

# Working Conditions Act 1998

We, Beatrix, by the grace of God, Queen of the Netherlands, Princess of Oranje-Nassau, &c.

Greetings to all those who shall see this or hear it read, and be informed that:  
Whereas we have taken note that it is desirable to improve the quality of the working conditions policy, provide more scope for the creation of provisions tailored to individual requirements and introduce the administrative penalty, and to make other amendments and to enact a new Working Conditions Act for this purpose,  
We, having heard the Council of State; and under general consultation with the States General, understand and give assent to this Bill as follows:

## CHAPTER 1. DEFINITIONS AND SCOPE OF APPLICATION

### *Definitions*

#### **Article 1**

1. In the provisions laid down by or pursuant to this Act, the following definitions shall apply:
  - a. employer:
    - 1) a person for whom another person is obliged to carry out work pursuant to an employment contract or public appointment, other than if that other person is placed at the disposal of a third party to carry out work which that third party would normally carry out;
    - 2) a person who is placed at the disposal of another person to carry out work as provided for under 1).;
  - b. employee: the other person provided for under a.
2. In the provisions laid down by or pursuant to this Act, the following terms shall also have the following meanings:
  - a. employer:
    - 1) a person who is not an employer or employee within the meaning of the first paragraph, who has another person carry out work under his authority;
    - 2) a person who is not an employer or employee within the meaning of the first paragraph, who has another person who is not under his authority carry out work in a home in cases to be designated by Order in Council;
  - b. employee: the other person provided for under a.
3. In the provisions laid down by or pursuant to this Act, the following definitions shall apply:
  - a. Our Minister: Our Minister of Social Affairs and Employment;
  - b. works council: the works council provided for in the Works Councils Act;
  - c. personnel delegation: the personnel delegation provided for in the Works Councils Act;
  - d. supervisor: the supervisor referred to in the General Administrative Law Act;

- e. sexual harassment: undesired sexual approaches, requests for sexual favours or other verbal, non-verbal or physical behaviour in which the following points are present:
    - 1) subjecting a person to behaviour of such a nature that it is explicitly or implicitly used as a condition for employing a person;
    - 2) a person subjecting another to or rejecting behaviour of such a nature that it is used as a basis for making decisions that affect the work of the person in question;
    - 3) behaviour of such a nature that it affects the work performance of a person and/or creates an intimidating, hostile or unpleasant working environment, or results in the work performance of a person being affected or an intimidating, hostile or unpleasant working atmosphere being created;
  - f. aggression and violence: cases in which an employer is physically or psychologically molested, threatened or attacked under circumstances directly related to performing work;
  - g. place of work: any place that is used or tends to be used in relation to carrying out work;
  - h. work resources: all machines, systems, equipment, means of transport and tools used at the place of work;
  - i. accident: an unintentional, sudden occurrence undergone by an employee in relation to his work, which causes harm to health or death virtually immediately and leads during the hours of work to the employee having to stop working and not being able to resume work or being unable to commence working.
4. the following is understood to be a punishable offence in this Act and stipulations pursuant to this Act: an act or omission that is contrary to this Act or stipulations pursuant to this Act, for which an administrative penalty can be imposed and which act or omission is not deemed an offence or crime pursuant to the Economic Offences Act.

### *Extension of Scope of Application*

#### **Article 2**

The provisions of or pursuant to this Act are also applicable to:

- a. work carried out in exploratory or investigative research or the extraction of minerals as provided for in the Continental Shelf Mining Act;
- b. work carried out by pupils and students in educational institutes or parts thereof, including work in open spaces;
- c. work carried out solely or partially outside of the Netherlands by persons working on board seagoing ships that are entitled to bear the Dutch flag pursuant to the Dutch rule of law;
- d. work carried out for an employer with registered offices in the Netherlands solely or partially outside of the Netherlands by persons working on board aircraft.

## CHAPTER 2: WORKING CONDITIONS POLICY

### *Working conditions policy*

#### **Article 3**

1. The employer shall conduct a working conditions policy that is as sound as possible and, given the prevailing state of knowledge and professional service shall duly observe the following points:
  - a. unless this cannot reasonably be required, the employer shall organise the work in such a way that it does not have any adverse effect on the safety and health of the employee;
  - b. unless this cannot reasonably be required, the dangers and risks to the safety or the health of the employer must be prevented or limited in the first instance at their source; to the extent to which such dangers and risks cannot be prevented or limited at source, other appropriate measures shall be taken, whereby measures aimed at collective protection shall be given priority over measures aimed at individual protection; only in cases where the employer cannot reasonably be required to take measures aimed at individual protection, effective and appropriate personal protective equipment shall be made available to the employee;
  - c. the layout of the place of work, the working methods and the work resources used for the work, and the contents of the work, shall be adapted to the personal characteristics of the employees for as far as can reasonably be required;
  - d. unvarying, repetitive work carried out within a short period of time and work with a tempo that is controlled in such a way that the employee is prevented from influencing the tempo of the work shall be avoided for as far as reasonably can be required; if work of this nature cannot be avoided or can only be avoided to an insufficient extent, the employer shall regularly alternate this work by other types of work or by breaks;
  - e. adequate measures shall be taken to enable the employee, if a situation arises that represents a direct threat to safety or health, to quickly render himself safe or take other appropriate measures to ensure that the harm to health is limited as much as possible.
2. For the implementation of the first paragraph the employer shall make sure that authority and responsibility is properly divided between the persons working for the employer, taking account of the competence of the employees.
3. The employer shall regularly test the policy against the experience of the policy gained and shall adapt the measures as often as those experiences indicate that such adaptation is required.
4. Working conditions policy within the meaning of the first paragraph shall further be understood to include the advancement of welfare at work in so far as its advancement is rendered mandatory under the first paragraph, subsections c and d.

*Aspects of working conditions policy*

**Article 4**

1. Within the general working conditions policy, the employer shall conduct a policy relating to employees' absence through sickness.  
This policy shall in all events incorporate:
  - a. doing all that is possible to prevent or limit the sickness of employees;
  - b. counselling employees who are unable to work owing to sickness.
2. Within the general working conditions policy, the employer shall conduct a policy aimed at protecting employees from sexual harassment and aggression and violence.

