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ALERT
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Company Doctor: Changes to Dutch Workplace Legislation

In the Netherlands, both employer and employee have various obligations during illness. In summary, the obligation of the employer is to facilitate the employee's return to work or, if this is not possible, to provide alternative work. The employer is assisted by the company doctor who assesses the reason for illness and determines the reintegration options and process.

The changes, which will be introduced and effective as of July 1, 2017, are intended to strengthen the involvement of employers with prevention and reintegration and to improve the independence and professionalism of the company doctor.

Strengthen Involvement of Employers with Prevention

Under the new legislation, the company doctor is entitled to visit the workplace and hold consulting hours to enable employees to consult the company doctor without being ill.

Strengthen Involvement of Employers with Reintegration

The new legislation also stipulates that the works council or employee representation body must consent to the appointment of the occupational health and safety officer. By requiring the consent of this body, the government helps to ensure that the easily accessible occupational health and safety officer has support among the workforce. As such, the employee representation body is also responsible for the performance of the officer.

Improve Independence and Professionalism of Company Doctor

The legislative changes clarify that the employer is responsible for absence management. Further, employers will be obligated to enter into an agreement with the occupational health services provider stipulating the manner of assistance. The agreement should explicitly stipulate that, among other requirements, the company doctor cooperate closely with the occupational health and safety officer and employee representation body, grant a request for a second opinion, advise on prevention measures, and report occupational diseases. The Inspectorate SZW will enforce the existence of the aforementioned agreement.

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