dossier on ‘Workplace’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work. (<http://www.arboportaal.nl/onderwerpen/veilig-werken/inrichting-werkvloer/werkplaatsnormen.html>)
- **Dossier ‘Werkplekinrichting’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A

collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_werkplekinrichting.html).

- **Basis inspectiemodule Inrichting arbeidsplaatsen** (basic inspection module design of the workplace); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning the workplace, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Arbeidsplaatsen - algemeen_tcm335-327507.pdf).

Directive 2009/104/EC (work equipment)

- **Special dossier on ‘Work equipment’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work. (<http://www.arboportaal.nl/onderwerpen/veilig-werken/arbeidsmiddelen>)
- **Basis inspectiemodule Arbeidsmiddelen** (basic inspection module work equipment);); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning work equipment, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Arbeidsmiddelen - algemeen_tcm335-327506.pdf).

Council Directive 89/656/EEC (PPE)

- **Special dossier on ‘PPE on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/veilig-werken/persoonlijke-beschermingsmiddelen/algemene-inleiding-pbm.html>).

Council Directive 92/58/EEC (OSH signs)

- **Special dossier on ‘OSH signs’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/veilig-werken/inrichting-werkvloer/veiligheidssignalering.html>).

Directive 1999/92/EC (ATEX)

- **Special dossier on ‘ATEX’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/gevaarlijke-stoffen/explosiegevaar/explosieveiligheid-atex.html>).
- **Informatieblad ARIE-regeling** (2005) (information sheet extended risk evaluation); a guideline prepared in commission of the ministry of SZW to help companies with high risks to comply to the obligation to carry out an extended risk evaluation (http://www.inspectieszw.nl/Images/Informatieblad_ARIE-regeling_voor_vervoersgebonden_inrichtingen_tcm335-313912.pdf).

Council Directive 90/269/EEC (manual handling of loads)

- **Special dossier on ‘Manual handling of loads’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and

safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysieke-belasting/dynamische-werkhouding/tillen-en-dragen.html>).

- **Dossier ‘Fysieke belasting’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_fysieke_belasting.html)
- **Checklist Fysieke belasting** (Checklist physical burden): a website with three tools to assess the physical burden on the basis of work and movement characteristics (www.fysiekebelastingbeoordelen.tno.nl).
- **Rekentool: bereken Maximaal Tilgewicht Online** (Digital calculation tool: calculate maximum lifting weight online); a digital online tool developed in commission of FNV Bondgenoten (the private sector trade union) (<http://www.arbobondgenoten.nl/arbothem/lichblst/lift.htm>).
- **Verlicht de last!** (2007); labour inspectorate (reduce the burden!); guidelines for the health and care sector with measures to reduce the burden of the lower back (http://www.inspectieszw.nl/Images/Verlicht%20de%20last!%20Preventie%20van%20lageruigaandoeningen%20in%20de%20gezondheidszorg_tcm335-312524.pdf).

Council Directive 90/270/EEC (display screen equipment)

- **Special dossier on ‘Display Screen Equipment’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysieke-belasting/statische-werkhouding/beeldschermwerk.html>).
- **Dossier ‘Beeldschermwerk’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/images/dynamic/Dossiers/RSI_Beeldschermwerk/D_Beeldschermwerk.pdf).

Directive 2002/44/EC (vibration)

- **Special dossier on ‘vibration’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysische-factoren/trillingen.html>).
- **Dossier ‘Trillingen’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_geluid_en_trillingen.html)
- **Basisinspectiemodule lichaamstrillingen** (basic inspection module body vibration); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning body vibration, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Lichaamstrillingen_tcm335-327588.pdf).

Directive 2003/10/EC (noise)

- **Special dossier on ‘noise’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations,

requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysische-factoren/geluid.html>).

- **Dossier ‘Geluid’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_geluid_en_trillingen.html).
- **Oorverdovend; geluid in discotheken** (Noise in discotheques; Arbeidsinspectie, 2012). A leaflet describing findings of the labour inspectorate concerning noise in discotheques and effective measures (http://www.inspectieszw.nl/Images/Maatregelen%20tegen%20schadelijk%20geluid%20in%20discotheken%20-%20factsheet_tcm335-328986.pdf).
- **Kenniscentrum gehoor en arbeid** (Expert centre hearing and work); a collaboration of several university medical centres, aiming at providing OSH prevention services with state of the art information on hearing and work (<http://www.gehoorenarbeid.nl>).
- **Schadelijk geluid; Informatie voor werknemers en werkgevers** (Noise; information for employers and workers); a brochure with information on sources and measures about noise at work (Arbeidsinspectie, 2008) (http://www.inspectieszw.nl/Images/Schadelijk%20geluid%20Informatie%20voor%20werknemers%20en%20werkgevers_tcm335-312412.pdf).
- **FNC geluids app** (2013) (‘FNV noise app’): a tool for workers to measure noise and to inform them on the risks of exposure to noise, on possible measures and on their rights. (<http://www.fnv.nl/artikelen/fnv-decibelmeter/>).

Directive 2004/40/EC (electromagnetic fields)

- **Special dossier on ‘Electromagnetic fields’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysische-factoren/elektromagnetische-velden-niet-ioniserend.html>).
- **Dossier ‘Electromagnetische velden’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_ioniserende_en_elektromagnetische_straling.html).
- **Elektromagnetische velden op het werk** (Electromagnetic fields at work); ministry SZW/RIVM, 2006; a brochure with information on sources and measures about electromagnetic fields at work (<http://kennisplatform.nl/Files/Documents/Elektromagnetische%20velden%20in%20Arbeidssituaties.pdf>).

Directive 2006/25/EC (artificial optical radiation)

- **Special dossier on ‘optical radiation’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/fysische-factoren/optische-straling.html>).
- **Dossier ‘artificial optical radiation’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians

(http://www.arbokennisnet.nl/kennisdossier_ioniserende_en_elektromagnetische_straling.html)

- **Brochure Optische Straling; beoordelen en beheersen van risico's in arbeidssituaties**, 2011, SZW (Brochure optical radiation); Brochure for organisation where workers can be exposed to artificial optical radiation, either as a side effect of conscious application of artificial optical radiation or because of malfunctions or disturbances (<http://www.arboportaal.nl/types/brochure/brochure-optische-straling.html>).
- **Optische straling in arbeidssituaties; Praktische aspecten bij implementatie in Nederland van de EU-richtlijn betreffende de blootstelling aan bronnen van kunstmatige optische straling**; 2006 (optical radiation at work; practical aspects of implementation in NL of the EU directive); Report to facilitate interpretation of the European guideline on optical radiation; ministry SZW, F.P. Wieringa, C.J.P.M. Teirlinck en J.W.A.M. Alferdinck (http://www.inspectieszw.nl/Images/Optischestraling_tcm335-314031.pdf).

Directive 2004/37/EC (carcinogens or mutagens)

- **Special dossier on 'carcinogens and mutagens'** on the Arboportaal by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/gevaarlijke-stoffen/gevaarlijke-stoffen/kankerverwekkende-en-mutagene-stoffen.html>).
- **Dossier 'Kankerverwekkende, mutagene en teratogene stoffen' on 'Arbokennisnet'**; the result of the project 'Health and Safety Knowledge unlocked', funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_gevaarlijke_stoffen.html).
- **Stoffenmanager** (substance manager); a digital tool for hazard, exposure and risk assessment tool, for prioritisation of substances of risks and for identifying effective measures; developed in commission of the ministry of SZW (<https://stoffenmanager.nl/>).
- **'Veilig werken met chemische stoffen'** (working safe with chemical substances); a digital tool developed in commission of the Social Economic Council to help identify limit values of hazardous substances and/or safe working methods with substances (<http://www.veiligwerkenmetchemischestoffen.nl/default.aspx>).
- **Ministeriële lijst van carcinogenen** (Ministerial list of carcinogens); list of carcinogens based on advice of the Health Council and on the European list following Directive 67/548/EEG (<http://www.arboportaal.nl/types/tools-en-instrumenten/kankerverwekkende-stoffen-en-processen.html>).
- **REACH-informatie ten behoeve van het Arbobeleid in bedrijven** (2011) (REACH information for OSH policy in companies); Guideline of the Ministry SZW to help companies to make use of REACH information for their OSH policy (http://www.inspectieszw.nl/Images/010606_S07_OM_Handreiking_REACH_DEF_tcm335-327075.pdf).
- **Informatieblad ARIE-regeling** (2005) (information sheet extended risk evaluation); a guideline prepared in commission of the ministry of SZW to help companies with high risks to comply to the obligation to carry out an extended risk evaluation (http://www.inspectieszw.nl/Images/Informatieblad_ARIE-regeling_voor_vervoersgebonden_inrichtingen_tcm335-313912.pdf).
- **Basisinspectiemodule Gevaarlijke Stoffen (2012)**; (basic inspection module chemical agents); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning chemical agents, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Basisinspectiemodule_Gevaarlijke_stoffen_tcm335-334499.pdf).
- **Zelfinspectietool gevaarlijke stoffen** (self-inspection tool hazardous substances); a web-

based instrument, developed by the Labour Inspectorate (Inspectie SZW), aiming to help companies to improve the OSH management and take the right OSH measures to comply to OSH laws: <http://zelfinspectie.nl/gevaarlijkestoffen>

