

**Royal Decree of 27 March 1998
on the policy of well-being of workers at work
(Belgian Official Gazette of 31 March 1998)**

- Amended by:
- (1) Royal Decree of 3 May 1999 on the assignments and operation of Committees for prevention and protection at work (Belgian Official Gazette of 10 July 1999)
 - (2) Royal Decree of 11 July 2002 on the protection against violence, bullying and sexual harassment at work (Belgian Official Gazette of 18 July 2002)
 - (3) Royal Decree of 28 August 2002 designating entrusted persons to monitor the implementation of the Act of 4 August 1996 on well-being of workers in the performance of their work (Belgian Official Gazette of 18 September 2002)
 - (4) Royal Decree of 24 February 2005 on various provisions to combat severe occupational accidents and to simplify occupational accident notice (Belgian Official Gazette of 14 March 2005)
 - (5) Royal Decree of 25 April 2007 on the reception and guidance of workers regarding the protection of well-being at work (Belgian Official Gazette of 10 May 2007)
 - (6) Royal Decree of 17 May 2007 on the prevention of psychosocial stress caused by work, including violence, bullying and sexual harassment at work (Belgian Official Gazette of 6 June 2007)
 - (7) Royal Decree of 10 April 2014 concerning the prevention of psychosocial risks at work (Belgian Official Gazette of 28 April 2014)
 - (8) Royal Decree of 24 April 2014 in amendment of certain provisions within the framework of well-being at work (Belgian Official Gazette of 23 May 2014)

Transposition into Belgian law of Council Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in safety and health of workers at work.

Section I. – Area of application and definitions

Article 1. – This decree is applicable to employers and workers and the assimilated persons as referred to in Article 2 of the Act of 4 August 1996 on well-being of workers in the performance of their work.

Art. 2. – For the purposes of this decree, the following definitions shall apply:

- 1° the Act: the Act of 4 August 1996 on well-being of workers in the performance of their work;
- 2° ARAB: the general regulations concerning protection at work;
- 3° the Minister: the Minister of Employment and Labour;
- 4° Committee: the Committee for Prevention and Protection at work, in the absence of a Committee, the trade union representatives or in the absence of a trade union representatives, the workers themselves in accordance with the provisions of Article 53 of the Act;

- 5° prevention: all the provisions or measures taken or established at all stages of the undertaking or institution's activity, and at all levels, to prevent or reduce occupational risks.

Section II. – The dynamic risk management system

Art. 3. – Every employer is responsible for the structural systematic approach to prevention in accordance with Article 5, § 1, second paragraph, i) of the Act, by means of a dynamic risk management system as described in the present section.

The provisions of this decree do not prejudice the specific obligations imposed on the employer in application of the A.R.A.B. and in implementation of other decrees established to implement the Act.

Art. 4. The dynamic risk management system relies on the general prevention principles referred to in Article 5, § 1, second paragraph of the Act and concerns the following fields:

- 1° work safety;
- 2° health protection of the worker at work;
- [3° the psychosocial aspects of work; (7)];
- 4° ergonomics;
- 5° occupational hygiene;
- 6° embellishment of the workplaces;
- 7° the undertaking's measures relating to the natural environment in respect of their influence on points 1° to 6°.

This system takes into account the interaction that there is or that there can be between the fields referred to in the second paragraph.

Art. 5. – The purpose of the dynamic risk management system is to make the prevention schedule and the policy implementation regarding the well-being of the workers at work possible.

To realise this purpose, the system always consists of the following elements:

- 1° the implementing of the policy with which the employer, in particular, determines the objectives and resources to realise these objectives;
- 2° the programming of the policy through which, in particular, the applicable methods and assignments, obligations and resources of all persons concerned are determined;
- 3° the implementing of the policy in which, in particular, the responsibilities of all persons concerned are determined;
- 4° policy evaluation in which, in particular, the criteria to evaluate the policy are determined.

The employer adjusts this system every time this is essential in accordance with a change in circumstances.

Art. 6. – In preparing, programming, implementing and evaluating the dynamic risk management system, the employer takes into account the activities and specific risks inherent to those activities and the specific risks pertaining to certain groups of workers.