*Risk inventory and evaluation*

**Article 5**

1. In conducting the working conditions policy the employer shall lay down a written inventory and evaluation of the risks inherent to the work carried out by the employees.  
This inventory and evaluation shall also include a description of the dangers and the risk-limiting measures and the risks inherent to special categories of employees. The employer is further obliged to keep a register of accidents at work that have led to employees being absent through sickness as part of the inventory and evaluation.
2. A plan of approach, containing an indication of the measures that will be taken in relation to the risks and their mutual relationship, in accordance with article 3, shall form part of the inventory and evaluation. The plan of approach, a written report on the implementation of which shall be drawn up yearly, shall also indicate the time period within which these measures will be taken. The employer shall hold prior consultations about the annual report with the works council, the personnel representatives, or, in their absence, with the relevant employees. These consultations shall in any event address the question of whether the risk inventory and evaluation is up-to-date.
3. The inventory and evaluation shall be adjusted as often as required by the experience gained, by changes of working methods or working conditions or by the prevailing state of knowledge and professional service.
4. The employer shall ensure that all employees can take cognisance of the inventory and evaluation.
5. If the employer has work carried out by an employee who is placed at his disposal, he shall submit the inventory and evaluation to the person making the employee available in good time before commencement of the work, so that that document can be passed on to the employee concerned.

*Preventing and limiting serious accidents involving dangerous substances.*

**Article 6**

1. In conducting the working conditions policy the employer shall take the measures necessary to prevent and limit serious accidents involving dangerous substances and their implications for the safety and health of the employees working at the company, institution or part thereof. Rules are set by or pursuant to Order in Council regarding:

- a. the categories of companies or institutions in relation to which the employer takes those measures;
  - b. the details, relating to the companies or institutes provided for under a., that the employer draws up or submits to the an appointed official as referred to in article 24 or to employees, other persons and services as referred to in article 14;
  - c. the measures that the employer takes in relation to the companies or institutions referred to under a.;
  - d. the time at and frequency with which the obligations referred to under b. and c. are fulfilled;
  - e. a prohibition on the operation of the company, the institution or a part thereof, if one or more of the obligations imposed by this article are not fulfilled or are insufficiently fulfilled;
  - f. supervision of compliance with the provisions of or pursuant to this article.
2. Our Minister can individually designate a company or an institution or a part thereof in relation to which one or more of the obligations provided for in or pursuant to the first paragraph are imposed on the employer if, in connection with the presence of dangerous substances, exceptional threats can be posed to the safety and health of the employees working at them. The time at which the relevant obligations must be fulfilled shall be stipulated when making such a designation. The operation of the designation shall be suspended until the period of appeal has elapsed, or, if an appeal has been lodged, until the appeal has been adjudicated on.
  3. Failure to comply with the provisions of or pursuant to this article constitutes an offence.

*Information to the public*

**Article 7**

1. The appointed official as referred to in article 24 shall on his own initiative make available to the public information issued pursuant to article 6, paragraph 1b and designated by Order in Council. Rules can be set in this regard by or pursuant to Order in Council.
2. Notwithstanding article 10, first paragraph of the Open Government Act, and contrary to article 10, paragraph 2 of that Act, the provision of information as referred to in the first article shall not be required in so far that doing so outweighs the following interests:
  - a. respect for privacy;
  - b. the prevention of sabotage.
3. Article 10, paragraph 2, preamble and f. of the Open Government Act is not applicable to a request for the provision of details obtained by the appointed official referred to in article 24 in connection with the application of the provisions of or pursuant to article 6 for the implementation of directive no. 96/82/EC of the Council of the European Union of 9 December 1996 concerning the management of the dangers of serious accidents involving dangerous substances (PbEC L 10).
4. Article 10, paragraph 2, preamble and b. of the Open Government Act applies exclusively to a request for the provision of information about details as referred to in the third paragraph, in so far as those details are of a confidential nature.
5. Article 10, paragraph 2, preamble and g. of the Open Government Act applies exclusively to the request for the provision of details as referred to in the third paragraph in so far as it relates to details that could adversely affect the ability to prevent sabotage.

*Information and instruction***Article 8**

1. The employer shall ensure that the employees are properly informed about the work to be carried out and the related risks, and about the measures aimed at preventing or limiting those risks.  
The employer shall also ensure that the employees are properly informed about the way in which the expert assistance as referred to in article 14 is organised in his company or institution.
2. The employer shall ensure that the employees are given proper instruction adapted to their separate tasks in relation to the working conditions.
3. If personal protection equipment is made available to the employees, and if safety devices are fitted to work resources or are otherwise installed, the employer shall ensure that the employees are aware of their objective and operation and the way in which they should be used.
4. The employer shall supervise compliance with the instructions and regulations aimed at preventing or limiting the risks referred to in the first paragraph and the correct use of the personal protection equipment.
5. If young employees work within the company, the employer shall in the implementation of obligations imposed by the above paragraphs take special account of the limited work experience and incomplete physical and mental development of these employees inherent to their age. The employer shall also advance the learning and development process of young employees as far as can reasonably be required.

*Notification of accidents and occupational illnesses***Article 9**

1. If an employee suffers an accident in relation to carrying out work that results in serious physical or mental injury or death, the employer shall immediately notify an official appointed for this purpose as referred to in article 24.  
For the purposes of this article a serious physical or mental injury is understood to mean damage to the health, which leads to hospital admission for observation or treatment within 24 hours of the time of the occurrence, or which can reasonably be judged to be permanent.
2. If an employee is found to be suffering from an occupational illness, the occupational health and safety service will notify an institution designated by Our Minister as such.

*Preventing danger to third parties***Article 10**

1. If, during or in direct connection with the work that the employer has his employees carry out at a company or an institution or their immediate vicinity, threats can arise to the safety or health of persons other than those employees, the employer shall take appropriate measures to prevent such threats.
2. Failure to comply with the first paragraph constitutes an offence.

*General obligations on the part of the employees***Article 11**

The employee is obliged to take due care in relation to the work and to do his best to ensure his own safety and health and that of other persons. In particular, he is obliged to:

- a. use work resources and dangerous substances correctly;
- b. correctly use the personal protection equipment made available to him and after its use to store it in the designated place, in so far as it is not stipulated by or pursuant to this Act that employees are not obliged to use personal protection equipment as referred to above;
- c. make no change to or unnecessarily take away safety devices fitted to work resources or otherwise installed and to use them correctly;
- d. co-operate with the instruction arranged for him as referred to in article 8;
- e. immediately notify the employer or the person in charge on-site on his behalf of any danger to safety or health that comes to his notice;
- f. if necessary, to assist the employer and the employees, and other persons and services referred to in article 14, in the fulfilment of their obligations and tasks pursuant to this Act.

