

- 305.01木材の粉塵による上気道の癌疾患
- 304.06アレルギーを引き起こすものであり作業の種類に固有のものであると一貫して認められている物質の吸入によるアレルギー性喘息
- 304.07アレルギーを引き起こすものであり作業の種類に固有のものであると一貫して認められている物質の吸入によるアレルギー性鼻炎
- 306アスベストによる呼吸制限を伴う胸膜の線維性疾患

307 地下炭鉱で作業する鉱山労働者の慢性閉塞性気管支炎あるいは肺気腫

308 アスベスト粉塵吸入後の肺癌

309 アルミあるいはその化合物の粉塵あるいはガスによる気管支肺疾患

310塩基性スラグの粉塵による気管支肺疾患

4.感染症及び寄生虫病

401 動物あるいは動物の遺体からヒトに伝播される感染症あるいは寄生虫病

402 破傷風

403 ブルセラ症

404 ウイルス性肝炎

405 結核

406 アメーバ症

407疾病対策、ヘルスケア、在宅支援及び感染の危険が実証されている他の似たような活動における作業によって発生する他の感染症

5.以下の物理的因子による疾患:

502.01 熱放射による白内障

502.02 紫外線に対する暴露後の結膜の疾患

503 騒音による難聴あるいは失聴

504 大気の圧縮あるいは減圧による疾患

505.01機械的振動による、手及び手首の骨関節疾患

505.02機械的振動による血管神経性疾患

506.10 圧力による関節周囲の囊の疾患

506.11膝蓋前滑液包炎及び膝蓋下滑液包炎

506.12肘頭部滑液包炎

506.13肩の滑液包炎

506.21腱鞘の過緊張に起因する疾患

506.22腱周膜の過緊張に起因する疾患

506.23筋肉及び腱の付着点の過緊張に起因する疾患

506.30ひざまじった姿勢あるいはしゃがんだ姿勢での長時間作業後の半月板障害

504.40 圧力が原因の神経の麻痺

506.45手根管症候群

507 炭鉱労働者の眼振

508 電離放射線による疾患

パートII. 職業的原因によることが疑われる疾患で、通知対象とされるべきでありヨーロッパリストの付録Iへの掲載が今後検討され得る疾患の追加リスト;

2.1 以下の因子による疾患:

- 2.101 オゾン
- 2.102付録I見出し1.116に掲げるもの以外の脂肪族炭化水素
- 2.103 ジフェニル
- 2.104 デカリン
- 2.105 芳香族酸-芳香族酸無水物あるいはそのハロゲン化誘導体
- 2.106 ジフェニル酸化物
- 2.107テトラヒドロフラン
- 2.108 チオフェン
- 2.109メタクリロニトリル
アセトニトリル
- 2.111 チオアルコール
- 2.112メルカプタン及びチオエーテル
- 2.113 タリウムあるいはその化合物
- 2.114付録I見出し1.118に掲げられていないアルコールあるいはそのハロゲン化誘導体
- 2.115 付録I見出し1.119に掲げられていないグリコールあるいはそのハロゲン化誘導体
- 2.116 付録I見出し1.120に掲げられていないエーテルあるいはそのハロゲン化誘導体
- 2.117 付録I見出し1.121に掲げられていないケトンあるいはそのハロゲン化誘導体
- 2.118付録I見出し1.122に掲げられていないエステルあるいはそのハロゲン化誘導体
- 2.119 フルフラール
- 2.120 チオフェノール類あるいは対照物またはそのハロゲン化誘導体
- 2.121 銀
- 2.122 セレン
- 2.123 銅
- 2.124 亜鉛
- 2.125 マグネシウム
- 2.126 白金
- 2.127 タンタル
- 2.128 チタン
- 2.129 テルペン類
- 2.130 ボラン類
- 2.140 真珠層の粉塵の吸入による疾患
- 2.141 ホルモン物質による疾患
- 2.150 チョコレート業界、砂糖業界、小麦粉業の仕事と関連する虫歯
- 2.160シリシウム酸化物
- 2.170 他の見出しに分類されない多環芳香族炭化水素
- 2.190ジメチルホルムアミド