Art. 7. - In his/her dynamic risk management system, the employer develops a strategy regarding the performance of a risk analysis, which serves as a basis to establish preventive measures, with due regard for the provisions of Articles 8 and 9.

Art. 8. – The risk analysis is made for the organisation as a whole, for every group of work stations or functions and for the individual.

It consists, consecutively, of the following:

- 1° identifying the dangers for the well-being of workers at work;
- 2° establishing and providing detailed risks for the well-being of workers at work;
- 3° evaluating the risks for the well-being of workers at work.

Art. 9. – The prevention measures taken are determined as based on the risk analysis, referred to in Article 8, for the organisation as a whole, for every group of work stations or functions and for the individual, taking the following sequence into consideration:

- 1° preventive measures, the object of which is to avoid risks;
- 2° preventive measures, the object of which is to avoid damage;
- 3° preventive measures, the object of which is to limit damage.

The employer examines every group of preventive measures for their influence on risks and whether the measures themselves do not hold any risks, with the result that either another group of preventive measures must be applied, or additional preventive measures of another group must be taken.

The preventive measures, in particular, regard the following:

- 1° organisation of the undertaking or institution, including the work and production methods used;
- 2° the layout of the workplace;
- 3° conception and adjustment of the work station;
- 4° choice and use of work equipment and chemical substances or preparations;
- 5° protection against the risks arising from the chemical, biological and physical agents;
- 6° choice and use of collective and personal protective equipment and of work clothing;
- 7° implementation of an adjusted safety and health signalling system;
- 8° health surveillance, including medical examinations;
- [9° protection against psychosocial risks at work; (7)]

- 10° competence, training and information of all workers, including adjusted instructions;
- 11° co-ordination at the workplace;
- 12° emergency procedures, including the measures in the case of situations of serious and imminent danger and regarding first aid, fire fighting and evacuating workers.

Art. 10. – § 1. In deliberation with the members of the hierarchical line and the Services for Prevention and Protection at Work, the employer draws up a prevention plan for a term of five years, during which the preventive activities to be developed and implemented are programmed, taking into account the size of the undertaking and the nature of the risks accompanying the activities of the undertaking.

This overall prevention plan is put in writing and specifically entails the following:

- 1° results of the identification of the dangers, and the determination, detailing and evaluation of the risks;
- 2° preventive measures to be established;
- 3° priority objectives to be attained;
- 4° activities that must be carried out and assignments that must be performed to attain these objectives;
- 5° organisational, material and financial resources that must be applied;
- 6° assignments, obligations and resources of all persons concerned;
- 7° manner in which the overall prevention plan is adjusted to the change in circumstances;
- 8° criteria to evaluate the policy regarding the well-being of workers at work.

§ 2. The Minister draws up one or more models of an overall prevention plan for the employers belonging to the group D referred to in Article 3 of the Royal Decree of 27 March 1998 concerning Internal Services for Prevention and Protection at work.

The Minister can, after recommendation by the High Council for Prevention and Protection at Work, also establish an overall prevention plan for certain sectors.

Art. 11. – In deliberation with the members of the hierarchical line and the Services for Prevention and Protection at Work, the employer draws up an annual action plan to promote well-being at work during the following accounting year.

This annual action plan is based on the overall prevention plan, is put in writing and determines the following:

- 1° priority objectives within the context of the prevention policy for the following accounting year;
- 2° resources and methods to attain these objectives;
- 3° assignments, obligations and resources of all persons concerned;

- 4° adjustments that must be made to the overall prevention plan in accordance with the following:
- a) change in circumstances;
 - b) accidents and incidents that occurred in the undertaking or institution;
 - c) annual report of the Internal Service for Prevention and Protection at Work during the previous civil year;
 - d) Committee recommendations during the previous civil year.

Art. 12. – The employer involves the members of the hierarchical line and the Services for Prevention and Protection at Work in preparing, programming, executing and evaluating the dynamic risk management system, the written overall prevention plan and the written annual action plan.

S/he always consults the Committee.

With every amendment or adjustment, the employer submits the established overall prevention plan in writing to the Committee for its advice in advance.

The employer submits the draft of the annual action plan to the Committee for advice, at the latest, on the first day of the second month preceding the start of the accounting year to which it refers.