**CHAPTER 3. CO-OPERATION, CONSULTATION, SPECIAL RIGHTS OF THE WORKS COUNCIL, THE PERSONNEL DELEGATION AND THE RELEVANT EMPLOYEES AND THE EXPERT ASSISTANCE SCHEME**

*Co-operation and special rights of the works council, the personnel delegation and the relevant employees***Article 12**

- A. The employer and the employees shall co-operate in the implementation of the working conditions policy. In the absence of the works council or the personnel delegation, the employer shall hold prior consultation with the relevant employees about the implementation of the working conditions policy. This consultation shall in all events address the risk inventory and evaluation and calling in the occupational health and safety service and internal emergency staff.

The employer shall send to the works council or the personnel delegation, or in their absence, the relevant employees, a copy of the inventory and evaluation as referred to in article 5.

- B. The members of the works council or the personnel delegation, in connection with their tasks within the scope of the working conditions of the employees, shall:
  - a. be given the opportunity to meet the officials referred to in article 24 during their visit to the company or the institute, without others being present.
  - b. be given the opportunity to accompany the officials as referred to in article 24 during their visit to the company or the institute, unless those officials state that they have objections to this in connection with the proper implementation of their task.
- C. For the stipulations of or pursuant to this Act, a works council or personnel delegation shall act instead of the relevant employees for the application of sections 3.6 and 4.1.2 of the General Administrative Law Act.
- D. In the absence of the works council or personnel delegation, contrary to article 3.41 of the General Administrative Law Act, the employer shall notify the relevant employees of a resolution as soon as possible. Contrary to article 3.40 of the General Administrative Law Act, that resolution shall not come into force in respect of the employees until the employer has fulfilled his notification duty as referred to in the previous sentence.

#### *Work consultation*

### **Article 13**

If a company or an institution consists of departments that can be regarded as a work unit, regular consultations shall be held in each of those departments, as far as required by the working conditions, between those in charge of those departments and the people working in them. These consultations may also be held with persons elected from the midst of the employees involved.

#### *Expert assistance in the field of prevention and protection*

### **Article 14**

1. The employer shall be assisted in respect of his obligations arising from this Act by one or more expert employees, whether or not organised in a service or by one or more services consisting of other experts or by a combination of expert employees and other expert persons or services.
2. The employees, other persons and services referred to in the first paragraph shall when providing their assistance retain their independence and autonomy in relation to the employer. The employees referred to in the first paragraph may not be disadvantaged in their position in the company or the institution as a result of correctly exercising their tasks. Article 21, fourth sentence, of the Works Councils Act is applicable mutatis mutandis.
3. The provision of assistance in implementing the obligations pursuant to this Act shall in all cases involve:
  - a. co-operating in conducting and drawing up an inventory and evaluation as referred to in article 5, including the checking thereof and providing advice;
  - b. assisting in the counselling of employees who are unable to work owing to sickness;



- c. the implementation of:
  - 1) the occupational health medical examination as referred to in article 18;
  - 2) the medical examination for appointment, if the employer has this carried out;
- d. holding a working conditions consulting-hour;
- e. the provision of advice and close co-operation with the works council or personnel delegation, or, in their absence, the relevant employees, regarding the measures taken and to be taken in respect of working conditions;
- f. the implementation of the measures referred to in sub-section e or co-operating with them.

In respect of the tasks laid down under a to d the employer shall have himself assisted by a working conditions service for which a certificate has been issued in accordance with article 20.

- 4. The method by which the provision of assistance shall take place in keeping with the task referred to in paragraph 3b shall be laid down in writing.
- 5. The employees of the working conditions service have such expertise, experience and equipment, shall be in such numbers and during such time available and organised in such a way that they are able properly to provide the assistance referred to in the third paragraph.
- 6. The employees, other persons and services referred to in the first paragraph shall co-operate in the provision of assistance to the employer.
- 7. A copy of the advice as referred to in the third paragraph shall be sent to the works council or personnel delegation.  
In the absence of a works council or personnel delegation the employer shall send a copy of the advice as soon as possible to the relevant employees.

*Expert assistance in the field of industrial health and safety*

**Article 15**

- A. The employer shall have himself assisted in respect of his obligations pursuant to article 3, paragraph 1e of this Act by one or more employees he appoints as company health and safety officers.
- B. The provision of the assistance shall in all events involve:
  - a. rendering first aid in the event of accidents;
  - b. limiting and fighting fire and preventing and limiting accidents;
  - c. sounding the alarm and evacuating all employees and other persons in the company or institution in emergencies;
  - d. alerting and co-operating with emergency organisations in connection with the assistance referred to in sub-sections a to c.
- C. The company health and safety officers shall have such expertise, experience and equipment, shall be in such numbers and during such time available and organised in such a way that they are able properly to fulfil the tasks referred to in the second paragraph.
- D. The first paragraph does not apply to an employer who is a natural person employing not more than 15 members of staff provided that he has sufficient expertise, experience and equipment to properly fulfil these tasks and ensures that proper arrangements are made in respect of a deputy during his absence.

## CHAPTER 4. SPECIAL OBLIGATIONS

*Further rules relating to working conditions and exceptions to and extensions of the scope of application*

### Article 16

- A. Rules shall be set regarding the working conditions of the employees by or pursuant to Order in Council.
- B. The rules referred to in the first paragraph
  - a. relate to the working conditions arrangements and the organisation of the work, the layout of the workplaces, working with dangerous substances and biological agents, the extent of the physical burden to which the employees are exposed, the physical factors present in the workplace, the work resources and personal protection equipment used for the work and the safety and health monitoring system used in the workplace and
  - b. can also extend to the implementation of articles 3, 4, 5, 8, 9, 14, 15 and 18.
- C. The rules referred to in the first and second paragraphs can involve:
  - a. a ban on carrying out certain work described in that Order or causing it to be carried out, if that work represents special dangers to safety or health;
  - b. a ban on carrying out certain work described in that Order or causing it to be carried out if the conditions or regulations laid down in or pursuant to that Order are not fulfilled in relation to that work;
  - c. a ban on having available certain dangerous substances or objects as described in that Order, if those substances or objects represent special dangers to safety or health;
  - d. a ban on having available certain dangerous substances or objects as described in that Order if the conditions or regulations laid down in or pursuant to that Order are not fulfilled in relation to those substances or objects.
- D. Stipulation can be made by or pursuant to Order in Council that the stipulations of and pursuant to this Act are not applicable or only applicable in part to work:
  - a. performed in or on an aircraft or a seagoing ship or inland ship or a vehicle on a public road or a railway or tram track;
  - b. performed in military service;
  - c. performed by employees, pupils and students at educational institutes;
  - d. performed in the underground works of mines and in the above-ground works and buildings accompanying a mine that are designated pursuant to article 9, paragraph 1a of the Mines Act of 1903, or performed at mine engineering investigations as referred to in that sub-section;
  - e. performed at exploration or prospecting or the extraction of minerals as referred to in the Continental Plate Mines Act.
- E. Rules other than those of or pursuant to this Act or extending to the supplementation of this Act can be set pursuant to Order in Council regarding work as referred to in the fourth paragraph or work performed in the civil public service or work performed in the institutions provided for in the Prisons Act, the institutions referred to in article 1d of the Nursing of Persons under Detention with a Hospital Order Act and the state institutions for child protection.
- F. Stipulation can be made by Order in Council that the obligation to comply with its regulations applicable to work involving special dangers to safety or health also extend to the self-employed.