2.2他の見出しに含まれていない物質及び因子による皮膚疾患

- 2.201付録Iで認識されていない、アレルギー性及び非アレルギー性の皮膚疾患

2.3 他の見出しに含まれていない物質の吸入による疾患

- 2.301ヨーロッパリストには含まれていない金属に起因する肺線維症

2.303 以下への暴露と関連する気管支肺疾患及び気管支肺癌:

- 煤

- － タール
 - － ビチューメン
 - － ピッチ
 - － アントラセン あるいはその化合物
 - － 鉱物及び他のオイル
- 2.304 人口鉱物繊維による気管支肺疾患
- 2.305 合成繊維による気管支肺疾患
- 2.307付録Iに掲載されていない刺激物質による呼吸器疾患、特に喘息
- 2.308 アスベスト粉塵の吸入後の喉頭癌

2.4付録Iに掲載されていない伝染病及び寄生虫病

2.401 寄生虫病

2.402 熱帯病

2.5物理的因子による疾患

2.501 棘突起の過緊張に起因する剥離

2.502 全身振動の繰り返される垂直方向の影響による、腰椎脊柱のディスク関連の疾患

2.503 持続的な業務関連の発声行動による声帯結節（王室法令2004年12月27日）

**【付録 IV
職業病の通告**

職業病の予防及び職業病による健康被害の補償についての協調的令第61条、労働者の健康監視に関する王室法令2003年5月28日第95条、鉱山、表面鉱山、採石場の労働者の健康及び衛生に関する一般規定64条の3の適用。

1. 労働者

1.1 姓:*..... 名:*

1.2 NOSS番号:*

2. 雇用者

2.1 名称または商号:*

2.2 CBE番号:*

3. 疾患の種類*

3.1 補償対象職業病リストに掲載されている職業病
(職業病の予防及び職業病による健康被害の補償についての協調的令第30条)

疾患:..... コード:.....

3.2 補償対象職業病リストに掲載されていない疾患
(職業病の予防及び職業病による健康被害の補償についての協調的令第30条)

3.3 労働疾病
(職業病の予防及び職業病による健康被害の補償に関する協調的令第62条の2)
障害

3.4 感受性の症例あるいは初期症状
疾患/障害:

4. 暴露の性質

4.1 雇用に関連するデータ

4.1.1 事業部門:*..... NACE:.....

4.1.2 雇用されている課:.....

4.1.3 実行された専門的活動の説明:*

.....

.....

4.2 疾患あるいは障害の考えられる原因* (因子、製品、姿勢、動き、その他)

.....

.....

4.3 現在の雇用においては、暴露はない

説明:.....

5. 本通告を提出する予防カウンセラー/医師

5.1 姓:*..... 名:*

5.2 連絡先住所: 通り:*..... 番号:*

郵便番号:* 市区町村:*

5.3 電話/携帯電話:..... Eメールアドレス:.....

5.4 □ 内部の予防機関とのつながり

□ 外部の予防機関とのつながり— 名称

5.5 日付:*//

5.6 署名:*

* 必須フィールド、あるいは関連項目のフィールドのいずれか。

職業病の予防及び職業病による健康被害の補償に関する協調的法令61条の2を適用し、職業病基金の医師は、職業病医学予防カウンセラー／医師に通告の結果を通知する。
(王室法令2009年4月26日)

(資料8)

Royal Decree of 17 May 2007 concerning the prevention of psychosocial load

caused by work, including violence, harassment and sexual harassment at work

労働における暴力、いやがらせ、セクシュアルハラスメントを含む労働を原因とする

心理 社会的負担防止に関する王室法令 2007年5月17日

**Royal Decree of 17 May 2007 concerning the prevention of
psychosocial load caused by work, including
violence, harassment and sexual harassment at work
(Belgian Official Journal of 6 June 2007)**

Section I – Area of application and definitions

Article 1 - This decree is applicable to employers and workers and the assimilated persons as referred to in Article 2, Para. 1 of the Act of 4 August 1996 concerning the well-being of the workers during the execution of their work.

