

**Royal Decree of 3 May 1999 on the assignments and operation  
of the Committees for prevention and protection at work  
(Belgian Official Gazette of 10 July 1999)**

- Amended by:
- (1) Royal Decree of 10 August 2001 (Belgian Official Gazette of 22 September, 2<sup>nd</sup> ed.)
  - (2) Royal Decree of 28 August 2002 on the designation of officials responsible for the supervision of compliance with the Act of 4 August 1996 on well-being of workers in the performance of their work (Belgian Official Gazette of 18 September 2002)
  - (3) Royal Decree of 10 April 2014 concerning the prevention of psychosocial risks at work (Belgian Official Gazette of 28 April 2014)
  - (4) Royal Decree of 27 May 2014 concerning the placing on the market of substances produced in a nanoparticulate state (Belgian Official Gazette of 24 September 2014)

**Section I. – Definitions**

**Article 1.** – For the purposes of this decree, the following definitions shall apply:

- 1° Internal service: the Internal Service for Prevention and Protection at work;
- 2° External service: external service: the External Service for Prevention and Protection at work;
- 3° the Act: the Act of 4 August 1996 on well-being of workers in the performance of their work.

For the implementation of Sections II and III, the following is understood by committee: the Committee for Prevention and Protection at work, in the absence of a Committee, the trade union representatives or in the absence of trade union representatives, the workers themselves, in accordance with the provisions of Article 53 of the Act.

For the implementation of Sections IV and V, the following is understood by committee: the Committee for Prevention and Protection at work.

[For the implementation of Section *Vbis* the following is understood by direct participation: the direct participation of workers themselves, in accordance with the provisions of Article 53 of the Act. (1)]

**Section II. – Committee Assignments**

**Art. 2.** – In implementation of Article 65 of the Act, the committee has the particular assignment of giving advice and formulating proposals regarding the policy relating to the well-being of workers at work, the overall prevention plan and the annual action plan that the employer has drawn up, their amendments, execution and results.

The committee is also involved in the management and work of the department responsible for the medical supervision of the internal service by paying it a visit at least twice a year, with an interval of a maximum of six months, on the grounds of a report, drawn up for this purpose, by the prevention counsellor responsible for medical supervision.

**Art. 3.** – The committee gives prior advice on the following:

- 1° all proposals, measures and the resources to be applied, which directly or indirectly, immediately or in the course of time, can have consequences for the well-being of workers at work;
- 2° scheduling and implementing new technologies regarding the consequences for the safety and health of workers, connected to the choices regarding equipment, working conditions and the influence on the environmental factors at work, with the exception of those consequences to which a collective agreement applies, which provides for similar guarantees;
- 3° choice or replacement of an external service for technical controls at the workplace and other bodies and experts;
- 4° choice or change of an external service which is approached in implementation of the Acts on occupational accidents;
- 5° any measure that is considered to adjust the techniques and labour conditions to man and to prevent occupational fatigue;
- 6° specific measures to arrange the workplace so that, where applicable, the employed disabled workers are taken into account;
- 7° the choice, purchase, maintenance and use of labour resources, personal and collective means of protection;
- [8° the other components of the work organisation, job content, working conditions, living conditions at work and interpersonal relationships at work that are likely to cause psychosocial risks at work. (3)]

**Art. 4.** The committee gives its prior agreement in the cases determined by the various Acts and their decrees.

**Art. 5.** – The committee is responsible for developing and applying the means of propaganda and the measures in its own field and for the reception, information and training of prevention and protection at work.

**Art. 6.** – The committee provides a stimulus for the activities of the internal service and follows up the operation of the service.

**Art. 7.**– The committee investigates the complaints expressed by the workers regarding well-being at work, and the complaints regarding the manner in which the services which are approached in implementation of the Acts on occupational accidents complete their assignments.

**Art. 8.** – The committee drafts proposals to refurbish the workplace and the environment.

**Art. 9.** – At the request of officials responsible for supervision, the committee gives its co-operation to these officials.

**Art. 10.** – The committee contributes to the implementation of the dynamic risk management system by delegating some of its member employers and workers so that they work together with the authorised prevention counsellor and the authorised member of the hierarchical line, thoroughly investigating all the workplaces for which the committee is authorised periodically and at least once a year.

**Art. 11.** – The committee appoints representatives who go to sites immediately where there are grave risks, where damage is imminent and every time a serious accident or incident has occurred, or where at least one third of the workers’ representatives on the committee requests this.

**Art. 12.** – The committee appoints representatives to speak to the authorized officials during their supervision visits.

**Art. 13.** – In addition, the committee performs all other assignments entrusted to it by specific provisions.

### **Section III. – The employer’s obligations**

**Art.14.** – The employer is obliged to provide the committee with all the necessary information so that the latter can give advice with full knowledge of the facts.