Council Directive 98/24/EC (chemical agents at work)

- **Special dossier on ‘chemical agents’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboporta.nl/onderwerpen/gevaarlijke-stoffen/gevaarlijke-stoffen/nanodeeltjes.html>).
- **Special dossier on ‘nanoparticles’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboporta.nl/onderwerpen/gevaarlijke-stoffen/gevaarlijke-stoffen/nanodeeltjes.html>).
- **Dossier ‘Gevaarlijke stoffen’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_gevaarlijke_stoffen.html).
- **Stoffenmanager** (substance manager); a digital tool for hazard, exposure and risk assessment tool, for prioritisation of substances of risks and for identifying effective measures; developed in commission of the ministry of SZW (<https://stoffenmanager.nl/>).
- **‘Veilig werken met chemische stoffen’** (working safe with chemical substances); a digital tool developed in commission of the Social Economic Council to help identify limit values of hazardous substances and/or safe working methods with substances (<http://www.veiligwerkenmetchemischestoffen.nl/default.aspx>).
- **PIMEX** (Picture Mix Exposure). Practical instructions on movies (on youtube channels), linked to the Stoffenmanager, to demonstrate the effect of control measures on the exposure to chemical substances (<https://stoffenmanager.nl/Public/Pimex.aspx>).
- **Zelfinspectie gevaarlijke stoffen** (self-inspection hazardous substances) is a web-based instrument, developed by the Labour Inspectorate (Inspectie SZW), aiming to help companies to improve the OSH management and take the right OSH measures to comply to OSH laws (<http://www.inspectieszw.nl/actueel/campagnes/zelfinspectiegevaarlijkestoffen.aspx>).
- **Informatieblad ARIE-regeling** (2005) (information sheet extended risk evaluation); a guideline prepared in commission of the ministry of SZW to help companies with high risks to comply to the obligation to carry out an extended risk evaluation (http://www.inspectieszw.nl/Images/Informatieblad_ARIE-regeling_voor_vervoersgebonden_inrichtingen_tcm335-313912.pdf).
- **REACH-informatie ten behoeve van het Arbobeleid in bedrijven** (2011) (REACH information for OSH policy in companies); Guideline of the Ministry SZW to help companies to make use of REACH information for their OSH policy (http://www.inspectieszw.nl/Images/010606_S07_OM_Handreiking_REACH_DEF_tcm335-327075.pdf).
- **Basisinspectiemodule Gevaarlijke Stoffen (2012)**; (basic inspection module chemical agents); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning the workplace, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Basisinspectiemodule_Gevaarlijke_stoffen_tcm335-334499.pdf).
- **Handleiding veilig werken met Nanomaterialen en producten** (Manual ‘Working safe with nanomaterials and –products’); manual produced by social partners with subsidy of the ministry SZW to facilitate safe work with the uncertain risks of nanomaterials

(<http://www.arboportaal.nl/types/tools-en-instrumenten/handreiking-veilig-werk-met-nanomaterialen-en-producten.html>).

- **Tijdelijke nanoreferentiewaarden** (Provisional Nano-reference values); an advice by the Socio-Economic Council for provisional reference values for safe working with synthetic nanoparticles (<http://www.ser.nl/nl/publicaties/adviezen/2010-2019/2012/b30802.aspx>).
- **FNV Baby box**; a box with tools to raise awareness of workers and to inform them about the risks of exposure to chemical agents during the conception and pregnancy phase and about possible measures to counter these.

Directive 2009/148/EC (asbestos)

- **Special dossier on ‘asbestos’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/gevaarlijke-stoffen/gevaarlijke-stoffen/asbest.html>).
- **Dossier ‘asbestos’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_gevaarlijke_stoffen.html).
- **Stoffenmanager** (substance manager); a digital tool for hazard, exposure and risk assessment tool, for prioritisation of substances of risks and for identifying effective measures; developed in commission of the ministry of SZW (<https://stoffenmanager.nl/>).
- **‘Veilig werken met chemische stoffen’** (working safe with chemical substances); a digital tool developed in commission of the Social Economic Council to help identify limit values of hazardous substances and/or safe working methods with substances (<http://www.veiligwerkenmetchemischestoffen.nl/default.aspx>).
- **Asbest in bedrijven en instellingen** (asbestos on companies and institutes); ministries VROM en SZW (no date); Frequently asked questions about working with asbestos in companies and institutes ([http://www.inspectieszw.nl/Images/11br2006g205-200677-1457211%20\(2\)_tcm335-312495.pdf](http://www.inspectieszw.nl/Images/11br2006g205-200677-1457211%20(2)_tcm335-312495.pdf)).
- **Basisinspectiemodule Gevaarlijke Stoffen (2012)**; (basic inspection module chemical agents); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning hazardous substances, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Basisinspectiemodule_Gevaarlijke_stoffen_tcm335-334499.pdf).
- **Zelfinspectie gevaarlijke stoffen** (self inspection hazardous substances) is a web-based instrument, developed by the Labour Inspectorate (Inspectie SZW), aiming to help companies to improve the OSH management and take the right OSH measures to comply to OSH laws (<http://www.inspectieszw.nl/actueel/campagnes/zelfinspectiegevaarlijkestoffen.aspx>).

Directive 2000/54/EC (biological agents)

- **Special dossier on biological agents** on the Arboportaal by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/gevaarlijke-stoffen/biologische-agentia>).
- **Dossier ‘Biological agents’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians

(http://www.arbokennisnet.nl/kennisdossier_gevaarlijke_stoffen.html).

- **Website kiza.nl** ('kennissysteem infectieziekten en arbeid'; expert system infectious diseases and work); a website with a collection of different information types specifically about infection diseases related to work and working conditions (www.kiza.nl).

Council Directive 92/57/EEC (temporary or mobile construction sites)

- **Special dossier on 'subcontracting' on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/arbowet--en--regelgeving/verantwoordelijkheden/onderaannemer.html>).
- **Special dossier on 'working on heights' on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/veilig-werken/inrichting-werkvloer/werken-op-hoogte.html>).
- **Special dossier on 'the construction process' on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/veilig-werken/inrichting-werkvloer/bouwproces.html>).
- **Dossier 'Bouwproces' on 'Arbokennisnet'**; the result of the project 'Health and Safety Knowledge unlocked', funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_bouwproces.html).
- **Basis inspectiemodule Tijdelijke werkzaamheden op hoogte** (2012); (basic inspection module temporary work on height); a guideline for the Labour Inspectorate to inspect compliance to regulations concerning the construction site, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Tijdelijke%20werkzaamheden%20op%20hoogte%20-%20rolsteigers%20en%20draagbaar%20klimmaterieel_tcm335-331063.pdf).

Council Directive 92/104/EEC (surface and underground mineral-extracting industries)

- **Risicoprofiel industrie en delfstofwinning** (risk profile surface and underground mineral-extracting industries); Leaflet by TNO, commissioned by the Ministry SZW, to inform about the major factors leading to risks in the surface and underground mineral-extracting industries and the accidents most likely to happen ([http://www.arboportaal.nl/types/zie-ook/risicoprofiel-industrie-en-delfstofwinning.html/?/](http://www.arboportaal.nl/types/zie-ook/risicoprofiel-industrie-en-delfstofwinning.html?/)).

Council Directive 92/91/EEC (mineral-extracting industries through drilling)

- [None]

Council Directive 92/29/EEC (medical treatment on board vessels)

- **Medische opleidingen in de zeevaart, informatie voor trainingsinstituten** (Medical education in sea sailing; information for education institutes). The Human Environment and Transport Inspectorate (recent) (http://www.ilent.nl/Images/Stagevervangende%20training%20Medische%20Zorg%20aan%20Boord%20Certificaat%20Scheepsgezondheidszorg-%20O_tcm334-318361.pdf).

