



## DUTCH LEGISLATION SECTOR HYPERBARIC LABOUR

The working area Hyperbaric Labour  
(working under excess pressure)

- Diver
- Caisson
- Hyperbaric Treatment

Document:  
NOK Training  
NOK Training Dive Supervisor

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# The Dutch Sector Hyperbaric Labour

The Dutch Sector Hyperbaric Labour which includes diving, caisson and hyperbaric medical treatment has the status “risk full” sector. Hyperbaric Labour is usually carried out at locations that by definition do not represent a natural environment for humans. Working in a liquid or in a dry diving bell is only possible if the operator has a supply of breathing gas. Conditions such as poor visibility, cold temperatures and water current all add to the hazards, and it is for these reasons that diving work is regarded as risk-full. Risks that could lead to personal (himself, his team), economic, environmental damage and even threat to public order and safety.

For the professionals in these sectors this means that it is a regulated profession and for the sector it means that it is exactly organized a any other branch with this kind of status. Regulated means that a lot of items is obliged by law.

Due to inter alia, improving health and safety legislation the status went from dangerous in the 80's to “highly risk full” in de 90's to risk full nowadays.

In 2012 the Dutch government introduced a new system of accreditation and certification based on international NEN EN ISO 17021 (system) and 17024 (person) Norms for these sectors. Certificates will have an expiration date.

In the Netherlands an employer must provide the employees with healthy and safe working conditions. Statutory rules and regulations govern such issues as physical strain and working with hazardous substances. All business owners who employ staff are obliged to draw up a risk inventory and evaluation (RI&E). The company must also have a company emergency response team and designated health and safety officers. Moreover, there are even several obligations if one of the employees calls in sick.

In the Netherlands the Health and Safety law is the Working Condition Law (Act, Decree, Regulations, Working Conditions Catalogue (Health and Safety measurements)) from the Ministry of Social Affairs and Employment (SZW)

The Working Condition Act is meant for **employers and employees** including volunteers and students for work performed within the exclusive economic zone and work performed entirely or partly outside the Netherlands by individuals working on board ships that are entitled to fly the Dutch flag under Dutch law.

The English translation of the Dutch Working Conditions Act, Decree and Regulation is available on the OSHA Europe website

**[https://osha.europa.eu/fop/netherlands/en/legislation/index\\_html?set\\_language=en](https://osha.europa.eu/fop/netherlands/en/legislation/index_html?set_language=en)**

Two enforcement departments are active under this law. The specialized inspectors of Inspectorate SZW – ISZW - (inshore) and State Supervision of Mines – SSM - (offshore).

During a visit on the dive site for the diver it is important to know that the inspectors wants to see his paperwork (current and recognized certificate(s) (competency for the diving work), current Identity document, current diver medical issued by a recognized diver physician and log book(s). And of course extra certificates for the work activities and/or extra safety certificates obliged by law and/or the contractor for extra safety around and on the dive site above water. It is also important that the diver used the personal protective equipment which are legally obliged provided by the employer /contractor.

The log book is a legal document and must be filled in as accurate and broad as possible. The details about the dive (depth, minutes, gas, equipment, decompression) is for the diver's health and safety. The work activities is for his health and safety as well – because your dive supervisor and/or employer must be certain that you're a competent diver on that kind of specialism. Otherwise the employer must organize extra training. Information and training is obliged by law.

The supervisor also need to fill in a dive supervisor log book as detailed as possible. Also for his competency on the job for the specialism of the work to be done and for the diver's safety to be certain that the supervisor keep his competency current –continuously working in the working area keeps him sharp.

In the Netherlands there are 8 categories divers / dive supervisors.

Category A1	Diving with SCUBA with a maximum depth of 9 metres (aquaria)
Category A2	Diving with SCUBA with a maximum depth of 15 metres
Category A3	Diving with SCUBA with a maximum depth of 30 metres
Category B1	Diving with Surface Demand equipment till 15 metres
Category B2	Diving with Surface Demand equipment till 30 metres (inshore)
Category B3	Diving with Surface Demand equipment till 50 metres (Offshore)
Category B4	Diving with Surface Demand equipment till 50 metres including Wetbell
Category C	Closed Bell / saturation diving
Diving supervisor	Working as a diving supervisor (A1, A2, A3, B1, B2, B3 and B4, C )

The mandatory **Risk Inventory and Evaluation (RI&E)** must indicate the level/competency of the diving team. A Diver with certificates category A3B4 can do diving work which is classified as B2 diving work.

Normally the size of a diving team **inshore is at least 3 persons**. A combined function (dive supervisor is the diver medical support and/or standby diver) is possible. When the supervisors starts to dive he is no longer the supervisor. He is a diver so he needs a current diver medical, current and recognized diving papers and next to his dive supervisor logbook a diver's log book as well.

Is the dive supervisor in his combined role also the diver medical support than he needs a current diver medical when he has to escort a sufferer in the decompression chamber.

In aquaria when the supervisor has a combined function it is possible that the third person an assistant tender. A third person is needed for alarming the public emergency rescue team and helping to get a diver out of the water. It is important that this emergency rescue is trained with this third person. This is an obligation of the employer. Because in aquaria the diving depth is less than 9 meters a decompression chamber is not obliged by law.

Offshore, in the **Oil & Gas Industry** the IMCA rules are used and a is the minimum size of the dive team 5 persons.

The mandatory Risk Inventory and Evaluation indicates the size of a diving team as well.

If a contractor wants for extra reasons a larger dive team - that is no problem. That is something between the employer/contractor. If the contractor wants a smaller team than needed - that is a problem. Be aware of the fact that the dive supervisor is responsible for the safety of the dive team and that rules and legislation are made to support him in his task.

The size of a dive team is written in de Working Condition Decree in article 6.16 Diving Work. In which even **the task of the standby/reserve diver** is written quote the reserve diver should only carry out diving work consisting of giving support to and rescuing divers in trouble. When using a diving bell, the reserve diver should be present in the bell. Unquote

The mandatory Risk Inventory and Evaluation is one tool for the safety of the diving but the law also mentioned extra safety measurements.

In the Working Conditions Catalogue (Health and Safety Catalogue) - the risks are inventoried as well as the measurements. This document is made by the sector employers and employees and assessed by the Ministry of SZW. See also the reference documents mentioned in the Catalogue.

An advice for the dive supervisor “use these reference documents for the toolboxmeetings”. Use Safety Flashes about incidents as well – let these brains working during a toolbox meeting.

The HSC is made with expertise of the diving industry. The representatives of the Ministry of Defense, Public Safety and Order (firefighter department) and civil sector under control of the Foundation Hyperbaric Labour (SWOD – Stichting Werken onder Overdruk [www.werkenonderdruk.nl](http://www.werkenonderdruk.nl) )

In the Netherlands the employers and employees are obliged to give their expertise for making law. So in the Netherlands employers and employees are organized. In the Netherlands this is known under the popular name of “poldermodel” since the 80’s .

The diving companies are organized in the Netherlands Association of Diving Contractors (NADO) [www.nado.nu](http://www.nado.nu) The employees are organized in unions and/or in the NVB [www.nederlandseverenigingvanberoepsduikers.nl](http://www.nederlandseverenigingvanberoepsduikers.nl)

The HSC is made by the Sector and assessed and **approved** by the Inspectorate SZW. The Inspectors of SZW and SSM uses the Working Conditions Catalogue (Health and Safety Catalogue) in their inspection projects.

The safety measurements taken by the employer is also a responsibility of the dive supervisor.

The **safety measurements** for the diving job are:

Knowledge and implementation of the **Health and Safety Catalogue , RI&E, Working instruction, LMRA, TRA**, safety environment etc. A proper written work instructions



should be present close to the place where the work is being carried out which at least contain the safety measures to be taken by the employees as well as the emergency procedures;

Proven **competency team members** (check certificates > validity, level, log books etc)

Language: the team must communicate in **one language**. From 1 August, 2013 the Dutch language requirements for certified professionals also apply to temporary or incidental work. If the workers in question share a common language other than Dutch, that common language is also acceptable.

*The diver is required to have a current diver medical which is issued by a competent recognized diver physician. So check this !*

*Mutual Recognition with England*

*See <http://www.hse.gov.uk/diving/medicalpractitioners.pdf>*

*Netherlands class of Medical Practitioner Diving Doctors approved under Netherlands Working Conditions Decree dated 1 January 2003, Section 5, Article 6.14b – Diving Doctors. Note: The medical certificate issued under Netherlands Working Conditions Decree dated 1 January 2003, Section 5, Article 6.14a – Occupational Health Examinations – is automatically recognised as a certificate of medical fitness to dive under the HSE Diving at Work Regulations 1997. Certificates of medical fitness issued by recognized HSE diving physicians are recognized in the Dutch Sector.*

*<http://webcommunities.hse.gov.uk/connect.ti/divingmedexaminer/view?objectId=6564>*

A **competent diver medical support** with current certificates issued by a authorized certifying institute

A **diving diving physician on call**: the diving company is obliged to have a contract with a diving physician.

A **proper first aid / oxygen box** with a detailed statement of the diver physician: the diving company is obliged to have a contract with a diving physician. This physician is the first contact for the dive supervisor when there is an incident or even doubts about the health of a diver. The physician needs to know what is available on the dive site for the first aid. Therefore **the physician has to check regularly the first aid box**. Dive supervisor check this before starting the job.

A **decompression chamber** when the diving depth is deeper than 15 meters or the transport time to a decompression chamber / hyperbaric treatment facility takes longer than 2 hours. This meant offshore always a decompression chamber on the dive site. A decompression chamber should have a size and design geared to the number of persons carrying out caisson work and the nature of the activities, and should offer room for at least two persons.

The employer is responsible for the choice of the **dive tables or decompression tables**. In the Netherlands most diving companies uses the NDC diving tables.

Over the past few decades a large amount of information is gathered from diving operations. This has led to the development of tables for various circumstances as diving treatment tables which will be used worldwide. The diving physician on call is responsible for the use in contact with the supervisor and the medical support.

This is a **quote** of the article in the Working Condition Act Decree

### Article 6.15. Safety measures

1. If the diving work, caisson work or other work under excess pressure is undertaken, the following should be adhered to with due observance of the latest technology and taking into account the specific work to be carried out:
  - a. proper written work instructions should be present close to the place where the work is being carried out which at least contain the safety measures to be taken by the employees as well as the emergency procedures;
  - b. sound materials in good conditions and sufficient breathing gas of good quality should be made available to the employees;
  - c. a person specifically trained for this purpose should be present close to the place where the work is being carried out and be able to give adequate medical guidance to the employees;
  - d. adequate first-aid equipment should be present close to the place where the work is being carried out.
2. The person meant in the first paragraph under c must be able to contact immediately a physician as meant in Article 6.14a, third paragraph.

#### Unquote

The mandatory **Risk Inventory and evaluation (RI&E)** is also part of the measurements taken for the safety of the dive team. The RI&E is one of **the 5-safety-support-doc's**. Extra measurements not specifically focused on the dive job are and also obliged by law (working condition Act – Decree): The personal protective equipment like helmet, work safety shoes etc. Proper breathing gas, standards and maintenance of equipment (safety certificates) etc.

**VCA** – in the Netherlands on construction sites, plants, or in a high risk environment the owners obliged the VCA. With a basic VCA you demonstrate that you have a basic knowledge of SHE (Safety, Health and the Environment) as required. With it, you thus indicate that you observe safe working practices while bearing in mind the environment and your own health as well as that of others.

Are you an operational supervisor with a contractor? Then you should have a 'Veiligheid voor Operationeel Leidinggevenden VCA (VOL-VCA)' (Safety for Operational Supervisors SCC (SOS-SCC)) certificate. This certificate indicates that the holder observe safe working practices while at the same time bearing in mind the environment, your own health and that of the employees who you supervise. As well inshore as offshore VCA is obliged by owners of factories, oil refineries, platforms and plants or by contractors.

## The 5 important documents concerned health and safety

**Health and Safety Catalogue:** Inventory of risks and safety measurements made by branch - The Labour Inspectorate uses the Health and Safety Catalogue in its inspection projects.

**RI&E:** The employer is responsible for organizing the work in a manner which eliminates or reduces the risks as far as possible when working under overpressure. A first step is the obligatory risk inventory and evaluation (RI&E). In the RI&E, you draw up a clear list of the occupational risks associated with the planned diving work. Based on the RI&E, an action plan must be prepared to eliminate or reduce the risks. Then a proper work instructions can be prepared. The work instructions is a clearly description of the safety measures and emergency procedures which are in place or need to be put in place for personnel at the work location.

**The working instruction:** a work instruction must be set up in accordance with a more or less uniform system. For example, pursuant to the Working Condition Regulation article 6.15 the employer must pay attention to at least the following topics:

- a. Responsibilities and powers;
- b. Material and maintenance;
- c. Diving procedures;
- d. Engagement of reserve diver;
- e. Provisions and procedures for situations which deviate from the common work situations;
- f. Guidelines for decompression;
- g. Accident reporting and medical aid;
- h. Composition and use of the First Aid equipment.

**De Last Minute Risico Analyse (LMRA)** Before work can begin, it must be ensured that all **risks are under control** and the necessary **prevention measures** have been taken. A simple checklist will can be of help to identify these risks.

To improve working conditions in a specific work situation, a **Task Risk Analysis (tra)** or task risk assessment is performed. During a tra, the risks of a small part of the process are mapped.

<http://www.stepchangeinsafety.net/knowledgecentre/publications/publication.cfm/publicationid/36>

The document of **Hyperbaric Labour System and Maintenance Standards / Requirements – new document WOD SOE** – prescribes the standards, inspection and maintenance of the diving equipment and supporting equipment. It is important to know that the diver and the dive supervisor has also obligations concerning the use of the equipment. This can be visual inspection before and after the dive and/or cleaning the equipment after use. For daily or periodically maintenance and/or calibration the document WOD SOE gives more details. When a diving contractor works under IMCA rules he meets these standards automatically.

<http://www.arbocataloguswo.nl/en/wod-soe.html>

## Report diving and caisson work

Diving and caisson work must be reported. If a company wishes to carry out diving or caisson work, the company must **report** this wish to the Dutch authorities

Inshore: to the SZW Inspectorate (*Inspectie SZW*). This report must be accompanied by a copy of the work plan.

Offshore diving activities for mining, wind farms or mineral extraction? The company must report this to the [State Supervision of Mines](#) (*Staatstoezicht op de Mijnen, SodM*).

diving work involving:

- depths of in excess of 9 metres;
- current speeds of in excess of 0.5 m/s;
- planned decompression;
- use of breathing gas other than air;
- dives for periods in excess of one week;
- dives for the underground mining industry or the mining industry where mining is by drilling.

the work must be report in writing and give at least five working days' notice. This is not always possible, for example where firefighting divers or other divers are called in to deal with emergencies. However, such matters must be reported as soon as possible.

## Working under hyperbaric conditions definitions and applicability

**Diving work:** performing work in a liquid or in a dry diving bell including the stay in this liquid or in this dry diving bell, whereby for breathing use is made of a gas under a higher pressure than atmospheric pressure.

**Caisson work:** performing work in a space under a pressure of at least 104 Pa above atmospheric pressure and wholly or partially is surrounded by a liquid including the stay in and the transportation to and from that space.

**Hyperbaric medicine work:** performing work in a hyperbaric treatment chamber under a pressure of at least 104 Pa above atmospheric pressure.

**Other work under hyperbaric conditions:** performing of other work than diving or caisson work in a space under a pressure of at least 104 Pa above atmospheric pressure, including the stay in that space.