The annual action plan may not be executed before the Committee has provided its advice or, failing that, before the start of the accounting year to which it refers.

Art. 13. – The members of the hierarchical line, within their scope of authority and at their level, implement the employer's policy regarding the well-being of workers at work.

For this purpose, they have the following specific tasks:

- 1° to formulate proposals and advice for the employer within the context of the dynamic risk management system;
- 2° to investigate accidents and incidents that occurred at the workplace and to propose measures to prevent similar accidents and incidents;
- 3° to exercise effective supervision of work equipment, collective and personal protective equipment, substances and preparations used for the purpose of determining irregularities and to take measures to put a stop to this;
- [3°/1 to detect psychosocial problems related to work and ensure they are dealt with at an early stage; (7)]
- 4° to obtain timely recommendation from the Services for Prevention and Protection at Work;
- 5° to check that the tasks are allocated in such a manner that the workers, who have the required competence to do so and have received the required training and instructions, perform the different tasks;

- 6° to monitor compliance with the instructions that have to be given in implementation of the legislation regarding the well-being of workers at work;
- 7° to ensure that the workers properly understand and put into practice the information that they received in implementation of the legislation regarding the well-being of workers at work;
- [8° to organise the reception of every new worker and appoint an experienced worker who is responsible for guiding him/her. The member of the hierarchical line designated by the employer and responsible for ensuring the reception, signs a document under his/her own name stating that, within the context of his/her tasks referred to under 6° and 7°, the necessary information and instructions as regards the well-being at work were provided. (5)]

Art.14. – In deliberation with the members of the hierarchical line and the Services for Prevention and Protection at Work, the employer regularly evaluates the dynamic risk management system.

In this respect, s/he particularly takes the following into account:

- 1° annual reports of the Services for Prevention and Protection at Work;
- 2° recommendations of the Committee and, where applicable, of the official responsible for surveillance;
- 3° the change in circumstances making it essential to adjust the strategy regarding the performance of a risk analysis which forms the basis for establishing the preventive measures;
- [4° the accidents, incidents and facts of violence, bullying or sexual harassment at work that occurred in the undertaking or institution. (2)]

Taking this evaluation into account, the employer draws up a new overall prevention plan at least once every five years in accordance with the provisions of Article 10.

Art. 15. – The obligations imposed on the members of the hierarchical line and the workers do not diminish the principle of the employer's responsibility.

Art. 16. - The measures regarding well-being of workers at work may under no circumstances incur any financial stress for the workers.

We establish the manner in which the financial stress is borne in respect of the persons referred to in Article 2, § 1, second paragraph, b) and e) of the Act.

**Section III. –
[The employer's obligations regarding reception,
guidance, information and training of the workers**

Art. 16bis. - The employer takes appropriate measures to organise the reception of every worker and, should the occasion arise, entrusts that organisation to a member of the hierarchical line.

If the employer takes on the responsibility for the organisation of the reception him/herself, s/he personally signs the document referred to in Article 13, second paragraph, 8°.

The employer or, where applicable, a member of the hierarchical line, also takes appropriate measures to appoint an experienced worker to guide the new worker. The employer may also take on the responsibility of the guidance him/herself. (5)]

Art. 17. – The employer provides the members of the hierarchical and the workers with all the information regarding the risks and preventive measures applicable to the organisation as a whole, to every group of work stations and functions and to the individual work stations or functions, information that they need to perform their tasks or that they need to protect their and other workers' safety and health.

S/he also provides the necessary information regarding the emergency procedures and, in particular, regarding the measures that must be taken if there is serious and imminent danger, and regarding first aid, fire fighting and the evacuation of workers.

[**Art. 17bis.** – § 1. The employer informs the workers about the missions and tasks of the Internal and/or External Service for Prevention and Protection at Work, and of the different prevention advisers.

§ 2. The employer shall post up, in an easily accessible place for the workers, the names and contact details of the prevention advisers responsible for security at work, occupational medicine and psychosocial aspects and, if need be, the name and contact details of the confidential counsellor and of the External Service for Prevention and Protection at Work. (8)]

Art. 18. – The employer draws up a programme for the hierarchical line and for the workers to be trained on the well-being of workers at work, taking into account the data of the overall prevention plan.

