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Our reference

2023-

Bijlage

1.

Date **19 DEC 2023**
Subject Dutch periodic review on implementation of European
health and safety legislation

Dear Commissioner

Please find enclosed the periodic review of the Netherlands' implementation of European health and safety legislation over 2018-2022. The report covers the practical implementation of the framework Directive 89/391/EEC on occupational safety and health and the 23 specific directives.

Most of the directives were published more than 30 years ago. Since then, there have been several developments that affect health and safety in the workplace, with the introduction of artificial intelligence (AI) technology arguably being one of the most impactful. In general developments have accelerated and include threats to mental health at the workplace, the 24/7 economy, the green transition, flexible working and robotisation. These all come with new risks for occupational health and safety, such as information stress and technostress. Individual Member States and the EU as a whole need to draft appropriate policy and legislation in response to these developments. A permanent focus on workplace health and safety is key.

In the enclosed report the Netherlands presents a number of recommendations for the Commission. I would like to highlight some of them below.

More limit values for hazardous substances to prevent unhealthy levels of exposure

Every year more than 100,000 workers in the EU die from the consequences of exposure to carcinogens and an even greater number suffers severe damage to their health. Reducing exposure to these substances through limit values has substantially improved the level of protection in recent years. At the same time, statutory limit values at EU level do not yet exist for many hazardous substances, so it is important to continue working to establish them. Efforts in recent years to improve protection against carcinogens have had success, but we need to step up our game and accelerate the process.

It is also necessary to accelerate work on establishing European limit values under Directive 98/24/EC on chemical agents at work. Progress on this matter has all but come to a standstill in recent years, due to financial and staffing shortages. It is necessary to avoid greater discrepancy arising in the level of protection for

workers in Member States that are actively implementing national policy in this area *and* for workers in Member States that do not or cannot implement such policies.

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Protecting mental health

People spend a large part of their lives at work. Work is good for us in many ways and is often a source of great satisfaction as well. Unfortunately, work can sometimes pose a risk to mental health too, especially if workers have to be available outside working hours and therefore remain 'switched on' from work. In the Netherlands, 20% of people report symptoms of burn-out because of their work. This high percentage needs to be reduced if we are serious about wanting people to reach retirement in good health. We need to take mental health just as seriously as physical health and also take into account the impact lack of work-life balance can have on mental health.

High-impact incidents, like fatal rail or road accidents, are a specific risk factor for poor mental health. Being confronted with aggressive behaviour or violence when doing your work – as experienced by inspectors and emergency workers, for example – is an example of a high-impact incident. These incidents can be very traumatic and have a debilitating effect on workers' mental health. Staff security and safety should be an integral part of policy on working conditions. This means companies should have preventive measures in place, including training and instructions for staff on how to deal with high-impact incidents.

More generally, it is important that workplaces offer its workers access to easily accessible resources to talk about dilemmas, problems and experiences. Or a confidential adviser who they can talk to if they encounter inappropriate behaviour. We need to do more than raise awareness. The Netherlands hopes that we can discuss the possibility of setting EU standards for mental health at work.

Young influencers

A growing number of young people are active as 'influencers', and regularly post content on social media such as YouTube, Instagram or TikTok. Directive 94/33/EC on the protection of young people at work does not cover this new trend. Influencers do their work in the private sphere, which generally falls outside the scope of national legislation. Moreover, it is difficult to distinguish between hobby and work. Young people may also feature in family vlogs and/or social media channels managed by their parents. These young people face real risks to their health and safety, in part due to the pressure put on them by people in their immediate environment or followers on social media, and due to negative reactions and privacy issues. Amending the directive to incorporate these developments would contribute to a fair digital transition.

Impact of climate change on working conditions: heat stress

Due to the changing climate, a growing number of workers in the EU are exposed to increasingly high temperatures at work. It is important to identify the initiatives being taken at national level and Member States' experiences with them. In the medium term, the Commission could present an initiative that would introduce a minimum level of protection from heat at work.

A healthy working population is an important asset for our economies. Our society needs everyone who can work to participate. We have to keep employees in good health, and we have to make sure that they can work in a safe way. This is especially important because of an ageing population. With a rapidly changing world of work, we have to take the impact of digitalization, climate and social media has on workers into consideration.

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I would ask you therefore to consider these recommendations and suggestions when initiating new activities under the current Strategic Framework and to incorporate them in the next Strategic Framework for Occupational Health and Safety, with a view to improving working conditions in the EU.

Yours sincerely,

Minister of Social Affairs
and Employment,

With my warmest regards!
Karien

[REDACTED]
C.E.G. van Gennip