- G. Stipulation can be made by Order in Council that the obligation to comply with its regulations in cases described in that Order rests with a person other than the employer. The owner or administrator or a person otherwise authorised to make decisions about the design, the manufacture or the maintenance of the workplaces and work resources can be designated, to be specified as necessary in the Order in Council.
- H. The arrangements provided for in the first paragraph can relate to subjects other than those referred to in the second paragraph or be directed at persons other than the employer or the persons referred to in the sixth and seventh paragraphs if this is necessary for the implementation of the obligations laid down in the Treaty for the foundation of the European Economic Community relating to the advancement of improvements to the working environment.
- I. The employer, or a person other than the employer as referred to in the sixth, seventh or eighth paragraphs and the employees are obliged to comply with the regulations and prohibitions laid down in the Order in Council pursuant to this article in so far as and in the way stipulated in this Order.
- J. In so far as non compliance with the regulations and prohibitions provided for in the ninth paragraph is deemed a fineable offence, that offence shall be a violation of this Act.

*Individual arrangements for employers and employees*

**Article 17**

By Order in Council, with due regard to the regulations of that Order, it can be stipulated that one or more of the stipulations laid down pursuant to this Act can be fulfilled in a way other than as indicated in those stipulations, but only by collective arrangement as referred to in article 1:3, paragraph one of the Working Hours Act, or an arrangement on which the employer has reached written agreement with the works council or the personnel delegation. In such cases, it shall always be ensured that this has no adverse effect on the protection level of the stipulations of the first sentence.

*Occupational health examination*

**Article 18**

The employer shall periodically give his employees the opportunity of undergoing a medical examination with the aim of preventing or limiting as much as possible the risks of the work to the health of the employees.

*Various employers***Article 19**

- A. If in a company or an institution various employers have work carried out, they shall co-operate effectively to ensure compliance with the stipulations of and pursuant to this Act.
- B. Before commencement of the work included in a category designated by Order in Council, the employers shall ensure that the way in which the co-operation is conducted, the measures that are taken for this purpose and the way in which the measures are supervised are laid down in writing.

*Certification***Article 20**

- A. Rules shall be set by or pursuant to Order in Council under which employers, employees, other persons or institutions must hold one or more certificates demonstrating that they meet the regulations set by or pursuant to this Act.
- B. Our Minister or an institution designated by Our Minister shall decide on the application for the issue of the certificate and is also authorised to withdraw the certificate.
- C. An institution designated by Our Minister as referred to in the second paragraph may be required to comply with certain regulations.
- D. A certificate shall be issued for a limited period of time. Regulations can be attached to a certificate. The said time-limit and the regulations shall be stated in the certificate.
- E. Rules shall be set by or pursuant to Order in Council in relation to:
  - a. the grounds on which designating an institution as referred to in the second paragraph can take place, can be withdrawn or can be amended;
  - b. the way in which the application for a certificate must be made and the information that shall be required from the applicant;
  - c. the grounds on which and the cases in which the issue of a certificate can be refused or an issued certificate can be withdrawn and
  - d. the fee owed for the issue of a certificate and the method of payment.

*Provision of information***Article 21**

1. The institutions designated pursuant to article 20, second paragraph, shall provide Our Minister, free of charge, with all information required for the performance of his task. Our Minister can claim the right to take cognisance of commercial data and documents to the extent that this is reasonably necessary to the performance of his task.
2. The institutions designated pursuant to article 20, second paragraph, can be obliged by Order in Council to periodically draw up and send to Our Minister a report on the work carried out pursuant to the second paragraph and the legality and effectiveness of that work and the working method applied in the recent period.

*Instructions*

**Article 22**

1. Our Minister can give the institutions designated pursuant to article 20 instructions regarding the performance of their tasks. He shall not take such action in individual cases.
2. The institutions designated pursuant to article 20 shall be obliged to act in accordance with the instructions referred to in the first paragraph.

*Negligence of tasks***Article 23**

By Order in Council, where necessary contrary to this Act, measures can be taken in the event of the institutions designated pursuant to article 20, paragraph two, failing to comply with their obligations as provided for by this Act.

**CHAPTER 5. SUPERVISION AND OFFICIAL ORDERS***Officials charged with supervision***Article 24**

1. Our Minister shall designate officials under his jurisdiction to be charged with supervising compliance with the provisions of or pursuant to this Act.
2. With regard to categories of work designated by Our Minister, officials other than those designated by him as referred to in the first paragraph are also charged or jointly charged with supervising compliance with the provisions of and pursuant to this Act. If officials under the jurisdiction of another minister are designated, the decision to appoint those officials shall be taken by Our Minister and the other minister jointly. Notification of a decision as referred to in the first paragraph and this paragraph shall be given by placing it in the Netherlands Government Gazette.
3. The supervisor is authorised, using the necessary equipment, to gain entrance to a home without the permission of the resident.
4. The supervisor is further authorised to instigate an investigation into an accident. He shall write a report on that investigation.
5. The supervisor shall draw up a report to meet the requirements of article 5:18, paragraph 6, of the General Administrative Law Act; he will send this report and a report as referred to in the fourth paragraph to the employer, to the works council and to the personnel delegation.
6. The supervisor shall respond as soon as possible to a request to instigate an investigation made by the works council or the personnel delegation, or by an employees' association which, pursuant to its articles of association has the purpose of protecting the interests of its members as employees and is involved as such in the company or branch of industry concerned at which it works and is in possession of full legal authority.
7. For the purpose of the investigation into a punishable offence, the supervisor is authorised to require any person to give their name, forenames, date of birth and year of birth and address in so far as this is necessary to fulfilling his task.

*Supervision of institutions***Article 25**

Our Minister shall make arrangements for the supervision of the legal and efficient implementation of the stipulations of and pursuant to this Act by designated institutions pursuant to the second paragraph of article 20.