Diving work is carried out for both the commercial and the public sector

## Diving work in the commercial sector

- offshore: incl. construction, maintenance and inspection work on drilling and production platforms, wind farms;
- inshore: road and hydraulic engineering: incl. construction, maintenance and inspections of bridges and navigation locks;



- construction: incl. pouring of underwater concrete;
- salvage of (ship) wrecks (onshore and offshore);
- ship maintenance: inspections, maintenance, repairs and cleaning operations.

### **Public sector**

- defense: diving activities for military purposes, detection, removal and decommissioning of explosives;
- fire service: assistance in protecting humans, animals and the environment;
- police: search and surveillance;
- customs: detection and control;
- science: archaeological and marine-biological research.

### **Other companies such as:**

- zoos: cleaning and maintenance of aquariums;
- swimming pools: repair and maintenance;
- diving sport schools: diving instruction to sport divers.

### **Figures:**

The Working Conditions Act applies to all sectors. Some 700 divers are employed in the diving sector in the Netherlands, mostly in the fire service (including voluntary)

About 500 people work as professional divers for a private diving company or else are self-employed with no personnel.

The Ministry of Defence has about 400 divers who work for the Royal Netherlands Navy and the Royal Netherlands Army.

The other professional divers are employed by the Police, Customs, the Directorate-General for Public Works, Transport and Water Management, zoos, scientific institutions and underwater sport schools.

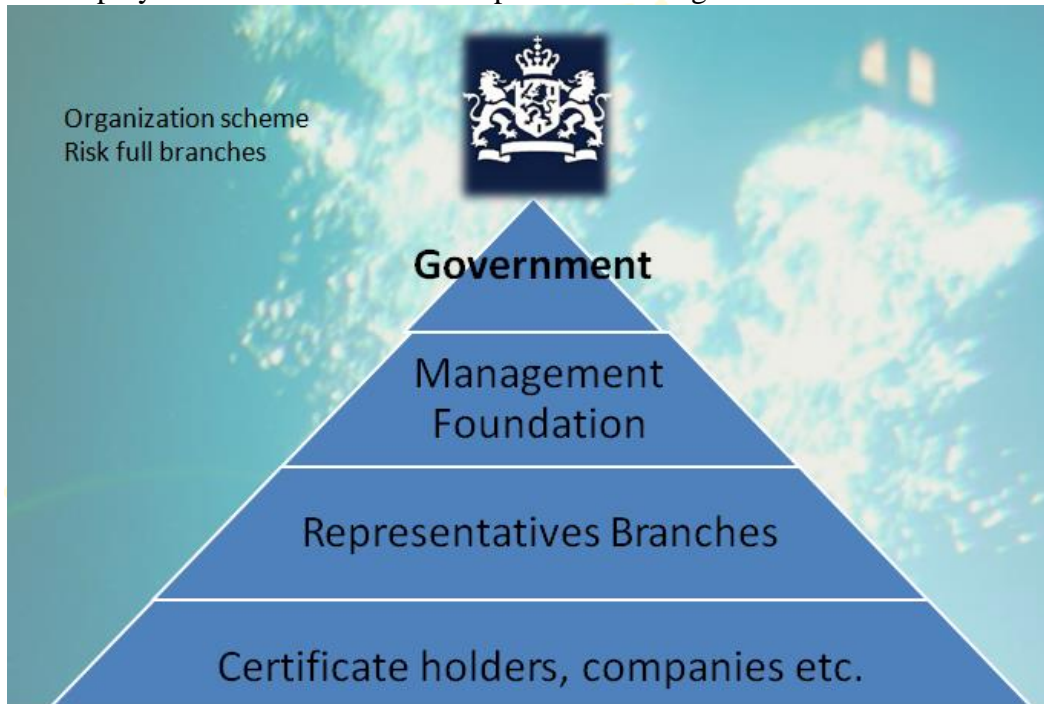
- 73 companies Hyperbaric Labour (companies, zoo, etc)
- 30 Diving Companies (21 Diving Companies are member of NADO (excl. Suppliers) they represent 85% of civil diving activities)
- 450 Divers/ Dive supervisors living and working in The Netherlands (260 organized)
- 70 Divers Zoo (aquarium)
- 12 Hyperbaric Centre
- 48 Diving Doctors
- 700 rescue divers Fire Brigade (2008: 1200 in 2015: 500)
- 400 military divers
- 1200 Certification holders (900 diver and 350 dive supervisors)
- Enforcers (ISZW + SodM) 6 inspectors familiar with hyperbaric labour (not fulltime)

### **Organization of the branch**

Since the beginning of this century the Dutch government changed her policy in a directing role. A retreating government with less officials and more responsibility handed over to the sectors. Not the taxpayer but the industries must be the costs in their working area.

The professions in branches with this status are regulated. Which means that the professionals must proof their competency with a certificate. Certifying personnel is a way to demonstrate that the personnel have mastered the requisite competencies and are keeping these skills up to date. Certification based on NEN ISO 17024 is particularly mandatory for employees involved with risks that could lead to personal or economic damage.

For branches with the status “risk full” the Dutch government used **one model for branches acting in a risk-full sector**. The management foundation collects the expertise of employees and employers in the sector and is the portal between government and sector.



On initiative of SZW the Foundation “Stichting Werken onder Overdruk **SWOD** (translated: Foundation Hyperbaric Labour) was founded for the Sector Hyperbaric Labour. The startup phase, closely followed/directed by SZW lasted from 2008 – 2011. At the end of 2011 the management was consigned to the Sector.

Branch organizations representing the employers and employees

- Commercial industry: Foundation Netherlands Training and Know How Centre for Hyperbaric Labour (NOK) [www.nokwoo.nl](http://www.nokwoo.nl)
- Ministry of Defense
- Netherlands Institute for Physical Safety of Ministry of Public order and safety

Branch organizations:

- Nederlandse Associatie van Duikondernemingen (NADO), [www.nado.nu](http://www.nado.nu)
- Nederlandse Vereniging van Beroepsduikers (NVB), [www.nederlandseverenigingvanberoepsduikers.nl](http://www.nederlandseverenigingvanberoepsduikers.nl)
- The unions FNV <http://www.fnv.nl/english>, CNV [www.cnv.nl](http://www.cnv.nl) and Nautilus [www.nautilusint.org](http://www.nautilusint.org)

## **Beheerstichting Werken onder Overdruk – SWOD –**

[www.werkenonderoverdruk.nl](http://www.werkenonderoverdruk.nl)

The Management Foundation "Beheerstichting Werken onder Overdruk" (SWOD) is a new foundation founded on initiative of the Ministry of Social Affairs in 2008 to meet the new certification system introduced in 2012 by the Dutch government. SWOD is appointed by the Dutch Ministry of Social Affairs and Employment

The Foundation SWOD has a tripartite membership: an independent chairman and the other members of the board represent the relevant disciplines, i.c.: civil diving industry, Ministry of Defense and fire service divers.

The board has the overall responsibility for the schemes including maintenance and development. The Board must approve all new versions of the schemes and other documentations.

Aims:

1. To manage the high standard and increase the Health and Safety and Quality of the Dutch Sector Hyperbaric Labour.
2. To inform the employers and employees about Health and Safety and promote awareness about health and safety

Main tasks:

- Portal between Sector and Government
- Management of: Certification Schemes (maintenance), Central Digital Itembank (exams theoretical and practical), Public Register Certificates of Competency, Working Conditions Catalogue (Health and Safety Catalogue) and Safety Flashes.
- Control legally required consultation certifying Institutes
- (Inter)national network

The **Central Committee of Experts (SWOD CCvD)** represents the industry, contractors, employers and employees of the civil & public sector.

The Central Committee of Experts (CCvD) which consists of the chairmen of the Branch Committee of Experts bring in the expertise of their grassroots. Project Groups will be formed for special projects/studies and consists of representatives/experts from at least the three sectors.

All members of the board, committees, project groups must sign an agreement to respect the confidentiality required, as stipulated in ISO 17024.

Once per year SWOD organize a information day to inform the certificate holders and employers about the

- Annual report of the last year
- Program for coming year
- Developments
- Changes in Working Condition Law
- Etc

Main aim of this day is to keep in touch with the people working in the working area.

Complaints over the schemes must be directed to SWOD, where they are commented and submitted to the board with a recommendation for action.

### **Certifying institute**

The certifying institute shall define its policies and procedures in accordance with the requirements in ISO 17024 and in the certification schemes.

Meets the requirements in the scheme for certifying institutes

<http://wetten.overheid.nl/BWBR0008587/BijlageXVI>

The certifying institutes have a contract with SWOD before initiating certification according to the scheme seek and obtain accreditation of their quality manual complying ISO 17024 (the certification process). The institutes

- be appointed by government based on a assessment by the Dutch Council of Accreditation
- have access to technical experts for certification with qualifications and experience within the working area
- keep and maintain their part of the Public Register of SWOD with the indication of scope; and
- participate in meeting for certifying bodies arranged by SWOD

### **Certification Schemes**

Since January 1st 2003 the present legislation came into force. There is one certification scheme for all diving, whether employed in the oil & gas industry or otherwise.

In 2012 the Dutch government introduced a new system of accreditation and certification based on NEN EN ISO IEC 17021 (system) & 17024 (person) Norms.

Category A1	Diving with SCUBA with a maximum depth of 9 metres (aquaria)
Category A2	Diving with SCUBA with a maximum depth of 15 metres
Category A3	Diving with SCUBA with a maximum depth of 30 metres
Category B1	Diving with Surface Demand equipment till 15 metres
Category B2	Diving with Surface Demand equipment till 30 metres (inshore)
Category B3	Diving with Surface Demand equipment till 50 metres (Offshore)
Category B4	Diving with Surface Demand equipment till 50 metres including Wetbell
Category C	Closed Bell / saturation diving
Dive supervisor	Working as a diving supervisor (A1, A2, A3, B1, B2, B3 and B4, C )

The four schemes are written in Dutch.

**Dive supervisor** <http://wetten.overheid.nl/BWBR0008587/BijlageXVIb>

**Commercial Diver** <http://wetten.overheid.nl/BWBR0008587/BijlageXVIc>

**Diver medical support** <http://wetten.overheid.nl/BWBR0008587/BijlageXVIId>

**Diving physician** <http://wetten.overheid.nl/BWBR0008587/BijlageXVIa>



The validity of certificates is limited. The certificates will be issued with an expiration date.

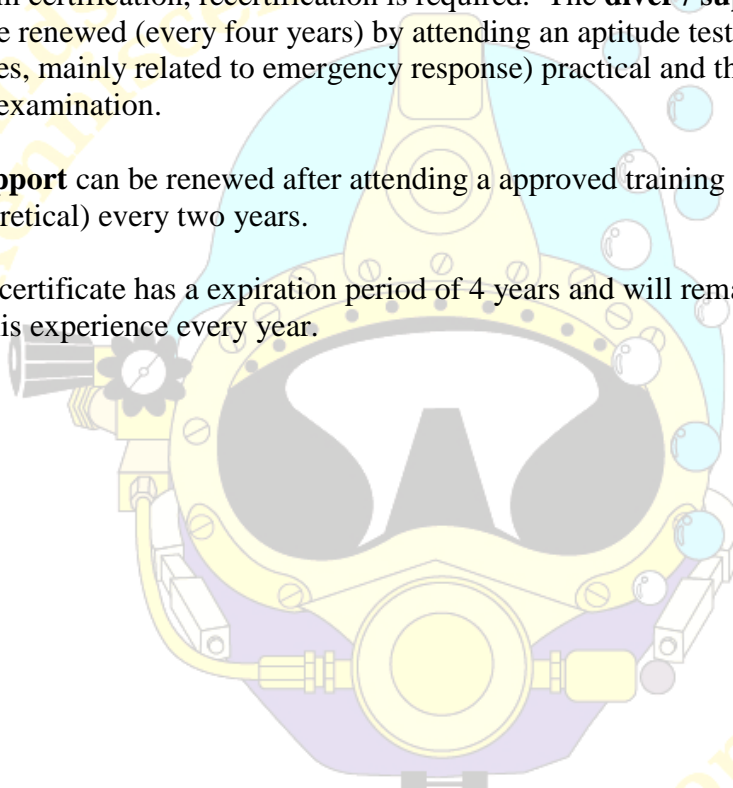
Certificates (diver & supervisor) have an expiration date of 4 years and will remain valid when the holder can prove (logbooks / portfolio) his experience **every two years**:

- Category A1, A2 and B1: at least 20 dives in the preceding 24 months;
- Category A3, B2, B3, B4: at least 30 dives in the preceding 24 months;
- Category C: at least 10 bell runs (closed bell) in the previous two years, of which five as a bell man and five as a lock-out diver;
- Dive supervisor A1, A2 and B1: supervised at least 20 dives in the preceding 24 months
- Dive supervisor A3, B2, B3, B4 or C: supervised at least 30 dives in the preceding 24 months

Within 4 years from certification, recertification is required. The **diver / supervisor** certificates must be renewed (every four years) by attending an aptitude test (to demonstrate certain competences, mainly related to emergency response) practical and theoretical and the logbook/portfolio examination.

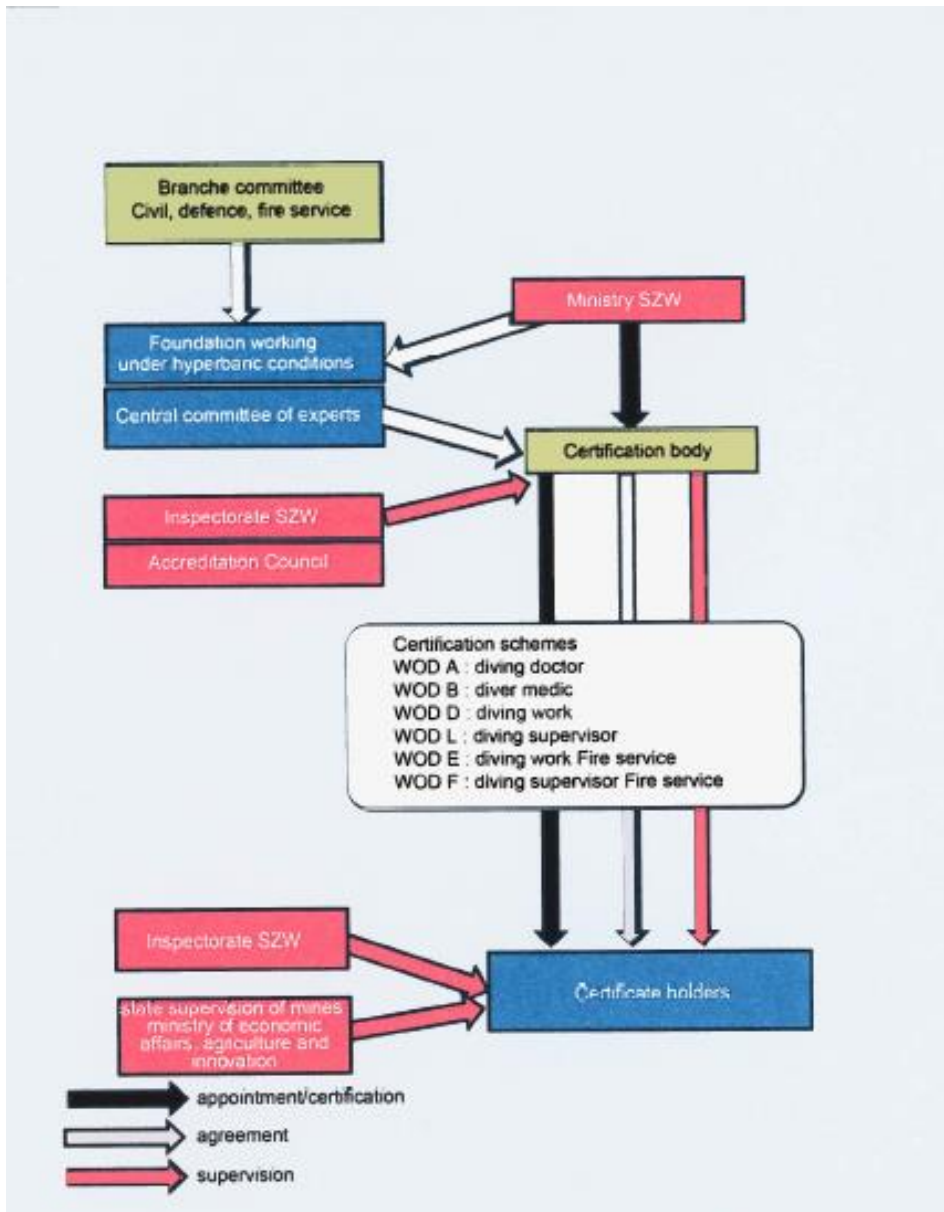
**Diver medical support** can be renewed after attending a approved training and initial exam (practical and theoretical) every two years.

