

## **Thematic session B – Prevention, early intervention and systematic engagement**

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Towards far-reaching employer obligations for sickness matters

The session is about prevention, early intervention and systematic engagement. Dutch reforms in recent years made employers and employees aware that they need to work on prevention and early intervention from the first beginning of sickness – in their own interest. In this presentation the focus is, in view of the subject, mainly on the sickness period.

### Why were these reforms successful?

Key factors were:

- Sense of urgency. From the beginning nineties there was a growing concern about sickness and disability and the awareness that tough reforms were necessary to lower sickness and disability.
- Change of mindset:
  - there is a shift towards looking at possibilities of people, not at handicaps;
  - there is also a shift towards activating people, not only income protection;
- Clear responsibilities for employers and employees: they are considered to be the key players to bring about the necessary changes.
- Backing of the reforms by social partners.

### Sickness period

- The sickness period is in the Netherlands two years (this is the case from 2004, before it was one year). The sickness period is a wholly private responsibility.
- Employers must now pay the salaries of sick employees - at least 70% of the salary - for the first two years of sick leave. Most of the larger companies bear this risk themselves. Most of the smaller companies have a private insurance for this risk. Insurance companies assist employers with reintegration.
- The employer and employee must take all actions towards work rehabilitation.
- The financial incentive for the employer, together with the responsibilities for the employer and employee, emphasis the need for prevention and early intervention from the first beginning of sickness.

### The Gatekeeper Law (2002)

- This Law has had a large impact on the process of tackling sickness and disability.
- Aim of the Law: strengthen responsibility employers and employees to prevent sickness and disability benefits. They have mutual responsibilities.
- The employer is obliged to reintegrate sick employees: first in his own previous work; secondly, if this is not possible, in other suitable work within the company; thirdly, if this is not possible, in work with another employer.
- The employee has to cooperate actively.

- Gatekeeper protocol gives companies a guideline and time-table to act adequately in case of sickness.
- The protocol indicate the following steps in the process:
  - A sick employee has to contact his employer immediately (same day).
  - In case of threatening disability, a problem analysis has to be made by a professional doctor, the health occupational service (within 6 weeks). This professional advises the employer and employee on sickness issues.
  - The employer and employee have to make a plan on work rehabilitation and agree on this (within 8 weeks).
  - They have to execute this plan and evaluate it regularly.
  - In case of problems or disagreement, both the employer and the employee can ask for an expert-opinion form the Institute for Employee Benefits (UWV).
  - Towards the end of the second year, the employer and employee have to make a reintegration file, in which they report on all rehabilitation activities undertaken. This file is checked by the UWV. When the file is OK, the employee is assessed on a disability benefit. When an employer has failed his reintegration obligations, he has to pay in principle another year sickness leave (this period is shorter, when he meets his obligations).
- So, the obligations are not voluntary. When an employer doesn't meet his obligations he must pay in principle another year for sickness. A non-cooperating employee risks no pay by the employer during the sickness period; even, he can be fired in severe cases. He also risks a cut on his disability benefit.
- Employers and employees are assisted by professionals (health occupational services, insurance companies) or for example Gatekeeper Centres (set up by employers self).
- The implementation of the Gatekeeper Law was facilitated by a special Task Force that still exists, the Steering Group Improvement Gatekeeper. In this Task Force, all parties concerned are represented: the Ministry, social partners, the insurance companies, the occupational health services. Its task is to implement the Gatekeeper Law and to solve problems that arise in practice. The Task Force has, for instance, set up the gatekeeper protocol.

### Conclusions

- The sickness period is now a wholly private responsibility for employer and employee. The incentives and responsibilities are clear and provoke adequate actions towards prevention, early intervention and mutual engagement.
- The reforms of recent years (started with the Gatekeeper Law, followed by the extension of the employer-paid sickness period to two years and finally a new Disability Act) all work in this direction.
- There is, up till now, a positive effect in reducing sickness (about 4%) and disability benefits. The new inflow in disability went down from 100,000 in 2000 to 21,000 in 2006.