Art. 2 – For the purposes of this decree, the following definitions shall apply:

1. The Act: the Act of 4 August 1996 concerning the well-being of the workers during the execution of their work.
2. The Committee: the Committee for Prevention and Protection at Work or, in the absence of a committee, the trade union representatives or, in the absence of trade union representatives, the workers themselves in accordance with the provisions of Article 53 of the Act.
3. The psychosocial load caused by work: any load of a psychosocial nature, caused by the execution of the work or arising as a result of the execution of the work, which has a detrimental effect upon the physical or mental health of the person.
4. The authorised prevention advisor: the natural person, who is associated with either an internal or external service for prevention and protection at work and who meets the conditions referred to in Section III.
5. The confidential counsellor: the person referred to and appointed in accordance with Article 32*sexies*, Para. 2 of the Act.
6. Other persons in the workplace: any person, other than those referred to in Article 2, Para. 1 of the Act, who comes into contact with the workers during the execution of their work, i.e. customers, suppliers, service providers, pupils and students and benefit recipients.

**Section II – General principles concerning the prevention of
psychosocial load caused by work**

Art. 3 – As part of the dynamic risk management system, the employer shall identify situations that can generate a psychosocial load and determine and evaluate its risks.

In the course of this risk analysis, the employer shall take into account, for example, situations causing stress, conflict, violence, harassment or sexual harassment at work.

This risk analysis shall be performed in collaboration with the authorised prevention advisor and shall take into account the work content, the working conditions, the living conditions at work and work relationships and shall allow the employer to take appropriate prevention measures in order to prevent any psychosocial load.

Art. 4 - Pursuant to Article 3, the employer whose workers come into contact with other persons in the workplace in the course of their work, shall perform, and this in collaboration with the authorised prevention advisor, a risk analysis on the psychosocial load due to those persons.

On the basis of the risk analysis referred to in Para. 1, the employer shall determine the prevention measures to be taken.

Art. 5 - In addition, the employer shall perform, in collaboration with the authorised prevention advisor, an analysis of recurring incidents of a psychosocial nature or incidents concerning which the prevention advisor has expressed an opinion.

Without prejudice to Articles 21-31, the employer shall determine, upon the basis of this risk analysis, the prevention measures to be taken in order to prevent or manage the psychosocial load.

Art. 6 - The employer shall communicate the risk analysis results referred to in Articles 3-4 to the Committee and shall ask the Committee for its opinion on the prevention measures.

The employer shall only provide the Committee with collective and anonymous data concerning the risk analysis results referred to in Article 5 and shall ask the Committee for its opinion on the prevention measures.

Art. 7 - The risk analysis results and the prevention measures referred to in Article 6 shall form part of a special section of the global prevention plan and, if applicable, of the annual action plan referred to in Articles 10-11 of the Royal Decree of 27 March 1998 concerning the policy of well-being of workers at work.

Art. 8 – For the purpose of drawing up the annual report referred to in Article 7, Para. 1, 2°, b of the Royal Decree of 27 March 1998 concerning the internal service for prevention and protection at work, the authorised prevention advisor and the confidential counsellor shall provide the prevention advisor of the internal service with any useful information to allow him to complete the annual report.

Section III - Specific conditions concerning access to the position of prevention advisor specialised in the psychosocial aspects of work

Art. 9 - The prevention advisors of the internal and external services for prevention and protection at work, responsible for the duties and tasks concerning psychosocial load caused by work, shall meet the conditions referred to in Article 22, Para. 1, 5° of the Royal Decree of 27 March 1998 concerning the external services for prevention and protection at work.

Art. 10 – The persons appointed within the internal service before this decree enters into force, pursuant to the Articles 16, Para. 2 and 17 of the Royal Decree of 11 July 2002 concerning the protection against violence, harassment and sexual harassment at work, can continue to practise the profession of authorised prevention advisor in accordance with the conditions stipulated in these articles.

**Section IV - Special provisions concerning violence
and harassment or sexual harassment at work**

**Sub-section I – Special provisions concerning the prevention
of violence and of harassment or sexual harassment at work**

Art. 11 – In order to apply the provisions of this section, the employer shall call upon the authorised prevention advisor appointed in accordance with Article 32*sexies* of the Act.