*Confidentiality***Article 26**

The officials referred to in article 24 are, other than towards those from whom they derive their authority in their official capacity, obliged to protect the confidentiality of the names of persons who have lodged a complaint or reported a violation of the stipulations of or pursuant to this Act, other than if those persons have declared in writing that they have no objection to their names being disclosed.

*Compliance requirement***Article 27**

1. An official designated as referred to in article 24 or an other official designated by Our Minister can impose a requirement on an employer regarding the way in which one or more stipulations of or pursuant to this Act must be complied with.
2. A requirement shall state the rules for which he is laying down the manner of compliance and the time-limit within which it must be complied with.
3. The employer is obliged to fulfil the requirement. The employees are obliged to fulfil the requirement to the extent as is stipulated in the requirement. The employer shall ensure that the employees are informed as soon as possible of the obligation imposed on them..
4. For the purposes of the above paragraphs the following are deemed to be on par with an employer:  
the persons referred to in article 16 to the extent that the matter relates to the obligations pursuant to that article.
5. A requirement can be imposed for compliance with the stipulations of articles 3, 4, 5, 6, 8, 11, 13, 14, first paragraph, third paragraph, last sentence and sixth paragraph, 15, first and third paragraphs, 16 to the extent that is stipulated pursuant to that article, 18 and 19.
6. The employer shall inform the employees concerned and other persons and services as referred to in article 14 and the works council or the personnel delegation of the contents of the requirement as soon as possible.

*Halting the work***Article 28**

- A. An official designated as referred to in article 24 is authorised to issue an order either verbally or in a dated letter to the effect that persons may not continue working in places he designates, or that work he designates must be halted or must not be commenced, if in his reasonable judgement that place or that work represent a serious danger to persons.
- B. The employer shall receive written confirmation of a verbal order as soon as possible.
- C. The authority provided for in the first paragraph also applies in cases where a requirement does not yet have to be put into effect on the grounds provided for in article 27.
- D. As soon as there is no longer any serious danger in the judgement of the official that gave an order as referred to in the first paragraph, he shall withdraw the order.
- E. The person who has issued an order as referred to in the first paragraph is authorised to take the necessary measures relating to this order, including the application of an administrative order, to give the necessary instructions and to call in the police for assistance. The measures and instructions can (among other things) relate to having work resources sealed.
- F. The employer shall inform the employees concerned and services referred to in article 14 and the works council, the personnel delegation, or in their absence, the relevant employees, of the contents of the order as referred to in the first paragraph as soon as possible.
- G. All of those concerned are obliged to act in accordance with an order as referred to in the first paragraph and the instructions as referred to in the fifth paragraph.
- H. Non-compliance with the seventh paragraph constitutes an offence.

### *Interruption of work*

#### **Article 29**

1. An employee is authorised to interrupt the work and continue the interruption if and for as long as in his reasonable judgement a serious danger to persons as referred to in article 28 is present, and in his reasonable judgement the danger represents such an immediate threat that an official designated as referred to in article 4 cannot act in time. For the duration of the interruption the employee shall retain his entitlement to his time-based rate of pay. The employee may not as a result of interrupting the work be disadvantaged in his position in the company or the institution.
2. A person who claims that the employee should not, in his reasonable judgement, on the grounds of the facts on which he makes his claim, have supposed the presence of immediate danger as referred to in the first paragraph, must provide evidence of this.
3. If the interruption of the work takes place without the knowledge of the employer or the person in charge of the work in question, the employee must immediately report the interruption to him.
4. The interruption of the work must be reported as soon as possible to the official authorised pursuant to article 24, who shall give an order pursuant to article 28, first paragraph, or shall declare, if necessary imposing a requirement as referred to in article 27, that the work can be carried out. The ruling of the official ends the authority of the employee to continue the interruption of the work.

## CHAPTER 6, EXEMPTION, DISPENSATION AND APPEAL

### *Exemption and dispensation*

#### **Article 30**

- A. With regard to categories of companies, institutions or industrial relations, Our Minister can grant exemption from the regulations imposed by or pursuant to article 5 and articles 12 to 18.
- B. An official designated as referred to in article 24 can, with regard to an individual company or institution, grant dispensation from the regulations of the first paragraph, unless a requirement has been imposed regarding such a regulation.
- C. Rules can be set by Order in Council regarding the granting of exemptions or dispensations as referred to in the first and second paragraphs respectively.
- D. An exemption or a dispensation can be granted subject to restrictions.
- E. Regulations can be attached to an exemption or dispensation.
- F. An exemption or dispensation can be withdrawn if:
  - a. one or more of the reasons for which it was granted are no longer valid;
  - b. one or more of the accompanying regulations are not being complied with;
  - c. such facts or circumstances arise after the exemption or dispensation is granted that, had they been known at the time of granting, the exemption or dispensation would not have been granted or not in that form.
- G. The employer shall send as soon as possible a copy of his request for dispensation to the employees involved and other persons and services as referred to in article 14 and to the works council or to the personnel delegation. In the absence of a works council or personnel delegation, the employer shall bring the contents of his request as soon as possible to the attention of the relevant employees.
- H. The operation of an order relating to an dispensation shall be suspended until the term of appeal as elapsed or, if an appeal has been lodged, until the appeal has been decided.

### *Appeal*

#### **Article 31**

- 1. An interested party can lodge an administrative appeal to Our Minister against an order pursuant to this Act given by an official as referred to in article 24.
- 2. Our Minister can institute a commission charged with hearing the interested parties.
- 3. An order given by an official as referred to in article 24 pursuant to this Act shall be given on behalf of Our Minister.

## CHAPTER 7. SANCTIONS

### *Penal provision*

#### **Article 32**



1. The employer is forbidden to commit acts or omissions that are in conflict with this Act or its provisions, if such acts or omissions, of which he could reasonably have been expected to be aware, lead or could be expected to lead to a threat to life or serious harm to the health of one or more employees.
2. Non-compliance with the first paragraph constitutes a criminal offence.

### *Fineable offences*

#### **Article 33**

1. A fineable offence is deemed an act or omission that is in conflict with articles 3, 4, 5, 8, 9, first paragraph, 11, 14, first paragraph, third paragraph, last sentence and the sixth paragraph, 15, first and third paragraphs, 18, 19. A fine of the first category can be imposed for the offences referred to in the previous sentence.
2. A fine of the first or second category can be imposed for the fineable offences pursuant to article 16, ninth paragraph described by Order in Council. The Order in Council referred to in the previous sentence shall be set on the recommendation of Our Minister.
3. An act or omission as referred to in the first or second paragraph shall be deemed a punishable offence if an administrative fine is imposed for the same act or omission twice within 48 months preceding the act or omission in question.
4. No fine can be imposed for offences rendered punishable by or pursuant to this Act.
5. The act or omission referred to in the third paragraph is an offence.

