



Inspectorate SZW
Ministry of Social Affairs and Employment

Work-related accidents requiring notification

Report accidents to the
Inspectorate SZW
immediately



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

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Work-related accidents requiring notification

A (serious) work-related accident within a company is generally followed by a great deal of consternation. At such moments people become aware that their daily working environment may involve dangerous risks and that dreadful accidents can result from nonchalance, ingrained customs, ignoring statutory regulations or working on 'automatic pilot'.

This brochure defines what is meant by a work-related accident requiring notification; how, when and where a work-related accident should be reported and what the Inspectorate SZW does with such a report.

Regulations drawn up to ensure a safe and healthy working environment have been laid down in the Working Conditions Act (Arbeidsomstandighedenwet/Arbowet). This act and the relevant legislation specify the rights and obligations of employers and employees in the field of occupational health and safety. The Inspectorate SZW monitors compliance with this act.

Under the Working Conditions Act, employers are obliged to report immediately to the Inspectorate SZW work-related accidents that result in a fatality, permanent injury or hospitalisation.

Employers are also obliged to report an accident immediately in the event of subsequent hospitalisation or permanent injury that can be related to the a work-related accident.



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What constitutes a work-related accident requiring notification?

The Inspectorate SZW's definition of a work-related accident requiring notification is explained by means of the following descriptions of concepts:

A work-related accident is one that occurs while working or as a consequence of work activities. This can be at a place of business or institution, or a (building) site, while working on roadways, when transporting goods and/or people in a professional capacity, etc. In short: at any place where people work, whether this is a fixed or temporary location or a mobile place of work.

An accident that occurs when commuting to and from work is not regarded as “a work-related accident”, unless it occurs when using a vehicle belonging to the employer. Traffic accidents are (in principle) investigated by the police.

A work-related accident requiring notification is one whereby a person incurs permanent injury, is hospitalised, or dies. “Permanent injury” is defined as for example: an amputation, (partial) blindness or chronic physical or mental complaints.

“Hospitalisation” means that a victim is admitted to hospital (this includes an admission of one day). Treatment in an outpatients’ clinic is not regarded as hospitalisation.

When, where and how should a work-related accident be reported?

Employers are obliged to report accidents that result in a fatality **IMMEDIATELY** by telephone (free of charge), via telephone number 0800 51 51.

The Inspectorate SZW can be reached at this number 24 hours a day, 7 days a week. Other work-related accidents requiring notification should be reported by fully completing the report form on www.inspectieszw.nl or by telephone. This obligation to report applies not only to an employer’s own staff, but also to persons working subject to his authority, e.g. temporary staff.

A fine – which can mount up to € 50,000 – can be imposed for failing to immediately report an accident requiring notification.

What are the procedures?

When reporting to the Inspectorate SZW, all relevant information is registered or obtained by means of a digital report form. A decision about whether the accident will be investigated or not is made based on this report form. If the Inspectorate decides not to carry out an investigation, the employer and the victim will be informed.

Occasionally the Inspectorate may have cause to investigate an accident that is not subject to an obligation to report. For example, if suspicion has arisen that an accident is the result of a gross violation of the law.

If an accident is to be investigated, this will take place as soon as possible. It is important that the scene of the accident remains untouched as far as possible so that the inspector can form a proper assessment of the situation at the time of the accident.

An investigation by the Inspectorate SZW will usually cover the following aspects:

- An investigation of the scene of the accident (including taking photographs, collecting any evidence, recording necessary data, possibly a reconstruction);
- Taking down witnesses' statements;
- An investigation of documents;
- Discussing the findings of the accident investigation with the employer;
- Drawing up a report.

The employer is obliged to cooperate in the investigation and to provide the inspector with all the help, facilities and (correct) information required.

The investigation will focus on, among other things:

- Establishing the circumstances and the causes of the accident;
- Examining whether the accident was caused by one or more contraventions of statutory regulations.

Where necessary the employer will have to take measures to prevent a repetition of the accident. For example by terminating, safeguarding or fencing off this dangerous situation.

During an investigation, the inspector of the Inspectorate SZW collaborates – where necessary – with the police and/or other inspection services.

Law enforcement

An accident file report will be drawn up if one or more violations become apparent that are evidently related to the accident and hospitalisation or permanent injury are involved. In the case of some accidents, including all accidents that result in a fatality, the inspector will examine, together with the public prosecutor, whether the case involves a suspected violation of a criminal offence.

If this is the case, then an official report will be drawn up.

It may take some time before this report is finalised due to the necessary investigations and interrogations. The Inspectorate SZW attempts, as far as possible, to finalise investigations within 13 weeks. This may take longer however, e.g. in complex cases.

The employer and the victim are informed in writing if no relationship is found to exist between the accident and any violation. A copy of the letter to the employer is sent to the employee participation body.

If other violations of statutory regulations become apparent during the accident investigation, then the Inspectorate SZW has a right to take action against these violations.



3 Information for victims

The imposition of a fine does nothing to remunerate damage suffered. A victim who feels (s)he has a right to damages can start civil proceedings in an attempt to recover them from whoever was responsible for the occurrence of the accident.