The provisions of this sub-section shall be without prejudice to the employer's obligation to apply the provisions of Section II.

Art. 12 - For the purpose of the risk analysis referred to in Article 4, the employer whose workers come into contact with other persons in the workplace in the course of their duties shall be informed of workers' declarations recorded in a register.

This register shall be kept by the confidential counsellor or the authorised prevention advisor or by the internal service for prevention and protection at work if the authorised prevention advisor is part of an external service and if no confidential counsellor has been appointed.

These declarations shall contain a description of the incidents of violence, harassment or sexual harassment at work caused by other persons on the workplace of which the worker considers to have been the victim, as well as the date of these incidents. It shall not contain the identity of the worker.

Only the employer, the authorised prevention advisor and the confidential counsellor shall have access to this register.

It shall be held at the disposal of the official responsible for supervision.

The employer shall keep the case declarations recorded in the register for a period of five years from the date on which these declarations were filed.

Art. 13 - Pursuant to Article 5, the employer shall perform a risk analysis of all the incidents that have formed the subject of a substantiated complaint.

Art. 14 - In accordance with Article 32*quater* of the Act, the employer shall determine the prevention measures to be taken and, in accordance with Article 32*sexies*, Para. 1 of the Act, shall appoint an authorised prevention advisor or possibly one or several confidential counsellors, and shall remove them from their position, in accordance with Article 32*sexies*, Para. 2 of the Act.

If the Committee fails to reach an agreement in the procedure referred to in Article 32*quater* Para. 1 of the Act or if all of the members representing the workforce on the Committee, as referred to in Article 32*sexies*, Para. 1 and Para. 2 of the Act, fail to reach an agreement, the employer shall ask the official responsible for supervision for an opinion.

The official responsible for supervision shall interview the parties concerned and endeavour to reconcile the parties. In case of failure to reach reconciliation, he shall issue an opinion which shall be notified to the employer by registered letter. The employer shall notify the Committee or, depending upon the case, the members representing the workers on the Committee, of the

opinion of the official responsible for supervision within a period of thirty days from notification.

Art. 15 - Para. 1 Without prejudice to the provisions of Articles 17-21 of the Royal Decree of 27 March 1998 concerning the policy for the well-being of workers at work, the employer shall take all the necessary measures in order to ensure that the workers, the hierarchy, and the members of the Committee have all the necessary information available with regard to:

1. The results of the risk analysis referred to in Articles 3 and 4 and the collective and anonymous data referred to in Article 6.
2. The applicable prevention measures.
3. The procedures to be applied when a worker considers himself to be the victim of violence, harassment or sexual harassment at work.
4. The right of the worker to have a declaration recorded in the register referred to in Article 12.
5. The services or institutions to call upon in accordance with Article 32*quinquies* of the Act.
6. The obligation to abstain from violence and harassment or sexual harassment at work.

Para. 2 Moreover, the employer shall ensure that the workers, the hierarchy and the members of the Committee receive all the necessary training to enable them to adequately apply the prevention measures, the procedures, the rights and obligations for which they shall receive the information referred to in Para. 1, 2°, 3°, 4° and 6°.

Sub-section II - Status of the confidential counsellor

Art. 16 - The employer shall ensure that the confidential counsellor always performs all his tasks in an efficient way.

To this effect:

1. When the confidential counsellor acts within this capacity, the confidential counsellor who is part of the personnel of the employer shall be professionally attached to the internal service for prevention and protection at work and shall have direct access to the person in charge of the daily running of the company or of the institution.
2. The confidential counsellor shall have the time necessary to perform his duties.
3. The confidential counsellor shall have an adequate room to perform his duties in full confidentiality.
4. The confidential counsellor shall have the right and the obligation to contact the authorised prevention advisor as necessary to complete his duties.
5. The confidential counsellor shall have the necessary competencies in terms of knowledge and skills in order to perform his duties, as referred to in Appendix I of this decree, and shall therefore have the opportunity to attend training courses in order to acquire and perfect them.

The costs associated with the training courses referred to in Para. 2, 5° as well as any associated travel expenses shall be borne by the employer. The time spent on these training courses shall be remunerated in the same way as working hours.