### *Level of fine and recidivism*

#### **Article 34**

- A. An official designated as referred to in article 24 shall impose the administrative fine on the natural person or legal entity responsible for compliance with this Act and its provisions.
- B. The level of the administrative fine shall be determined in the manner provided for in the Order in Council referred to in article 33, second paragraph.
- C. The highest level of the administrative fine that can be imposed for a fineable offence is equal to the amount of the category stipulated for the fineable offence.
- D. There are 2 categories:
  - a. the first category: 10,000 guilders;
  - b. the second category: 25,000 guilders.
- E. The official designated as referred to in article 24 can raise the amount of the fine by a maximum of 50% if a period of 24 months has not yet elapsed since a previous fine was imposed finally and conclusively for committing the same fineable offence.
- F. To the extent that the administrative fine has not yet been collected, it shall become null and void upon the death of the person on whom it was imposed.

### *Information, right to remain silent and caution*

#### **Article 35**

- A. If the supervisor takes action towards the interested party in such a way that could reasonably be expected to result in an administrative fine being imposed on him for certain behaviour, that interested party shall no longer be obliged to give any explanation of that behaviour in so far as it relates to the imposition of the fine. The interested party shall be informed of this verbally before being asked for information.
- B. If the official designated as referred to in article 24, intends to impose an administrative fine on the interested party, the interested party shall be informed as such, and also notified of the grounds on which that intention rests. The notification is an act as referred to in the first paragraph.
- C. On the request of an interested party who insufficiently understands the notification referred to in the previous paragraph owing to his lack of mastery of the Dutch language, the official designated as referred to in article 24 shall do everything in his power to ensure that grounds given in that notification shall be communicated to the interested party in a language that he understands.
- D. Contrary to section 4.1.2 of the General Administrative Law Act, the official designated as referred to in article 24 shall give the interested party the opportunity of putting forward his point of view either verbally or in writing before the fine is imposed.
- E. If the interested party puts forward his point of view verbally, the official designated as referred to in article 24 shall, on the request of an interested party who has insufficient understanding of the Dutch language, ensure that an interpreter is appointed to assist the interested party, unless it can be reasonably assumed that this is unnecessary.

#### *Fine report*

#### **Article 36**

- A. If the supervisor ascertains that a fineable offence has been committed, he will draw up a report in that regard as soon as possible.
- B. The report shall in all cases contain the following information:
  - a. the nature of the fineable offence, making reference to the legal regulation that has been violated;
  - b. the place where the fineable offence was committed;
  - c. the person or persons involved in the fineable offence.
- C. The report shall be sent to the official designated as referred to in article 24.
- D. A copy of the report shall be sent or issued to the person referred to in paragraph 2c. If the person referred to in the first sentence does not understand the report, the supervisor shall ensure as far as possible that the information given in the report is given to that person in a language that he understands.

#### *Fine order*

#### **Article 37**

- A. An administrative fine shall be imposed on the order of an official designated as referred to in article 24. This order shall be given within eight weeks after establishing the fineable offence.
- B. The order shall in all cases contain the following information:
  - a. the amount of the administrative fine;

- b. the fineable offence for which the fine has been imposed;
  - c. the persons involved in the fineable offence;
  - d. the natural person or legal entity responsible for compliance with the Act and its stipulations;
  - e. the period within which the fine must be paid.
- C. If a person as referred to in paragraph two, c and d, does not understand the contents of the order, the official designated as referred to in article 24 shall as far as possible ensure that the information in the order is given to him in a language that he understands.

#### *Payment*

#### **Article 38**

1. The administrative fine shall be paid to the State within 6 weeks of the order referred to in article 37 being made known.
2. The person on whom the administrative fine has been imposed is obliged to provide the official designated as referred to in article 24 on request with the information important to the execution of the fine. Other rules can be set by ministerial regulation.

#### *Demand for payment*

#### **Article 39**

1. In the event of non-payment of the fine the official designated as referred to in article 24 shall send a written demand for payment to the person on whom the fine was imposed ordering him to meet his obligation within 2 weeks. The payable fine shall be increased by the amount relating to the demand for payment.
2. The demand for payment shall contain the statement that the administrative fine, if not paid within the period given in the demand for payment, shall be collected in accordance with article 40.

*Collection***Article 40**

1. If payment is not remitted on time, the official designated as referred to in article 24 shall demand payment from the person on whom the fine was imposed of the payable fine, increased by the costs incurred for the demand for payment and the collection of the fine, by final demand and notice.
2. The final demand and notice shall be executed at the expense of the person on whom the administrative fine was imposed by bailiff's writ and is enforceable within the meaning of the Second Book of the Code of Civil Procedure.
3. For a period of 6 weeks it is possible to lodge an objection to the final demand and notice by State writ of summons.
4. The objection cannot be founded on the claim that the order referred to in article 37 has not been received or that the administrative fine imposed by that order was wrongfully imposed or set at too high an amount.
5. The objection does not suspend execution unless the president of the court decides otherwise in summary proceedings.

*Limitation***Article 41**

1. The authority to impose an administrative fine expires after a period of 2 years after the date on which the fineable offence was established.
2. The decision to impose an administrative fine stays the period referred to in the first paragraph.

*Altering the amount of the fine***Article 42**

Contrary to article 8:69 of the General Administrative Law Act, the court can alter the amount of the administrative fine in appeal or higher appeal, also to the detriment of the interested party.

*Reimbursement***Article 43**

If an administrative fine is erroneously imposed, the amount paid, increased by the statutory interest, shall be reimbursed within 6 weeks of it being established that the fine was erroneously imposed to the entitled party.

## **CHAPTER 8. TRANSITIONAL AND FINAL STIPULATIONS**

### *Costs*

#### **Article 44**

The costs related to compliance with the rules of or pursuant to this Act shall not be charged to the employees.

### *Municipality*

#### **Article 45**

If special circumstances of a local nature necessitate in a municipality regulations concerning subjects to which this Act relates, which are not given by Order in Council, these regulations can be drawn up by the municipal council. These regulations require Our approval. That approval can only be withheld in cases of conflict with the law or the public interest.