S/he compiles documentation regarding issues concerning the well-being of workers at work, the internal and external environments, of which the contents are determined in Appendix I to the Royal Decree of 27 March 1998 concerning internal services for prevention and protection at work, and keeps these available for the committee.

For this purpose, the members of the committee must be informed and be able to obtain all information, reports, advice and documents concerning the well-being of workers at work, the internal or external environment, whether or not this is imposed by the labour or environment regulations.

This applies, in particular, to information, reports, advice and documents which, in implementation of the environmental regulations, the own undertaking has to give to the government or to keep for its perusal.

This also applies to information, reports, advice and documents which third-party undertakings have to publish on the occasion of their application for a permit if and to the extent that the employer can enforce the right of perusal in respect of those documents.

In addition, this applies to the amendments made to manufacturing procedures, work methods or installations where these may exacerbate the existing risks for the well-being of workers, the internal or external environment, or create new ones, and in the application or manufacture of new products.

Moreover, the employer keeps the purchase orders, delivery documents and first-time operation report, which concern the choice, purchase and use of work equipment, personal and collective protection resources, for perusal by the committee and s/he regularly submits a report or overview to the committee for discussion.

[The information referred to in the first paragraph contains in particular information regarding the products that the employer has registered or notified, or for which he received a registration number or notification under the Royal Decree of 27 May 2014 concerning the placing on the market of substances produced in a nanoparticulate state. This information also includes information on the products referred to in Article 1 of the above-mentioned decree for which, pursuant to specific regulation, a notification or an authorization is required with regard to the presence of nanomaterials. (4)]

**Art. 15.** – The employer provides the committee with all the necessary information relating to the risks for safety and health, protection and preventive measures, not only for the organi-

sation as a whole but also for every group of work stations or functions and all the necessary information regarding the measures taken on first aid, fire fighting and the evacuation of workers.

In addition, the employer provides all information regarding the evaluation of risks and protective measures within the context of the dynamic risk management system in the global prevention plan.

**Art. 16.-** Every year, the employer presents at a committee meeting a detailed explanation of the environmental policy conducted by the undertaking .

S/he also provides the committee with any explanations on external environmental matters that a member of the committee may have requested.

**Art. 17.** – The employer provides the committee members who represent the workers with the opportunity of having all possible contacts which they require to perform their assignment, with him/herself or his delegates and members of the hierarchical line, the prevention counsellor and the affected workers.

**Art. 18** – The employer informs the committee of his/her opinion or, where applicable, the opinion of the internal or external service for technical controls at the workplace or of other bodies concerned and of experts, regarding the committee's advice on complaints expressed by workers relating to well-being at work and also regarding the manner in which the services that are approached in implementation of the occupational accident Acts complete their assignments.

**Art. 19.** - The employer executes with due conformity the committee's advice, adopted by a general vote, regarding the serious risks for the well-being of workers where there is imminent danger, and follows up appropriately where the advice is diverse.

S/he follows up on all the other advice within the term the committee has set or, if no term has been set, at the latest within six months.

The employer who has not acted in accordance with the advice has not carried it out or made a choice from the advice shall provide the committee with the reasons for this.

S/he also states the measures that were taken in justifiably urgent cases without consulting or informing the committee.

**Art. 20.** – The employer makes the necessary resources available to the committee members, which will enable the latter to point out the established risks to the directly authorised members of the hierarchical line.

Within the context of the obligation to inform, s/he also makes a notice board, or other appropriate means of communication, available to the committee, by means of which all workers can be reached.

#### **Section IV. – The operation of the committee**

**Art. 21.** – The employer ensures that the committee meets at least once a month, and whenever at least one third of the staff representatives on the committee requests it to do so.

The employer also ensures that the committee meets at least twice a year, with an interval of a maximum of six months, on matters regarding medical supervision where a department responsible for medical supervision is established in the internal service.

The committee meets at the registered office of the technical operational unit.

**Art. 22.** – The employer or his/her representative to whom s/he transfers his/her authority, takes on the responsibility of the chairmanship.

S/he drafts the agenda and, at least ten days before the meeting, records on it every point that was proposed by a committee member.

S/he has the minutes of the previous meeting approved.

**Art. 23.** – The committee secretariat is secured by the internal service where a single committee must be established at an employer's.

Whenever an employer has various technical operational units for which a committee must be established, the committee secretariat is secured by the section of the internal service that is established for the technical operational unit for which the respective committee is established.