Council Directive 93/103/EC (work on board fishing vessels)

- **Risicoprofiel landbouw en visserij** (risk profile agriculture and fishery); Leaflet by TNO, commissioned by the Ministry SZW, to inform about the major factors leading to risks in agriculture and fishery and the accidents most likely to happen (<http://www.arboportaal.nl/types/zie-ook/risicoprofiel-landbouw-en-visserij.html?/>).

Council Directive 92/85/EEC (pregnant/breastfeeding workers)

- **Special dossier on ‘pregnancy/breast feeding’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/arbowed-en--regelgeving/rechten-en-plichten/zwangeren-en-vrouwen-die-borstvoeding-geven.html>).
- **Dossier ‘Zwangeren’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_bijzondere_groepen.html).
- **Zwanger worden** (Toolkit ‘becoming pregnant’) (from RIVM, State Institute for public health and environment); Toolkit for the general public to inform about becoming pregnant and becoming a parent in a healthy way for both parent and child, with a special section about pregnancy and work (http://toolkits.loketgezondleven.nl/toolkits/?page_id=1747).
- **zwangerwijzer.nl**: a medical website for pregnancy and health information that has had a work component added to it (<http://www.zwangerwijzer.nl/>).
- **Zwangerschap: veilig werken en verlof**; inspectorate, 2008 (pregnancy: safe work and leave); a booklet for employers and workers to inform about work and pregnancy (http://www.inspectieszw.nl/Images/Zwangerschap%20Veilig%20werken%20en%20verlof_tcm335-312428.pdf).
- **Handreiking arbomaatregelen zwangerschap & arbeid**, stichting van de arbeid, 2008; (guidelines OSH measures pregnancy and work; a booklet produced by the Foundation for Labour to help sectors to include measures for pregnancy in the OSH catalogue (http://www.stvda.nl/nl/publicaties/brochure/200805_handreiking_zwangerschap_arbeid.aspx)).
- **Basisinspectiemodule Zwangerschap & Werk** (2011); basic inspection module pregnancy and work; a guideline for the Labour Inspectorate to inspect compliance to regulations concerning pregnancy and work, on the basis of the present state of the art (http://www.inspectieszw.nl/Images/Zwangerschap_en_arbeid_tcm335-327598.pdf).
- **FNV Baby box** (2010); a box with tools to raise awareness of workers and to inform them about the risks of exposure to chemical agents during the conception and pregnancy phase and about possible measures to counter these.
- **FNV werk en zwangerschap app** (2013); (‘FNV work and pregnancy app’) a support app to inform pregnant workers of work related risks, possible measures and their rights. <http://www.fnv.nl/artikelen/werk-zwangerschap-app/>

Council Directive 91/383/EEC (temporary workers)

- **Special dossier on ‘temporary employment agencies’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/arbowed-en--regelgeving/verantwoordelijkheden/uitzendbureau.html>).
- **Handreiking uitzendwerk**; stichting voor de arbeid, 2010; OSH guidelines for temporary employment agency work and for employing newcomers on the labour market; a booklet

produced by the Foundation for Labour to help sectors to include measures for temporary work in the OSH catalogue (http://www.stvda.nl/nl/publicaties/brochure/20100701_handreiking.aspx).

Council Directive 94/33/EC (young people at work)

- **Special dossier on ‘young people at work’ on the Arboportaal** by the Ministry of Social Affairs and Employment; a website that provides information on, among others, current regulations, requirements, opportunities, and good practices related to occupational health and safety regulations at work (<http://www.arboportaal.nl/onderwerpen/arbowed-en-regelgeving/rechten-en-plichten/jongeren.html>).
- **Dossier ‘Jongeren’ on ‘Arbokennisnet’**; the result of the project ‘Health and Safety Knowledge unlocked’, funded by the Ministry of Social Affairs and Employment. A collaboration between multidisciplinary partners such as professional organisations, occupational health and safety experts, and occupational physicians (http://www.arbokennisnet.nl/kennisdossier_bijzondere_groepen.html).
- **Jongeren en werk** (government website ‘young people at work’). General information for young people about their rights, obligations and other relevant issues concerning work (<http://www.rijksoverheid.nl/onderwerpen/jongeren-en-werk>).

For each identified document/action, the table indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (ST) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
Arboportaal.nl.	G / ST	A 2008	All parties
Information campaign Arbowed 2007	AR	A 2007	Employers and workers, social partners, intermediaries
Development of digital Risk Assessment tools	ST	A/S 2003	Employers and prevention advisers
OSH Covenants	AR/ST/FI	A/S 1999	All sectors and authorities
The arbocatalogus project (Project OSH catalogues)	AR/ST/FI	A/S 2007	All sectors and authorities
Dutch Focal Point	G/ST	A/S	Employers and workers
Arbokennisnet	G	S	Prevention advisers and expert workers
Self-inspection tool	ST	A 2011	Employers and

Name	Type	Initiated by (and date)	Target groups
			workers
Action plan 'Healthy Enterprise'	AR	S 2014	Employers and workers
FNV/SKB 'Sneltest Werkdruk'	ST	S 2012	Workers
DVD about risks and measures for working safe with hatch cover cranes / gantry cranes on board of ships	G	S 2012	Employers, workers and training institutes
Arbobladen (OSH sheets) on risks on board of vessels: (1) luikwagons ('hatch cover cranes / gantry cranes'); (2) meren en ontmeren ('mooring and unmooring'); (3) gebruik kleine hijsmiddelen en hijswerktuigen ('use of small hoists and cranes').	G	S 2012	Employers and workers
Council Directive 89/654/EEC (workplace)			
Special dossier on Workplace on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Basis inspectiemodule Inrichting arbeidsplaatsen (basic inspection module design of the workplace)	G	A 2012	Inspectorate
Directive 2009/104/EC (work equipment)			
Special dossier on work equipment on Arboportaal	G / ST	A 2008	All parties
Basis inspectiemodule Arbeidsmiddelen (basic inspection module work equipment)	G	A 2012	Inspectorate
Council Directive 89/656/EEC (PPE)			
Special dossier on PPE on Arboportaal	G / ST	A 2008	All parties
Council Directive 92/58/EEC (OSH signs)			
Special dossier on OSH signs on Arboportaal	G / ST	A 2008	All parties
Directive 1999/92/EC (ATEX)			
Special dossier on ATEX on Arboportaal	G / ST	A 2008	All parties
Informatieblad ARIE-regeling (information sheet extended risk evaluation)	G	A 2005	All parties
Council Directive 90/269/EEC (manual handling of loads)			
Special dossier on manual handling of loads on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Checklist Fysieke belasting (Checklist physical burden)	G / ST	A/S	Employers and prevention advisers
Rekentool: bereken Maximaal Tilgewicht Online	G	S	Workers
Verlicht de last!; (reduce the burden!; guidelines for the health and care sector))	G	A 2007	Employers and workers in health care sector
Council Directive 90/270/EEC (display screen equipment)			

Name	Type	Initiated by (and date)	Target groups
SZW Arboportaal: Beeldschermwerk	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Directive 2002/44/EC (vibration)			
Special dossier on vibration on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Basisinspectiemodule lichaamstrillingen (basic inspection module body vibration)	G	A 2010	Inspectorate
Directive 2003/10/EC (noise)			
Special dossier on vibration on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Oorverdovend; geluid in discotheken (Noise in discotheques)	G	A 2012	Employers and workers
Kenniscentrum gehoor en arbeid (Expert centre hearing and work); http://www.gehoorenarbeid.nl	G	A 2008	Occupational physicians
Schadelijk geluid; Informatie voor werknemers en werkgevers (Noise; information for employers and workers)	G	A 2008	Employers and workers
FNV Noise app	AT/ST	S 2013	Workers
Directive 2004/40/EC (electromagnetic fields)			
Special dossier on electro-magnetic fields on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Elektromagnetische velden op het werk (Electromagnetic fields at work); ministry SZW/RIVM, 2006	G	A 2006	Employers and prevention advisers
Directive 2006/25/EC (artificial optical radiation)			
Special dossier on optical radiation Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
"Brochure Optische Straling; beoordelen en beheersen van risico's in arbeidssituaties" (Brochure optical radiation)	G	A 2011	Employers and prevention advisers
"Optische straling in arbeidssituaties; Praktische aspecten bij implementatie in Nederland van de EU-richtlijn betreffende de blootstelling aan bronnen van kunstmatige optische straling"; 2006 (optical radiation at work; practical aspects of implementation in NL of the EU directive)	G	A 2006	Employers and prevention advisers
Directive 2004/37/EC (carcinogens or mutagens)			