Moreover, the employer shall take all the necessary measures in order to ensure that no one exerts any pressure whatsoever, whether directly or indirectly, upon the confidential counsellor in the exercise of his function, namely for the purpose of obtaining information that is actually or possibly linked to the execution of his function.

Art. 17 - The persons appointed as confidential counsellors before entry into force of this decree pursuant to the Royal Decree of 11 July 2002 concerning the protection against violence, harassment and sexual harassment at work and who have already attended a training course, can continue to hold the position of confidential counsellor even if this training does not meet all of the conditions referred to in Appendix II.

Sub-section III – Special obligations of the prevention advisor/occupational doctor

Art. 18 - The prevention advisor / occupational doctor who, in the course of personnel health checks, notes that the health condition of a worker has altered and presumes that this could be the result of violent behaviour or of harassment or sexual harassment at work:

1. Shall inform the worker of the possibilities of approaching the authorised prevention advisor or the confidential counsellor.
2. Can personally inform the authorised prevention advisor if he considers that the worker is not able to approach the advisor personally, subject to the worker's consent.

Sub-section IV - Tasks of the prevention advisor and of the confidential counsellor

Art. 19 - Para. 1 The authorised prevention advisor and, if applicable, the confidential counsellor shall assist the employer, the hierarchy and the workers with regard to the application of the measures laid down in legislation and in this decree, to the extent defined hereafter.

The authorised prevention advisor and the confidential counsellor shall enter into regular consultation.

Para. 2. The authorised prevention advisor shall be responsible for the following tasks:

1. He shall collaborate on the risk analysis referred to in Articles 3-5 and 12-13.
2. He shall provide advice and counsel the workers who claim to be the victim of violence, of harassment or sexual harassment at work and, if applicable, he shall participate in seeking an informal solution.
3. He shall receive substantiated complaints from individuals who claim to be the victim of violence or of harassment or sexual harassment at work, he shall receive witness declarations and inform the employer of the fact that these persons, whose identity he shall divulge, are entitled to the protection provided for by Article 32*tredecies* of the Act.

4. He shall investigate the substantiated complaints and put forward appropriate measures to the employer.
5. If necessary, he shall take the necessary steps referred to in Article 32*septies* of the Act.
6. He shall express his opinion on the choice of services or institutions referred to in Article 32*quinquies* of the Act.
7. He shall open and update the personal file referred to in Article 20 when a substantiated complaint is filed.
8. He shall supply the prevention advisor of the internal service with the relevant information to draw up the annual report referred to in Article 8.

Para. 3. The confidential counsellor shall be responsible for the following tasks:

1. In terms of risk analysis:
 - a) He shall participate in developing procedures to be followed by any worker who claims to be the victim of violence or of harassment or sexual harassment at work.
 - b) He shall provide the authorised prevention advisor with the information concerning the incidents that have occurred repeatedly with which he has dealt, and which are necessary to perform the analysis referred to in Article 5.
2. He shall provide advice, offer support to the persons who claim to be the victim of violence, of harassment or sexual harassment at work and, if applicable, he shall participate in seeking an informal solution.
3. He shall receive substantiated complaints from persons who claim to be the victim of violence or of harassment or sexual harassment at work, and communicate these to the authorised prevention advisor.
4. He shall supply the prevention advisor in the internal service with the relevant information to draw up the annual report referred to in Article 8.

Art. 20 - The individual complaint file shall comprise:

1. The document containing the substantiated complaint.
2. The document notifying the employer that a substantiated complaint has been filed.
3. If applicable, the document containing the result of the reconciliation attempt.
4. If applicable, the document referred to in Article 28, Para. 6 concerning the extension of the deadline for submitting an opinion to the employer.
5. The opinion of the authorised prevention advisor intended for the employer referred to in Article 28, Para. 4.
6. If applicable, the request for intervention of the official responsible for supervision.

7. The documents containing the declarations of the persons interviewed by the authorised prevention advisor.

The specific personal information obtained by the authorised prevention advisor in the course of his procedures and specially reserved for him shall not feature in the individual complaint file.