**Art. 24.** – The secretariat is responsible for the following tasks:

- 1° inviting, in writing, every ordinary member of the committee to meetings at least eight days in advance;
- 2° sending every ordinary member the annual report at least fifteen days before the meeting in the month of February, without prejudice to the obligation of sending a copy of the annual report to the ordinary or replacing members of the committee within thirty days after it has been drawn up;
- 3° sending every ordinary member the report that the prevention counsellor responsible for medical supervision has drawn up on matters relating to medical supervision, one month prior to the meeting in this regard;
- 4° informing the prevention counsellor of the external service, who is designated pursuant to Article 18 of the Royal Decree of 27 March 1998 on the external services for prevention and protection at work, of the date and the agenda of the meeting;
- 5° eight days prior to the committee meeting, putting up notices in various noticeable and accessible places, stating the date and the agenda of the meeting or making this announcement to all workers by means of other equivalent communication channels;
- 6° drawing up the minutes of the meeting and providing them, at least eight days before the next meeting, to the ordinary and replacing members, the prevention counsellors of the internal service and the prevention counsellor of the external service appointed pursuant to Article 18 of the Royal Decree of 27 March 1998 on the external services for prevention and protection at work;
- 7° within eight days after the meeting, putting up or making announcements, in the same places or by means of equivalent communication channels, to all workers on the conclusions and decisions;
- 8° putting up or making announcements, in the same places or by means of equivalent communication channels, to all workers, the contents of the annual action plan, the annual report of the internal service, the effects pursuant to the committee advice and all the information which the committee particularly wants to announce;

- 9° within thirty days from the moment imposed for its drafting, sending a copy of the monthly reports to the ordinary and replacing committee members;
- 10° within thirty days from the moment imposed for its drafting, sending a copy of the monthly and annual reports to the ordinary and replacing members of the works council and trade union delegation if these bodies exist.

The summons referred to in the first paragraph, 1° states the place, date, time and agenda and is accompanied by the monthly report of the internal service and of all the necessary information regarding the agenda.

The following tasks must, in any event, be secured by the prevention counsellor entrusted with the management of the internal service or, if applicable, the prevention counsellor entrusted with the management of the department:

- 1° drawing up the committee advice;
- 2° seeing to it that the minutes of the meetings are drawn up;
- 3° attending the meetings and providing the necessary explanations there;
- 4° seeing to it that the tasks referred to in the first paragraph are performed.

**Art. 25.** – The following also participate in committee meetings and have recommending votes:

- 1° the prevention counsellor responsible for medical supervision, which forms part of the internal service;
- 2° the prevention counsellor entrusted with the management of the internal service, where the service consists of various sections, and every time his/her presence is required in accordance with the relationship that is established between the central service and the sections in implementation of Article 15, first paragraph of the Royal Decree of 27 March 1998 concerning internal services for prevention and protection at work;
- 3° prevention counsellors of the internal service other than those referred to in 1° and 2°, and the prevention counsellors of the external service, every time that there is a point on the agenda pertaining to their special competence and, in particular, in the discussion of the overall prevention plan, the annual action plan and the medical annual report;
- 4° the representative workers at the supervision of the surface mines and quarries, regarding open-air quarries and their dependencies;
- [5° the confidential counsellors, whenever the agenda contains an item related to the prevention of psychosocial risks at work. (3)]

The secretariat informs these people of the date and the agenda of the meeting.

**Art. 26.** – With the employer's approval, the committee member representatives of the workers may be assisted by an expert of their choice.

With a view to preparing for the meetings, they can, with the tacit approval of the employer, be assisted by a permanent representative of their trade union.

They may always call on the official responsible for supervision.

**Art. 27.** – The committee gives its advice in the shortest time possible on every matter on which the employer mandatorily consults it and, if applicable, on the information it receives.

The advice not given by general vote, states the divergent opinions.

The advice regarding the annual action plan is, in any event, provided before the date on which this plan must take effect.

**Art. 28.** – The official responsible for supervision may convene the committee *ex officio* and take on the chairmanship of the meeting.

**Art. 29.** – The members of the committee may not inform others or divulge both the overall and individual information that they have available in accordance with the functions or mandates that they fulfill if this is detrimental to the interests of the employer or of the workers.

The provision of the first paragraph does not aim to hinder relations between the trade unions and the representatives on the committee and does not prejudice their right to turn to the employer if a dispute arises on the committee.

**Art. 30.** – The members who are representatives of the workers on the committee are entitled to appropriate training.

This may not be at their expense and is given during work time or in accordance with the respective collective labour agreements or legal arrangements.