Name	Type	Initiated by (and date)	Target groups
Special dossier on carcinogens and mutagens on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Hazard, exposure and risk assessment tool Stoffenmanager	ST	A (?)	All parties
Project 'Veilig werken met chemische stoffen' (working safe with chemical substances)	ST	S 2008	Employers and prevention advisers
Ministerial list of carcinogens	G	A	Employers and prevention advisers
REACH-informatie ten behoeve van het Arbobeleid in bedrijven (REACH information for OSH policy in companies)	G	A 2011	Employers and prevention advisers
Informatieblad ARIE-regeling (information sheet extended risk evaluation)	G	A 2005	Employers and prevention advisers
Basisinspectiemodule Gevaarlijke Stoffen (basic inspection module chemical agents)	G	A 2012	Inspectorate
Zelfinspectietool gevaarlijke stoffen (self-inspection tool hazardous substances): http://zelfinspectie.nl/gevaarlijkestoffen	G	A 2012	Employers and workers
Council Directive 98/24/EC (chemical agents at work)			
Special dossier on chemical agents on Arboportaal	G / ST	A 2008	All parties
Special dossier on nanoparticles on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Hazard, exposure and risk assessment tool Stoffenmanager	G / ST	A 2008	All parties
Project 'Veilig werken met chemische stoffen' (working safe with chemical substances): http://www.veiligwerkenmetchemischestoffen.nl/default.aspx	ST	S 2008	Employers and prevention advisers
Practical instructions on movies: PIMEX	AR / G	A (?)	Employers and workers
Zelfinspectie: Gevaarlijke stoffen (web-based self-inspection tool voor chemical agents)	G	A 2012	Employers and workers
Informatieblad ARIE-regeling (information sheet extended risk evaluation)	G	A 2005	Employers and prevention advisers
REACH-informatie ten behoeve van het Arbobeleid in bedrijven (REACH information for OSH policy in companies)	G	A 2011	Employers and prevention advisers
Basisinspectiemodule Gevaarlijke Stoffen (basic inspection module chemical agents)	G	A 2012	Inspectorate
Handleiding veilig werken met Nanomaterialen en producten (Manual 'Working safe with nanomaterials and -products).	G	S 2012	Employers and workers

Name	Type	Initiated by (and date)	Target groups
Tijdelijke nanoreferentiewaarden (Provisional Nano-reference values)	G	S 2012	Employers and prevention advisers
FNV Baby box	AT/ST	S 2010	Workers
Directive 2009/148/EC (asbestos)			
Special dossier on asbestos on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Hazard, exposure and risk assessment tool Stoffenmanager	ST	A (?)	All parties
Project 'Veilig werken met chemische stoffen' (working safe with chemical substances)	ST	S 2008	Employers and prevention advisers
Asbest in bedrijven en instellingen; (asbestos in companies and institutes); ministries VROM en SZW (no date)	G	A ?	Employers and prevention advisers
Basisinspectiemodule Gevaarlijke Stoffen (2012); (basic inspection module chemical agents)	G	A 2012	Inspectorate
Zelfinspectietool gevaarlijke stoffen (self-inspection tool hazardous substances)	G	A 2012	Employers and workers
Directive 2000/54/EC (biological agents)			
Special dossier on biological agents on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Website www.kiza.nl (expert system infectious diseases and work)	AR/G	A 2011	Occupational physicians
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Special dossier on subcontracting on Arboportaal	G / ST	A 2008	All parties
Special dossier on working on heights on Arboportaal	G / ST	A 2008	All parties
Special dossier on the construction process on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Basis inspectiemodule Tijdelijke werkzaamheden op hoogte (2012); (basic inspection module temporary work on height)	G	A 2012	Inspectorate
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
Risicoprofiel industrie en delfstofwinning; min SZW (2010) (risk profile surface and underground mineral-extracting industries)	G	A 2010	Employers and prevention advisers
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
No Directive specific action available	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
Medische opleidingen in de zeevaart, informatie voor	G	A ?	Training institutes

Name	Type	Initiated by (and date)	Target groups
trainingsinstituten; (Medical education in sea sailing; information for education institutes). The Human Environment and Transport Inspectorate (recent)			
Council Directive 93/103/EC (work on board fishing vessels)			
Arbeidsongevallen in de sector landbouw en visserij; min SZW, no date (work accidents in the sector agriculture and fishery)	G	A ?	Employers and prevention advisers
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
Special dossier on pregnancy/breast feeding on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Toolkit 'becoming pregnant': Zwanger worden (from RIVM, State Institute for public health and environment)	G / ST	A 2010	Professionals and intermediates
www.zwangerwijzer.nl: a medical website for pregnancy and health information that has had a work component added to it.	G	A 2004	Workers
Zwangerschap: veilig werken en verlof; inspectorate, 2008 (pregnancy: safe work and leave)	G	A 2008	Workers
Handreiking arbomaatregelen zwangerschap & arbeid, stichting van de arbeid, 2008; (guidelines OSH measures pregnancy and work)	G	S 2008	Branches, social partners on sector level
Basisinspectiemodule Zwangerschap & Werk (2011); basic inspection module pregnancy and work.	G	2011	Inspectorate
FNV work and pregnancy app	AT/ST	2013	Workers
FNV Baby box	AT/ST	S 2010	Workers
Council Directive 91/383/EEC (temporary workers)			
Special dossier on temporary employment agencies on Arboportaal	G / ST	A 2008	All parties
Handreiking uitzendwerk; stichting voor de arbeid, 2010; OSH guidelines for temporary employment agency work and for employing newcomers on the labour market	G	S 2010	Branches, social partners on sector level
Council Directive 94/33/EC (young people at work)			
Special dossier on Arboportaal	G / ST	A 2008	All parties
Special dossier on Arbokennisnet	G	A	Prevention advisers and expert workers
Government website 'young people at work': jongeren en werk	G	A 2014	Workers, employers

4.2 USE OF ACCOMPANYING ACTIONS

The authorities

The authorities consider the following accompanying actions as the most important:

- *Arboportaal* is meant for small companies and prevention workers. It is visited 600.000 times per year. It is the most used source for OSH issues.
- *Arbokennisnet* is consulted several 10.000's times per year (probably by specialists). Its outreach is considered 'medium'.
- *The Information Campaign Arboret 2007* has lasted a half to one year. It reached the same amount of people as the users of the *Arboportaal*. Its outreach is therefore considered 'high'.
- *The Branche RI&E* is used around 100.000 times per year: outreach high.
- *The Arbo catalogus*' (plural) are being stimulated by the Ministry once more. Before, sectors were stimulated to draw up a catalogue. Now, they are stimulated to get them implemented in companies.
N.b.: it is important to note that the 'arbocatalogus' is not yet another accompanying action, but reflects a fundamental choice for another division of roles and responsibilities. Rendering social partners and companies more responsible themselves (as advocated by social partners).
- *The focal point* has a medium outreach of around 60/70.000 visitors.

All other accompanying actions have less outreach than those mentioned above.

Also the new campaigns of the Ministry must be mentioned, aiming at sustainable work, psychosocial disorders and healthy company.

Finished, but also important campaigns were FARBO (aimed at providing fiscal benefits for OSH investments), SPA (providing fiscal benefits for OSH development) and subsidies for work safety (allowing – also smaller – companies to hire their own work safety advisers).

The employers

According to the employers, a good example of accompanying assistance in the Netherlands are the digital branch specific risk assessment tools (the digital 'branch RI&E's'; exported to EU level as 'OIRA'). Also the 'FARBO' fiscal incentive was a good example of concrete help to entrepreneurs who want to invest in OSH.

The best example of effective accompanying actions, according to the employers, is the bipartite programme '5xBeter' ('five times better') in Dutch metal industries. This concerns a programmatic approach providing companies in the metal sector with simple and clear digital tools, good information and free in-company expert help. All this is freely available to companies in the sector. It is paid for by collective sector funds (based on membership contributions). The results are clearly visible in business conducts in the sector.

Employers' organisation in the fishery sector RVZ points out that several segments in fisheries have models for branch risk assessment. According to the RVZ they mainly remain paper tigers. RVZ states that due to the requirements for risk assessment according to Dutch law, in many cases experts execute the risk assessment, instead of the fishers themselves. RVZ feels that risk assessments executed by the fishers, even with a less quality result, would lead to better safety awareness and behaviour in the longer term.

