



Rijksdienst Caribisch Nederland

Safe working in hospitality industry



Work plays an important role in the active life of the people. Work provides income. It is also a way to learn new knowledge and skills. Employer and employee both have an interest in a safe and healthy workplace. After all, a healthy and fit employee performs better and is less often ill. For the employee it is important to protect himself against accidents and illness, to prevent the loss of any income.

In organising safe and healthy work, work and rest times play an important role. Too long hours and too little rest and relaxation are not conducive to safe and healthy work. Exhaustion leads to loss of concentration and increases the chance for an accident. Insufficient recuperation of a tired body can lead to overloading and physical complaints in the long term.

Besides a healthy and safe workplace, everyone has the right to decent work and a good recompensation. When taking on personnel it is therefore logical that the firm first sees if there are local people who can be considered for a job. Only if that is not the case, the employer can request a work permit to let a foreigner work. The employer must pay at least the minimum wage to everyone.

The government considers it essential that employees have decent work. How we should interact with each other is set down in laws and regulations. Herein obligations are imposed on both employer and employee. This relates to, among others, the following laws: (1) the “Arbeidsveiligheidwet BES”, (2) the “Arbeidswet 2000 BES”, (3) the “Wet minimumloon BES” and (4) the “Wet arbeid vreemdelingen BES”.

The Labour Inspection monitors the compliance with the laws and regulations. The Labour Inspection provides information about the laws and regulations and corrects if necessary by giving a warning, a fine or making a report of the offence.

In this brochure not all, but the important obligations are dealt with.

1 Take care of each other

In order to be able to work safely, first of all co-workers have to take care of each other. This implicates that you have to think first about how to work safely. Start discussing the work with each other, share information and then start working. This doesn't only apply to the board and the staff of the firm. Also the employee on the work floor has to consider continually how he and the colleague beside him can work safely before the execution of the work can be started.



2 Instruction and supervision

The head or the director of a firm must ensure that in his firm the prescriptions or instructions of the "Arbeidsveiligheidswet BES" are complied with. So, the management has to inform the employees about the general regulations and pay attention to the compliance of these regulations. This means that the employees have to get information about the risks and instructions about the measures to be taken. It also has to be monitored that the work is performed safely, in the prescribed manner.



3 Work and rest times

Working hours/ overtime

The duration of the working hours for the employee, working in hotels, restaurants and casinos, amounts to maximum 48 hours a week. This is calculated over a period of four weeks, provided that the duration of the work amounts to maximum 10 hours a day.

The duration of work including overtime, amounts to at most 60 hours a week. Provided that the average work week duration over a period of four weeks does not exceed 55 hours, including overtime. The work duration including overtime is calculated over a period of 13 weeks and does not amount to more than 48 hours per week.

For overtime performed, the employee receives, per hour, aside from the full hourly wage applicable for him, an overtime bonus of at least 50 per cent of his hourly wage as compensation.

Besides the overtime bonus, the employee:

- A) who does not do scheduled work, must be paid in addition, a bonus of at least 50 per cent of his hourly wages, if the overtime is performed on his weekly resting day, the Sunday or on a public holiday;
- B) for employees who perform scheduled work, a bonus of at least 50 per cent of his hourly wages must be paid if the overtime is done on his resting day determined by the work schedule or on a public holiday.

Breaks

In deviation for article 10, subsection one, of the “Arbeidswet 2000 BES”, it is applicable that the employer must allow a break of at least half an hour to the employee on a day when he does more than six hours of work, unless the service does not allow for that.



4 Hazardous materials

The occurrence and spreading of harmful or annoying vapours or gasses or dust in a work place or a room where the workers have to stay, must be counteracted. Where this is not possible or not possible in a sufficient manner, effective measures must be taken to clear those vapours. or gasses. or dust out of the room, or to protect the personnel.



5 Danger of cutting

The machinery, of which components can cause danger by cutting, squeezing, pressing, by their high speed or by other ways (for instance cutting machines and circular saws, or band saws for the processing of meat), have to be placed and installed and provided with devices or protection in such a way that the danger is prevented as much as possible.



6 Sound and Noise

Hearing impairment can occur if the sound level (volume) in the ear canal is too high, independent of the fact whether this sound is perceived as beautiful or as noise. A rule of thumb is: if it is not possible to have a conversation with someone inside a radius of one meter, there is a chance of developing noise deafness.



7 Personal protection means

The employer must take care of good labour conditions. He does this by combating risks as much as possible at the source and by taking technical and organizational measures. If these measures are insufficient, then the employer may proceed to the distribution of personal protective means (pbm's) to his employees. This relates to, for instance, safety shoes, gloves, safety goggles, or safety caps and hearing protection.



8 Physical stress

Every employee is involved with physical stress. For instance, when moving products (lifting, carrying, pushing, and pulling) the muscles and joints in the back, shoulders and arms are used so frequently that physical overexertion can arise. Or, there can actually exist under exertion because of too little movement or sitting for too long. Both over - and under exertion can lead to health problems.

The “Arbeidsveiligheidswet BES” provides prescriptions regarding physical under- and overexertion. The Labour Inspection does not have the authority to act in a compelling or enforcing fashion. The Labour Inspection will advise, as a result of inspections, on possible points for improvement.

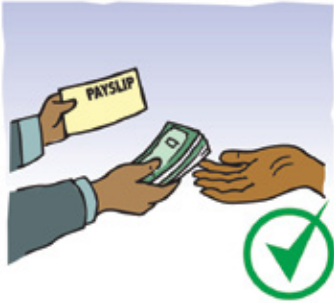
The limitation of bodily stress can be achieved by taking the following measures:

1. Prevent or limit lifting weights to 25 kilograms;
2. Avoid deep stooping;
3. Avoid or limit reaching high up;
4. Avoid sitting or standing too long.



9 Minimum wage

An employee of 21 years of age or older, who has a labour agreement with an employer, is at least entitled to the minimum legal hourly wage.



10 Work by foreigners

It is forbidden for an employer to allow a foreigner to work without a valid work permit. The work permit should be immediately presented to the inspectors of the Labour Inspection, upon demand.



11 Gas bottles

Boilers, reservoirs and other machinery in which gasses are present and which can present a danger of exploding, must be positioned and installed in such a way that an explosion can be prevented as much as possible.



12 Fire safety

Fire, heat and smoke are the obvious dangers of fire in a company. The release of poisonous and dangerous materials that can explode is at least as threatening for the health. Different measures have to be taken to limit the chance of fire and accidents to a minimum. This can be arranged via prescriptions in a General Measure of Government.

(“algemene maatregel van bestuur”)



13 Slippery floors/clean floors

A workplace must have a functional floor. In a workplace, where much water is used for the labour process, the floor has to be set up in such a way that the water can drain rapidly. The floor of a workplace has to be scrubbed and mopped down until this is properly clean.



14 Exposure to high temperatures

At places where a worker is exposed to temperatures, over 5 degrees Celsius above the outside temperature, effective measures must be taken to decrease the temperature, or to reduce the negative effect of such on the worker, as much as the nature of the company allows for it.



15 First aid at accidents

Where labour is performed, effective means must be present for first aid at accidents. These must be stored well protected, preventing contamination by dust or dirt. Also, one must always be able to reach these means. In the catering industry at least one first aid kit must be present in order to provide first aid.



16 Emergency exits free of obstacles

Emergency exits must be free of obstacles and can be easily opened.