#### **Section V. – In-house regulations**

**Art. 31.** – Without prejudice to the provisions of Section III, the in-house regulations contain at least the following points:

- 1° more detailed rules regarding the place and time of the meetings;
- 2° the surnames and first names of the ordinary and replacing members who represent the employer and the surnames and first names of the ordinary and replacing members who represent the workers;
- 3° surname and first name of the chairman and, where applicable, those of the person replacing him;
- 4° more detailed rules regarding the task of the chairperson and the manner in which s/he can have him/herself replaced;
- 5° way in which a point can be written on the agenda;
- 6° way in which members are convened to the meeting;
- 7° detailed rules regarding the course of the meetings;
- 8° detailed rules regarding the required attendance quorum to hold a lawful meeting and the way in which it is established that there is an agreement;
- 9° way in which perusal of the reports, advice and all other documents that must be kept available for the committee is granted;

- 10° way and term of safekeeping of the committee archives and the detailed rules regarding their perusal by the committee members;
- 11° detailed rules regarding the appointment of the delegations referred to in Articles 10 and 12 and the composition of the delegations;
- 12° nature of the resources, in particular, in the form of a notebook or equivalent means of reporting which, in implementation of Article 20ter, is made available to committee members;
- 13° detailed rules regarding the contacts referred to in Article 17;
- 14° detailed rules regarding preparatory and additional meetings;
- 15° if applicable, the way in which experts are invited;
- 16° way in which the staff is informed of the points on the agenda and the committee decisions;
- 17° procedure to amend the regulations.

### **[Section Vbis .- Direct participation**

**Art. 31bis. - § 1.** The employer him/herself consults his/her workers regarding every issue concerning the well-being of workers at work for which their direct participation is required.

**§ 2.** Without prejudice to Article 20 and within the context of the direct participation referred to in § 1, the employer makes the following resources available to his/her workers:

- 1° a register in which the workers can in all discretion enter their proposals, remarks or advice;
- 2° a notice board where announcements can be put up or another appropriate means of communication through which all workers can be reached, such as email.

These resources are permanently available in a place that is easily accessible to all workers.

All notices and announcements provided in this Article are given and made through a means of communication referred to in the first paragraph, 2°.

The abovementioned means of communication state in a permanent way the names, addresses, telephone numbers, fax numbers and email addresses of the external service for prevention and protection at work and of the officials responsible for supervising compliance with the provisions of this section.

**§ 3.** After consultation with his/her internal or external service in accordance with the provisions of the Royal Decree of 27 March 1998 concerning internal services for prevention and protection at work, the employer informs the workers of his/her proposal simultaneously with the advice of the consulted service.

For a term of fifteen days, to be calculated from the day of the notice, the workers are free to choose to either write their remarks or advice in the register or, where the employer fulfills the function of prevention counsellor him/herself, to inform the external service of these or, in other cases, the internal service.

Fifteen days, at the latest, after having been contacted by the respective workers, the external service or, respectively, the internal service, adequately and with due regard for the anonymity of

the respective workers, informs the employer of the remarks or advice of the workers simultaneously with its own advice on the issue.

In the cases where it is contacted by the workers concerned, the external service can, with a view to adequate formulation of its remarks or advice and if necessary, request an explanation from these workers.

If no remarks or advice of the workers appear in the register and the employer is not informed of any remarks or advice by actions on the part of the external or respectively internal service, this shall be considered to be an agreement with the employer's proposal.

The employer informs the workers of his/her decision.

If the worker did not act in accordance with the remarks or advice, did not comply with them or did not select one aspect of the varied advice, s/he informs his/her workers of the reasons for this.

**Art. 31ter.** - § 1. The employer makes the resources referred to in Article 31bis, § 2 available to his/her workers within the context of their right to give advice regarding the issues concerning the well-being of workers at work.

All notices and announcements stipulated in this Article are given and made through a means of communication referred to in Article 31bis, § 2, first paragraph, 2°.

§ 2. The workers are also free to choose either to write their remarks or advice in the register, or, where the employer fulfills the function of prevention counsellor him/herself, to inform the external service or, in other cases, the internal service, of these remarks or advice.

Fifteen days, at the latest, after having been contacted by the workers concerned, the external service or the internal service, adequately and with due regard for the anonymity of the respective workers, informs the employer of the remarks or advice of the workers simultaneously with their own advice on the issue.

In the cases where it is contacted by the workers concerned, the external service can, with a view to adequate formulation of its remarks or advice, request if necessary an explanation from these workers.

If there are proposals in the register, the employer requests the advice of his/her internal or external service on these proposals before possibly deciding not to comply with them, in accordance with the provisions of the Royal Decree of 27 March 1998 concerning internal services for prevention and protection at work.

The employer informs the workers of the advice of his/her internal service or, where applicable, of his/her external service, and of his/her decision.

If the employer did not act in accordance with the proposals of the workers or the advice pertaining to them, did not comply with them or did not select one of the diverse advice, s/he informs his/her workers of the reasons for this.

**Art. 31quater.** – The workers who, in implementation of this section, formulated proposals, remarks or advice may not experience any detriment pursuant to this. (1)]