This programme, as well as the contents of the training course themselves, take into account the instructions that must be compiled in terms of the regulations.

Art. 19. When an employer entrusts a worker with the performance of a task, s/he takes into account the respective worker's competence regarding [well-being at work (7)].

Art. 20. – The employer takes the necessary measures to ensure that only workers who received appropriate instructions have access to zones with grave and specific dangers.

Art. 21. – The employer sees to it that every worker receives adequate and adjusted training regarding the well-being of workers at work and which specially targets their job or function.

This training is provided particularly in the following cases:

- 1° upon hiring;
- 2° in the case of a posting or a change in function;
- 3° where a new piece of work equipment is introduced changed;
- 4° where new technology is implemented;

This training is adjusted to the development of the risks and to cases where new risks arise, and it is repeated at fixed times if necessary.

The costs for the training may not be at the expense of the workers. The training is provided during worktime.

Section IV. –

Measures in emergency situations and in the case of serious and imminent danger

Art. 22. – The employer draws up an internal emergency plan that is applied to protect the workers where necessary, pursuant to what was established in accordance with the risk analysis.

This plan is based on procedures that are adjusted to dangerous situations and possible accidents or incidents inherent to the undertaking or institution [and to the cases of violence of external origin. (2)]

These procedures regard the following:

- 1° the information and instructions regarding the measures in cases of emergency
- 2° the alarm and communication systems;
- 3° the safety exercises;
- 4° the actions to be taken for evacuation and first aid;
- 5° the resources for preliminary care;
- [6° the measures aimed at preventing or limiting post-traumatic stress (7)]

Art. 23. – The employer informs all workers who are or can be exposed to serious or imminent danger as soon as possible of that danger and of the protective measures that have been or will be taken.

The employer takes measures and gives the workers instructions to enable them to put a stop to their activities or to safeguard themselves by immediately leaving the workplace if there is unavoidable, serious and imminent danger.

Except in exceptional, adequately justified, cases the employer shall refrain from requesting the workers to resume their work in a work situation in which there is still serious and imminent danger.

Art. 24. – The employer ensures that, taking the worker's technical knowledge and resources into account, this worker can take the necessary appropriate measures to prevent the consequences of danger where serious and imminent danger threatens either his/her own or another person's safety and it is impossible to contact the competent member of the hierarchical line or the internal Service for Prevention and Protection at Work.

The worker's intervention may therefore not entail any disadvantage, unless s/he acted rashly or made a severe mistake.

Art. 25. – A worker who, in the case of unavoidable, serious and imminent danger, leaves his/her work station or a dangerous zone, may not experience any disadvantage for having done so and must be protected against all unjustified detrimental consequences of this.

The worker shall immediately inform the member of the hierarchical line and the internal Service for Prevention and Protection at Work of the situation.

[Section V. – Measures in the case of an occupational accident

Sub-section 1. – Measures in the case of severe occupational accident

Art. 26. – § 1. Without prejudice to the scope of application defined in Article 1, which includes the employers referred to in Article 94ter, § 1 of the Act, the provisions of this subsection are also applicable to persons referred to in Article 94ter, § 2, of the Act.

§ 2. In application of the legal provisions, the person or persons who have the obligations referred to in Article 94ter, §§ 1 and 2 of the Act inform the Service for Prevention and Protection at Work, of whom they have ensured the cooperation to investigate occupational accidents at the workplace incurring four or more days' occupational disability, of the serious occupational accident and they ensure that this service investigates the accident immediately, establishes its causes, proposes preventive measures to avoid its repetition and provides them with a report on this issue.

