

## SER COMMITTEE RECOMMENDS EXTENDING THE SCOPE OF HEALTH AND SAFETY REGULATIONS TO INCLUDE THE SELF-EMPLOYED

20 February 2004

Health and safety regulations should also apply to the self-employed who may encounter grave or even life-threatening dangers in the course of their work. The basic principle must be that everybody should work in a safe environment, without being exposed to serious risks.

This was the opinion presented in an advisory report by the Committee on Working Conditions on behalf of the Social and Economic Council of the Netherlands on Friday 20 February 2004. Chaired by Professor H. Franken, the Committee drew up the advisory report in response to a request for advice on 28 April 2003 from the Deputy Minister (*'staatssecretaris'*) for the Ministry of Social Affairs and Employment, Mr M. Rutte.

The Committee supports the Deputy Minister's proposal to extend the scope of health and safety regulations to include the self-employed with regard to grave or even life-threatening dangers in the course of their work. The basic principle is that the work environment should be safe both for those who work there and for third parties such as clients, visitors, suppliers and passers-by. When it comes to life-threatening dangers, no distinction should be made between employees, employers or the self-employed. Such risks present a threat not only to self-employed entrepreneurs but to society as a whole.

The Committee realises that extending the scope of these regulations may entail an additional burden for the self-employed who will have to implement them. However, this is justified in view of the gravity of the dangers involved. The Committee asks that when evaluating the Working Conditions Act, the Deputy Minister works from the principle that health and safety regulations should be as clear and effective as possible. The Committee believes that this would lead to less ambiguous regulations that would prove less burdensome to apply.

One member of the Committee, appointed by the Dutch Organisation for Agriculture and Horticulture, disagreed with the Committee's position, viewing the Working Conditions Act as a means of regulating the relationship between employer and employee in terms of working conditions. In his view, the Act was not intended to cover the self-employed, who are neither employee nor employer. He was also of the opinion that the suggested extension of the scope of the regulations was inconsistent with the Cabinet's proposals to reduce the number of regulations and the administrative burden they entail.