### *Economic Offences Act*

#### **Article 46**

1. The following is added to the summary of article 1, 3<sup>l</sup> of the Economic Offences Act: the Working Conditions Act 1998 article 6, article 10, article 16, ninth paragraph, in so far as the regulations and prohibitions in this article paragraph are deemed as punishable offences, article 28, seventh paragraph, article 32 and the acts or omissions referred to in article 33, third paragraph;.

2. In article 1, 4<sup>l</sup> of the Economic Offences Act, the clause 'The Working Conditions Act.....;' is deleted, and the clause 'The (re)integration of handicapped persons Act, article 9, first and second paragraphs, in so far as article 36, second and sixth paragraphs, and 40 of the Working Conditions Act are declared applicable mutatis mutandis;'

### *Evaluation*

#### **Article 47**

Our Minister shall send within five years of article 20 coming into force and subsequently every four years to the States General a report on the effectiveness and efficiency of the functioning of the institutions designated pursuant to article 20, paragraph two.

*Repeal*

## Article 48

The Working Conditions Act is repealed.

*Transition***Article 49**

The penalties set for the offences pursuant to the Working Conditions Act in conjunction with article 1, section 4, of the Economic Offences Act for which only an administrative fine can be imposed pursuant to this Act shall remain applicable to offences committed before the date on which this Act or its sections or articles came into force.

**Article 50**

For the purposes of this Act the Working Conditions Decree and the Working Conditions Scheme are deemed to have been adopted by virtue of this Act.

**Article 51**

For the purposes of this Act exemptions and dispensations and other decisions taken by Our Minister by virtue of or pursuant to the Act referred to in article 49 and are still in force at the time that this Act comes into force are deemed to have been given or taken respectively in by virtue of this Act.

**Article 52**

Up to the time at which article 2 comes into force, this article reads as follows:

*Scope of application***Article 2**

- A. The provisions of or pursuant to this Act are not applicable to work:
  - a. performed in the underground works of mines and in the above-ground works and buildings accompanying a mine that are designated pursuant to article 9, paragraph 1a of the Mines Act of 1903;
  - b. carried out by persons as provided for in article 26, paragraph 1b of the Continental Plate Mines Act.
- B. The provisions of or pursuant to this Act are also applicable to:
  - a. work carried out by pupils and students in educational institutes or parts thereof, including work in open spaces;
  - b. work carried out solely or partially outside of the Netherlands by persons working on board seagoing ships that are entitled to bear the Dutch flag pursuant to the Dutch rule of law;
  - c. work carried out for an employer with registered offices in the Netherlands solely or partially outside of the Netherlands by persons working on board aircraft.

### Article 53

Up to the time at which article 16, fourth paragraph, comes into force, this article paragraph reads as follows:

- A. Stipulation can be made by or pursuant to Order in Council that the stipulations of and pursuant to this Act are not applicable or only applicable in part to work:
  - a. performed in or on an aircraft or a seagoing ship or inland ship or a vehicle on a public road or a railway or tram track;
  - b. performed in military service;
  - c. performed by employees, pupils and students at educational institutes.

### Article 54

If this Act comes into force before the Bill submitted by Royal Message of 7 April 1998 for the amendment of the Environmental Management Act, the Disasters and Serious Accidents Act and the Working Conditions Act for the implementation of the EC directive concerning the management of dangers of serious accidents involving dangerous substances (Seveso-II; 25 972) becomes law and comes into force, articles 6 and 7 of this Act shall be replaced by:

### Article 6

- A. The employer shall ensure that a work safety report is present in a company, an institution or a part thereof that belongs to a category designated by Order in Council, relating to that company, institution or part thereof, containing:
  - a. a description of the company, the institution or the part thereof, of the substances present and the properties of those substances;
  - b. a description of the process that takes place within the company, the institution or the part thereof, and its operation;
  - c. a description of the reasonably foreseeable dangers that can arise during all phases of the process, including starting up and shutting down the process, through malfunctions in the process referred to under b or by incorrect actions;
  - d. a description of what is required for the evaluation of the reasonably foreseeable dangers to the safety and the health of the employees working in that company or that institution;
  - e. a description of the technical and organisational provisions that have been put in place to prevent as far as possible malfunctions and incorrect actions and to limit as much as possible the seriousness of the consequences.
- B. The first paragraph is applicable mutatis mutandis to an employer of a company or an institution or a part thereof, that has individually been designated for this purpose by Our Minister;
- C. Only a company, an institution or a part thereof where there are special dangers to the safety and the health of the employees working there can be designated pursuant to the first and second paragraphs.
- D. If a change is made to or arises in the company, the institution or the part thereof of such a nature that the report no longer meets the requirements of the first paragraph, the report shall be amended accordingly. An amendment of this nature shall also be made if necessitated by a change in insights regarding safety.
- E. Seven copies of the report and its amendment shall be sent to an official designated as referred to in article 24, and a copy will be sent to the works council or the personnel

- delegation, or in their absence, to the relevant employees. The employer shall ensure that all employees can take cognisance of the report.
- F. The company, the institution or the part thereof designated pursuant to the first or second paragraph shall not be made operational and the amendment referred to in the fourth paragraph shall not be introduced before the obligations provided for in the first, second, fourth and fifth paragraphs have been met.
- G. A designation pursuant to the first or second paragraph shall contain a stipulation of the time at which the obligation referred to must be fulfilled in so far as it relates to companies, institutions or parts thereof that were already operating before the designation.
- H. The official designated as referred to in article 24 shall send a copy of the report or an amendment to the report for information to:
- a. the regional health and safety inspector, charged with supervising environmental hygiene in whose jurisdiction the company, the institution or the part thereof to which the report relates is situated;
  - b. the authority that is authorised to issue a permit by virtue of the Environmental Management Act to the institution or part thereof to which the report relates;
  - c. the board of the municipality, the province and the regional fire brigade in which the company, the institution or the part thereof to which the report relates is situated, unless this board is the authority referred to under b.
- I. An official designated as referred to in article 24 can, with regard to the details and provisions referred to in the first and fourth paragraph, impose requirements on the employer as referred to in article 27, to the effect that he is given supplementary details or that other or supplementary provisions be put in place. The details and provisions referred to in the first sentence shall be given in an addendum to the report. The fifth and eight paragraphs are applicable *mutatis mutandis* to such an addendum. A requirement to put into place a provision that is related to a regulation attached to a permit by virtue of one of the environmental protection laws for the foundation, putting into operation, operation, expansion or alteration of a company or institution or alteration of a method used in it, that has one or more areas of common ground of such a nature that it can come into conflict with that regulation, shall not be imposed by the official before consultations have been held with the authority that issued the permit. In connection with this consultation the authority shall hear the inspector referred to in paragraph 8a.
- J. If an official designated as referred to in article 24 is of the opinion that an industrial disaster could occur in the event of the failure of the measures referred to in paragraph 1e or in other circumstances, he can impose a requirement as referred to in article 27 to the effect that a system of technical and organisational provisions relating to the company, the institution or the part thereof must be put into place to limit as much as possible the consequences of such a disaster, or supplement or alter such a system that has already been put into place. The requirement can relate to matters including:
- a. the internal alarm method and its organisation;
  - b. the actions to be carried out by the employee individually or in a group context;
  - c. the alerting of the relevant public authorities and emergency services;
  - d. exercises, to be held according to schedule established beforehand.
- A requirement to create, supplement or alter a system of provisions that has one or more areas of common ground with a municipal or regional disaster plan set up for the general public, shall not be imposed by the official before he has held consultations with the authority that set up the disaster plan.
- K. A designation as referred to in the second paragraph shall include the term within which it must be fulfilled.



