

## Austria

# Health monitoring of workers affected by restructuring

<b>Phase</b>	Health and Safety at Work Act (ASchG)
<b>Native name</b>	ArbeitnehmerInnenschutzgesetz (ASchG)
<b>Type</b>	Health monitoring of workers affected by restructuring
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

4, 5, 81

## Description

According to general employee protection rules, the employer has to consult a specialised medical doctor on questions concerning health and safety, working conditions and design of work organisation. If needed, additional experts have to be consulted, for example in the case of (ASchG, [§81](#)):

- planning work places,
- acquiring or changing work equipment,
- introduction or change of work procedures and introduction of working material,
- job rotation, or
- regarding psychological issues related to work rhythm, working time or design of work places.

The results of such evaluations have to be summarised in written safety and health protection documents, to be made accessible to the works council in order to inform staff. The employer has to offer workers the opportunity to regularly undergo a health monitoring on demand of the worker.

The recent amendment to the ASchG is now intended to create the legal basis for supporting AMED through the use of occupational medical assistants (occupational medical assistants - AFA) without compromising the quality of care.

## Commentary

The ASchG does not explicitly refer to cases of restructuring. However, the cases ([§81](#)) are defined in a broader sense and therefore can also be applicable for cases of restructuring (e.g. planning work places or job rotation is relevant for business expansions; the consequences of changes in work place design might be relevant in organisational restructuring).

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Works council Other
<b>Involvement (others)</b>	Medical doctors, experts
<b>Thresholds</b>	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

## Sources

## Citation

Eurofound (2015), Austria: Health monitoring of workers affected by restructuring, Restructuring legislation database, Dublin

## Belgium

# Health monitoring of workers affected by restructuring

<b>Phase</b>	Law of 27 May 2007 on the execution of cross-sectoral agreement 2007-2008
<b>Native name</b>	Loi du 27 mai 2007 portant exécution de l'accord interprofessionnel pour la période 2007-2008/Wet van 27 Mei 2007 houdende uitvoering van het interprofessioneel akkoord voor de periode 2007-2008
<b>Type</b>	Health monitoring of workers affected by restructuring
<b>Added to database</b>	14 July 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

7-10

## Description

This law based on previous cross-sector collective agreements (n°51, 82 and 82 bis) aims at defining procedures in case of outplacement.

Outplacement is defined as a set of services and guidance counselling provided by outplacement experts (private or public companies) on behalf of the employer in order to help employees (if applicable) to find a new job with another employer as quickly as possible or to start self-employment.

These guidance services can be provided individually or in groups. Among these services, the office or company in charge of outplacement has to provide psychological support, but also to establish a personal assessment and/or assistance in developing a job search and its implementation, assistance in negotiating a new work contract, assistance during integration in the new work environment and ultimately also a logistical and administrative support. The length of the outplacement procedure is maximum 12 months with 20 hours

of support during the first two months, 20 hours during the four next months (if needed) and 20 hours during the last 6 months (if needed).

## Commentary

The provision of psychological support is not explicitly defined by law. Therefore, these services are more or less developed depending on the particular situation.

Joint committees may decide to collectively support the cost of the outplacement procedure.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Other
<b>Involvement (others)</b>	Outplacement experts
<b>Thresholds</b>	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

## Sources

## Citation

Eurofound (2015), Belgium: Health monitoring of workers affected by restructuring, Restructuring legislation database, Dublin

## Slovakia

# Health monitoring of workers affected by restructuring

<b>Phase</b>	Act No. 355/2007 on public health protection, support and development and on changes and supplements to some laws
<b>Native name</b>	Zákon č. 355/2007 o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov
<b>Type</b>	Health monitoring of workers affected by restructuring
<b>Added to database</b>	24 June 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

30, 30e

## Description

Employers are obliged to provide health services to check the health ability of their employees to perform the assigned job and the threat to employees' health linked to the performance of tasks in a job. Particular attention is paid to hazardous jobs with high levels of risk.

After the termination of employment relations, employees who performed jobs with high levels of risk can ask the employer for preventive health checks in relation to the job performed by them. This service is optional and the employee decides whether to undergo the preventive health check. However, if employees concerned ask the employer for the health check, he/she has to provide this service.

During a crisis situation declared in relation to the COVID-19 pandemic, employers are not obliged to provide these health services.

From 15th of September 2023 Slovak Government canceled crisis situation (related to Covid-19 pandemic), therefore employers are obliged to adhere to this legislation as it was

before the pandemic. The employers have 90 days to ensure this obligation is in effect.

## Commentary

Jobs with high levels of risk are performed at workplaces where employees should be protected from impacts of health harming factors of working conditions (for example, radiation, heat or vibration) by organisational measures, technical means or personal protective means.

In covid pandemic, the employers were alleviated from certain regulations of 355/2001 c.c.. However, it should have not affected OSH. For example, Personal protection equipment(PPE) was mandatory without exception.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Other
<b>Involvement (others)</b>	Occupational health service in enterprises/companies
<b>Thresholds</b>	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

## Sources

## Citation

Eurofound (2015), Slovakia: Health monitoring of workers affected by restructuring, Restructuring legislation database, Dublin

## Sweden

# Health monitoring of workers affected by restructuring

<b>Phase</b>	Provisions of the Swedish Work Environment Authority on Systematic Work Environment Management (AFS 2001:1)
<b>Native name</b>	Arbetsmiljöverkets föreskrifter (AFS 2001:1) om systematiskt miljöarbete
<b>Type</b>	Health monitoring of workers affected by restructuring
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

8

## Description

Employers must assess whether any planned restructuring entails risks of ill-health (including psycho-social health), or accidents which may need to be remedied.

The health of both redundant employees and those staying in the company must be monitored in accordance with the provisions.

The risk assessment shall be documented in writing and indicate what risks are present and whether or not they are serious.

The employer is obliged to carry out follow-ups of the performed risk assessment.

The employer shall give the employees, trade unions and safety delegates the possibility of participating in the systematic work environment management (including the aforementioned assessments in connection to the restructuring process).

## Commentary

The Work Environment Authority has published [videos](#) explaining how to make risk assessments. Prevent, an organisation providing of knowledge and training in the field of Health and Safety owned jointly by the Confederation of Swedish Enterprise and The Swedish Trade Union Confederation, provides [templates and check lists](#).

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Trade union Other
<b>Involvement (others)</b>	Safety delegates
<b>Thresholds</b>	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

## Sources

## Citation

Eurofound (2015), Sweden: Health monitoring of workers affected by restructuring, Restructuring legislation database, Dublin