

Tips & Tricks employer's report

When the Netherlands Labour Authority (NLA) requests an employer's report, a thorough and prompt approach should be chosen. Given the usual 15 working days for submission, time is of the essence. The report should follow a clear and comprehensive structure, including consideration of set elements. To help employers in doing so, we offer some guidance on each of these elements, following the NLA's investigation guideline and our previous experiences.



Investigation

The circumstances of the accident lie at the heart of the report. All possible factors that may have contributed to the accident should be described as accurately as possible. The report should document the accident scene, the work process, the equipment, the staff, and the instructions involved, as well as any deviations or uncontrolled processes that occurred. Start for example with a floor plan of the location where the accident occurred. Identify the persons present before the accident and briefly state what they were doing at that moment. To ensure an objective investigation, we can interview the people involved in accordance with the NLA guidelines. The interview transcripts will then serve as a source for the accident analysis. In addition to describing the accident in detail, it is advisable to describe the set procedures before, during and after the accident at work. Hazard Identification and Risk Assessments (HI&RAs), safety procedures and instructions are vital sources to append to the report for reference purposes.



Analysis

The analysis should identify the direct and root causes of the accident, using appropriate investigation and analysis models. It is important to clearly identify all factors that contributed to the circumstances of the accident. The report should explain how and why the accident occurred, tracing back the contributing factors and underlying causes. The NLA advises applying various analysis methods and uses distinct definitions of "incident", "event", "contributing factor" and "accident event", to categorize the causes. In our experience, visuals and flow charts are very effective in this regard.



Measures

The report should identify suitable measures for each cause, with a rationale for their effectiveness and feasibility. For each cause, an appropriate measure should be formulated, with an explanation of the specific contributing factor it will eliminate. The report should also involve management, employees, and safety experts in developing the measures, to ensure their impact and support. The NLA will subsequently assess whether the measures will sufficiently improve matters. That is why both the functionality and the feasibility of each measure should be accurately described, for example by means of a strength-weakness

analysis. Each measure should effectively eliminate a factor that contributed to the accident, and it is important to substantiate why.



Improvement plan

Before the measures are implemented, a specific and feasible improvement plan must be submitted. The more specific this plan is, the better. Past experience has shown that an effective strategy is to assign each measure to a specific person who is ultimately responsible for its implementation. It is also important that all persons involved know exactly what measures they need to implement and when. Ideally, therefore, they should be informed of their responsibility before the employer's report is submitted to the NLA. The improvement plan should also specify the timeline for each measure, and ensure that it is realistic and achievable. Finally, it is recommendable to record the evaluation and monitoring via a PDCA cycle in the HI&RAs, safety procedures and work instructions in place (or to be drawn up).



Compliance

To ensure workplace safety, the improvement plan should be integrated into current business processes. The NLA will be guided by the timelines when verifying the plan's execution. These timelines therefore need to be realistic and feasible. That way, the NLA will be able to perform a thorough investigation during an unannounced visit without finding any surprises. The NLA may impose sanctions if the report or the improvement plan is inadequate or not complied with, and may even report the findings to the Public Prosecution Service and initiate prosecution of the management. Therefore, it is essential to prepare a sound and thorough employer's report, following the NLA's guidelines and recommendations.

Do you need help preparing an employer report? Then contact our specialists Huib Lebbing and Leontine Cobben of the Houthoff HSE ('Health Safety & Environment') team.

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