- L. The operation of a designation as referred to in the second paragraph shall be suspended until the period of appeal has elapsed or, if an appeal is lodged, until the appeal has been adjudicated.
- M. Non-compliance with the stipulations of or pursuant to this article constitutes an offence.

*Transitory petitions and appeals*

**Article 55**

The handling of petitions and appeals that were made or lodged by virtue of the provisions of or pursuant to the Working Conditions Act before this Act came into force shall be continued on the basis of this Act.

*Working Hours Act*

**Article 56**

Article 4:1 of the Working Hours Act is amended as follows:

- A. the first paragraph now reads:
  - a. The employer shall conduct as sound as possible a policy concerning the work and rest hours of the employees and, in so far as this can reasonably be required of him, shall take into account of the personal circumstances of those employees. The policy regarding work and rest times shall be conducted in keeping with the working conditions policy as provided for in the Working Conditions Act of 1998.
- B. the fourth paragraph now reads:
  - 4. Article 5 of the Working Conditions Act of 1998 is applicable mutatis mutandis.

*Implementation Act Public Employment Service Act*

**Article 57**

In article 21 of the Implementation Act Public Employment Service Act the phrase "referred to in article 4, fifth paragraph of the Working Conditions Act" is replaced by: referred to in article 5, fifth paragraph, of the Working Conditions Act 1998.

*Act Workers' Participation Education 1992*

**Article 58**

Article 15 of the Act Workers Participation Education 1992 is amended as follows:

- A. In the third paragraph, section c, the phrase "relating to the safety, the health and the welfare" is replaced by: relating to the working conditions.
- B. In the sixth paragraph the phrase "referred to in the Working Conditions Act and the Order in Council by virtue of article 2, first paragraph, of that Act," is replaced by: referred to in the Working Conditions Act 1998 and the Order in Council by virtue of article 16 of that Act.

*Reintegration of disabled persons Act*

**Article 59**

Article 9 of the Reintegration of disabled persons Act is amended as follows:

- A. In the first paragraph the phrase "Article 36, paragraphs two to six, of the Working Conditions Act" is replaced by: Article 27, second, third and seventh paragraphs, of the Working Conditions Act 1998.
- B. The second paragraph is repealed.
- C. The third paragraph is renumbered the second paragraph.

*Works Councils Act*

**Article 60**

The Works Councils Act is amended as follows:

- A. In article 27, first paragraph, section d, the phrase "in the area of safety, health or welfare in connection with the work" is replaced by: in the area of working conditions.
- B. In article 35d, paragraph two, section d is added after "27, first paragraph, section b, in so far as it relates to a working hours arrangement".

*State and Industrial Health and Safety Department (RBB) Privatisation Act*

**Article 61**

In article 2, paragraph one, of the RBB Privatisation Act, the phrase: "a service as referred to in article 17 of the Working Conditions Act, exercising of the tasks referred to in article 18 of that Act." is replaced by: a service as referred to in article 14 of the Working

Conditions Act 1998, exercising of the tasks referred to in article 14, paragraph three of that Act.

*Organisation Act Social Security*

**Article 62**

The Organisation Act Social Security 1997 is amended as follows:

A. Article 95 is amended as follows:

- a. In section a the phrase ", as well as those to whom a certificate as referred to in article 18, second paragraph, of that Act, pursuant to article 31a of the Working Conditions Act, has been issued," is replaced by: as well as those to whom a certificate as referred to in article 14, third paragraph, of that Act, pursuant to article 20 of the Working Conditions Act 1998, has been issued.
- b. In section b the phrase "article 32 of the Working Conditions Act" is replaced by: article 24 of the Working Conditions Act 1998.

B. Article 101, second paragraph, now reads as follows:

2. The Social Security Supervisory board, the Social Insurance Bank, the National Institute for Social Security and the social security agencies shall on the request of those who have been issued a certificate pursuant to article 20 of the Working Conditions Act 1998, provide them with the information required for the implementation of the Working Conditions Act 1998, provided that the person to whom the details relate has given written permission.

*Sickness Benefits Act*

**Article 63**

In article 39a, paragraph one, of the Sickness Benefits Act, the phrase "duly observes article 18, second paragraph, of the Working Conditions Act, and a copy of the written report as referred to in article 18, paragraph 3a of the Working Conditions Act or a copy of the written agreement as referred to in article 18, paragraph 3b, of the Working Conditions Act," is replaced by: duly observes article 14, third paragraph of the Working Conditions Act 1998 and a copy of the written report as referred to in article 14, fourth paragraph of the Working Conditions Act 1998.

*Netherlands Civil Code*

**Article 64**

The Netherlands Civil Code is amended as follows:

- A. In article 670, fourth paragraph "of a working conditions commission" is deleted.
- B. Article 670a is amended as follows:

- a. paragraph 1c is deleted.
- b. paragraph 1d is re-lettered section c.

C. In the newly lettered section c "as mentor or" is deleted and "as referred to in article 8, fifth paragraph and 17, first paragraph respectively of the Working Conditions Act" is replaced by: as referred to in article 14, first paragraph, of the Working Conditions Act 1998.

*Coming into force*

**Article 65**

This Act comes into force at a time to be stipulated by Royal Decree, which can differ for the various articles or sections thereof.

*Official title*

**Article 66**

This Act is cited as: Working Conditions Act 1998.

Require and order that this be placed in the Bulletin of Acts, Orders and Decrees and that all ministries, authorities, boards and officials concerned shall ensure its precise implementation.

Done

The Secretary of State for Social Affairs and Employment