This report contains at least the following elements:

- 1° identification of the victims and their employers;
- 2° detailed description of the place of the accident;
- 3° detailed description of the circumstances of the accident, including visual material;
- 4° primary, secondary, tertiary that were established. The following definitions are applicable in this respect:
 - a) primary causes: the material facts that made the accident possible, in particular, collective or personal means of protection that were missing or not used correctly, the missing or short-circuited safety device of a machine;
 - b) secondary causes: causes of organisational nature as a result of which the primary causes originated, in particular, a risk evaluation that was not performed, missing instructions, the faulty monitoring of compliance with instructions, an Internal Service for Prevention and Protection at Work that did not function correctly;
 - c) tertiary causes: material or organisational causes on the part of third parties, in particular, a defect in the design or manufacture of a machine by an external company, advice that was not correctly formulated by an External Service for Prevention and Protection at Work or by an external service for technical controls at the workplace;
- [4°/1 any other recorded cause, among which psychosocial reasons, such as stress and burnout caused by work, work-related conflicts or violence, harassment and sexual harassment at work; (7)]
- 5° advice to avoid a repetition of the accident;
- 6° identification of the persons referred to in the first paragraph and the services for prevention and protection at work who contributed to the realisation of the report;
- 7° identification of the persons who drew up the report;
- 8° identification of the persons to whom a copy of the report was sent.

The person or persons referred to in the first paragraph, who, in accordance with the report, are required to follow up the formulated advice, add to this report the following elements:

- 1° the contents of their respective decisions regarding the measures that each one of them will take to avoid repetition of the accident, selected on the grounds of the advice formulated by the service or the services for prevention and protection at work and, if applicable, of the advice of the respective Committees or, after deliberation with the respective services and, if applicable, with the Committees, the alternative measures that guarantee at least the same result;
- 2° an action plan containing the terms within which the measures shall be applied, and the justification for these terms;
- 3° the advice of the respective Committees on the causes on which the serious occupational accident are based and on the measures proposed to avoid its repetition.

All of the elements summarised in the second and third paragraphs make up the detailed report referred to in Article 94^{ter}, §§ 1 and 2 of the Act.

The detailed report is sent on paper or via technologically appropriate means to the official responsible for surveillance of well-being at work and is personally signed by the person or persons referred to in the first paragraph.

§ 3. If, as a result of material facts, it is not possible in accordance with Article 94^{ter}, §§ 1 and 2 to send a detailed report to the official responsible for the surveillance of well-being at work within ten days, the latter can accept a preliminary report, which contains at least the following elements, within the same term and sent by the same means:

- 1° the elements summarised in § 2, second paragraph, 1° and 2°;
- 2° a first description of the circumstances of the accident;
- 3° the primary causes that were established;
- 4° a detailed overview of the investigations still to be performed on the material facts, as a result of which no detailed report can, as yet, be provided;
- 5° the findings of the representatives of the Committee that immediately went to the scene of the serious occupational accident;
- 6° the advice of the respective Committees that would already have been established in approved minutes at the moment that the preliminary report was sent to the official.

In that case, the official referred to in the first paragraph establishes the term within which the complementary elements have to be provided.

§ 4. The following is regarded as a serious occupational accident in the sense of Article 94^{bis}, 1° of the Act:

- 1° an occupational accident that led to death;
- 2° an occupational accident, the occurrence of which is directly related to an event that derogates from the normal execution of work and which appears on the list included as Appendix

I to this decree, or to the object that was involved in the accident and which appears on the list included as Appendix II of this decree, and that led to the following:

- a) either a permanent injury;
- b) or a temporary injury that appears on the list included as Appendix III of this decree.

Art. 27. – The serious occupational accidents of which, in accordance with Article 94^{nonies} of the Act, the employer of the victim must immediately inform the officials responsible for surveillance of well-being at work, are those referred to in Article 26, § 4, 1° and 2°, a).

The notice is carried out by technologically appropriate means, stating the name and address of the employer of the victim, the name of the victim, the date and place of the accident and its presumed consequences, and a short description of the circumstances.

Sub-section 2. – Measures to be taken in all occupational accidents

Art. 28. – The employer ensures that the Service for Prevention and Protection at Work which is charged with this assignment draws up an occupational accident index card for every accident that has caused at least four days of occupational disability.

In implementation of the Act on occupational accidents of 10 April 1971 or in implementation of the Act of 3 July 1967 concerning the prevention of or the compensation for occupational accidents, for accidents on the way to and from work and for occupational illnesses in the public sector, the notice form for the occupational accident may replace the occupational accident index card, on condition that the data required to draw up the index card are filled in on the notice form.

