

Occupational accident: what are you doing about prevention?

How common is an occupational accident?

Around 7 million people work at 500,000 companies in the Netherlands. A minor or major occupational accident occurs 230,000 times a year, over 600 times a day. In recent years, between 50 and 70 employees per year have died in fatal occupational accidents.

What is an occupational accident according to the law?

According to the Dutch Working Conditions Act, an occupational accident is an event at work or during working hours that immediately results in damage to one's health. This may be an accident at a company, in an institution, at a (construction) site or when working on the road. Accidents taking place on public roads can therefore also fall under the definitions of an occupational accident. A road accident during working hours counts as an occupational accident.

If it is established that the employer failed in their safety obligation, the employer is in principle liable for the entire damage to the employee. The damage may consist of material damage and immaterial damage. If the employee dies as a result of the accident, the spouse, children or parents of the deceased employee are entitled to compensation.

The 'boundary'

As a rule, however, an accident is not classed as an occupational accident if the injury occurs while driving to or from work (commuting).

Occupational accident: report to the Netherlands Labour Authority

The employer must immediately report to the Netherlands Labour Authority if the employee is in hospital, has suffered permanent injury or has died. This is followed by an accident investigation. In principle, the employer is liable for the consequences of a traffic accident during working hours. More information on this can be found at www.arboportaal.nl (search for occupational accident or traffic accident).

Read more



Recourse: accident outside work caused by a third party

In an accident outside work caused by a third party, the employee may be able to recover material and immaterial damages from the liable third party. The employer may also be able to recover (wage) costs from the liable third party. Seek legal advice.

Sports accident, commuting accident or home accident

In these situations, the accident is logically not classed as an occupational accident.

Occupational accident: what can you do about prevention?

In the event of an occupational accident, the employer will be asked to provide evidence that they have fulfilled their safety obligation. Elements of this safety obligation include:

- The preventive measures taken by the employer to prevent accidents and occupational illnesses.
- A risk inventory and evaluation is an essential part of this.
- Clear information and repeated instructions on working safely. The employer must ensure that employees and visitors comply with these.
- Addressing employees and visitors about unsafe behaviour and recording this in their personnel files.
- Keeping a list of occupational accidents reported to the Netherlands Labour Authority and occupational accidents resulting in an absence of more than three working days, as well as a record of the nature and date of the accidents.
- Employing in-house first-aiders who provide support with the initial aid and alerting of the ambulance, fire brigade and Netherlands Labour Authority.

We can help you

Want to avoid recurrence?

If you want to prevent an unsafe situation from recurring, you can enlist the help of our specialised safety experts and ergonomists. They can guide you in taking steps to minimise the chances of recurrence. Feel free to contact our experts at experts.zorgvandezaak.nl.

Want to get your risk assessment and evaluation (RIE) in order?

Contact our safety experts. They can be reached via our Quick Reference Point: by phone at +31 (0)88 277 8801, by email at info@snelver-wijspunt.nl or, as an SME, order the SME RIE directly at www.zorgvandezaak.nl.

Want trauma care for your employee and/or colleagues?

7 days a week, 24 hours a day, we are available to call in trauma support.

GIMD is the organisation within the Zorg van de Zaak Network that provides this support.

Legal advice

Zorg van de Zaak does not offer legal support in the context of personal injury or occupational accidents. Use your own legal advisor for this.