The trade unions

Where it comes to specific tools, the trade unions point at the digital risk assessment tool as an effective support tool (and to a lesser extent the *Arboportaal*). They also mention the 'FNV Zwanger

app' ('The FNV pregnancy app') and the 'FNV Geluid app' ('FNV noise app') as well-used tools (45.000 downloads). The trade union for the public sector ABVA KABO has the experience that Works Councils prefer ready-to-use tools to carry out measurements or surveys among the workers themselves. Examples are the 'aggression game' and the 'work stress game' in the youth care sector (to be found at www.fcb.nl).

Besides, they point at the government's campaign about work stress, in which they don't see anything new really. At present clear norms and standards for work stress are missing. The experience of trade unions with the digital work pressure test demonstrates that workers need objective measures to prove work pressure.

In general, they are of the opinion that the available supporting measures and tools provide good help for those who are looking for help. The big issue, as far as they are concerned, is the process that precedes this phase: how to convince companies of the need and importance to take effective OSH measures? Fresh approaches to address this issue are lacking.

Best practice cases that may also help companies in other Member States are, according to the trade unions:

- The digital risk assessment
- The 'FNV Baby box' about chemical agents and pregnancy
- The FNV quick scan for work stress
- The FNV quick scan for work pressure

The building and construction sector

In the building and construction sector the bi-partite OSH service Arbouw provides a broad array of services and tools. One particularly effective 'tool' that is mentioned, is the periodical personal health surveillance ('PAGO'; Periodiek Arbeids Gezondheids Onderzoek) that is offered annually to all workers in the sector. In 2013 26.400 workers have had this medical examination. This examination is free of charge for individuals. It is financed with collective sector means, as agreed upon in the sectors' collective agreement. This practice makes it possible for Arbouw to monitor in detail the development of occupational health and safety and of the working conditions in the sector. According to Arbouw this is a good practice case that can be recommended to other sectors, also in other Member States.

The agriculture and green sectors

In the agriculture and green sectors the sector organisations (co-operating in STIGAS) have the same instruments in place as most other sectors (sector model risk assessment, an OSH catalogue, websites with information, et cetera). On top of that, they have a very direct communication approach towards companies, both in terms of regional/sub-sectoral group information meetings (approx. 150 per year, with on average approx. 40 companies attending) and in terms of individual servicing (approx. 1000 member companies per year).

One particularly successful practice in this sector concerns the approach towards absenteeism ('absenteeism under control'; *verzuim onder de duim*). This is a module that is offered to companies with an absenteeism rate of two times average or more. An analysis is made of the work, the working conditions and the organization in the company. This is discussed with the management and measures are agreed upon (for example: job rotation). As a follow-up regular telephone contact takes place to check implementation of the measures, Also the absenteeism is monitored. This module has proven to lead to a considerable decrease in absenteeism, with a considerable return on investment.

4.3 GAPS

According to the employers, the best accompanying assistance would be a solution-oriented website that can be disclosed with a search engine on the basis of the right keywords. It must be easy to use, it must provide a straight answer and information on the question at hand, and it must provide the solution – preferably based on a scan of the applicable OSH catalogues. This is what companies, employers and workers need. Such a tool is not available at the moment. At this moment the information provided by tools and on the internet is dispersed, off-the-point and not offering a ready solution, according to employers.

In the fishery sector gaps in accompanying actions are experienced. According to employers' organisation RVZ, other, more creative supporting measures are required. Suggestions are:

- An actual presence of a safety officer in the harbours on Thursday or Friday, when the ships are in the harbour, in order to provide information
- Create a Harbour Safety Committee
- Make sure that accidents can be reported in a no-blame culture (not anonymous but confidential) (compare the CHIRP programme in the UK)
- Make a 'responsible fishing scheme' that allows for / provides bonuses for crews that work safely.
- The costs and benefits of accidents should be made clear/visible. Something must be done about the accident perception of the Fishery sector.

In the building and construction sector, according to Arbouw, a mechanism is still missing that helps companies to join forces in order to persuade suppliers to provide materials that can be worked with in a safe and healthy way (e.g. maximum lifting weights, content of hazardous substances, noise production of machines, emission of diesel fumes).

Also, according to Arbouw a (European) development fund would be more than welcome for the operational application of general norms in specific circumstances – particularly for the quite specific circumstances on construction sites.

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement

In the Netherlands, the main authority in charge of OSH legislation enforcement is the Ministry of Social Affairs and Employment, which covers all directives apart from Directive 92/104/EEC (surface and underground mineral-extracting industries) and Directive 92/91/EEC (mineral-extracting industries through drilling) – both covered by the Ministry of Economic Affairs – and apart from Directive 92/29/EEC (medical treatment on board vessels) and Directive 93/103/EC (work on board fishing vessels) – both covered by the Ministry of Infrastructure and Environment. These two other ministries are also, together with the Ministry of Social Affairs and Employment, playing a role in the enforcement of the Framework Directive. In matters related to the European Regulation for the Registration, Evaluation and Authorisation of Chemicals (REACH; EG/1907/2006), the inspection and enforcement tasks are divided and co-ordinated between I-SZW (end users), NVWA (downstream users) and ILT (producers).

The Ministry of Social Affairs and Employment is in charge of social affairs, employment and working conditions in general and, more specifically, for all OSH related issues. Its inspecting body is the Inspectorate Social Affairs and Employment (Inspectie SZW). The Ministry of Economic Affairs has two inspecting bodies: the ‘State Supervision of Mines’, which is in charge of the inspection and enforcement of OHS law in the mineral extracting industries, and the ‘Netherlands Food and Consumer Product Safety Authority’, which is in charge of the inspection and enforcement of OHS law in the catering and recreational sectors. Finally, the ‘Human Environment and Transport Inspectorate’ of the Ministry of Infrastructure and Environment is in charge of the inspection and enforcement of OHS law in transport by rail, on the road and on rivers and seas.

Co-ordination between the different inspectorates at the general level takes place within the structure of the Inspectorate Council. This coordination concerns the overall strategic orientation of inspectorates and the development of common general methods, tools (e.g. for data exchange), trainings, et cetera. It does not concern specific inspection and enforcement issues at content level. The enforcement bodies competent for occupational health and safety issues and the procedures in case of infringement are the same for the public and private sector.

Strategies and priorities for inspection are published by the Inspectorate Social Affairs and Employment each year in an Annual Plan and every 2-3 year in a multi-annual plan. A specific chapter of the plan is dedicated to OSH inspections. Additionally, specific plans are presented for inspections directed at more general labour issues, including OSH. Moreover, the annual report ‘OSH in companies’ (Arbo in Bedrijf) is published, presenting a representative survey of OHS in the Netherlands (concerning for instance risks in companies, levels of compliance, types of OHS measures).

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	The Ministry SZW is in charge of social, employment and labour conditions in

Name	Type of authority
	<p>general and, more specifically, it is responsible for all OSH related issues.</p> <p>Its inspecting body with regards to OSH law is the Inspectorate SZW (Inspectie SZW or I-SZW).</p> <p>No specific judicial bodies exist for OSH issues, they follow procedures through the general judicial courts.</p>
Ministerie van EZ - Ministry of Economic Affairs (<i>Ministerie van Economische Zaken</i>)	<p>The Ministry EZ is in charge of economic affairs, competition, consumer affairs, innovation, energy, agriculture, fishery and nature.</p> <p>The inspecting body of the Ministry EZ, the 'State Supervision of Mines' (Staatstoezicht op de Mijnen) is in charge of the inspection and enforcement of OHS law in the mineral extracting industries.</p> <p>The inspecting body 'the Netherlands Food and Consumer Product Safety Authority (NVWA; Nederlandse Voedsel- en Warenautoriteit) is in charge of the inspection and enforcement of OHS law in the catering and recreational sectors.</p>
Ministerie van IenM – Ministry of Infrastructure and Environment (<i>Ministerie van Infrastructuur en Milieu</i>)	<p>The Ministry of IenM is in charge of the infrastructure on road, rail, air, water and harbours, a healthy and safe living environment and scarce resources and environmental quality.</p> <p>The inspecting body 'The Human Environment and Transport Inspectorate' (<i>Inspectie Leefomgeving en Transport; ILT</i>) of the Ministry IenM is in charge of the inspection and enforcement of OHS law in transport by rail, on the road and on rivers and seas.</p>
Council Directive 89/654/EEC (workplace)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>)	Same as Framework Directive
Directive 2009/104/EC (work equipment)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>)	Same as Framework Directive
Council Directive 89/656/EEC (PPE)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>)	Same as Framework Directive
Council Directive 92/58/EEC (OSH signs)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>)	Same as Framework Directive
Directive 1999/92/EC (ATEX)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>)	Same as Framework Directive
Council Directive 90/269/EEC (manual handling of loads)	
Ministerie SZW – Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en</i>	Same as Framework Directive