The individual complaint file shall be entrusted to the authorised prevention advisor for safekeeping for which he bears sole responsibility.

The individual complaint file, containing the information referred to in Para. 1, 1°- 6°, shall be kept at the disposal of the official responsible for supervision.

Sub-section V – Internal procedure

Art. 21 – If a worker considers himself to be the victim of violence or of harassment or sexual harassment at work, he can make use of an internal procedure within the company or the institution in accordance with the methods detailed below.

Art. 22 – If a confidential counsellor is appointed, the worker who considers himself to be the victim of violence or of harassment or sexual harassment at work can contact this person unless he prefers to contact the authorised prevention advisor directly.

Art. 23 - The confidential counsellor shall interview the worker who is seeking assistance within a period of eight calendar days following the initial contact. He shall inform the worker of the possibility of seeking an informal solution through the intermediary of a member of the hierarchy or by achieving reconciliation with the person implicated.

The confidential counsellor shall only act with the consent of the worker.

The process of reconciliation shall require the agreement of the parties.

If the worker does not wish to seek an informal solution or if the worker wishes to close the procedure or if the reconciliation or the intervention does not yield any solution or if the incidents persist, the worker who claims to be the victim of violence or of harassment shall be entitled to file a substantiated complaint with the confidential counsellor, in accordance with Article 25.

Art. 24 - If no confidential counsellor has been appointed, the worker who considers himself to be the victim of violence or of harassment or sexual harassment at work shall be entitled to contact the authorised prevention advisor who shall act in accordance with Article 23.

Art. 25 - The worker can only file a substantiated complaint with the confidential counsellor or with the authorised prevention advisor if he has had a personal meeting with at least one of these persons before filing the substantiated complaint.

The confidential counsellor or the authorised prevention advisor with whom the substantiated complaint will be filed as well as the worker who wishes to file the substantiated complaint shall ensure that this personal meeting shall take place within a period of eight calendar days after the moment when the worker has expressed the desire to file a substantiated complaint.

Depending upon the case, the confidential counsellor or the prevention advisor shall sign a copy of the substantiated complaint and hand it to the worker. This copy, which shall act as proof of receipt, shall state that the personal meeting has taken place.

When the confidential counsellor receives the substantiated complaint, he shall immediately hand it to the authorised prevention advisor.

As soon as the prevention advisor receives the substantiated complaint, he shall immediately notify the employer of the fact that the worker who has filed the substantiated complaint, whose identity he will divulge, shall benefit from the protection referred to in Article 32*tredecies* of the Act.

Art. 26 - The workers shall be able to consult the confidential counsellor or the authorised prevention advisor during working hours.

If the normal working hours in force at the employer's premises do not allow the worker to consult the confidential counsellor or the authorised prevention advisor during working hours, then this consultation can take place outside of working hours if a collective labour agreement provides for this.

In both cases, the time spent on consulting the confidential counsellor or the prevention advisor shall be considered as working hours and the travel expenses shall be borne by the employer.

Art. 27 - The substantiated complaint shall be a document duly signed and dated by the worker and shall comprise, in addition to the request to the employer to take appropriate action to stop the incidents:

1. An exact description of the incidents of violence or of harassment or sexual harassment at work according to the worker.
2. The time and place where each of the incidents has taken place.
3. The identity of the person implicated.

Art. 28 - The authorised prevention advisor shall inform the person implicated in the incidents of which he is accused as soon as possible and shall interview the parties, witnesses or others, whom he deems appropriate, and shall investigate the substantiated complaint with complete impartiality.

The person implicated and the witnesses shall receive a copy of their declarations.

The prevention advisor shall immediately inform the employer of the fact that the worker who has submitted a testimony within the meaning of Article 32*tredecies*, Para. 1, 5° of the Act and whose identity he divulges shall benefit from the protection referred to in this article.

He shall hand over a written opinion to the employer containing:

1. An account of the incidents.
2. If applicable, the result of the reconciliation attempt.

3. Insofar as the case information allows, a substantiated opinion on the question whether these incidents can be considered as violence or harassment or sexual harassment at work or as incidents of another type constituting a psychosocial load caused by work.
4. The analysis of the primary, secondary and tertiary causes of the incidents.
5. The measures that must be taken in the individual case to stop the incidents.
6. The other prevention measures to be implemented.

