

Social Dialogue mapping

Description scheme for country overviews

THE NETHERLANDS

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/netherlands>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Netherlands

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

Since 1945, the representation of social partners at the national level has been very stable, with three union and three employer federations being members of the tripartite SER and the bipartite STAR.

The legal basis of their representation (of more general representativeness) is limited to a 1980 Decree on membership of the SER. This Decree only establishes very broad rules on representativeness. In a legal sense, there are few conflicts on the issue of representativeness.

Trade Unions (1)

- **About trade union representation**

In the Netherlands there are no restrictions on union membership in legislation.

An important characteristic of the Dutch system is that collective bargaining is much higher (over 80%) than trade union density (under 20%). The main reason is not so much due to the extension of collective agreements (this adds only seven percentage points to collective bargaining coverage), but through the duty of employers that are party to a collective agreement to treat organised and non-organised employees equally. This creates the well-known 'free rider' problem for unions: unorganised employees reap the same benefits of union activities as organised employees.

- **Main trade union confederations and federations**

The main development over the past three years has been the internal restructuring process of the largest federation FNV. The present structure is one federation, divided into 28 branches. At the same time the traditional unions (industry and services, construction, civil servants, teachers etc.) still exist. This final transformation took place at the end of 2014. It remains to be seen what the main effects of the transformation will be.

| Long name | Abbreviation | Members | Year | Involved in collective bargaining (*) |
|-----------------------------------|--------------|-----------|------|---------------------------------------|
| Federatie Nederlandse Vakbeweging | FNV | 1,078,100 | 2016 | Yes (through member organisations) |
| Christelijk Nationaal Vakverbond | CNV | 282,200 | 2016 | Yes (through member organisations) |
| Vakcentrale voor professionals | VCP | 99,900 | 2016 | Yes (through member organisations) |
| Other | | 257,400 | 2016 | Yes |

Employers' organisations (1)

• About Employers' organisations

Every employer, or branch organisation, can become a member of one of the employer organisations. There are no specific rights or obligations deriving from legislation. Of course there may be some rights and obligations deriving from the articles of association of the employer's association, setting rights and obligations for members and member organisations.

• Main Employers' organisations

The main employer organisations are VNO-NCW, MKB Nederland (SMEs) and LTO Nederland (agricultural sector). These three federations are also the ones represented in the tripartite Social and Economic Council and the bipartite Foundation of Labour.

| Long name | Abbreviation | Members | Year | Involved in collective bargaining (*) |
|---|---------------|--|------|--|
| Vereniging Nederlandse Ondernemers-Nederlands Christelijk Werkgeversverbond | VNO-NCW | 120,000 | 2016 | Yes (through members and member organisations) |
| Koninklijke Vereniging MKB-Nederland | MKB-Nederland | 160,000 | 2016 | Yes (through members and member organisations) |
| Land en Tuinbouworganisatie Nederland | LTO | Unclear. Claims to represent 50,000 employers, but no figures on actual members. | 2014 | Yes (through members and member organisations) |

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

The Dutch system is characterized by a prominent role for social dialogue [18] [19]. This is often referred to as the so called 'poldermodel', i.e. policy making by consensus. The legal basis for the social dialogue is found in the Working Conditions Act [20], which states that a safe and healthy workplace is the combined responsibility of employers and employees. This stimulates the dialogue not only on an enterprise level, but also on a sector based and a national level.

Although the Ministry of Social Affairs and Employment is and remains responsible for formulating legislation and policy, the social partners (the employers and employees representatives) can influence and shape the health and safety policy to a large extent. Partly by directly influencing the legislation, partly since the legislation is aimed more and more at only giving the objectives, by determining how to reach these objectives.

• National level

On a national level there are two main social partners that have a strong influence. The Social Economic Council (SER)[21] and the Labour Foundation (STichting van de ARbeid - STAR)[22].

The SER is a tripartite 'deliberative body' and has existed since the second World War. On this council not only a representation of the employer and employee representative organisations hold a seat, but also 'Crown members'. Crown members are often professors or other nationally well-known persons and they are appointed by the government. The SER advises the Dutch government on all kinds of topics she decides to be relevant, whether asked for or not asked for. It is an unwritten rule that important national policy intentions of the government relating – amongst others – to working conditions and health issues are presented to this Council in request for advice. Most advisory reports by the Council are unanimous.

In the STAR only employers and employee representatives are active. The STAR also provides advice, whether asked for or not-asked for.

In addition, both unions and employers' organizations are active in the public and political discourse and there are regular meetings between social partners and policy makers.

• Sectoral level

The Netherlands are known for its culture of collaboration and consultation. The structures of social dialogue are highly developed. In most sectors trade unions and sectoral/branch associations have an important role. Their influence is recognized by the government. Government and social partners collaborate on a large scale.

The social partners are formally involved in a number of specific instruments such as the aforementioned OSH catalogues and the Health and Safety Covenants[23] In this way the partners are more and more involved in shaping the working conditions of the workers in a sector/branch although it is the government that remains responsible for the working conditions.

At central level, the employee organisations work together in three trade union federations: [1] the Netherlands' largest trade union federation FNV [24], [2]the National Federation of Christian Trade Unions CNV [25], and the [26] VCP, trade union federation for professional and managerial staff [27].

The employers work together at central level in the general employers' association AWWN [28], the Confederation of Netherlands Industry and Employers (known as VNO-NCW) [29], the employers' association LTO, and the Royal Association of small and medium-sized enterprises (MKB-Nederland) [30]. These umbrella organisations hold regular consultations and have regular contact with the Government, either individually, as a section, or as a joint body. The experiences of the individual

branch organisations and trade unions are pooled within these organisations. Next to this one of the core tasks of the federations is representing their members' interests, and providing and exchanging information and experiences [31]

- **Enterprise level**

The collaboration and social dialogue in companies is intensively promoted and prescribed. The participation of employees needs to lead to specific and relevant health and safety policy of a company as well as to more involvement and knowledge of employees. For example, employees in larger companies (50 or more employees) in the form of a Works Council (OR), need to be involved in the implementation of a risk inventory and assessment (RI&E)[31] [32]. In the RI&E companies make an inventory of the risks in their company (regarding physical or psychosocial safety or directly related to health). Companies then are obliged to make a plan of action, which should be send together with the risk inventory and assessment to an OSH-service for revision. For many sectors a sector specific RI&E checklist is available which is already approved by the social partners (employee and employer representatives). The RI&E forms the foundation for a good health and safety policy within companies. For companies it is the starting point for their specific actions related to work-related risks. Together with the comments of OSH-service the employer has to discuss the risk inventory and assessment and plan of action with the Works Council. The Works Council has a formal right to approve or disapprove this risk inventory and assessment including the plan of action of the employer.

In companies with more than 25 employees, the employer needs to appoint an employee as a prevention worker who assists the employer in the preparation and implementation of the risk inventory and assessment, including the plan of action. In small companies (up to 25 employees), the employer can fulfill this function him or herself. The prevention worker, together with the employer, can work out the occupational safety and health policy. The prevention worker works closely together with the Works council and the OSH professional (such as the occupational physician).