

# Netherlands

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## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining		Industry			
	Workplace Representation		Works council			
	Board-level Representation		Yes (state-owned and private enterprises)			
National worker representation	Employee representation at the workplace is essentially through works councils elected by all employees. They should be set up in all workplaces with at least 50 employees and more than three-quarters of workplaces of this size have them. There are other arrangements for smaller workplaces. Works councils are not directly union bodies, although union members often play a key role.					
Principal legal documents on H&S	Dutch Works Councils Act; and the Working Conditions Act (ARBO-wet) as amended by a 1998 Act and by a 2000 Decree on working conditions.					
Public authorities on H&S	Minister of Social Affairs and Employment					
Employers' obligations on H&S	The employer must ensure that the health and safety of employees is protected with respect to all employment-related aspects. To this end, he must conduct a policy aimed at achieving the best possible working conditions. When operating a working conditions policy, the employer must produce a written inventory and assessment of the risks to which employees are exposed as a result of their work. This risk assessment is translated into an action plan, indicating the measures to be taken in conjunction with the relevant risks and the relationship between them. The employer shall consult the works council or staff representation body in relation to matters affecting the working conditions policy and its implementation. This process involves an active exchange of information.					
Worker representative bodies on H&S	The main body enabling workers to participate in improving working conditions is the Works council, in the absence of any health and safety committees. Hence, members of the Works councils are considered to operate as Safety delegates. There are no 'dedicated' Safety delegates.					
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role		Scope of influence	
	Social partners		Create sectoral framework		sector	
	employer		Inform, consult, negotiate, co-decide (in some cases)		enterprise	
	workers' representatives (for instance Works Council)		Negotiate, recommend, co-decide (in some cases)		enterprise	
	OSH specialists (internally and externally)		recommend		enterprise	
	SER (Sociaal-Economische Raad / Social and Economic Council)		Advisory body on all major national and international social and economic issues and policies to the Dutch government and the parliament. The SER comprises representatives of employers' and employees' organisations and independent experts.		National	
	Labour Foundation (Stichting van de Arbeid)		Stimulate social partners to agree on risk inventory and assessment tools as well as health and safety catalogues. Make recommendations to social partners in the field of health and safety.		National and sectorial	
Specialized H&S bodies	Name	Setup conditions	Composition		Role and functions	

on regional, sectorial or another level	Prevention worker	Each organisation is obliged to employ a prevention worker	N/A	See article 13 paragraph 7 of the Working Conditions Act
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## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>The Works council (Ondernemingsraad) has specific powers and responsibilities for health, safety and the improvement of working conditions. In bigger enterprises there is sometimes a standing committee, specialized in H&amp;S issues. A works council must be created in all undertakings with 50 or more workers. It is composed solely of employee representatives elected from lists put forward by the trade unions or by a given number of workers. A Joint Works Council must be established in undertakings carrying on two or more enterprises in which, jointly, at least 50 persons are working. Any undertaking who has established two or more Works Councils shall also establish a Central Works Council (Centrale Ondernemingsraad). In undertakings normally employing fewer than 10 people which do not have a works council or staff representation body, the employer must consult affected employees directly. The employer is obliged to seek the assistance of one or more expert employees in connection with compliance with his legal obligations. These experts may be internal (e.g. expert employees) or external or a combination of both.</p> <p>For groups of enterprises, the Social and Economic Council (SER) shall set up committees, called Joint Sectoral Committees, to deal with matters relating to the Works Councils, the Central Works Councils and the Group Works Councils of these enterprises.</p>
Interaction of H&S representation with the general representation of workers	H&S representation is part of the general representation of workers. The works council or staff representation body has specific powers and responsibilities for health, safety and the improvement of working conditions.
Worker representation bodies on H&S at work	
Implementation of worker representation in H&S on enterprise level	All workers
Thresholds of implementation	50 employees for Works Council; 10 employees for PvT (staff representation body with less competences). Since June 2006, undertakings with more than 25 workers have been obligated to appoint safety delegates.
Role of the trade unions	Create sectoral framework. Works councils are not directly union bodies, although union members often play a key role.
Composition, mode of nomination or election of members	The members of a Works Council are directly elected by the persons working in the enterprise from their own ranks. There shall be 3 members in undertakings below 50 employees; 5 between 50 and 99 employees; 7 between 100–199 employees; etc. Persons who have been working in the enterprise for at least 6 months shall be eligible to vote (by secret written ballot from one or more lists of candidates). Persons who have been working in the enterprise for at least 12 months shall be eligible to stand for election. Employee representatives are elected from one or more lists put forward by the trade unions or by a given number of workers. Their mandate lasts three years. The Works Council elects a chairman and one or more deputy chairmen from its number. The chairman, or in the chairman's absence, a deputy chairman, shall be the legal representative of the Works Council.
Area of competencies	All H&S issues
Functions	Information, consultation, propose, negotiate, co-decide (in some cases)
Rights of workers' representatives on H&S	
Right of withdrawal, of production stop in case of immediate danger	No (individual right)
	Employees are entitled to stop work and not to resume work if and insofar as they have reason to believe that there is a serious threat and that this threat is so imminent that a supervisor cannot arrive in time.
Right to conduct surveys	Yes
	N/R
Right to require external	Yes