**Dividing physician** certificate has a expiration period of 4 years and will remain valid when the holder can prove his experience every year.



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onder overdruk



## FOREIGN CERTIFICATES

Holders of foreign commercial diver certificates who want to dive commercially in the Netherlands must have their certificates assessed by a certifying institute designated by the Minister of Social Affairs and Labour Employment, i.e. the NDC.

More information: contact the NDC [post@ndcci.nl](mailto:post@ndcci.nl)



## Health and Safety

### **Healthy and safe working conditions for good results.**

A healthy and safe working climate leads to healthy and motivated employees. Employees who work in healthy and safe conditions are less likely to suffer from stress, become ill or unfit for work, they are better motivated and they perform better all round. Employers make savings hereby in unnecessarily high sickness and worker replacement costs as well as insurance premiums. Moreover, a positive and safe working climate is good for the image of your business or organization.

**Healthy and safe working conditions: rights and obligations for employers and employees Set out in the Working Conditions Act (Arbeidsomstandighedenwet), the Working Conditions Decree (Arbobesluit) and the Working Conditions Regulations (Arboregeling) are the rights and obligations for employers and employees in the area of health and safety at work.**

### **Employers have the primary responsibility for healthy and safe conditions**

Employers have the primary responsibility for providing a situation whereby their employees can work under healthy and safe conditions. Employees also have responsibilities. They are obliged, for example, to follow the relevant safety conditions that apply within the workplace. In order to promote healthy and safe working conditions, it is important that employers ensure that their employees are kept well-informed about the rights and obligations that apply to the employees. Moreover, it is important that employers implement a structural, adequate and up-to-date working conditions policy. It is recommended that you formulate your working conditions policy in collaboration with the works council or together with employee representation.

The Working Conditions legislation applies everywhere that 'work under authority' is carried out. This applies, for example, to agency workers and (partly) to the self-employed and to voluntary workers.

<http://www.answersforbusiness.nl/subject/health-safety-at-work>

### **More information**

For more information on the topics listed below, see: [Ministry of Social Affairs and Employment > Health and safety at work](#)

[https://osha.europa.eu/en/topics/accident\\_prevention](https://osha.europa.eu/en/topics/accident_prevention)



## LEGISLATION

MAY 2013

### The Working Conditions legislation in the Netherlands can be found in:

3. **The Working Conditions Act.** General provisions for employers and employees how to deal with occupational safety and health, for example to have a written OSH-policy or a risk inventory. The Act gives certain powers to the Labour Inspectorate, for example to force the employer to stop the work.  
**Full text version 25-3-2013** of the Working Conditions Act >> [pdf](#) and [word](#)  
**Highlights and recent changes >>**
4. **The Working Conditions Decree.** This Decree covers a wide range of specific occupational health and safety topics, such as provisions on work places, dangerous substances, noise, vibrations etc.  
**Full text version 25-3-2013** of the Working Conditions Decree >> [pdf](#) and [word](#)  
**Highlights and recent changes >>**
5. **The Working Conditions Regulation.** Very specific provisions which are changing relatively fast. For example the occupational exposure limit for dangerous substances.  
**Full text version 23-3-2013** of the Working Conditions Regulation (excluding annexes) >> [pdf](#) and [word](#)  
**Highlights and recent changes >>**
6. **Major Accidents Legislation.** The Major Accidents Decree and Regulation deal with legislation in the field of Major Accidents related to dangerous substances.  
**Full text version 25-3-2013** of the Major Accidents Risks Decree >> [pdf](#) and [word](#)  
**Full text version 25-3-2013** of the Hazards of Major Accidents Regulation >> [pdf](#) and [word](#)  
**Highlights and recent changes >>**

### Some typical elements in the Dutch occupational safety and health legislation:

- The employer is obliged to contract an occupational safety and health service or an occupational physician. The OSH-service or the occupational physician has to perform four tasks for the employer:

1. Assisting employees who are not able to work because of illness;
2. Reviewing the risk assessment and evaluation;
3. Conduction the periodic occupational health examination;
4. Conduction the pre-employment medical examination.

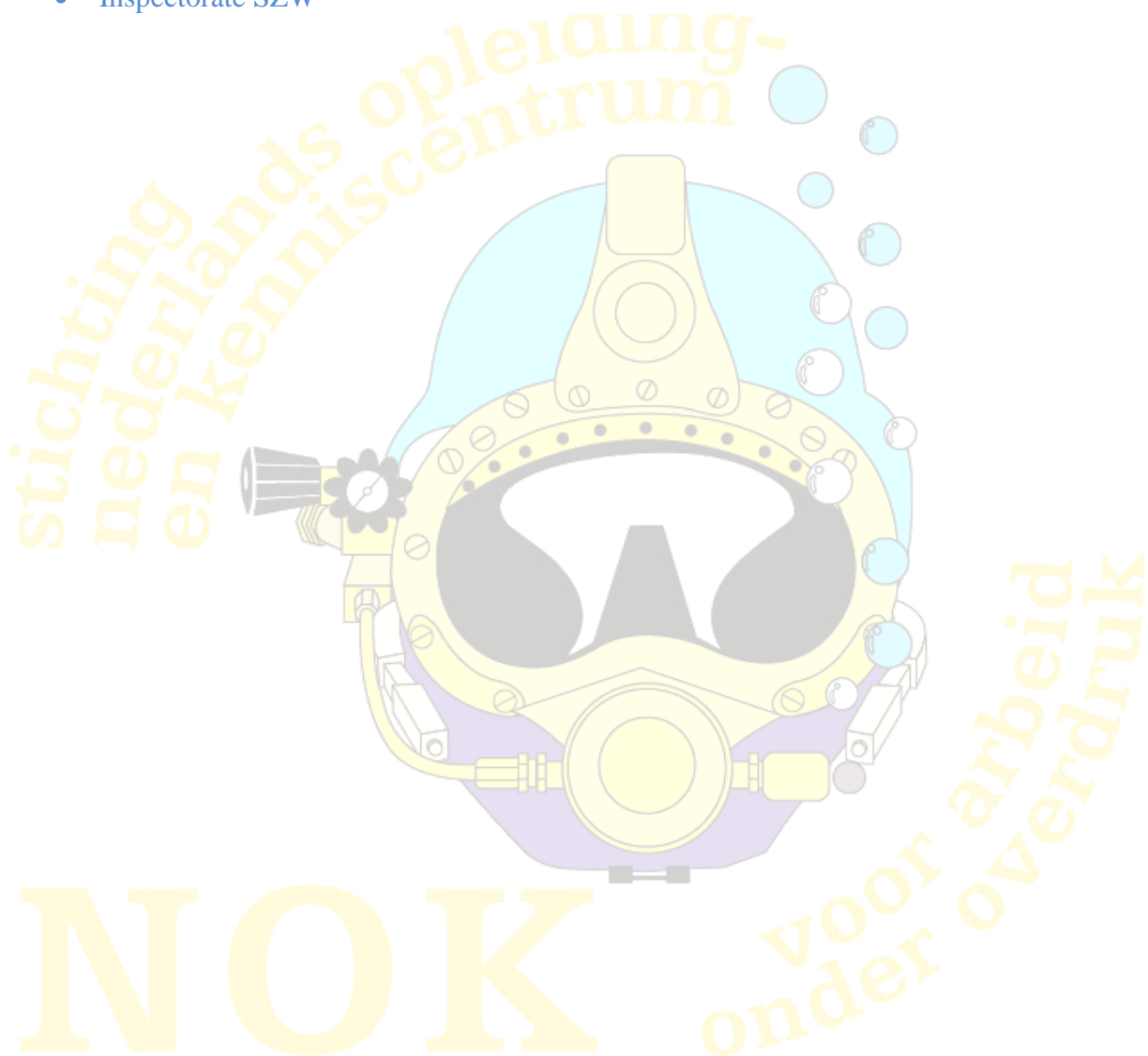
- Especially task number 1 is important. Because in the Netherlands the social security system obliges the employer to pay at least 70% of the salary of the employee who has fallen ill. So, it's very costly for an employer not to pay attention to the assistance of sick employees by an OSH-service or an occupational physician.
- The OSH-service or the occupational physician in the Netherlands are external organisations/specialists mostly. The Dutch employers have to designate an internal employee with some knowledge of OSH as well. This person is called a designated worker or the prevention worker. This prevention worker has to assist the employer

with the risk assessment and evaluation, and also assist the work council with OSH related matters.

- It is sometimes difficult, especially for small and medium sized enterprises, to find proper solutions and ideas for OSH-problems. In the Netherlands many branches have made so-called OSH-catalogues; in these OSH-catalogues one can find branche-made solutions. These solutions are approved by the Labour Inspectorate.

**Relevant links:**

- [Ministry of Social Affairs and Employment](#)
- [Inspectorate SZW](#)



## Highlights and recent changes Working Conditions Act

### Last up-date May 2013

- Employees have to be able to do their work in a healthy and safe environment.
- Every employer has to make a (written) occupational safety and health policy document. In this policy document attention should be paid to psycho-social risks. It should also include a distribution of powers and responsibilities among the employees.
- Employers are obliged to make a risk assessment and evaluation (in Dutch: RI&E) that contains the risks that are involved with the work being carried out by their employees. There must also be a plan of action for tackling health and safety risks, and how and when this is done. The RI&E does not have to be updated every year, but alterations will be necessary if, for example, working methods are changed or if there are new risks present. The RI&E should be reviewed by a certified occupational safety and health expert or an certified occupational safety and health service. An overview of certified internal and external occupational safety and health services can be found on the website of [SBCA](#) (Stichting Beheer Certificatie Arbodiensten). Employers with less than 26 employees are not obliged to review their RI&E, but then they are forced to use a branche RI&E-instrument. Such branche RI&E-instruments can be found at [www.rie.nl](http://www.rie.nl).
- The employer should give the employee sufficient and adequate instructions and training about amongst others the risks within the organisation and how to deal with these risks safely and healthy.
- The Works Council (in Dutch: ondernemingsraad (OR)) or employee representative body must give their agreement to health and safety policies. They also have the right to give their consent regarding absenteeism policies, including the range of tasks of the prevention worker. If there is no Works Council or employee representative body, then the employer must consult with the relevant employees.
- Every company must appoint at least one of its employees as a prevention worker. He or she looks after everyday health and safety matters in the workplace. In the case of companies with less than 26 employees, the employer may carry out this task him- or herself.
- Employees must be given an opportunity to have a Periodic Occupational Health Examination (in Dutch PAGO). The company doctor will then check for any health problems that have resulted from the work carried out by the employee.
- Emergency response assistance (in Dutch: bedrijfshulpverlening (BHV)) must be present in every company. Company emergency response officers are trained to look after other employees and visitors during emergencies. Employers must ensure that the emergency response officers are properly trained. Employers may take on the emergency response tasks themselves, but there must be at least one other employee who can take over the tasks whenever the employer is absent. There are no other specific qualifications needed for the position.
- Every employer should have an agreement with (for example) a group of Occupational Health physicians or an occupational safety and health service (arbodienst) to carry out some specific tasks for the employer such as the Periodic Occupational Health

Examination (PAGO) and supporting employees who are not able to work because of illness.

A recent small change in the Working Conditions Act has been:

The Labour Inspectorate (Inspection SZW) has more possibilities to impose an administrative fine by themselves in case of a violation of the regulations of the Working Conditions Act. At the same time the height of the administrative fines have risen. For example: if a company with more than 500 employees does not have a risk inventory and assessment (RI&E) the Labour Inspectorate can impose an administrative fine of € 3.000. (effective since 1-1-2013).





## Important Articles Working Conditions Act

The Working Conditions Act itself contains no articles that specifically deal with hyperbaric conditions or diving work. However the Act does contain general articles which focus on safety, health and welfare.

Important articles in the context of diving work are amongst others:

- Extension of Scope: Article 2
- Inventory and evaluation of risks: article 5
- Information and training: article 8
- Reporting accidents and occupational diseases: article 9
- General obligations of the employees: article 11
- Multiple employers: article 19
- Certification: article 20

### **Article 2 Working Conditions Act: Extension of Scope**

This Act and the provisions adopted on its basis also apply to:

- a. work performed within the exclusive economic zone;
- b. activities carried out by apprentices and students in training establishments or parts thereof, including outdoors, that are comparable to work performed in the exercise of the profession for which they are being trained;
- c. work performed entirely or partly outside the Netherlands by individuals working on board ships that are entitled to fly the Dutch flag under Dutch law;
- d. work performed for an employer established in the Netherlands entirely or partly outside the Netherlands by individuals working on aircraft.

### **Article 5 Working Conditions Act: Risk assessment and evaluation**

1. When operating a working conditions policy, the employer shall produce a written inventory and assessment of the risks to which employees are exposed as a result of their work. This risk assessment and evaluation also includes a description of the measures aimed at limiting hazards and risks, and risks affecting particular groups of employees.
2. The risk assessment and evaluation shall deal with employees' access to an expert employee or individual, as defined in articles 13 or 14, or the health and safety service.
3. A plan of action, indicating the measures to be taken in conjunction with the relevant risks and the relationship between them, in accordance with article 3, shall be part of the risk assessment and evaluation. The plan of action also lays down a timetable for taking these measures.
4. The risk assessment and evaluation is adjusted as often as is found to be necessary in the light of experience with it, changes to working methods or working conditions, or the state

of the art and professional provision of services.

5. If the employer has work carried out by an agency employee, he/she/it shall 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 employee will be exposed at his/her workstation, well before the agency employee takes up his/her post, so that the agency can pass this description on to the employee.
6. The employer shall ensure that every employee can take cognizance of the risk assessment and evaluation.

#### **Article 8 Information and training**

1. The employer shall ensure that employees are given appropriate information about their duties and the associated risks, and on the measures in place to prevent or limit these risks.

The employer shall also ensure that employees are given appropriate information about how the panel of experts referred to in articles 13, 14, 14a and 15 is organised in the business or establishment.

2. The employer shall ensure that employees are given appropriate training for their particular tasks in respect of the working conditions.
3. If personal protective equipment is supplied to employees, and if protective devices are fitted to tools or other objects, the employer shall ensure that employees are informed of their purpose, operation, and how they are to be used.
4. The employer shall monitor compliance with instructions and rules issued to prevent or limit the risks referred to in paragraph one, as well as the correct use of personal protective equipment.
5. In the case of employees under the age of 18, the employer shall, when carrying out the activities required under the preceding paragraphs, take particular account of the fact that these employees are, because of their age, lacking in work experience and not yet physically or mentally fully mature.