Name	Type of authority
Werkgelegenheid)	
Council Directive 90/270/EEC (display screen equipment)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Directive 2002/44/EC (vibration)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Directive 2003/10/EC (noise)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
N/A	
Directive 2006/25/EC (artificial optical radiation)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Council Directive 98/24/EC (chemical agents at work)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive (The enforcement of REACH related matters in companies is divided and co-ordinated between I-SZW, NVWA and ILT).
Directive 2009/148/EC (asbestos)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Directive 2000/54/EC (biological agents)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
Ministerie van EZ - Ministry of Economic Affairs (Ministerie van Economische Zaken)	The inspecting body 'State Supervision of Mines' (<i>Staatstoezicht op de Mijnen</i>) of the Ministry EZ is in charge of the inspection and enforcement of OHS law in the mineral extracting industries.
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
Ministerie van EZ - Ministry of Economic Affairs (Ministerie van Economische Zaken)	The inspecting body 'State Supervision of Mines' (<i>Staatstoezicht op de Mijnen</i>) of the Ministry EZ is in charge of the inspection and enforcement of OHS law in the mineral extracting industries.
Council Directive 92/29/EEC (medical treatment on board vessels)	
Ministerie van IenM – Ministry of Infrastructure and Environment (Ministerie van Infrastructuur en Milieu)	The inspecting body 'The Human Environment and Transport Inspectorate' (<i>Inspectie Leefomgeving en Transport</i> ; ILT) of the Ministry IenM is in charge of the inspection and enforcement of OHS law in

Name	Type of authority
	transport by rail, on the road and on rivers and seas.
Council Directive 93/103/EC (work on board fishing vessels)	
Ministerie van IenM – Ministry of Infrastructure and Environment (Ministerie van Infrastructuur en Milieu)	The inspecting body 'The Human Environment and Transport Inspectorate' (<i>Inspectie Leefomgeving en Transport</i> ; ILT) of the Ministry IenM is in charge of the inspection and enforcement of OHS law in transport by rail, on the road and on rivers and seas.
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Council Directive 91/383/EEC (temporary workers)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive
Council Directive 94/33/EC (young people at work)	
Ministerie SZW – Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid)	Same as Framework Directive

NIR 2013 mentions the following measures which are aimed at advancing enforcement³⁶:

- the Working Conditions Act 2007 information campaign
- the development of digital HIRA instruments (digital HIRA tools)
- the Arbocatalogus (OSH Catalogue) of the Labour Foundation
- the Arboportaal (OSH portal)
- the Arboconvenanten (Working Conditions Agreements)
- Focal Point Nederland (related to the European Agency for Safety and Health at Work in Bilbao)
- the Stoffenmanager (Substances Manager)
- the 'Veilig werken met chemische stoffen' (Working safely with chemical substances) project
- the identification of limit values
- sustainable work for employees
- the self-inspection tool

In addition, information is provided on any interactions between the enforcement bodies listed above.

A division of domains has been made. The Inspectorate Social Affairs and Employment (*Inspectie Sociale Zaken en Werkgelegenheid*; I-SZW) is in charge of the inspection and enforcement of OSH law, except in the following cases:

- The 'Supervision of Mines' (*Staatstoezicht op de Mijnen*; SodM) in charge of the inspection and enforcement of OHS law in the mineral extracting industries.
- The 'Netherlands Food and Consumer Product Safety Authority' (*Nederlandse Voedsel- en Warenautoriteit*; NVWA) is in charge of the inspection and enforcement of OHS law in the catering and recreational sectors.
- The 'Human Environment and Transport Inspectorate' (*Inspectie Leefomgeving en Transport*; ILT) is in charge of the inspection and enforcement of OHS law in transport by rail, on the road and on rivers and seas.

³⁶ See National Implementation Report, Chapter 1, 2.1, (EN) p. 12.

- In matters related to the European Regulation for the Registration, Evaluation and Authorisation of Chemicals (REACH; EG/1907/2006), the inspection and enforcement tasks are divided and co-ordinated between I-SZW (end users), NVWA (downstream users) and ILT (producers).

Further co-ordination at general level takes place within the structure of the Inspectorate Council (Inspectieraad; see par. 1.2.3. This coordination concerns the overall strategic orientation of inspectorates and the development of common general methods, tools (e.g. for data exchange), trainings, et cetera. It does not concern specific inspection and enforcement issues at content level.

Inspections

Statistical Information

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

Table 5- 2 Inspections statistical data³⁷

	<i>Number of labour inspectors</i>	<i>Number of workers per labour inspector</i>	<i>Number of inspections per 100.000 workers</i>	<i>Frequency of inspections³⁸</i>
2007	287	23.900	319	-
2008	284	24.100	346	-
2009	270	26.500	355	-
2010	260	27.300	315	18.541
2011	238	30.000	264	14.638
2012	260	27.500	276	15.966

Strategies for inspection

Strategies and priority risks for inspection are published by the Inspectorate SZW each year in an Annual Plan (*Jaarplan Inspectie SZW*) and each 2-3 years in a multi-annual plan (*Meerjarenplan*). A specific part (chapter) of each annual plan is dedicated to plans and priorities for inspection of OSH. Elements of these plans are:

- (Multi-) annual focus on specific risks
- (Multi-) annual selection of sectors with a ‘broad’ approach (longer term approach combining inspection with communication and consultation)
- (Multi-) annual selection of sectors with a ‘narrow’ approach (short term approach aiming at direct enforcement)
- (Multi-) annual selection of thematic issues

Besides, specific plans are presented for inspections directed at more general labour issues including OSH (the so-called ‘domain overarching approach’ (‘domeinoverstijgende aanpak’)).

Additionally, each year an annual report is published by the Labour Inspectorate to account for the actions and results of the precious period.

Moreover, for each specific inspection campaign a report is published by the Inspectorate SZW

³⁷ Source: National Implementation Report (NIR 2013), Chapter 1, Appendix, (EN) p. 25.

³⁸ Listed are ‘number of inspections’; source: annual report I-SZW 2012. The ESENER survey shows that, in 37.78% of the cases, a Health and Safety Inspector visited the workplace in the last 3 years in order to check health and safety conditions. Large companies, with more than 500 employees, are more frequently checked than smaller ones. The public sector is not inspected often: only 30.64% of public services have been visited in the last 3 years – in comparison with 52.48% of the production sector. See ESENER, MM170.

(‘factsheets’ or ‘sector reports’; for examples, see below).

Finally, on the basis of the results of the work of the labour inspectors, the annual report ‘OHS in companies’ (Arbo in Bedrijf) is published, presenting a statistical analysis of OHS in companies (concerning for instance risks in companies, levels of compliance, types of OHS measures).

The box below provides a short description of the strategic documents for enforcement.

The Inspectorate SZW also publishes ‘signals’, reports based on the experiences of inspectors and project managers about new developments in working conditions.

Strategic documents for enforcement

- Annual plans:
 - https://www.inspectieszw.nl/Images/Meerjarenplan-InspectieSZW-2015-2018_tcm335-359627.pdf
 - [Jaarplan 2014 Inspectie SZW](#)
 - [Jaarplan 2013 Inspectie SZW](#)
 - [Meerjarenplan 2013-2014 Inspectie SZW](#)
 - [Jaarplan 2012 Inspectie SZW](#)
 - [Jaarplan 2011 Inspectie SZW in oprichting](#)
- Annual reports:
 - [Jaarverslag Inspectie SZW 2012](#)
 - [2012 Annual Report Inspectorate SZW Summary | Jaarverslagen | 2013 | pdf-document | 329 kB](#)
 - [Jaarverslag Inspectie SZW 2011](#)
 - [2011 Annual Report of the Social Affairs and Employment Inspectorate](#)
- Project reports on specific campaigns (a selection):
 - [Sectorrapportage Transport en logistiek](#) (sector report transport and logistics)
 - [Arbeidsomstandigheden in de Wegenbouw](#) (working conditions in road construction)
 - [Hollen en stilstaan bij werkdruk](#) (running and standstill with work pressure)
 - [Veilig en gezond werken met asbest \(factsheet\)](#) (working safe and healthy with asbestos)
 - [Sectorrapportage zorg en welzijn](#) (sector report care and well-being)
 - [Projectrapportage Timmerindustrie 2005 / 2006](#); (Inspection project report joinery industry)
 - [Grafimedia 2006](#) (inspection report printing industry)
 - [Inspectie- en monitoringproject Veiligheid Arbeidsmiddelen 2006 en 2007](#) (inspection and monitoring project safety of work equipment 2006 and 2007))
 - [Project laden en lossen wonenbranche](#) (2006-2008) (inspection report loading and unloading furniture delivery sector)
 - [Groothandel en productie van dranken 2007](#) (inspection report wholesale and production of drinks)
 - [Verslag inspecties project ‘Buitendienst Overheden’](#) (2007-2008); report inspections project ‘governmental outside service workers’
 - [Projectverslag slopen van bouwwerken 2009](#) (inspection project report demolition of buildings)
 - [Projectrapportage Kappers, 2009](#) (inspection project report hairdressers)
 - [Hout-, Timmer-, en Meubelindustrie 2009](#); (inspection report wood, joinery and furniture industries)
 - [Bestrating 2010](#); (inspection report paving sector)
 - [Projectrapportage inspectieproject Facilitaire diensten in de zorg](#); 2011 (inspection project report facility services in care sector)
 - [Bakkerijen en zoetwarenbedrijven 2012](#) (inspection report bakeries and sweets production)
- ‘Arbo in bedrijf’:

- [Arbo in bedrijf 2012](#)
- [Arbo in Bedrijf 2011](#)
- [Arbo in bedrijf 2008](#)
- [Arbo in bedrijf 2007](#)
- Thematic reports, signals, other reports
 - [Versterken melden beroepsziekten – resultaten vragenlijstonderzoek \(survey\)](#) (Reinforcing notification of occupational diseases – results of survey)
 - [Factsheet arbeidsomstandigheden pakketkoeriers \(survey, signal\)](#) (Factsheet working conditions packet couriers)
 - [Liftkeuringen, onafhankelijk of niet?](#) (Elevator examinations; independent or not?)

The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

Table 5- 3 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
√	√	√	<ul style="list-style-type: none"> • Large sectors with multiple faceted OSH problems and multiple reasons for non-compliance • Sectors of 'unwilling' companies • Less complex sectors • Risk issues (thematic approach) • Certifying companies • Common European campaigns
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	others	
√	√	<ul style="list-style-type: none"> • Impact of crisis (e.g. construction sector) • Presence of pseudo-self-employed and non-traceable agencies (e.g. agriculture) • International character (e.g. transport) 	

Sanctions

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directive covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided.

In this box we present an explanation of the Dutch system of sanctions.

The Dutch sanctions system for infringement of the Arbowet is based primarily on administrative sanctions. According to our interviewee at the I-SZW this is done for three reasons: (1) this way the I-SZW has the sanctioning completely in its own hand; (2) the sanctioning is immediate and can be effected fast; (3) there is no dependence of the priorities of the public prosecutor.

Criminal sanctions are only invoked in cases the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations (Staatscourant 2014 nr. 8279; 24 March 2014).

The interviewee from I-SZW likes to point out that the inspectorate has more enforcement instruments than just fines. They are: (1) a demand; (2) shutting down of operations (which can be done with immediate effect in case of heavy infringements); (3) shutting down of operations in the case of repeated offence; (4) an order with non-compliance penalty; (5) a work stoppage. The latter hardly ever occurs in the Netherlands; usually workers or their representatives file a complaint that is followed up by the I-SZW.

Apart from sanctions, a number of other compliance instruments is used:

- flyers, information;
- self-inspection tools (freely available on the internet);
- transparency legislation (naming and shaming): companies that have committed a series of heavy infringements on the removal of asbestos have their names published on the internet. Legislation and implementation is in preparation for the whole field of OSH;
- the Inspectorate SZW is trying out new instruments of inspection: for example telephonic inspections, addressing the management of large umbrella companies.

The administrative sanctions following infringements of Dutch OHS regulations are described in the Decree of 27 November 2012 (G&VW/AA/2012/16953) (policy ruling sanctioning OHS regulations). The types and levels of sanctions are described in several dimensions.

(1) a distinction in type of transgression is made, between (a) heavy infringements (ZO); (b) infringements with direct sanctions (ODB); (c) other infringements (warning first) (OO) and (d) 'serious' infringements (leading to 300% sanctions, a shutting down of operations and a 10 year repeat offender period).

(2) seven plus one categories of sanction norms are distinguished, with penalty levels ranging from € 340,- to € 13.500,- (plus one category of € 50.000 in case of failure to report an accident).

(3) additional factors to be accounted for are (a) multiple transgressions (leading to multiple sanctions); (b) company size (leading to different percentages of sanctions standards); (c) circumstances leading to increase or decrease of the sanction norms.

In the annex to this Decree for most of the separate sections, articles and subarticles of the Arbowet and of the Arbobesluit the type of transgression (ZO, ODB or OO) and the sanction norm for transgression of this article (from 1 to 7) is given.

All in all, this leads to a description of 21 variables (with additional factors) connected to over 500 sections, articles and subarticles of the Arbowet and of the Arbobesluit. This amount of data is hard (and extremely time consuming) to summarize in the table below.

Table 5- 4 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 89/391/EEC (Framework Directive)		
Violation of provisions under Arbowet	Sanctions include: (1) a demand; (2) shutting down of operations (which can be done with immediate effect in case of heavy infringements); (3) shutting down of operations in the case of repeated offence; (4) an order with non-compliance penalty; (5) a work stoppage. Penalties ranging from € 340,- to € 13.500,- (plus one category of € 50.000 in case of failure to report an accident). Additional factors to be accounted for are (a) multiple transgressions (leading to multiple sanctions); (b) company size (leading to different percentages of sanctions norms); (c) circumstances leading to increase or decrease of the sanction norms.	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		Imprisonment to a maximum of 6 years (or a fine of the 5 th category) A fine of at least 110% of the applicable administrative sanction.
Council Directive 89/654/EEC (workplace)		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Violation of provisions under Arbobesluit chapter 3	See under 89/391/EEC. Penalties ranging from € 340,- to € 13.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2009/104/EC (work equipment)		
Violation of provisions under Arbobesluit chapter 7	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 89/656/EEC (PPE)		
Violation of provisions under Arbobesluit chapter 8, 1	See under 89/391/EEC. Penalties ranging from € 340,- to € 1.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 92/58/EEC (OSH signs)		
Violation of provisions under Arbobesluit chapter 8, 2	See under 89/391/EEC. Penalties ranging from € 340,- to € 1.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 1999/92/EC (ATEX)		
Violation of provisions under Arbobesluit chapter 3, 1, 2a	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 90/269/EEC (manual handling of loads)		
Violation of provisions under Arbobesluit chapter 5, 1	See under 89/391/EEC. Penalties ranging from € 750,- to € 4.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 90/270/EEC (display screen equipment)		
Violation of provisions under Arbobesluit chapter 5, 2	See under 89/391/EEC. Penalties ranging from € 750,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2002/44/EC (vibration)		
Violation of provisions under	See under 89/391/EEC. Penalties	

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Arbobesluit chapter	are € 1.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2003/10/EC (noise)		
Violation of provisions under Arbobesluit chapter 6, 3	See under 89/391/EEC. Penalties ranging from € 340,- to € 4.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2004/40/EC (electromagnetic fields)		
N/A		
Directive 2006/25/EC (artificial optical radiation)		
Violation of provisions under Arbobesluit chapter 6.12a – 6.12g	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2004/37/EC (carcinogens or mutagens)		
Violation of provisions under Arbobesluit chapter 4, 2	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 98/24/EC (chemical agents at work)		
Violation of provisions under Arbobesluit chapter 4	See under 89/391/EEC. Penalties ranging from € 340,- to € 13.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2009/148/EC (asbestos)		
Violation of provisions under Arbobesluit chapter 4, 5	See under 89/391/EEC. Penalties ranging from € 340,- to € 13.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Directive 2000/54/EC (biological agents)		
Violation of provisions under Arbobesluit chapter 4, 9	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Council Directive 92/57/EEC (temporary or mobile construction sites)		
Violation of provisions under Arbobesluit chapter 2, 5	See under 89/391/EEC. Penalties ranging from € 340,- to € 4.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
Violation of provisions under Arbobesluit chapter 2,6; 3,3, 3A and 3B; 6 5A and 7 5A	See under 89/391/EEC. Penalties ranging from € 340,- to € 13.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
Violation of provisions under Arbobesluit chapter 2,6/6A; 3,3/3C; 6,5B and 7,5A.	See under 89/391/EEC. Penalties ranging from € 340,- to € 13.500,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 92/29/EEC (medical treatment on board vessels)		
Violation of provisions under Vissersvaartuigenbesluit 2002 and Regulation on Safety on Seaships	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 93/103/EC (work on board fishing vessels)		
Violation of provisions under Vissersvaartuigenbesluit 2002	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
Violation of provisions under Arbobesluit chapter 1,9; 4,10,3 and 6,6,4.	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.
Council Directive 91/383/EEC (temporary workers)		
Violation of provisions under Arbobesluit chapter 2, 5	See under 89/391/EEC.	
Cases in which the employer knowingly risks the life of		See under 89/391/EEC.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
workers, or ignores or refuses orders of the Inspectorate to shut down operations		
Council Directive 94/33/EC (young people at work)		
Violation of provisions under Arbobesluit chapter 1,8; 3,4,4; 4,10,2; 6,6,3 and 7,6,2.	See under 89/391/EEC. Penalties ranging from € 340,- to € 9.000,-	
Cases in which the employer knowingly risks the life of workers, or ignores or refuses orders of the Inspectorate to shut down operations		See under 89/391/EEC.