This opinion shall be submitted to the employer within a maximum period of three months from the filing date of the substantiated complaint.

This deadline can be extended several times by a period of three months providing the prevention advisor can justify this on each occasion and can provide reasons in writing to the employer and to the worker who has filed the substantiated complaint.

In any event, the opinion shall be issued at the latest twelve months from the filing date of the substantiated complaint.

Art. 29 - The employer shall inform the complainant and the person implicated of the individual measures he intends to take.

If the worker's working conditions could be affected by these measures, the employer shall provide the worker with a copy of the opinion of the prevention advisor referred to in Article 28 with the exception of proposals for collective measures and shall interview the worker concerned, who can ask to be assisted during this meeting.

Art. 30 - The employer shall provide the worker, who intends to take legal action, with a copy of the opinion of the prevention advisor referred to in Article 28 with the exception of proposals for collective measures.

Art. 31 - The worker of an external company who considers himself to be the victim of violence or of harassment or sexual harassment at work on the part of a worker of an employer at whose premises he performs work on a permanent basis shall be entitled to make use of the internal procedure of the employer for whom this work is executed.

If individual prevention measures have to be taken with regard to a worker of an external company, the employer at whose premises this work is performed on a permanent basis shall take appropriate contact with the employer of the external company in order to ensure that the measures can be implemented effectively.

Section V - Final provisions

Art. 32 - The General Directorate for Humanisation of Work of the Federal Public Service Employment, Labour and Social dialogue is responsible for receiving legal rulings pronounced in the field of violence and of harassment or sexual harassment at work, as provided for in Article 32*octies decies* of the Act.

Art. 33 - The provisions of the Articles 1-32 of this decree and its Appendix I constitute Title 1, Chapter V of the Code for well-being at work with the following titles:

1. 'Title I – General principles'
2. 'Chapter V - Measures concerning psychosocial load caused by work'

Art. 34-36 - *Amending and repealing provisions*

Art. 37- (*Amending provision*) An Item VIIbis, the wording of which is contained in Appendix II of the present decree, has been added to Appendix III Annual report of the internal service for prevention and protection at work referred to in Article 7, Para. 1, 2, b of the Royal Decree of 27 March 1998 concerning the internal service for prevention and protection at work, replaced by the Royal Decree of 29 January 2007.

Art. 38 - (*Repealing provision*) The Royal Decree of 11 July 2002 concerning the protection against violence, harassment and sexual harassment at work has been repealed.

(*Transitional provision*) The provisions of the aforementioned Royal Decree of 11 July 2002 shall, however, continue to apply to any complaints that have been filed before the date of entry into force of this decree and concerning which the prevention advisor has not yet communicated an opinion to the employer or for which the employer has not yet taken any individual measures.

Art. 39 - Our Minister for Employment shall be responsible for the execution of this decree.

APPENDIX I

Skills and knowledge of the confidential counsellors referred to in Article 16

The skills in terms of know-how referred to in Article 16, Para. 2, 5° relate to:

- 1) Basic skills in psychosocial intervention methodology and problem-solving within organisations.
- 2) Analysis of situations of conflict and their management based upon interpersonal, group and organisational dimensions.
- 3) Interviewing techniques for advice and assistance, i.e. managing emotions, active listening, assertiveness and effective communication.

The knowledge referred to in Article 16, Para. 2, 5° relates to:

- 1) The well-being at work policy, i.e. its agents and their duties, the dynamic risk management system.
- 2) The duties of these agents within the specific context of protection against violence and harassment or sexual harassment at work.
- 3) The internal and external measures implemented for the benefit of persons who claim to be the victim of violence or of harassment or sexual harassment.
- 4) The definition of the phenomena of violence and of harassment or sexual harassment at work.
- 5) Elements of social psychology of organisations and institutions, i.e. the structures, the processes and change.
- 6) Elements of psychosocial ethics.
- 7) Report writing techniques.

