

Position of the Dutch Health and Safety catalogue in the Dutch Health and Safety legislation

A Health and Safety catalogue (arbocatalogus) does not have the status of legislation, but parts of the catalogue can be enforced by the Inspectorate, if the concerned Health and Safety catalogue has been approved by the Inspectorate.

The Working Conditions Act determines target requirements for safety and health at work. The Act gives leeway to employers and employees to decide how to reach these target requirements. The advantage of this is that organisations can implement policies which take account of sector specific aspects.

In the Health and Safety catalogue employers' organisations and trade unions describe, on their own initiative, how they will meet the target requirements. Strictly speaking, the term Health and Safety catalogue (arbocatalogus) does not appear in the Working Conditions Act. However, the Explanatory Memorandum of the Working Conditions Act mentions that a Health and Safety catalogue can serve as a tool to meet the target requirements. The Health and Safety catalogue is perceived as an accepted, broadly supported, social partners made formula for healthy and safe working conditions.

The Health and Safety catalogue provides a description of the means and methods agreed upon by employers and employees to meet the target requirements. These can be practices, procedures, practical solutions, manuals and standards that contribute to healthy and safe working. Employers' and employees' organisations are fully and solely responsible for the content and publication of the Health and Safety catalogue.

A Health and Safety catalogue only gains official status after assessment by the Inspectorate of the Ministry of Social Affairs and Employment. The content of a Health and Safety catalogue is marginally verified by the Inspectorate. It looks at the process of drawing up the catalogue and at its adequacy (understandable, logical and not in conflict with the law). A Health and Safety catalogue which has been positively assessed serves as a reference framework for the Inspectorate.

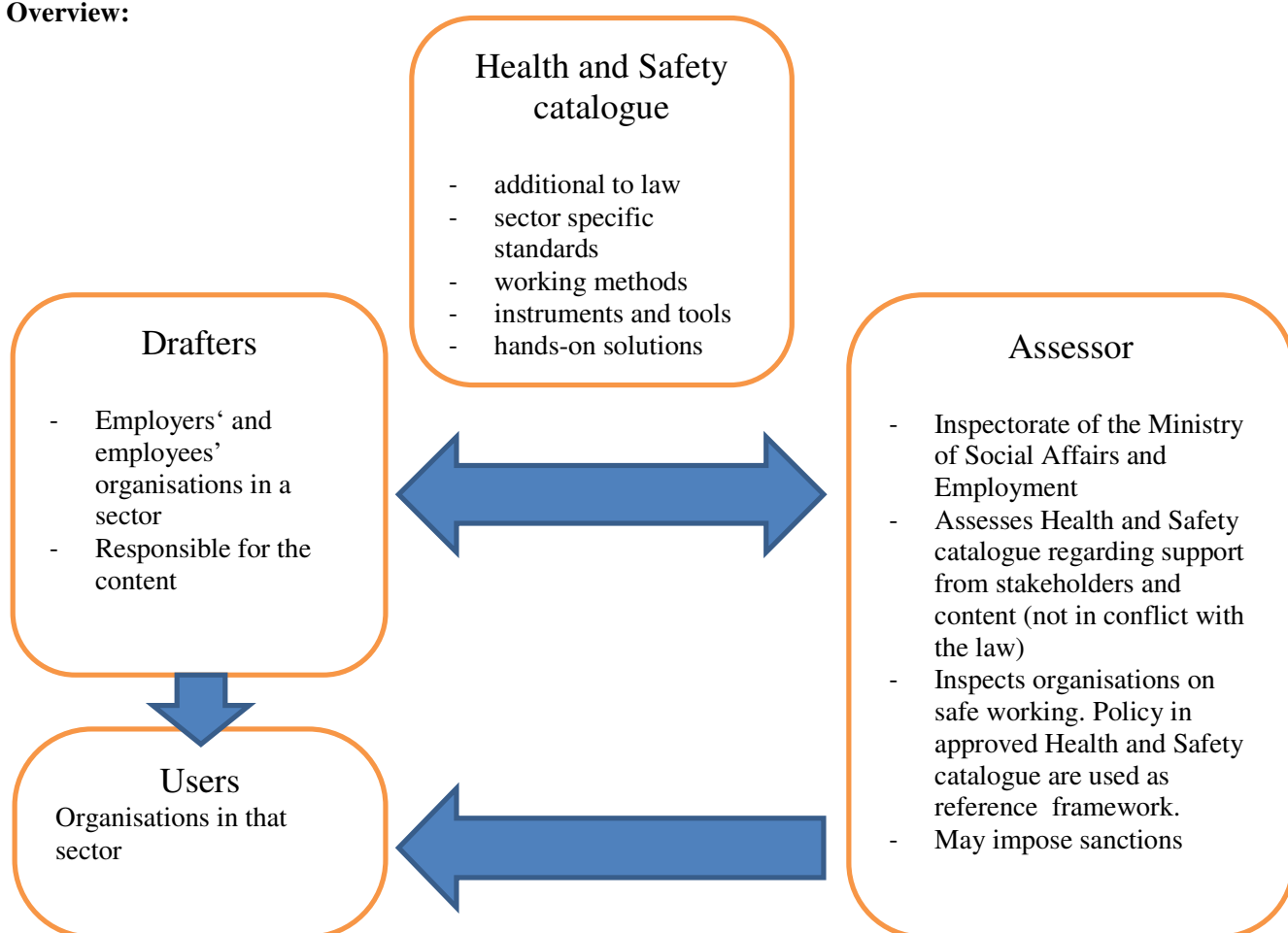
Working with a Health and Safety catalogue approved by the Inspectorate implies in principle compliance with the statutory standards and target requirements. Health and Safety catalogue standards are binding for the sector. Non-compliance can lead to sanctions by the Inspectorate. Methods and practical solutions in a Health and Safety catalogue are not binding. Deviation on these is allowed, on condition that at least the same level of safety can be guaranteed.

It is possible to link a collective agreement with a Health and Safety catalogue. The advantage of doing so is that this emphasises the official nature of the Health and Safety catalogue. If the collective agreement is made effective throughout the entire sector [algemeen verbindend], it then becomes possible to extend coverage of the Health and Safety catalogue to employers and employees who are not members of the signatory organisations. Individual employers and employees may then enforce compliance with the agreements through private law.

The Health and Safety catalogue for the hospital sector (see <http://www.betermetarbo.nl/>) has been developed for all members of the Dutch Hospital Association (NVZ) and organisations covered by the

collective agreement of the hospital sector. It also covers the use of medical sharps. The current collective agreement (in force until 1.3.2014) has been made effective throughout the entire sector. Annex G of the collective agreement states: ‘Organisations shall apply the guidelines of the Health and safety catalogue. For subjects not covered by the Health and Safety catalogue the Working Conditions Act applies’.

Overview:



For more information:

- to get an idea of the catalogue of the hospital sector see: <http://www.betermetarbo.nl/> (in Dutch).
- see also the leaflet of the Dutch Labour Foundation on Health and Safety catalogues: http://www.stvda.nl/en/publication/~media/Files/Stvda/Talen/Engels/2007/en_20070712.ashx
- or contact Isabel Gaisbauer, i.gaisbauer@caop.nl, advisor European affairs StAZ.