In implementation of the previous paragraph, the service referred to in the first paragraph limits itself to filling in the data for which it is competent.

In cases where the Internal Service for Prevention and Protection at Work that has filled in the occupational accident index card or the notice form of the occupational accident is not responsible for the medical supervision of its workers, the employer sends a copy or a printout of the index card or the notice form to the section responsible for medical supervision of the External Service for Prevention and Protection at Work with which s/he has subscribed.

The employer keeps the occupational accident index cards, copies or printouts of the forms on which the occupational accidents were reported for at least ten years.

Where the undertaking or institution consists of various sites, the index cards, copies or printouts referred to in the previous paragraphs, are kept at the operations office concerned.

These index cards, copies or printouts are kept available for the officials responsible for the surveillance of well-being at work. (4)]

Section VI. – Obligations of the employer regarding certain documents

Art. 29. – *repealed (1)*

Art. 30. – The employer sends the official responsible for surveillance a complete annual report of the operation of the Internal Service for Prevention and Protection at work in duplicate and, at the latest, within three months after the civil year to which it refers has ended.

[APPENDIX I**List of irregular incidents as referred to in Article 26, § 4, 2°**

(the irregular incidents are defined and coded in accordance with the European registration system of causes and circumstances of occupational accidents in Europe – see also table A of Appendix IV to the Royal Decree of 27 March 1998 concerning the Internal Services for Prevention and Protection at Work)

- irregular incident pursuant to an electrical malfunction, an explosion, a fire (codes 10 to 19);
 - irregular incident pursuant to overflow, tilting, leak, drainage, evaporation, discharge (codes 20 to 29);
 - irregular incident pursuant to breakage, cracking, sliding, falling; collapse of the respective object (codes 30 to 39);
 - loss of control of a machine, means of transport or conveyance, hand tool, object, (codes 40 to 44);
 - persons falling from a height (code 51);
 - being caught or dragged by an object or its speed (code 63).
- (4]

[APPENDIX II**List of objects involved as referred to in Article 26, § 4, 2°**

(the irregular incidents are defined and coded in accordance with the European registration system of causes and circumstances of occupational accidents in Europe – see also table B of Appendix IV to the Royal Decree of 27 March 1998 concerning the Internal Services for Prevention and Protection at Work)

- scaffolding or constructions above ground (codes 02.00 to 02.99);
- excavation work, gullies, holes, underground passages, tunnels or underground water environment referred to by codes 03.01, 03.02 and 03.03);
- systems (codes 04.00 to 04.99)
- machines or apparatus (codes 05.00 to 05.99, 07.00 to 07.99 and 09.00 to 10.99);
- systems for closed or open transport and storage (codes 11.00 to 11.99, 14.10 and 14.11);
- vehicles for overland transport (codes 12.00 to 12.99);
- chemical substances, explosives, radio-active substances, biological substances (codes 15.00 to 15.99, 19.02 19.03);
- safety systems and safety equipment (codes 16.00 to 16.99);
- weapons (code 17.05);
- animals, micro-organisms, viruses (codes 18.03, 18.04 and 18.05). (4)]

[APPENDIX III]**List of irregular incidents referred to in Article 26, § 4, 2°, b**

*(the injuries are defined and coded in accordance with the European registration system of causes and circumstances of occupational accidents in Europe and complemented by Belgian codes, indicated with * after the code - see also table E of Appendix IV to the Royal Decree of 27 March 1998 concerning the Internal Services for Prevention and Protection at Work, as amended as of 1 January 2006)*

- flesh wounds with loss of tissue that lead to multiple days of occupational disability (code 013*);
- bone fractures (codes 020 to 029);
- traumatic amputations (loss of limbs – code 040);
- removals (code 041*);
- shaking and internal injuries which can be life-threatening if they are not treated (code 053*);
- hazardous effects of electricity that lead to multiple days of occupational disability (code 054*);
- burn wounds that lead to multiple days of occupational disability chemical or internal burns, or frostbite (codes 060 to 069);
- acute poisoning (codes 071 to 079);
- asphyxiation and drowning (codes 081 to 089);
- effects of radiation (non-thermal) that lead to multiple days of occupational disability (code 102) (4)]