#### **Article 9 Notifying and recording accidents at work and occupational diseases**

1. The employer shall notify the relevant supervisor immediately of any accidents at work leading to death, lasting injury or hospital admission, and shall report to the supervisor as soon as possible if asked to do so.
2. The employer shall keep a list of notified accidents at work, and of accidents at work leading to employees taking more than three days off work, indicating the nature and date of the accident.

3. The person referred to in article 14, paragraph one, as being responsible for the task referred to in item b of that paragraph, or the health and safety

### **Article 11 Working Conditions Act: General obligations of employees**

Employees are obliged to take the utmost care of their own safety and health, and that of other individuals concerned, in what they do or do not do at the workplace, in accordance with their training and the instructions given by the employer. In particular, they must:

- a. use tools and dangerous substances properly;
- b. use personal protective equipment supplied to them properly, and return it to the proper storage place after use, unless a provision is established by virtue of this Act stating that employees are not required to use their protective equipment as indicated above;
- c. not to modify protective devices fitted to tools or other objects or to remove them without need, and to use them correctly;
- d. to participate properly in the training referred to in article 8;
- e. to notify the employer or their local manager immediately of any hazards to safety or health of which they become aware;
- f. to assist the employer, employees, and other experts referred to in article 13, paragraphs one to three, the individuals referred to in article 14, paragraph one, and the health and safety service, where necessary in the exercise of their obligations and tasks under this Act.

### **Article 19 Multiple employers**

1. If more than one employer has work performed in a business or establishment, they shall cooperate appropriately in order to ensure compliance with the provisions established in or by virtue of this Act.
2. Before work falling under a category specified in an order in council starts, the employers shall ensure that a written description of how they are to cooperate is produced, what action is to be taken in respect of cooperation and how this is to be monitored.

### **Article 20 Certification**

1. Rules shall be drawn up in or by virtue of an order in council specifying that employers, employees, other individuals or bodies must hold one or more certificates showing that they meet requirements laid down in or by virtue of this Act.
2. Our Minister, or a body designated on request by Our Minister, will decide on applications for such certificates and is also entitled to withdraw or suspend certificates that have been issued. The Independent Administrative Bodies Framework Act does not apply to designated bodies within the meaning of the first sentence.

3. A certificate as referred to in the first paragraph and a designation as referred to in the second paragraph are issued for a limited period. Regulations may be attached to a certificate or designation. The period of validity and regulations are mentioned in the certificate or designation.
4. Rules shall be established in or by virtue of an order in council relating, inter alia, to:
  - a. how applications for certificates as referred to in the first paragraph and designations as referred to in the second paragraph are to be submitted and the data that applicants must provide;
  - b. the grounds on which a designation may be issued, amended, suspended or withdrawn;
  - c. the grounds on which and circumstances in which certificates may be refused, or certificates that have been issued may be suspended or withdrawn; and
  - d. the reimbursement of costs owed in connection with the issue of a certificate or granting of a designation.
5. The costs of investigating whether the conditions of the issue of a certificate or the granting of a designation are still satisfied can also be charged to the holder of the certificate or the designated institution, provided these investigations and costs are laid down in a regulation as referred to in the third paragraph.
6. If third-party services are utilised in the issue of a certificate, granting of a designation or conducting of an investigation as referred to in the fifth paragraph, the costs incurred by these third parties may also be charged to the holder of the certificate or designated institution or the applicant, referred to in the fourth paragraph, under a.
7. The costs incurred by third parties as referred to in the sixth paragraph, insofar as these are charged to the holder of a certificate or the designated institution or the applicant, referred to in the fourth paragraph, under a, are calculated by these third parties in a conscientious, transparent and unequivocal manner with due regard for reasonableness and proportionality.
8. Detailed rules will be laid down by ministerial regulation regarding how the costs referred to in the fourth, fifth and sixth paragraphs will be reimbursed

## Highlights and recent changes Working Conditions Decree

### Last up-date May 2013

The general rules of the Working Conditions Act are elaborated upon in the Working Conditions Decree. The Working Conditions Decree contains concrete provisions which employers must follow, classified by subject. Most of the EU-directives related to occupational safety and health have been implemented in this Decree.

The content (by chapter) of this Working Conditions Decree is the following:

1. *Definitions and scope.* In this chapter attention is paid to specific sectors and specific groups of employees. Examples of specific sectors are the transport sector and the armed forces. Examples of specific groups of employees are young employees (younger than 18 years) and pregnant and breastfeeding employees.
2. *Health and safety management and organisation of work.* This chapter deals with different aspects such as specific obligations for the petro-chemical industry related to the risk assessment and evaluation and obligation for occupational safety and health services.
3. *Organisation of workplaces.* For example specific obligations are given for electrical installations, for the prevention of falling from height and for explosive atmospheres. Obligations related to the more technical aspects of the (re)building of workplaces can be found in the Building Decree 2012.
4. *Dangerous substances and biological agents.* By far the biggest chapter of this Decree. This chapter does not deal with dangerous substances in general only, but also with some specific dangerous substances such as asbestos, conventional explosives and carcinogenic or mutagenic substances.
5. *Physical load.* Two EU-directives have been implemented in this chapter of this Working Conditions Decree. The first one is the manual handling of loads (90/269/EEC) and the second one is working with display screen equipment (90/270/EEC).
6. *Physical factors.* The seven sections of this chapter are: 1. Temperature and ventilation; 2. Lighting; 3. Noise; 4. Vibrations; 5. Radiation; 6. Artificial optical radiation; 7. Working under excess pressure (diving).
7. *Work equipment and specific activities.* Provisions are given how to handle safely with work equipment. This is not the implementation of the Machinery-directive (2006/42/EC). This directive has been implemented in the Commodities Act.



8. *Personal protective equipment and health and safety signs.* Two EU-directives have been implemented in this chapter of this Working Conditions Decree: the PPE-directive (89/656/EEC) and safety and health signs at work directive (92/58/EEC).
9. *Obligations, offences, violations, administrative provisions and transitional and final provisions.*

A recent change in the Working Conditions Decree is:

- More strict rules for legal certification procedures in chapter 1 of the Working Conditions Decree (effective since 1-1-2012). This can be found in the articles 1.5a up till article 1.6 of the Working Conditions Decree.
- Less complicated rules have been implemented for work which is not carried out at the workplace in the office (effective since 1-7-2012). Formerly this was called “Home work” in the Dutch legislation but now this is described as “Workplace independent work”. If the employees have the right to work outside the office (for example at home), the employer has to comply with some regulations based upon the Working Conditions Decree (Chapter 1, section 10 of the Working Conditions Decree). For example regulations related to VDU-activities



## Important Articles Working Conditions Decree

The Working Conditions Decree does contain specific requirements in relation to hyperbaric conditions and diving work. In Chapter 6 (physical factors), section 5 (working under hyperbaric conditions) those requirements can be found. Important requirements in relation to diving work are:

- Physical load: Chapter 5 Section 1
- Definitions and Applicability: article 6.13
- Suitability: article 6.14
- Occupational Health medical examination: article 6.14a
- Safety Measures: article 6.15
- Certification of maintenance system for diving and caisson equipment: article 6.15a
- Diving work: article 6.16
- Reporting diving work: article 6.17
- Compression chamber diving work: article 6.18
- Diving work of pupils and students: article 6.31

### Section 5. Working under excess pressure

#### Article 6.13. Definitions and applicability

1. In the provisions of or pursuant to this Section the following terms have the following meaning:
  - a. diving work: carrying out work in a liquid or a dry diving bell including the stay in this liquid or in this dry diving bell whereby for the purposes of breathing a gas is used under a higher pressure than atmospheric pressure;
  - b. caisson work: carrying out work in a space under pressure of at least  $10^4$  Pa above atmospheric pressure fully or partially surrounded by liquid as well as the stay in and the transport to and from this space;
  - c. other work under excess pressure: carrying out work other than diving or caisson work in a space under pressure of at least  $10^4$  Pa above atmospheric pressure including the stay in this space.
2. This Section also applies to the work in or on a seagoing vessel directly linked to the work to be carried out under excess pressure.
3. Articles 6.14 and 6.15, paragraph one, under a and b and d, apply exclusively to diving work with a Self- Contained Underwater Breathing Apparatus (SCUBA), consisting of the instructions for sport divers up to a diving depth of not more than 50 metres with a decompression time of not more than 20 minutes and with a partial oxygen pressure in the breathing gas of not more than  $1.4 \cdot 10^5$  Pa.

#### Article 6.14. Suitability

Diving work, caisson work and other work under excess pressure should be carried out by persons in a physical and mental condition such as to be able to be aware of the dangers associated with the work they are to carry out and to prevent or restrict these dangers where possible.

#### **Article 6.14a. Occupational health medical examination**

1. Persons entrusted with diving work, caisson work and other work under excess pressure are to be submitted to an occupational health medical examination before the start of that work aimed at the special health hazards to which they might be exposed in the performance of that work.
2. After a period of not more than twelve months after the examination meant in the first paragraph, the occupational health medical examination should be repeated and thereafter each time with an interval of not more than twelve months since the previous examination.
3. The occupational health medical examination meant in the first and second paragraph must be carried out by a physician in the possession of a diving physician certificate issued by our Minister or a certifying institution.
4. Detailed provisions concerning the performance of the occupational health medical examination will be laid down by a Ministerial Order. These provisions may relate to:
  - a. the information submitted at the examination;
  - b. the manner in which the examination is carried out;
  - c. the manner of assessment whether the persons are suitable or not for performing diving work, caisson work or other work under excess pressure;
  - d. the manner of recording, processing and retaining the information derived from the examination and also how long this will be retained.
5. A person should only perform diving work, caisson work or other work under pressure if it is evident from the occupational health medical examination that performing this work is acceptable on medical grounds. If it appears from the findings of the occupational health medical examination that performing diving work, caisson work or other work under excess pressure is only acceptable under the restricting provisions indicated therein, these provisions should be observed.
6. At the request of the employer or the person examined, the examination meant in this Article can be carried out again once by another physician who is in the possession of a diving physician certificate as meant in the third paragraph. The result of the re-examination replaces the previous one.

#### **Article 6.14b. Diving physician**

1. In connection with carrying out the occupational health medical examinations as meant in Article 6.14a, first and second paragraph, various professional skills, training or registration requirements for the issue of the diving physician certificate meant in Article 6.14a, third paragraph can be set in a Ministerial Order.

#### **Article 6.15. Safety measures**

1. If the diving work, caisson work or other work under excess pressure is undertaken, the following should be adhered to with due observance of the latest technology and taking into account the specific work to be carried out:
  - a. proper written work instructions should be present close to the place where the work is being carried out which at least contain the safety measures to be taken by the

- employees as well as the emergency procedures;
- b. sound materials in good conditions and sufficient breathing gas of good quality should be made available to the employees;
- c. a person specifically trained for this purpose should be present close to the place where the work is being carried out and be able to give adequate medical guidance to the employees;
- d. adequate first-aid equipment should be present close to the place where the work is being carried out.

2. The person meant in the first paragraph under c must be able to contact immediately a physician as meant in Article 6.14a, third paragraph.

**Article 6.15a. Certification of maintenance system for diving and caisson equipment** (this article is never implemented and will be deleted asap – for more details read in this paper about the document *Hyperbaric Labour System and Maintenance Standards / Requirements WOD SOE*)

1. Diving work, caisson work and other work under excess pressure must be carried out by an employer who is in the possession of a Maintenance System for Diving and Caisson Equipment Certificate issued by Our Minister or a certifying institution.
2. The certificate meant in the first paragraph or a copy of it should be present at the workplace and should be shown on request to the supervisor.

#### **Article 6.16. Diving work**

1. Diving work should be carried out by one or more divers assisted by a reserve diver and a team leader.
2. The reserve diver should only carry out diving work consisting of giving support to and rescuing divers in trouble. When using a diving bell, the reserve diver should be present in the bell.
3. The team leader should be in the possession of a diving team leader certificate issued either by Our Minister or a certifying institution which is relevant to the type of work he or she is carrying out.
4. Contrary to the first paragraph, the team leader may also act as a reserve diver if the diving work is carried out in a liquid consisting mainly of water with a maximum attainable depth of 9 metre and a maximum current velocity of 0.5 metre per second and whereby there is no foreseeable chance that the divers would get into trouble in this liquid.
5. Anyone who has carried out diving work should record this in a personal diving logbook. Apart from the nature of the diving work, at least the diving schedule followed should be recorded in this logbook including the decompression process followed as well as the duration of the stay in the liquid.
6. The divers and reserve diver should be in possession of a diving work certificate with respect to the type of work they are carrying out, issued by Our Minister or a certifying institution.
7. If diving work is being carried out, the person meant in Article 6.15, paragraph one under

c, should be in the possession of a medical diving assistance certificate issued by our Minister or a certifying institution which is relevant to the type of work he or she is carrying out.

8. The diving team leader certificate, the diving work certificate and the medical diving assistance certificate meant in the third or the sixth and seventh paragraph, or copies of these must be present at the workplace and should be shown to the supervisor on request.
9. Paragraph six does not apply to a person who is carrying out diving work within the scope of a diving course, provided this takes place under the supervision of a person who is in the possession of a certificate as meant in that paragraph.

#### **Article 6.17. Reporting diving work**

1. If diving work is carried out,
  - a. at a depth exceeding 9 metres;
  - b. under a current velocity exceeding 0.5 metre per second;
  - c. with intended decompression;
  - d. with breathing gas other than air;
  - e. for a period exceeding a week; or
  - f. for the underground mining industry or mineral-extracting industry through drilling, this should be notified to a supervisor designated to this end at least five working days before it commences specifying the location where the work will be carried out, the time this work will start, the probable number of employees involved and the number of employees that will actually carry out the diving work.
2. If the period between the instructions to perform the diving work as meant in the first paragraph and its execution is shorter than five working days due to the unforeseen and urgent nature of the diving work, the diving work should be reported to the official meant in the first paragraph as soon as possible.
3. With regard to the diving work for the underground mining industry or the mineral-extracting industry through drilling the notification meant in the first paragraph should be accompanied by information about the health and safety risks of the diving location.
4. The first paragraph does not apply to work carried out in connection with diving training.

#### **Article 6.18. Diving work compression room**

1. A suitable compression room supplied with an air lock for people and medicines should be present at the location where diving work is being carried out in water at a depth of more than 15 metres or in another liquid under a pressure exceeding  $1.5 \cdot 10^5$  Pa of atmospheric pressure.
2. Notwithstanding the first paragraph a compression room should be present at the location where diving work is carried out if the travelling time between the diving site and the nearest processing facility with a compression room exceeds 2 hours.
3. The compression room meant in the first paragraph:
  - a. should have a size and design geared to the number of persons carrying out diving



work and the nature of the activities, and  
b. should offer room for at least two persons.

4. The compression room should be used in the proper manner.

#### **Article 6.19. Caisson work**

1. Caisson work should be carried out by at least two persons.
2. At least 30 days before performing caisson work a supervisor designated to this end should be notified of this under submission of a proper work plan.
3. A caisson should be built, installed, adjusted or disassembled under supervision of a specially designated person.
4. Caissons should be inspected regularly by a specially designated person.

