



Published on the website The Hague OnLine, September 2005

The renewed Occupational safety and health Act (ARBO-wet)

26 september

As of July 1st, 2005 the Occupational safety and health Act hereafter called the Arbeidsomstandig-hedenwet or, abbreviated: ARBO-Wet, are based upon the Working Conditions Act.

The Occupational safety and health Act as of 1998

In 1998 the Dutch government implemented this Act introducing regulations on conducting employers' policies on safety, health and well-being, and enlisted experts' assistance as part of an integrated package of changes. Consequently, as of that date, employers were obliged to:

1. Contract an OSH-services company (ARBO- dienst)
2. Have a policy on prevention and control (Risico- inventarisatie) of sickness absence and disablement, being part of general health and safety policy.

The Ministry of Social Affairs and employment now prescribes the following changes, as of 1 July 2005:

Contracting ARBO-services is no longer required. With the lapsed ARBO-services obligations, employers now will have to arrange the following changes:

1. Appoint a Prevention officer
2. Choose to extend or end the contract with the ARBO-services. (at extension, nothing changes) or
3. Choose for a more 'tailor-made' solution which means employers can end their ARBO-contracts and manage safe and health aspects in-house but do have to contract health and safety experts for certain actions specified by law such as:
 - Make sure your works council agrees with you preference the for tailor-made solution
 - Contract a company doctor
 - Present your Risk inventory to at least 4 ARBO specialists
 - Get expert support on:
 - Advice and evaluation on the Risk-inventory
 - Management on absence through illness
 - ARBO consultation hour
 - Periodical ARBO health check-up
 - Recruitment health tests

Either way, employers should have a 'Prevention officer.'

The prevention officer helps you to ensure everyday safety and good health on the job floor, taking measures to avoid occupational hazards.

He or she will also be the one to help colleagues when they have relevant questions.

Employers can decide whether to make either one of its employees, and provide suitable training, or an external expert responsible for this task prescribed by the company's



situation.

The Prevention Officer

Employers are free to choose whether or not to extend or end the contract with their Arbo-dienst. The Arbo-dienst can still offer support to the prevention officer however, having expertise in dealing with labour conditions. He or she will be able to coach your prevention officer, to define - with you - major action items and to suggest practical solutions. A prevention officer can (eventually in combination with the HR department) hold responsible for:

- Provide information on Occupational safety and health legislation and policies to Management, staff and Ondernemingsraad (works council)
- Act as intermediary between organisation and external ARBO experts
- Act as central person for reporting accidents and decease
- Act as central person for questions on health and safety
- Spotting, preventing and dealing with work-related risks
- Risk Inventory and Assessment and resulting Plan of Action
- Disability and sickness registration

Good luck and keep it safe!
Patrice Postuma

www.3PInternational.com
September 2005