<i>assessments</i>	Experts (both expert employees or external bodies) may provide assistance. This provision of assistance includes, amongst others, advising or cooperating closely with either the works council or the staff representation body, or the affected employees if there is no works council or staff representation body, in respect of measures that have been taken or are planned with a view to improving the working conditions policy. The experts retain their autonomy and independence vis à vis the employer when providing assistance.	
<i>Right to lodge an appeal</i>	Yes	
	Interested parties may submit appeals to the Minister of Social Affairs and Employment	
<i>Right to receive training</i>	Yes	
	N/R	
	<i>Amount of training</i>	At least 5 days a year
	<i>Frequency of training</i>	Dependent on their wishes, within 5 days a year
	<i>Training providers</i>	Trade unions, specialized organisations
<i>Allocated time during working hours to conduct their role</i>	Yes	
	N/R	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	N/R	
<b>Link and the nature of the relations between the employee representatives and the trade unions</b>	The employee representatives fill in the union framework agreements.	

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### PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

#### Evolution

<b>Significant changes within the various instruments on H&amp;S issues during the last 5 years</b>	No	
	<i>Objectives of these changes</i>	N/R
	<i>Management of these changes</i>	N/R
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	N/R
<b>Assessment of the achievements on H&amp;S issues through social dialogue</b>	Stable	
	<i>Some important milestones</i>	N/R

#### Perspectives to achieve a good social dialogue and workers' participation on H&S issues

<b>Missing factors</b>	Government commitment, enforcement. Since June 2005, undertakings with more than 15 employees have been required to have safety delegates. From 31 January 2006, this duty was imposed for undertakings with more than 25 workers. In practice it would appear that there are hardly any employee representatives in SMEs (25 to 50 workers). In small enterprises, the employer him/herself can perform this role of representative, which may be ambiguous.
<b>Existing key success factors</b>	Mutual interest social partners

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## PART 4 – APPENDICES

### Glossary

<b>ARBO</b>	<i>Denomination for law regulating the work environment (Arbowet)</i>
<b>OR (ondernemingsraad)</b>	<i>Works council in undertakings as from 50 workers</i>
<b>Personeelsvertegenwoordiging (PVT)</b>	<i>Employee representative body in undertakings from 10 to 50 employees</i>
<b>Personeelsvergadering (PV)</b>	<i>Employee meetings in undertakings below 10 employees</i>

### Interesting links

<http://www.arboportaal.nl/> (ARBO platform)

### Sources

<b>Trade union contacts</b>	<b>FNV</b>	van Steenberg Rik
<b>Other</b>	<ul style="list-style-type: none"> <li>- <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a></li> <li>- questionnaire reply</li> <li>- SER, Works Councils Act. 2011.</li> <li>- Ministry (<a href="http://www.rijksoverheid.nl">www.rijksoverheid.nl</a>)</li> </ul>	