APPENDIX II

Addition of Item VIIbis to Appendix III 'Annual report of the internal service for prevention and protection at work referred to in Article 7, Para. 1, 2°, b' of the Royal Decree of 27 March 1998 concerning the internal service for prevention and protection at work

VIIbis: Information concerning the prevention of psychosocial load caused by work

1. Collective measures taken to prevent psychosocial load caused by work:

A. General measures

B. Specific measures to protect workers from other persons in the workplace.

2. Recurring incidents of a psychosocial nature:

2.1 Quantity

2.2 Nature

2.3 Status of the persons concerned

3. Incidents of a psychosocial nature reported directly to the confidential counsellor or to the authorised prevention advisor:

3.1 Informal interventions

a. Number of interventions by the confidential counsellor

b. Number of interventions by the prevention advisor

c. Parties concerned

c.1 Number based upon the person requesting the intervention

c.1.1. Employer

c.2.2. Worker

c.2.3. Member of the hierarchy

c.2 Number based upon the person implicated

c.2.1. Employer

c.2.2. Worker

c.2.3. Member of the hierarchy

c.2.4 Other persons in the workplace

d. Number based upon the type of intervention

d.1. Advice - interviewing

d.2 Intervention

d.3. Reconciliation

d.4. Other

3.2 Formal interventions

a. Total number of substantiated complaints

b. Total number of substantiated complaints filed following an informal intervention

c. Parties concerned

c.1 Number according to the complainant

c.1.1. Employer

c.2.2. Worker

c.2.3. Member of the hierarchy

c.2 Number according to the person implicated

c.2.1. Employer

c.2.2. Worker

c.2.3. Member of the hierarchy

c.2.4 Other persons in the workplace

d. Number of incidents according to type

d.1 Violence

d.2 Harassment

d.3 Sexual harassment

d.4 Other

e. Number of measures

e.1 Individual measures

e.2 Collective measures

e.3 No measures

e.4 Intervention by the Inspectorate of Well-being at Work

4. Register of facts committed by third parties as referred to in Article 12 of the Royal Decree of 17 May 2007 concerning the prevention of psychosocial load caused by work, including violence, harassment and sexual harassment at work.

a. Number of incidents reported

b. Number depending upon the nature of the incidents

b.1 Physical violence

b.2 Mental violence

b.3 Harassment

b.4 Sexual harassment

b.5 Other

労働における暴力、いやがらせ、セクシャルハラスメント
を含む、労働を原因とする心理社会的負担防止に関する

王室法令 2007 年 5 月 17 日

(2007 年 6 月 6 日付ベルギー官報)

セクション I – 適用の範囲と定義

第 1 条 – 当法令は、就業中の労働者の福利に関する 1996 年 8 月 4 日付法令の第 2 条第 1 段落の雇用者、労働者および同種の人物に適用される。

第 2 条 – 当法令の目的のため、以下の定義が適用される。

1. 法令：就業中の労働者の福利に関する 1996 年 8 月 4 日付法令
2. 「委員会」：「労働における予防と保護のための委員会」。あるいは、法令第 53 条の規定に応じ、委員会なき場合は労働組合代表、労働組合代表なき場合は労働者自身。
3. 労働を原因とする心理社会的負担：心理社会的な性質の負担で、労働の実施、または労働の実施の結果として発生し、当該人物の肉体的あるいは精神的な健康に有害な影響を持つもの。
4. 公認予防アドバイザー：労働における予防と保護のための内部または外部サービスに関連する自然人で、セクション III の条件を満たす者。
5. コンフィデンシャル・カウンセラー：法令第 32 条の 6 第 2 段落の内容に準じて任命された人物。
6. 職場のその他の人物：法令第 2 条第 1 段落にある以外の、就業中の労働者と何らかの関係を持つ人物。例：顧客、納入業者、サービス業者、研修生、学生、受益者

セクション II – 労働を原因とする心理社会的負担に関する原則

第 3 条 – 動的なリスク管理システムの一部として、雇用者は心理社会的負担を発生させる状況を特定し、そのリスクを判断して評価するものとする。

リスク分析の過程で雇用者は、労働においてストレス、衝突、暴力、いやがらせ、セクシ