#### **Article 6.20. Caisson work compression chamber**

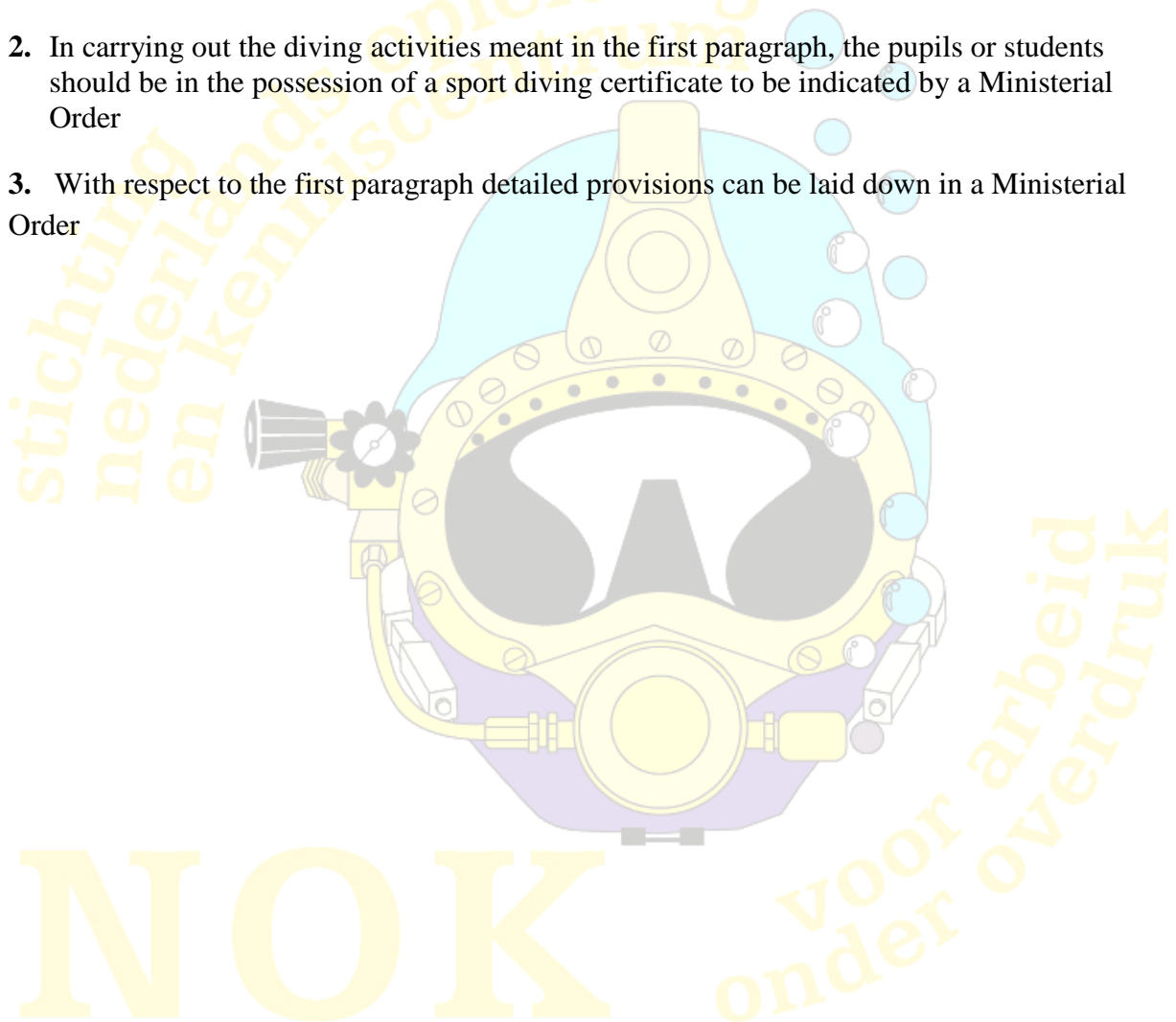
1. A suitable compression room supplied with an air lock for persons and medicines should be present near the site where caisson work is being carried out under a pressure exceeding  $1.5 \cdot 10^5$  Pa above atmospheric pressure.
2. Notwithstanding the first paragraph, a compression room should be present at the location where caisson work is carried out if the travelling time between that location and the nearest processing facility with a compression room exceeds 2 hours.
3. The compression room meant in the first paragraph:
  - a. should have a size and design geared to the number of persons carrying out caisson work and the nature of the activities, and
  - b. should offer room for at least two persons.
4. The compression room should be used in the proper manner.

**NOK**

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onder overdruk

**§ 6. Education Article 6.31. Diving work of pupils and students**

1. Article 6.16, sixth paragraph, is not applicable to pupils or students in educational institutions if these pupils or students carry out diving activities which:
  - a. are performed within the scope of scientific research;
  - b. are of a light nature, and
  - c. are carried out by a diving team as meant in Article 6.16, first paragraph, whereby the pupil or student functions as an additional member of this diving team.
2. In carrying out the diving activities meant in the first paragraph, the pupils or students should be in the possession of a sport diving certificate to be indicated by a Ministerial Order
3. With respect to the first paragraph detailed provisions can be laid down in a Ministerial Order



## Highlights and recent changes Working Conditions Regulation

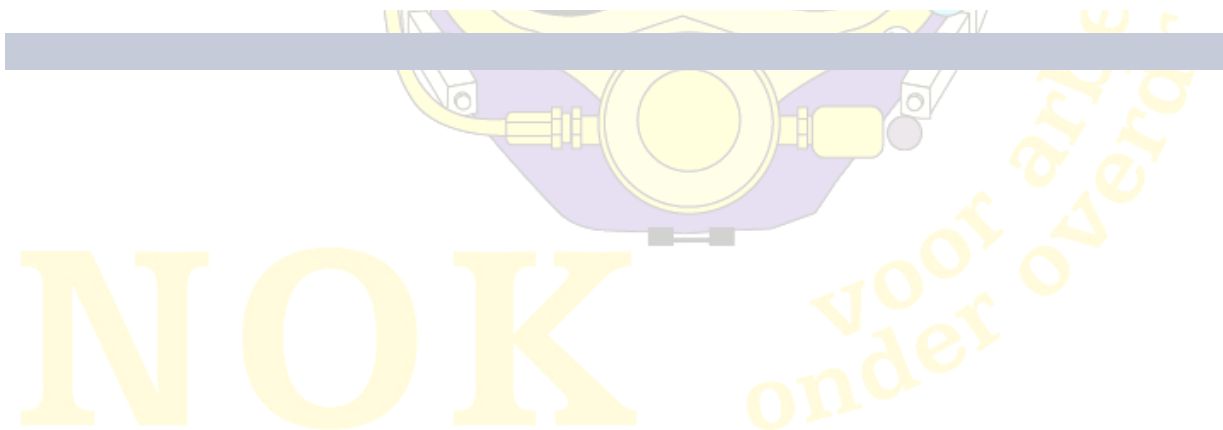
### Last up-date May 2013

The Working Conditions Regulation is changed many times a year. It is a relatively easy process to change this regulation. The content, related to the chapters, of this Working Conditions Regulation is exactly the same as the content of the Working Conditions Decree.

This Working Conditions Regulation contains a lot of very detailed obligations. For example detailed obligations for measurement methods for asbestos (chapter 4 of the Working Conditions Regulations) or for quite specific obligations for VDU-work.

Especially the annexes of the Working Conditions Regulations have been changed during the last year. These changes are part of a vast operation of the Ministry of Social Affairs and Employment to make strict provisions for the certification of services, processes, products and persons. There are several subjects in the Working Conditions legislation where a legal certificate is obligatory. For example for occupational safety and health services and for the expert supervisor in asbestos removal. For all those subjects a certification scheme has been made. And for all the subjects the Ministry has also made a scheme for the certification bodies who wants to certify services, processes, products and persons.

All these annexes include several hundred pages of very detailed provisions. It is too time-consuming and costly to translate them all.



## Important articles Working Conditions Regulations (AR)

Also in the Working Conditions Regulations articles can be found which relate to diving work. The regulations provide further details regarding the articles in the Working Conditions Decree. The following articles relate to Diving doctors, divers, diving supervisors and diving medical attendant/ diver medic.

See Chapter 6 Work under hyperbaric conditions

- Certification: Section 6.1
- Training courses: Section 6.2
- Occupational medical health examination for divers: Section 6.3
- Exemption: Section 6.4

Annex XVI: Final attainment levels diving work certificates, diving medical attendant/ diver medic certificates, diving supervisors certificates and diving doctor certificates

Annex XVI: Designation of **certification bodies** for the certification of training institutes for work under excess pressure, as mentioned in article 6.1, paragraph 2 Working Conditions Regulation.

Annex XVIa: Certification scheme for the **diving doctor certificate**, as mentioned in article 6.5, paragraph 1 Working Conditions Regulation

Annex XVIb: Certification scheme for the **dive team leader certificate**, as mentioned in article 6.5, paragraph 2 Working Conditions Regulation

Annex XVIc: Certification scheme for the **diver certificate**, as mentioned in article 6.5, paragraph 2 Working Conditions Regulation

Annex XVIId: Certification scheme for the **diving medical officer certificate**, as mentioned in article 6.5, paragraph 4 Working Conditions Regulation

Annex XVIe: Certification scheme for the **dive team leader certificate for the fire brigade**, as mentioned in article 6.6, paragraph 1 Working Conditions Regulation

Annex XVIIf: Certification scheme for the **diver certificate for the fire brigade**, as mentioned in article 6.6, paragraph 2 Working Conditions Regulation

## **Section 1.1a Certification**

### **Article 1.1a. Annual report**

Annual reports drawn up by certifying bodies as defined in Article 1.5b, paragraph one, of the Decree shall cover at least the following aspects:

- a. certificates that have been issued, withdrawn, suspended or refused by the body;
- b. changes to accreditations, rules and procedures affecting the body's area of activity;
- c. changes to the distribution of tasks affecting the body's area of activity;
- d. changes to the make-up of management;
- e. changes to the statutes or internal procedures;
- f. work contracted out to third parties;
- g. structural bottlenecks in the body's area of activity that have arisen in practice;
- h. consultation and cooperation with other certifying bodies that has taken place in the area of activity;
- i. complaints received by the body and how they have been dealt with;
- j. objections to and appeals against the body's decisions, and how they have been dealt with;
- k. a financial report on the activities for which the body has been designated.

### **Article 1.1b. Reimbursement of extra costs of certification and payment method**

1. To the extent that extra costs are incurred in relation to the issue of a certificate, within the meaning of these regulations, as a result of an application, action or omission of the applicant for the certificate, these costs shall be charged on to the applicant.
2. The costs associated with the issue of a certificate shall be settled with the application, in accordance with the instructions of the institution.

## **Chapter 6. Work under excess pressure**

### **Section 6.1 Certification**

#### **Article 6.1 Designation requirements for certifying bodies in the diving work area**

1. The following may be designated as certifying bodies as defined in Article 6.14a, paragraph three, of the Decree: training institutions providing training to individuals wishing to qualify as professionals able to perform occupational health medical examinations as defined in Article 6.14a, paragraphs one and two, of the Decree, or who will be called on to perform such examinations and who meet the criteria set out in the document referred to in the second paragraph.
2. In order to be designated a certifying body as referred to in Article 6.16, third, sixth or seventh paragraph, of the Decree, the applying institution must meet the criteria laid down in the Area specific document for the designation and supervision of certifying bodies charged with the certification of persons in the area of Working under Overpressure, document: WDAT-WOD-P: 2012, version 1, as included in Annex XVI to the regulation..



3. The following institutions are designated as certifying bodies as referred to in Article 6.16, paragraphs three, six or seven, of the Decree:
  - a. institutions that, on the basis of a regulation established by the Minister for Security and Justice conduct examinations relating to training for dive team leaders, divers and diving medical officers with the fire services;
  - b. institutions that, on the basis of a regulation established by the Minister for Defence, provide training for dive team leaders, divers and diving medical officers with the Ministry of Defence and conduct the relevant examinations.

**Article 6.2.** [Repealed as of 01-07-2012].

**Article 6.3.** [Repealed as of 01-07-2012]

Article 6.3a [Repealed as of 01-07-2012]

Article 6.4 [Repealed as of 01-07-2012]

#### **Paragraph 6.2. Training**

#### **Article 6.5. Issue of a certificate for diving physicians, divers, not being a fire brigade diver, diving team leaders, not being a fire brigade diving team leader, and a diving medical supervisor**

1. A certificate as referred to in Article 6.14a, third paragraph, of the Decree, is issued by the certifying body if the applicant:
  - a. is registered as an occupational physician as referred to in Article 14, first paragraph, preamble of the Act;
  - b. passed the examination that is part of the training course, referred to in Article 6.1, first paragraph, and
  - c. meets the criteria set out in the Area specific certification scheme for the personal certificate for diving physicians, document: WSCS-WOD-A: 2012, version 1, as included in Annex XVIa to the regulation.
  
2. A certificate as referred to in *Article 6.16*, third paragraph, of the Decree, is issued by the certifying body if the applicant, not being a fire brigade diving team leader, meets the criteria set out in the Area specific certification scheme for the personal certificate of

diving team leader, document: WSCS-WOD-L: 2012, version 1, as included in Annex XVIb to the regulation.

3. A certificate as referred to in Article 6.16, sixth paragraph, of the Decree, is issued by the certifying body if the applicant, not being a fire brigade diver, meets the criteria set out in the Area specific certification scheme for the personal certificate for diving work, document: WSCS-WOD-D: 2012, version 1, as included in Annex XVIc to the regulation.
4. A certificate as referred to in Article 6.16, seventh paragraph, of the Decree, is issued by the certifying body if the applicant meets the criteria set out in the Area specific certification scheme for the personal certificate of diving medical assistant, document: WSCS-WOD-B: 2012, version 1, as included in Annex XVI d to the regulation.

#### **Article 6.6. Issue of the certificate for fire brigade divers and fire brigade diving team leaders**

1. A certificate as referred to in Article 6.16, third paragraph, of the Decree, is issued by the certifying body, as referred to in Article 6.1, third paragraph, if the applicant, being a fire brigade diving team leader, meets the criteria set out in the Area specific certification scheme for the personal certificate of fire brigade diving team leader, document: WSCS-WOD-F: 2012, version 1, as included in Annex XVIe to the regulation.
2. A certificate as referred to in Article 6.16, sixth paragraph, of the Decree, is issued by the certifying body, as referred to in Article 6.1, third paragraph, if the applicant, being a fire brigade diver, meets the criteria set out in the Area specific certification scheme for the personal certificate of fire brigade diver, document: WSCS-WOD-E: 2012, version 1, as included in Annex XVI f to the regulation.

**Paragraph 6.3** [Repealed as of 01-07-2012]

**Article 6.7** [Repealed as of 01-07-2012]

#### **Section 6.4 Exemption**

##### **Article 6.8 Exemption from diving certification for trainees**

A valid NOB\*\* licence issued by the Dutch Underwater Sports Federation, or a licence regarded as equivalent by the minister, is accepted as a sports diving licence as referred to in Article 6.31, paragraph two, of the Decree.

## **The Working Conditions Catalogue (Health and Safety Catalogue) [arbocatalogus]**

<http://www.stvda.nl/en/~media/e31a851c541f4765a9381c9fe68012b3.ashx>

Dutch legislators have decided to give employers and employees at sector level a significant degree of responsibility for health and safety policy. Centralized policy rules and regulations will give way to sector-specific customization. The standards stipulated in the Dutch Working Conditions Act [*Arbeidsomstandighedenwet*] will continue to serve as a guideline, but employers' associations and trade unions – the social partners – may agree on the way in which these standards are to be met in their sector. The employers' federations and trade union confederations represented in the Labour Foundation have decided to create a Health and Safety Catalogue Guidance Committee [*Commissie Begeleiding Arbocatalogi, CBA*]. Their purpose in doing so is not to interfere with the sectors and their responsibility, but to facilitate the process of developing the catalogues as much as possible and desirable.

A Working Condition Catalogue contains agreements regarding controlling of (priority) Health and Safety risks at sector-, branch - or company level. Social partners (employers and employees) agree together which way the requirements in the Working Conditions Act and legislation can be met.

They provide practical solutions to meet the target requirements of the government. They choose themselves the form, content and distribution of the catalogue. In that way it is custom-made.