In that case you must apply to the civil courts. It would be wise to obtain legal advice e.g. from juridischloket.nl, telephone 0900 80 20 (€0.10 per min).

You can make use of the report drawn up by the Inspectorate SZW. In the event that an official report of a crime was drawn up, this can be requested from the appropriate public prosecutor's office.

Slachtofferhulp Nederland (Victim Support Netherlands) can provide care for victims, survivors and witnesses. For more information: www.slachtofferhulp.nl or telephone 0900 01 01 (local tariff).

If you need help with processing the accident you can also contact your doctor or social work.

In some fatal accidents the Schadefonds Geweldsmisdrijven (the Violent Offences Compensation Fund) pays a one-time financial compensation to surviving relatives. For more information: www.schadefonds.nl or telephone 070 414 20 00.

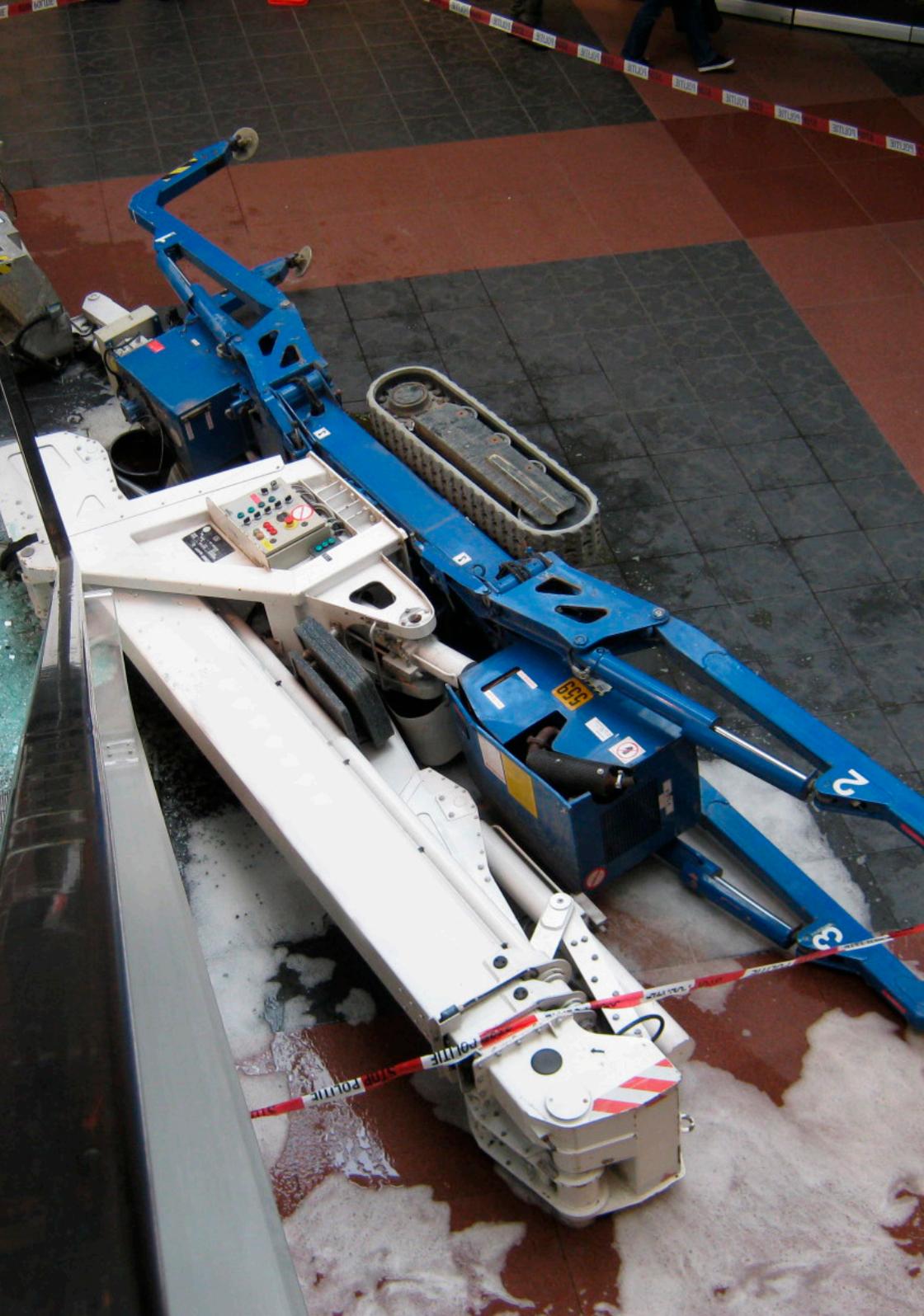


4 More information?

If you still have any questions after reading this brochure, please contact:

Inspectorate SZW
P.O. Box 90801
2509 LV The Hague
Telephone: 0800 51 51 (free of charge)
www.inspectorieszw.nl or
www.inspectorieszw.nl

For general questions you wish to put to the central government you can (on weekdays, between 08:00 a.m. and 20:00 p.m.) telephone: 1400 (local tariff)
www.rijksoverheid.nl



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