Enforcement actions

Table 5- 5 Number of infringements and court cases

Total number of infringements which resulted in legal action	Administrative sanctions		
	Year	Number of sanctions	Total costs of sanctions
	2007	Approx. 1700	Approx. 6 million Euro
	2008	Approx. 1600	Approx 9 million Euro
	2009	2340	13.3 million Euro
	2010	Approx. 1600	-
	2011	1581	-
	2012	1310	7.3 million Euro
	2013	1847	11.2 million Euro
Other data on the number of court cases specific to OSH issues in the period 2007-2012	Number of court cases		
	2007	41	
	2008	38	
	2009	53	
	2010	69	
	2011	69	
	2012	41	
	2013	46	
	Number of appeals to a higher court		
	2007	7	
	2008	5	
	2009	10	
	2010	15	
	2011	19	
	2012	1	
	2013	24	

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

A range of accompanying actions have been developed that address specific vulnerable groups, namely pregnant and breastfeeding workers, women, workers with reduced physical capabilities, workers with a natural deterioration of physical and mental capacities, disabled workers, older workers, and workers who are vulnerable due to language barriers, combined risks of occupational risk factors, work arrangements, or lack of awareness of long-latency of occupational diseases.

Specific vulnerable groups that were mentioned by the stakeholders interviewed include: workers who don't speak and/or read Dutch; non-western workers; workers with temporary contracts; self-employed workers³⁹; and workers with little or no education. Often the characteristics of these vulnerable groups coincide, as for these workers it is particularly hard to understand instructions, the risk assessment, the OSH catalogue, etc. However, overall stakeholders agreed that it is not wise to make special arrangements for specific vulnerable groups, as OSH measures in general must always tailor-made and individual characteristics and requirements must always be considered.

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

³⁹ Please see the comment on the extension of Dutch OSH legislation to the self-employed workers in an earlier footnote.

Table 6- 1 Tools addressing risk factors for all vulnerable groups

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
AB (OSH Decree); goal definitions for physical load, noise, temperature and vibration															✓				
Arboportaal.nl		✓													✓				
Special dossier on vibration on Arboportaal							✓				✓			✓					
Oorverdovend; geluid in discotheken (Noise in discotheques)														✓					
"Brochure Optische Straling; beoordelen en beheersen van risico's in arbeidssituaties" (Brochure optical radiation)											✓	✓							
Special dossier on carcinogens and mutagens on Arboportaal		✓																	
Special dossier on biological agents on Arboportaal				✓			✓												
www.kiza.nl (expert site on biological agents)				✓			✓				✓	✓							
Risicoprofiel industrie en delfstofwinning; min SZW (2010) (risk profile surface and underground mineral-extracting industries)												✓				✓			
Arbeidsongevallen in de sector landbouw en visserij; min SZW, no date (work accidents in the												✓							

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
sector agriculture and fishery)																			
Special dossier on pregnancy/breast feeding on Arboportaal		✓																	
Handreiking arbomaatregelen zwangerschap & arbeid, stichting van de arbeid, 2008; (guidelines OSH measures pregnancy and work)		✓										✓							
Handreiking uitzendwerk; stichting voor de arbeid, 2010; OSH guidelines for temporary employment agency work and for employing newcomers on the labour market	Temporary workers															✓			✓
Brochure 'Desire to have children, pregnancy and substances at work' (TNO Kwaliteit van Leven, Ministry of Social Affairs and Employment)	Pregnant workers	✓										✓							
Information campaign in the workplace about pregnancy and reproductive toxins: 'Babyproofbox' (Federation of Dutch Trade Unions and FNV Bondgenoten and FNV Bouw)	Pregnant workers	✓										✓							
Arbocoaching for women trying to return to work	Women				✓	✓									✓				

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Healthy working for young, educated women (WAHO Foundation)	Women			✓											✓			✓	
Diversity quick scan (Arbounie)												✓							✓
Taskforce DeeltijdPlus (Part-time Plus)	Women					✓									✓				
Law on equal treatment of labour with respect to age						✓		✓							✓				
Governmental programme 'Stimulate working life of older employees'								✓							✓				

7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. incentives. Other measures such as guidance are included in section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of workers to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

There are no specific measures adopted by the Dutch national authorities in order to assist SMEs and micro-enterprises in the implementation of OSH requirements, other than the lighter regime concerning the obligation to have the risk assessment checked by an external service, which does not apply to employers with 25 or less workers if it is based on a model risk assessment.

Additionally, the National Implementation Report mentions four other measures (which are not to be classified under exemptions, lighter regime or incentives) in support of SMEs. These include⁴⁰: Digitising HIRA tools for the SME; a project to reinforce the safety culture in SMEs; the ‘Gezond bedrijf’ (Healthy Undertaking) project; and the Arboportal – which is the major website on OSH designed for (also) SME’s.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)	✓	✓	✓
Directive 89/654/EEC (workplace)	-	-	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-

⁴⁰ For more information on these four specific SME measures, please see National Implementation Report, Chapter 1, 2.7, (EN) p. 19-20.

	<i>Exemptions</i>	<i>Lighter regime</i>	<i>Incentives</i>
Directive 2003/10/EC (noise)			
	-	-	-
Directive 2004/40/EC (electromagnetic fields)			
	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-
Council Directive 98/24/EC (CAD)			
	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises⁴¹

	<i>Exemptions</i>	<i>Lighter regime</i>	<i>Incentives</i>
Directive 89/391/EEC (FW)			
	The obligation to have the risk assessment checked by an external service does not apply for employers with 25 or less workers if it is based on a model risk assessment	Employers employing no more than 25 workers may also perform assistance-related tasks themselves	The obligation to have the risk assessment checked by an external service does not apply for employers with 25 or less workers if it is based on a model risk assessment
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			
	-	-	-
Council Directive 89/656/EEC (PPE)			
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-
Directive 1999/92/EC (ATEX)			
	-	-	-
Council Directive 90/269/EEC (manual handling of loads)			
	-	-	-
Council Directive 90/270/EEC (display screen equipment)			

⁴¹ Please see also National Implementation Report 2013, (EN) p. 19-20.

	Exemptions	Lighter regime	Incentives
	-	-	-
Directive 2002/44/EC (vibration)			
	-	-	-
Directive 2003/10/EC (noise)			
	-	-	-
Directive 2004/40/EC (electromagnetic fields)			
	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-
Council Directive 98/24/EC (CAD)			
	-	-	-

In addition, NIR 2013 also mentions four other measures (which are not to be classified under exemptions, lighter regime or incentives) in support of SMEs. These include⁴²:

- Digitising HIRA tools for the SME;
- The project to reinforce the safety culture in SMEs;
- The Gezond bedrijf (Healthy Undertaking) project;
- The Arboportaal; the major website on OSH designed for (also) SME's.

⁴² For more information on these four specific SME measures, please see National Implementation Report, Chapter 1, 2.7, (EN) p. 19-20.

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ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
NL	22	20	2 ⁴³	2	4	4	4	4	4	4	8	6

This table details all the interviews that were completed with Dutch stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.

⁴³ In the Ministry (i.e. the interviewed national authority) it is considered quite obvious to confine oneself to interviewing just two persons. The number of people involved in OSH policy making has reduced considerably in the last decennium, it is a small core of people that is responsible for the policy making in the whole system (which is also a consequence of the deregulation in which more responsibilities have been transferred to social partners).