The Working Conditions Catalogue replaces in 2010 the statutory Working Conditions Policy Rules.

### **Digital Working Conditions Catalogue for working under hyperbaric conditions**

The Working Conditions Catalogue for working under hyperbaric conditions includes performing diving work, hyperbaric medicine work, caisson work and other work under hyperbaric conditions and is applicable to all employers and employees involved in carrying out diving work, hyperbaric medicine work, caisson work and other work under hyperbaric conditions. The Working Conditions Catalogue however is not applicable to diving activities carried out by Fire Brigades.

In this Working Conditions Catalogue as many as possible risks are mentioned, which may occur when carrying out diving work, hyperbaric medicine work, caisson work and other work under hyperbaric conditions. For all these risks are defined which minimum control measures an employer and employee shall take to manage these risks.

<http://www.arbocataloguswoo.nl/en/>

**The document of Hyperbaric Labour System and Maintenance Standards / Requirements** – new document **WOD SOE** – prescribes the standards, inspection and maintenance of the diving equipment and supporting equipment. It is important to know that the diver and the dive supervisor has also obligations concerning the use of the equipment. This can be visual inspection before and after the dive and/or cleaning the equipment after use. For daily or periodically maintenance and/or calibration the document WOD SOE gives more details. When a diving contractor works under IMCA rules he meets these standards automatically.

<http://www.arbocataloguswoo.nl/nl/wod-soe.html>

### General text from our government

Do you run a company in the Netherlands and do you use labour aids such as tools, machines and installations? Then you must have these items inspected on a regular basis.

There are 2 types of inspection:

- inspection after installation: this is required when safety depends on the way in which the items have been installed
- periodic inspection: this is required when the use or outside influences can lead to wear and tear, ageing or damage. The employer decides which expert or institution will carry out the inspection. A number of labour aids must be inspected by a certification body. After inspection, a sticker or other written proof which shows the date of the last and next inspection must be applied.

With a certificate or quality mark, you can demonstrate that the products, services, processes or working conditions meet certain safety, quality or environmental requirements. For example with organic or local produce. With this, you can also demonstrate that your employees possess certain knowledge and skills.

In the Netherlands, certifying bodies and quality mark owners may issue certificates and quality marks. The Dutch Accreditation Council (*Raad voor Accreditatie, RvA*) recognizes certifying bodies and quality mark owners if they meet requirements such as impartiality and expertise. You will find a list of European inspection agencies on the Nando Information System's website.

A certificate is a written proof. Sometimes, a client or the Dutch government makes the holding of a certificate obligatory, for example for people working with asbestos. A certificate is issued on the basis of certification schemes. These schemes contain the requirements set on the product, service, system or person. In order to continue to hold the certificate, you are obliged to attend refresher courses and sit re-examinations frequently.

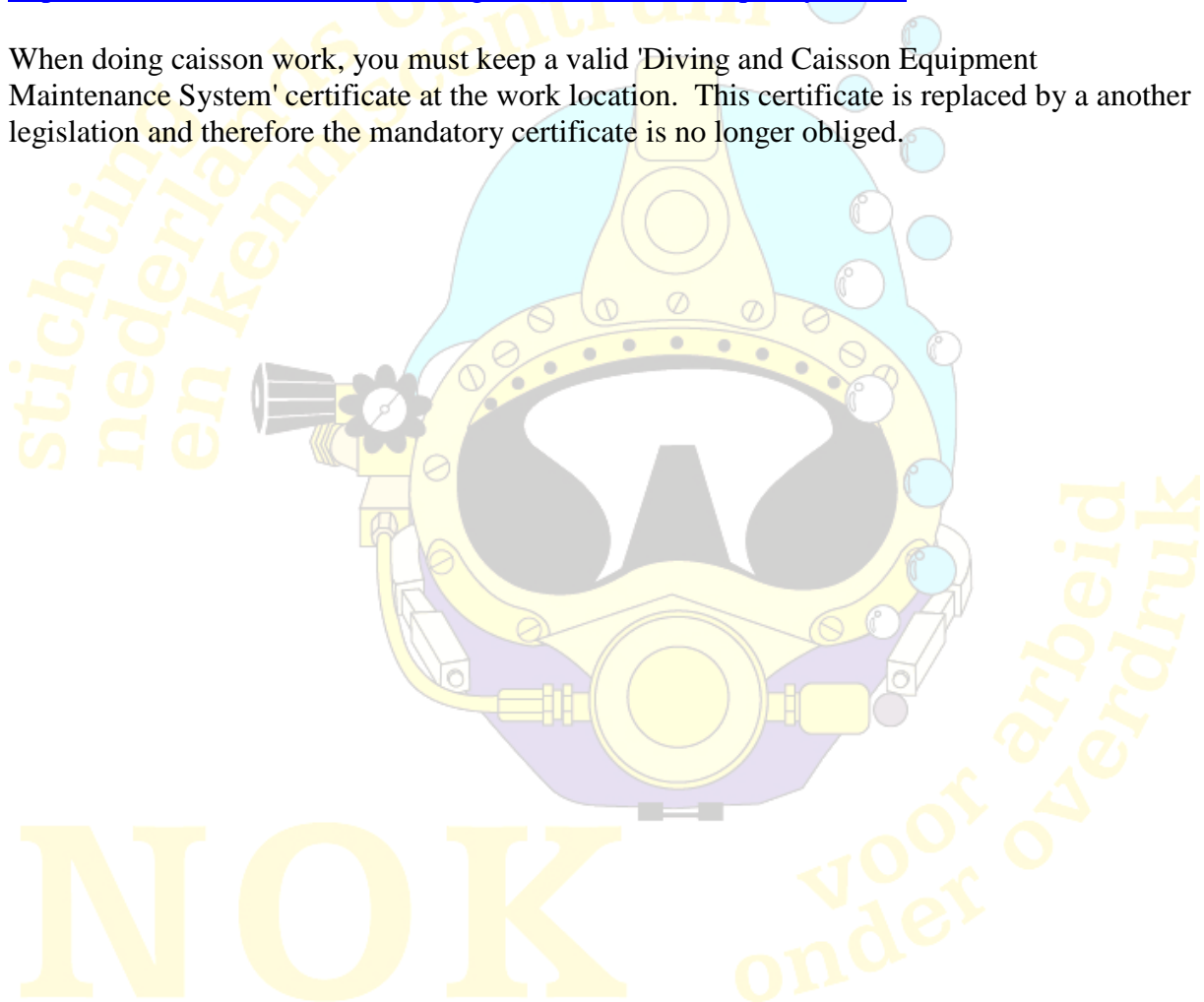
A working conditions certificate (*arbo-certificaat*) is mandatory for a number of products, activities and systems, such as:

- lifts, cranes and pressure vessels;
- diving work, working with explosives and shooting commercial fireworks;
- working conditions services and asbestos assessment companies.
- New requirements for these working conditions certificates have been in effect since 1 January 2012. Moreover, more supervision is carried out. If you fail to comply with the rules, you will be dealing with heavier sanctions.

<http://www.answersforbusiness.nl/regulation/testing-work-equipment>

<http://www.answersforbusiness.nl/regulation/certificates-quality-marks>

When doing caisson work, you must keep a valid 'Diving and Caisson Equipment Maintenance System' certificate at the work location. This certificate is replaced by a another legislation and therefore the mandatory certificate is no longer obliged.





**In general the enforcer offshore is State Supervision of Mines (SSM) and inshore Inspectorate SZW.**

Two supervising bodies are charged with monitoring working conditions in relation to diving work: the inspectors from ISZW inshore and SSM offshore. The SSM is the supervising body for work directly or indirectly connected with the mining industry (opencast mining, underground mining industry and the mining industry involved in mining of minerals by drilling). In other situations, the ISZW is the supervising body.

**What does an inspection involve?**

The inspector monitors your working conditions policy on the basis of the Working Conditions Act and regulations. At the beginning of the inspection, the inspector will usually ask if a member of the works council or a staff representative wishes to attend the inspection. This right to be present is laid down by law.

Moreover, the works council has the right to meet with the inspector without you, the employer, being present. The inspection usually takes place at a dive location, where such a meeting is not always possible.

Administrative inspections are also conducted. The inspector's job here is to check that you have a system for recording the process and/or whether you have any (policy) documentation for monitoring the working conditions.

The inspection is carried out as follows:

- At the place of work, the inspector monitors your compliance with the rules governing the main occupational risks.
- The inspector discusses his/her findings with you or your representative. It is possible that you comply with all your obligations, but if you fail to do so, in full or in part, you will need to make further compliancy arrangements with the inspector.
- The inspector will keep a written record of breaches which may be in the form of a warning or a demand.

**In the case of some breaches, the inspector may draw up a fine report and you will be fined on the spot.**

**How are inspections conducted by the supervising body?**

During the course of an inspection, the inspector will check whether equipment and usage thereof comply with the statutory provisions of the Working Conditions Decree and the Machinery (Commodities Act) Decree.

Any work representing a serious hazard will be suspended for preventive reasons by the inspector, who will also impose a fine. The work may only be resumed when the (potential) hazard has been removed. Depending on the findings, the inspector will then proceed to inspect a number of documents relating to machinery from 1995 and later in order to check availability of:

- instructions for use;
- an EC declaration of conformity for machinery with CE marking;
- a maintenance logbook;
- (work) instructions and procedures;
- the risk assessment and evaluation and the ancillary action plan.

The Labour Inspectorate and State Supervision of Mines inspect companies for compliance with the law and legislation, taking into account the solutions in the Health and Safety Catalogue (Working Conditions Catalogue). If you deviate from these solutions, you have to reach a level of health and safety which is at least as high as when you would have followed the Working Conditions Catalogue. The enforcer will check this!

<http://www.arbocataloguswoo.nl/en/>

<http://www.arbocataloguswoo.nl/en/wod-soe.html>

### **How do the ISZW and the SSM conduct inspections in 2008/2009?**

During an inspection, the ISZW and the SSM checked to ensure whether:

- proper work instructions and risk assessment are available at the dive location and that the employees are
- aware of these instructions;
- the diving team are fully trained and qualified (demonstrably) for the job;
- the divers are physically and mentally fit;
- medical facilities are available for the diver;
- the breathing gas quality and quantity are guaranteed;
- a compression chamber is required and if so, is available at the work location;
- the diver keeps a log of the diving work in the logbook;
- the supervising body has been notified of the diving work, if required;
- a proper record is kept of working hours;
- the standards provided for in the Working Hours Act are

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## **The Inspectorate SZW**

The Inspectorate SZW works for fair, healthy and safe working conditions and socio-economic security for everyone.

Some of the publications on this website still carry the name and characteristics of or refer to the former Labour Inspectorate. However, the content of these publications is still relevant. If appropriate, the brochures will be revised in time.

## **Supervision and investigation tasks of the Inspectorate SZW**

- Supervision of compliance with the regulations in the area of working conditions and the prevention of major hazards involving dangerous substances.
- Supervision of compliance with the regulations concerning illegal employment and minimum wages.
- Offering an insight into the effectiveness of the system of work and income by studying the implementation of social security acts by the Employee Insurance Agency (UWV), the Social Insurance Bank (SVB) and municipalities.
- Detection of fraud, exploitation and organized crime within the chain of work and income (labour exploitation, human trafficking and large scale fraud in the area of social security). This is carried out under the direction of the Public Prosecution Service.
- The Inspectorate SZW also monitors risks and relevant developments in the policy fields of the Ministry of Social Affairs and Employment and reports these to ministers, state secretaries and policy makers.

## **Smarter, more effective and more efficient supervision**

By combining the three organizations, the supervision of the compliance with rules and regulations across the whole range of Social Affairs and Employment is organised in a smarter, more effective and more efficient way. This is done on the basis of SZW-wide risk analyses and by applying a smart mix of:

- preventive actions (information about rights and obligations);
- inspections;
- investigations;
- repressive interventions (such as fines and the enforcement of criminal law).

## **Priorities Inspectorate SZW**

The Inspectorate SZW is selective in its supervision. It determines its priorities on the basis of risk analyses that cover the entire policy field of the Ministry of Social Affairs and Employment. Thus the Inspectorate can use its capacity efficiently and successfully where it is really needed.

On the basis of the results of the risk analysis for the year 2012 the Inspectorate has allocated a high priority to the following task areas for the coming years:

- illegal employment;
- labour exploitation;
- companies with a structurally poor score in the field of safety in the workplace;
- companies that work with hazardous substances;
- benefit fraud.

As is the case with each risk analysis, this is a set of priorities matching the present circumstances. If changing circumstances give cause to this, the set priorities will be adapted.

The Social Affairs and Employment Stricter Enforcement and Sanctions Act has come into force as of 1 January 2013. The Inspectorate SZW monitors for contraventions of employment legislation, such as illegal work or inadequate working conditions. Punishment and fines will be stricter than prior to 2013.

### **Complaints, tips, reports and applications**

Do you want to contact the Inspectorate SZW for a report, complaint or question?

**Industrial accidents requiring notification** can best be reported by phoning the above-mentioned telephone number. You can also report industrial accidents outside office hours by phoning this number.

Employers are obliged to **immediately** report industrial accidents that result in hospital admission, permanent injury or death to the Inspectorate SZW.

You can also contact the Inspectorate SZW for:

- reporting complaints about your working conditions;
- offering tips about illegal labour, exploitation and/or payment below the statutory minimum wage;
- notifications, reports and applications for exemptions (such as the removal of asbestos, child labour, etc.);
- reporting a fraud crime (anonymously) in the field of work and income (benefits, tenures, subsidies, possible exploitation of employees).
- For questions or reports contact the Inspectorate SZW:

### **Contact and digital complaint form**

Inspectie SZW (Inspectorate SZW)  
PO Box 820  
3500 AV Utrecht

Email: please use our [contact form](#)

Telephone: 0800 - 5151 (free from within the Netherlands)

Telephone: +31 70 - 333 44 44 (calling from outside the Netherlands)

Fax: +31(0)70 - 333 61 61

### **What does the Inspectorate SZW do?**

The Inspectorate SZW is a combination of the organisations and activities of the former Labour Inspectorate, the Work and Income Inspectorate and the Social and Intelligence Investigation Service of the Ministry of Social Affairs and Employment. The Inspectorate SZW works for fair, healthy and safe working conditions and socio-economic security for everyone.

**Download "What does the Inspectorate SZW do?"**

## State Supervision of Mines

<http://www.sodm.nl/english>

State Supervision of Mines (SSM) oversees the compliance with statutory regulations applicable to mineral exploration, extraction, storage and transport of minerals, focusing on the aspects of health, safety, the environment, effective extraction and soil movements.

SSM is a governmental organisation and is situated in The Hague. The department falls under the ministerial responsibility of the Minister of Economic Affairs, Agriculture and Innovation. SSM also works for the Ministers of Social Affairs and Employment (for labour laws); Housing, Spatial Planning and the Environment (for environmental legislations); and Health, Welfare and Sport (for criminal investigation).

SSM has a workforce of around 50 people. The department is led by the Inspector General of Mines and was established in 1810.

### What does SSM do?

As a State inspectorate, the State Supervision of Mines (SSM) monitors all activities connected with the detection and extraction of minerals. Central to this are safety, healthy and environmental factors and efficient extraction and ground work. Mineral extraction in the Netherlands is amongst the safest in the world, with SSM making an important contribution to this by ensuring compliance with statutory rules relating to the detection, extraction, storage and transport of minerals. The Minister for Economic Affairs is responsible for the activities of SSM.

Mining legislation in the Netherlands can be traced back to 1810 when Napoleon introduced the first Mining Act, the same year as the State Supervision of Mines was established, making the service almost 200 years old and one of the oldest government services. 2003 saw the entry into force of a new Mining Act. SSM is not only responsible for compliance with the Mining Act, but also for health and safety and environmental legislation and regulations.

The most important acts that are monitored by SSM are the Mining Act, Working Conditions Act, Environmental Management Act, Working Hours Act, Nuclear Energy Act, Chemical Substances Act, Commodities Act, Soil Protection Act, Noise Abatement Act, Air Pollution Act, Surface Waters Act, Marine Pollution Act, Water Supply Act and Gas Act (article 8, safety).

Please visit <http://www.overheid.nl/> for the applicable legislation (see Wet- en regelgeving).

State Supervision of Mines has six key tasks:

1. Supervising compliance with relevant legislation connected with the detection and extraction of minerals and geo-thermal energy, and storage of these chemicals
2. Supervising compliance with the Gas Act in the field of safety of gas transport networks
3. Making recommendations to the Minister of Economic Affairs
4. Providing independent advice regarding proposed policy



5. Informing members of the government and policy directors about existing policy and relevant developments abroad
6. Contributing to policy evaluations

In addition, SSM informs about risk management and investigates any accidents.

### **Operating Procedure**

SSM monitors mining companies and their management of safety, health and the environment. This operating procedure is described in the document [Strategy & Programme 2007-2011](#).

SSM monitors in three ways:

- Pro-active: SSM examines aspects of safety, health and environment prior to new activities taking place
- Preventative: SSM requires all mining companies to maintain a well documented quality system for company processes, a safety and health document and a company environment plan SSM also carries out inspections and audits
- Reactive: SSM investigates infringements, accidents and hazardous situations and takes measures accordingly. These activities have been laid down in the form of the intervention policy

State Supervision of Mines is not authorised to translate the legislation and regulations applicable to the oil and gas branches of industry. The governmental website <http://www.overheid.nl/> gives a selection. Click on 'English' for information on how to use the website.

The original text of the Mining Act, Mining Decree and the Mining Regulations have been translated. These translations are, however, unofficial, and should be treated as such. The documents were translated by J.L. den Duik, LCL of the NAM:

- [Mining act](#)
- [Mining decree](#)
- [Mining regulation](#)

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## **Risk inventory and evaluation (RI&E)**

<http://www.answersforbusiness.nl/regulation/risk-inventory-evaluation>

If you own a business in the Netherlands and you employ staff, you are obliged to conduct a risk inventory and evaluation (RI&E). You must make the RI&E available for perusal at a location accessible by employees.

Article 5 of the Dutch Working Conditions Act stipulates that every employer must perform an inventory and evaluation of the risks that an employee runs in performing his or her work. This obligation derives from the European Framework Directive (89/391/EEG) and the individual European directives based thereon that relate to working conditions. Article 6 of the European directive stipulates that the employer must take the necessary measures to ensure the safety and health of employees are safeguarded. The risk inventory is the basis of preventive activities to protect employees. According to article 9 of the European directive, each employer must be in possession of a risk inventory and must state the protective measures and means. In the Netherlands the results must be presented in the RI&E that identifies and evaluates the risks associated with working in a company. The corresponding plan of approach shows which measures are tangibly taken in a specific period and who performs these (who-what-when). The RI&E and the plan of approach must be kept up to date.

The RI&E must be performed before the official start of your business. When carrying out an RI&E, you must check:

- which risks you and your employees encounter;
- what measures you have taken in order to prevent harm to your own health and that of your employees;
- what measures you are planning to take (*Plan van Aanpak*).

### **How do you draw up an RI&E?**

#### **You have more than 25 employees**

You must be assisted by a prevention employee when drawing up the RI&E. A certified working conditions expert must test the RI&E.

#### **You have at most 25 employees**

You do not have to have the RI&E assessed by a working conditions expert if you use a recognised RI&E-tool developed by your sector organisation. Several of these sector organisations offer their RI&E tool on their website. You can find your sector and RI&E using the (Dutch-language) [Rie.nl website](#).

#### **You have employees for at most 40 hours per week**

You can use the (Dutch-language) [Checklist Health Risks](#) on Rie.nl to conduct the compulsory risk inventory and evaluation.

## Self-employed professionals in the Netherlands

A self-employed professional or freelancer (known in Dutch as a 'zpp'er') is an entrepreneur without any staff who works for a number of different customers. They have in common that they work at their own expense and risk. During illness or when business is slow, they cannot fall back on a benefit. However, they can make use of various schemes intended to stimulate entrepreneurship. 'Self-employed professional' is not a legal form. Most self-employed professionals have a one-man business or a private limited company (*bv*).

Employers in the diving sector often hire in self-employed people with no personnel. If self-employed persons without employees carry out work under your authority, such persons are regarded as your employees under the Working Conditions Act. This means that they are subject to all the regulations in the Working Conditions Act.

### Working Conditions Decree and Self-employed persons (ZZP-ers)

**Article 9.5 of the Working Conditions Decree describes the obligations of self-employed persons and co-operating employers.** In this Article 9.5 is indicated that nearly all requirements of the Working Conditions Decree in relation to diving work are applicable. The relevant articles are: 6.14a, 6.15a, 6.16, 6.17 and 6.18.

[See also the publication of the Labour Inspectorate "ZZP-er en de Arboret"](#)

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## Personal protective equipment

Personal protective equipment provides protection against accidents involving a person's head, face, eyes, ears, hands and feet. In the Netherlands, employers must make such equipment available to their employees free of charge. The equipment must comply with the Personal Protective Equipment (Commodities Act) Decree (*Warenwetbesluit persoonlijke beschermingsmiddelen*).

### Safety requirements

There are three categories of personal protective equipment:

- Protection against mild risks (Category I)
- Protection against average risks (Category II)
- Protection against serious risks (Category III)

The safety requirements differ according to category. Manufacturers, representatives and importers must indicate which risks the products offer protection against and the product's risk group category.

### Use of personal protective equipment

As the employer, you must provide your employees with proper information on how to use and maintain the personal protective equipment. Your risk inventory and evaluation (RI&E) must contain a description of the personal protective equipment required. The equipment is always a supplement to measures taken at source or facilities that apply for everyone.

Read more about:

- [personal protective equipment in the construction industry](#)
- [technical requirements on crash helmets](#)

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## Organisations

**Chamber of Commerce:** You will find information for self-employed entrepreneurs who want to start up a business in the Netherlands on the website of the Dutch Chamber of Commerce (KvK).

**Dutch Tax and Customs Administration:** Information on tax matters can be obtained from the Dutch Tax and Customs Administration (Belastingdienst).

**Holland Trade and Invest:** If you want to know more about the business climate in the Netherlands, sectors that offer good opportunities and the practical aspects of doing business, visit Holland Trade and Invest. This web site is managed by the Netherlands Enterprise Agency.

**National government :** Information on self-employed professionals without employees (ZZPs) is available on Government.nl, including how to choose an independent entrepreneurship.

**Arboportaal (Working Conditions Portal, Ministry of Social Affairs and Employment):** Arboportaal (Dutch) is your gateway to information on working conditions topics, as well as on relevant rules and regulations.

**The Netherlands Organisation for Applied Scientific Research (TNO) / Statistics Netherlands (CBS)**

TNO and CBS's *Zelfstandigen Enquête Arbeid (ZEA)* (work survey for self-employed professionals), provides information on the labour status of self-employed professionals without employees, such as their occupation, working hours and occupational hazards.

**Money Wise Platform:** In this platform, more than 40 partners from the financial sector, government, public information and consumer organisations, and the field of science have joined forces to strengthen the consumer's position in the financial domain. They offer specific (Dutch-language) information on self-employed professionals' financial issues.

- [Read more about the differences in Dutch legislation between cross-border services and services provided by foreign companies established in the Netherlands.](#)



## WORKING HOURS LEGISLATION

The Working Hours Act provides rules regarding maximum working hours and minimum rest periods. The Working Hours Act does however make exceptions for Defence, Fire Brigade, Supervisory and (special) Investigative services. For divers working in the mining industry in addition to the normal rules of the Working Hours Act and – Decree further rules are applicable.

### Working hours and rest periods

Diving work is sometimes subject to extreme time pressure. Due to the shortage of divers in the labour market, they tend to be assigned rather quickly to the next task. It is therefore important to take into account not only the surface intervals for decompression times, but also the rules governing working hours and rest periods.

### References to legislation and regulations

- > Working Hours Act and Working Hours Decree (ATB)
- > Additional, different rules apply to diving work in mining installations and with regard to saturation diving.

These are outlined in the Working Hours Decree.

[See the publication of the Ministry of Social Affairs and Employment regarding Working Conditions Act available in English](#)

See also the information of our government on the website of Labour Inspectorate

[www.arbeidsinspectie.nl/onderwerpen/arbeidstijden/arbeidsenrusttijdenvanwerknemers.aspx](http://www.arbeidsinspectie.nl/onderwerpen/arbeidstijden/arbeidsenrusttijdenvanwerknemers.aspx)  
<http://www.rijksoverheid.nl/documenten-en-publicaties/publicaties-pb51/de-arbeidstijdenwet-nederlands.html>

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## WORKING IN THE DUTCH SECTOR

<http://www.answersforbusiness.nl/regulation/professional-qualifications>

General: -

Professional requirements and diplomas

You do not require a separate diploma or permit in order to establish a business in the Netherlands. For instance, the retailer's diploma has been abolished. You need not meet the requirements of General Business Skills (*Algemene ondernemersvaardigheden, AOV*) and creditworthiness.

However, you are only allowed to practice certain professions if you meet certain requirements. There are regulated professions and professions that are subject to certain professional competence requirements.

### What are regulated professions?

A regulated profession is a profession that you are only allowed to practice after you have obtained a certain national diploma. This is stated in the Recognition of EC Vocational Qualifications Act (*Algemene wet erkenning EG-beroepskwalificaties*). You have to apply to the relevant competent authority for admission to professional practice. At Nuffic.nl you can find more details.

### How can you determine the validity of a diploma?

European agreements have been made on the mutual recognition of diplomas which provide access to regulated professions. Nuffic's National Contact Point (*Nationaal Contactpunt, NCP*) can inform you about the validity of your diploma. You can check the value of a foreign diploma via International Credential Evaluation, IDW.

### What professions are subject to professional competence requirements?

In addition to the regulated professions, there are professions that are subject to professional competence requirements.

**Regulated profession in the Sector Hyperbaric Labour are (Diver, Dive Supervisor, Diver Medical Support, Dive Physician)**

The diver, dive supervisor, diver physician and diver medical are regulated professions (directive 2005/36/EC) The diver and dive supervisor has a **star – status**.

This meant that holders of foreign commercial diver certificates who want to dive commercially in the Netherlands must have their certificates assessed by a certifying institute designated by the Minister of Social Affairs and Labour, i.e. the NDC.

## Translation of law articles Working Conditions Regulation

### Paragraph 1.3. Recognition of EC Vocational Qualifications and the temporary and incidental provision of services

#### Article 1.9. Definitions

In this paragraph, the following words will have the following meanings:

- a. *Act*: Recognition of EC Vocational Qualifications Act;
- b. *vocational qualifications*: vocational qualifications as referred to in Article 1 of the Act;
- c. *relevant country*: the relevant country as referred to in Article 1 of the Act;
- d. *service provider*: service provider as referred to in Article 21 of the Act;
- e. *adaptation period*: adaptation period as referred to in Article 1 of the Act;
- f. *competence test*: competence test as referred to in Article 1 of the Act.

#### Article 1.9a. Recognition of EC Vocational Qualifications

1. **The application for a certificate of competence as referred to in Article 1.5f, first paragraph, of the Decree is submitted to the minister or – if the minister has designated a certifying body as referred to in Article 1.5a of the Decree – to this certifying body, with submission of the following documents:**
  - a. a satisfactorily completed and signed application form;
  - b. a clearly legible copy of the applicant's identification document;
  - c. a clearly legible copy of a certificate or an attestation of competence attained in a relevant country invoked by the applicant;
  - d. insofar as applicable, a document attained by the applicant from the relevant country, which states that the required number of years of professional experience have been completed;
  - e. if the application and the documents referred to under c and d are in a language other than Dutch, English, French or German, a translation of these documents in one of these languages, if possible by a sworn translator.
2. The minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, the certifying body will decide whether the applicant has the vocational qualification level as referred to in Article 6 of the Act.
3. With due observance of Article 11 of the Act, the minister or, if the minister has

designated a certifying body as referred to in Article 1.5a of the Decree, this institution will inform the applicant whether he is required to successfully complete a compensating measure.

4. The compensating measure, as referred to in the third paragraph, consists of an competence test or an adaptation period, such at the applicant's discretion.
5. The costs associated with processing an application as meant in the first paragraph and the implementation of a compensating measure as meant in paragraph four will be passed on to the applicant. These costs must be settled upon filing the application, such in accordance with the instructions of the certifying body.

#### **Article 1.9b. Notification requirement and documents to be submitted in the event of the temporary or incidental provision of services**

1. Prior to the first provision of services, the service provider who exercises a profession as referred to in Article 3.5h, third paragraph, 4.8, second paragraph, 4.9, second paragraph, 4.54d, fifth and seventh paragraph, 6.16, third and sixth paragraph, and 7.32, first paragraph, of the Decree, must notify the minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body and submit the following documents:
  - a. a written statement that specifies which regulated profession the service provider intends to exercise in the Netherlands, including the details of his insurance cover or similar protection against financial risks of professional liability;
  - b. proof of nationality or, if applicable, documentary evidence that shows that the service provider has obtained the right of residence in the relevant country;
  - c. proof of vocational qualifications;
  - d. proof that the service provider is authorised to exercise the profession in question in a relevant country other than the Netherlands;
  - e. a document that is not older than three months and which shows that no measure has been taken against the applicant that is based on a judicial, disciplinary or administrative law decision made abroad, based on which the applicant's rights to exercise the profession in question in the relevant country have been completely or partially suspended on a temporary or permanent basis;
  - f. if the applicant holds a certificate issued in a country other than the relevant country of residence, a written statement which shows that the certificate has been recognised by the competent authorities in the relevant country of residence; and
  - g. if the exercise of the profession, or the applicant's training that will result in (access to) the exercise of the profession, is not regulated in the relevant country where the applicant takes up residence, a written statement that shows that the applicant has exercised the profession in question in the relevant country of residence for at least two

years during the ten years prior to the provision of services in the Netherlands.

2. The service provider must provide the statement referred to in the first paragraph, under a, once a year if he intends to provide services in the Netherlands during the year in question. In doing so, the service provider must resubmit the documents referred to in the first paragraph if any change has occurred with regard to these documents.
3. The documents, referred to in the first paragraph, under a, c, d, e, f and g, must have been drawn up in the Dutch, English, French or German language, or translated into these languages, if possible by a sworn translator. Copies of these documents must be authenticated.

#### **Article 1.9c. Verification of vocational qualifications in the event of temporary and incidental provision of services for professions concerning public health or safety**

1. Prior to the first provision of services, the minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, will verify the service provider's vocational qualifications as referred to Article 1.9b, in accordance with Article 27 of the Act.
2. In addition to the documents referred to in Article 1.9b, first paragraph, the service provider must furnish the minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, with the following documents on request, such in accordance with the provisions set out in Article 1.9b, third paragraph:
  - a. the training programme for the profession in question, subdivided into theoretical and practical subjects, stating the duration of the training in these subjects, which must originate from the institution where the service provider attained the certificate;
  - b. list of marks and assessments of study results, work experience periods or traineeships of the service provider; and
  - c. documentary evidence of possible professional experience and additional training.
3. The minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, must decide within the periods set out in Article 28 of the Act.
4. If substantial differences are established, as referred to in Article 27, third paragraph, of the Act, the minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, will offer the service provider the opportunity to show that he has the lacking skills and expertise by means of a



compensating measure as referred to in Article 1.9d.

5. The minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this institution, will provide the service provider with a written statement that indicates whether it has been verified that his vocational qualifications meet the criteria for the temporary and incidental provision of services in the Netherlands.

#### **Article 1.9d. Compensating measure in the event of temporary and incidental provision of services**

1. The minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, will provide the service provider, as referred to Article 1.9b, as soon as possible with the opportunity to take the compensating measure as referred to in Article 1.9c, fourth paragraph. Article 1.9a, fifth paragraph, applies accordingly.
2. After the compensating measure has been taken, the minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, will send a written statement regarding the outcome of the compensating measure to the service provider.
3. If the outcome of the competence test is insufficient, the service provider will be authorised to take another competence test.

#### **Article 1.9e. Registration**

The minister or, if the minister has designated a certifying body as referred to in Article 1.5a of the Decree, this certifying body, will register the applications for recognition of vocational qualifications, the verification referred to in Article 27 of the Act and the handling of the applications and verifications, in a suitable and orderly manner.

NOK

voor arbeid  
onder overtuik

## LANGUAGE

<http://www.arboportaal.nl/onderwerpen/arbowed--en--regelgeving/certificatie/nieuws-en-achtergronden/taaleis.html>

### **From 1 August the language requirements apply to all persons active in certified jobs**

Starting on 1 August 2013 the language requirements apply to every person active in a job for which a certificate is mandatory in the Netherlands. The list of relevant job titles is found below. The duration of the activities, whether someone holds a permanent or temporary employment or is self-employed, whether or not he or she is a Dutch native is not important. The language requirements therefore also apply to Dutch employees.

### **What is the purpose of these language requirements?**

The language skills of an employee must be sufficient to comply with the requirements stated in (newly inserted) Article 1.5ha of the Working Conditions Decree, namely to:

1. Understand instructions and warnings on labels on chemical substances, machinery and personal protective equipment, and act accordingly;
2. Understand and act in accordance with legal obligations, work instructions and other guidelines for the proper use of chemical substances, machinery and personal protective equipment; and
3. Understand other workers and persons and be understood by them in the context of the health and safety of their work and the others they work with.

People working in a job for which a certificate is mandatory, other employees and other people who may be present in the working environment, must have a common language and must have sufficient command of that common language to ensure compliance with these three obligations.

### **Which workers must comply with the language requirements?**

The language requirements apply to all activities for which a certificate is legally required.

They apply to the following activities or job titles:

- HSE Engineer (Art. 2.7, second paragraph);
- Health and Safety professionals (Article 4.54f, 7th paragraph, Working Conditions Decree);
- Occupational hygienist (Art. 2.7, second paragraph);
- Work Organisation Expert (Art. 2.7, second paragraph);
- Expert on Asbestos Removal (Art. 4.54 d, 7th paragraph);
- Supervisor Asbestos Removal (Art. 4.54d, 5th paragraph);
- Diver (Art. 6.16, 6th paragraph);
- Head of diving team (Art. 6.16, third paragraph);
- Diving medical assistant (Art. 6.16 7th paragraph);
- Diver physician (Art. 6.14a, third paragraph);
- Tankship gas safety expert (Art. 3.5h, 4th paragraph);
- Crane operator (Art. 7.32, first paragraph);
- Demolition expert (Art. 4.8, second and third paragraph);

- Fireworks expert (Art. 4.9, second paragraph)

The articles referred to are articles in the Working Conditions Decree.

### **Is speaking the Dutch language obligatory?**

The use of a language other than Dutch is allowed in those cases where there is another common language that is sufficiently mastered by all the workers involved. For example it is quite normal on drilling platforms to use English as a common language. In such a case where all workers share this common language, there will be no additional risks because of insufficient language skills.

### **How are the language skills assessed?**

It is not required to prove the language skills by documentation. What constitutes adequate language skills depends on the specific circumstances and the actual activities. This is to prevent unnecessarily heavy demands as to the language skills required, or to put an unnecessarily heavy burden on companies involved. This also means that companies themselves are responsible for assessing the minimum language skills required for any given situation, and to determine what level is necessary and adequate to comply with the legal stipulations.

### **Are these language requirements not in conflict with the European principles of free movement of workers, goods and services within the European Union?**

The language requirements as formulated in the Netherlands Working Environment Act are in accordance with the European Service Directive (2006/123/EG) and the European Directive on the Recognition of Professional Qualifications (2005/36/EG). Article 53 of this latter directive states that ‘the beneficiary of the acknowledgement of professional qualifications must have those language skills that are deemed necessary to perform his or her job in the receiving member state’.

Where there is any conflict between the Services Directive and the Directive on Professional Qualifications, the latter prevails. Please also note that the language requirement itself is not a requirement for admittance to a certain profession, but is a requirement for the execution of that profession. More information on the legal aspects can be found in the explanatory note of the amending act.

### **How will the Labour Inspection (SZW Inspectorate) enforce the language requirements?**

The language requirements apply to the person actually carrying out the activities involved, as well as to the employer. It does not matter whether someone is an employee or self-employed or if there is a one-man company. They all are responsible for complying with the language requirements. Should there be an inspection by the SZW Inspectorate, the Inspectorate may demand that compliance with the relevant legislation be demonstrated. The Inspectorate decides whether the measures taken are sufficient with regard to these regulations. If the SZW Inspectorate decides to impose a fine, it will substantiate the fact.

### What fine can be imposed?

A fine can be imposed on employers and employees for non-compliance with the language requirements, a fine can be imposed on employers as well as on employees. For employees the standard fine is € 150, while for employers it is €1500.

The actual fine imposed will depend on the circumstances as described in the 'Beleidsregel boeteoplegging arbeidsomstandigheden' and can be lower or higher than the standard fine. Relevant circumstances can include the size of the company or the degree of culpability.

In the case of temporary or incidental work, a fine can be imposed immediately. In other cases it will be regarded as a misdemeanour and the SZW Inspectorate will issue a warning.



## BOUWBESLUIT 2012

Will be changed in April 2014

<http://www.buildup.eu/sites/default/files/content/integrale-tekst-bouwbesluit-13813bzksite.pdf>

<http://wetten.overheid.nl/BWBR0030461/Hoofdstuk1>

<http://www.answersforbusiness.nl/regulation/building-regulations>

**Richtlijn 92/57/EEG van de Raad van 24 juni 1992 betreffende de minimumvoorschriften inzake veiligheid en gezondheid voor tijdelijke en mobiele bouwplaatsen (achtste bijzondere richtlijn in de zin van artikel 16, lid 1, van Richtlijn 89/391/EEG)**

<https://osha.europa.eu/nl/legislation/directives/sector-specific-and-worker-related-provisions/osh-directives/15>

**Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)**

### Building Rules and Standards

The framework for building rules and standards in Holland is provided by the Housing Act. The main technical document referenced by the Housing Act is the Building Decree (*Bouwbesluit*), which can be found at the VROM website. The ministry in charge of planning and building regulations is the Ministry for Infrastructure and the Environment (*Ministerie van Infrastructuur en Milieu, IenM*).

- For the IenM website: [Click here](#)

The Building Decree sets out technical requirements for existing and new construction.

All building and construction in Holland must comply with the Housing Act, and thus with the Building Decree. However, some minor construction work is exempt from assessment and does not require a permit. The "exempt from assessment" category is often misunderstood.



When planning to build in Holland, it is suggested to consult with the local building control authority.

Under the Housing Act, municipalities issue building permits, supervise construction work and check permit applications for new developments against the Building Decree. Municipalities are also required to check permit applications against zoning regulations. Permit applications may also be assessed for aesthetic issues.

## Permits

A building permit (*bouwvergunning*) must be obtained for most construction work. A permit is needed to build, modify or demolish a building or change its use, regardless of whether the structure is to be used as a dwelling and whether or not it has foundations. A standard application is used nation-wide.

The building permit application, submitted to the Municipality, must be accompanied with the necessary fees and documentation, including design plans, photos and pertinent reports. Processing time for building permits is regulated; by law, if the assessment is not processed within a fixed period, the permit must be approved. However, the responsible authority has the right to extend assessment time.

There are two types of building permit:

1. Light permit: for minor construction work
2. Regular permit: for general purpose construction

Some light construction work can be carried out without permit, such as renovating a kitchen or bathroom. Some minor, non-constructive outdoor work can also be done without a permit. The location of the work is often a major factor in determining the "permit-free" category of construction. For example, when planning to add a shed dormer to the roof of a building, a permit is usually needed when the shed dormer faces the street; but it can often be carried out without a permit when the shed dormer is planned at the back of the building.

An application for a building permit must be made by the owner of the land or someone mandated by them. The national building permit form states which documentation is needed to show the planned building will comply with regulations.

## Working Conditions Decree

**Decree of 15 January 1997, including provisions in the interest of health, safety and welfare in connection with work (Working Conditions Decree)**

### Section 5. Construction process

#### Article 2.23. Definitions

In this Section the following terms mean the following:

- a. Directive: Directive No. 92/57/EEC of the Council of the European Communities of 24 June 1992 concerning the minimum health and safety requirements for temporary and mobile construction sites (OJ EC L 245);
- b. design stage: the study, design and implementation stage of the construction design;
- c. implementation stage: the phase in which the structure is actually brought about.

#### **Article 2.24. Designation**

For the purposes of Article 16, paragraph eight, of the Act, the client, the designing party and the implementing party should be designated.

#### **Article 2.25. Applicability**

This Section does not apply to work carried out in opencast mining, underground mining or mining by drilling as meant in sections 6 and 6a of Chapter 2 of this Decree.

#### **Article 2.26. General health and safety principles in the design of a structure.**

The client will ensure that in the design stage the obligations for the working conditions which are applicable in the implementation stage are taken into account, in particular the obligations meant in Articles 3, 5, first and third paragraph, and 8 of the Act.

#### **Article 2.27. Notification**

1. The client, as referred to in Article 1.1, first paragraph, under c, sub 1<sup>o</sup> must notify the supervisor of the intention to create a structure before the commencement of the activities on the construction site, if:
  - a. the estimated duration of the creation of the structure covers more than 30 working days and more than 20 employees will carry out activities simultaneously on this construction site; or
  - b. more than 500 man working days will be involved in the creation of the structure.
2. A copy of the notification should be posted visibly on the construction site. If there is any change with respect to the information stated in the notification, the notification should be amended accordingly.

#### **Article 2.28. Health and safety plan**

1. The client must ensure that a health and safety plan is drawn up with regard to structures involving special dangers to the health and safety of employees as meant in Annex II to the Directive or a structure with regard to which a notification is required.
2. Depending on the progress of the construction process, the health and safety plan should at least include:
  - a. a description of the structure to be created, a summary of the businesses involved on the construction site, the name of the coordinator for the design and implementation stage;
  - b. an assessment and evaluation of the specific dangers resulting from simultaneous and subsequent implementation of the construction work and should the occasion arise from the interaction with continuing operating activities;

- c. the measures resulting from the risk assessment and evaluation meant under b;
- d. the arrangements with regard to the implementation of the measures meant under c;
- e. the manner in which the measures are supervised;
- f. the constructional, technical and organisational choices made in the design stage in connection with the health and safety of the employees;
- g. the manner in which information and instructions are given to the employees on the construction site.

### **Article 2.29. Appointment of coordinators**

If activities are carried out in the implementation stage by:

- a. two or more employers;
- b. one employer and one or more self-employed persons or
- c. two or more self-employed persons,

the client will appoint one or more coordinators for the design stage and the implementing party will appoint one or more coordinators for the implementation stage.

### **Article 2.30. Tasks of the coordinator for the design stage**

The coordinator of the design stage has a duty to:

- a. co-ordinate the implementation of Article 2.26;
- b. draw up or have drawn up a health and safety plan as meant in Article 2.28;
- c. compose a file intended for the person who takes the decisions about the implementation of subsequent activities with regard to the structure. This file will include the constructional and technical characteristics which are relevant to the health and safety of employees carrying out subsequent activities.

### **Article 2.31. Tasks of the coordinator for the implementation stage**

The coordinator of the implementation stage has a duty to:

- a. act in an organised manner so that the measures taken by employers and self-employed persons to protect the health and safety of employees are applied in an effective manner;
- b. organise the collaboration between employers and self-employed persons who are simultaneously or successively present on the construction site with a view to the protection of the employees;
- c. coordinate the information for the employees on the construction site;
- d. take the necessary measures to prevent unauthorised persons from entering the construction site;
- e. make sure that the health and safety plan meant in Article 2.28 and the file meant in Article 2.30 under c, are adjusted should the progress of the structure or parts thereof give rise to it;
- f. give instructions if in his opinion employers or self-employed persons do not or do not to a sufficient extent or inaccurately implement a coherent application of their obligations as meant under a and b.

### **Article 2.32. Additional obligations of the client**

1. The client should take measures such that:
  - a. the coordinator can properly carry out the tasks meant in Article 2.30;
  - b. the coordinator properly carries out the tasks meant in Article 2.30;
  - c. the health and safety plan meant in Article 2.28 forms part of the specifications with regard to the structure and is available on the construction site before the commencement of the activities.
2. the client should ensure that the obligations for the implementing party meant in Articles 2.29 and 2.33 are laid down in a written agreement with the implementing party.

#### **Article 2.33. Additional obligations for the implementing party**

The implementing party should take measures such that:

- a. the coordinator can properly carry out the tasks meant in Article 2.31;
- b. the coordinator properly carries out the tasks meant in Article 2.31.

#### **Article 2.34. Obligations of the designing party**

In the event of a client-consumer the designing party, or if more designing parties are involved, the designing parties, must ensure that all the client's obligations are fulfilled.

#### **Article 2.35. Obligations of the employer**

1. In carrying out his obligations under Articles 3, 5, 8 and 19, first paragraph, of the Act, the employer who has work carried out in the course of creating a structure should take effective measures to protect the health and safety of his employees. These measures relate in particular to:
  - a. maintenance of the construction site in proper order and with sufficient protection of the health and safety of the employees;
  - b. safe location of the various workplaces on the construction site taking into account the possibilities of access to this construction site and the roads connecting to it;
  - c. the internal transport of the various materials on the construction site;
  - d. maintenance, the checks before putting into operation and the periodic checks of the installations and appliances in order to prevent defects which might harm the health and safety of the employees;
  - e. the delineation and layout of areas for final and intermediate storage of various materials particularly where these materials or substances are hazardous;
  - f. provisions for the removal of the hazardous materials used;
  - g. storage, disposal or removal of waste and rubble;
  - h. adjustment of the actual duration of the activities to be carried out or the stages in which these activities are carried out, depending on the progress of the structure;
  - i. cooperation with other employers and self-employed persons on the construction site;
  - j. interaction with operating activities on or close to the construction site.
2. Measures also to be taken on the basis of the first paragraph should in any event comply with Sections 1 and 2 of Chapter 3 of this Decree.
3. The employer is obliged to comply and cooperate with the health and safety plan meant in

Article 2.28 insofar as and in the manner in which this is determined in it with regard to the activities to be carried out by him and in doing so to take into account the instructions of the coordinator for the implementation stage.

**Article 2.36. [Repealed as of 01/01/2007]**

**Article 2.37 [Repealed as of 01/01/01/01/2007]**

**Article 2.38 [Repealed as of 01/01/01/01/2007]**

**Article 2.39 [Repealed as of 01/01/01/01/2007]**

**Section 6.**

<http://www.government.nl/ministries/ienm/documents-and-publications/directives/2012/01/02/manual-infrastructure-version-of-tendering-instructions-for-projects-under-the-rijkswaterstaat-dbfm-agreement-standard-2012.html>

