

## **Preliminary information on an occupational assessment under Dutch law (Wet verbetering poortwachter)**

Information on an occupational assessment under the Dutch Gatekeeper Improvement Act (Wet verbetering poortwachter)

### **Introduction**

No one enjoys being partially or fully unfit for work. For both the employee and the employer, it is therefore important to know what options *do* remain for returning to work, either within the employee's own organisation or elsewhere. An occupational expert identifies and assesses these options through an occupational assessment.

The assessment focuses on three key questions. What is the employee capable of? What expectations are realistic? And how do laws and regulations apply?

### **When is it advisable to commission an occupational assessment?**

An occupational assessment can be helpful, for example, in the following situations. When an employee has been on long-term sick leave and indicates that they are no longer able to perform their own job. When it is unclear whether the employee will be able to return to their own position in the future. When it is unclear what the employee's work capacity is during or after sickness absence. When the reintegration process is progressing with difficulty and the underlying reasons are not entirely clear. Or when the intended or final goal of the reintegration process is unclear.

### **Sufficient reintegration efforts**

Prior to assessing an employee's entitlement to benefits under the Work and Income (Capacity for Work) Act (WIA), the Employee Insurance Agency (UWV) evaluates the reintegration efforts of both the employer and the employee. These efforts are assessed from both a medical and an occupational perspective.

Among other things, the UWV assesses whether the employer and the employee have timely investigated the opportunities and possibilities for a return to work for the employee who is unfit for work. This includes opportunities with the current employer, referred to as track 1, as well as the timely search for suitable and sustainable work with another employer if reintegration with the current employer proves not possible or insufficient. This latter route is referred to as track 2.

Determining whether suitable and sustainable work is available with the current employer must be carried out by a qualified expert. In practice, the UWV generally expects this assessment to be performed by an occupational expert.

### **The occupational assessment**

For the occupational assessment, the occupational expert requires a current employability profile prepared by the occupational physician. This employability profile is also referred to by various occupational health services as a Reintegration Capability List (RML) or a Functional Ability List (FML). The profile also includes a prognosis regarding any expected improvement or deterioration in the employee's usable capacities.

The occupational expert is not a medical professional and therefore does not make medical judgments or provide medical advice. The occupational expert does, however, compare the employability profile prepared by the occupational physician with the job demands and assesses the employee's possibilities for achieving a successful reintegration into work.

The occupational assessment consists of a structured process. This includes an interview with the employer, focusing on the job, the organisation, alternative positions, employment history, the employee's performance, factual information and impressions, and the employer's view on possibilities and solutions. It also includes an interview with the employee, focusing on their job, experienced bottlenecks, actions taken to date, work experience and education, and their own view on possibilities and solutions. Where applicable, a workplace assessment is conducted.

Based on the employee's employability profile, the occupational expert then examines reintegration options in the following situations. Reintegration into the employee's own job, with or without adjustments to working conditions or working hours. If reintegration in the own job is not possible, reintegration into another position with the same employer. And if this is also not possible, reintegration with another employer.

If necessary, the occupational expert consults with the occupational physician who prepared the employability profile regarding limitations and prognosis in relation to the reintegration options.

The process concludes with a written report. In this report, the occupational expert advises on possible next steps for a sound reintegration trajectory and, where relevant, highlights potential financial consequences, with the aim of preventing far-reaching implications during the WIA procedure.

The occupational assessment report forms part of the reintegration file. In the event of a WIA application or a request for an expert opinion, this report serves as supporting evidence for the reintegration efforts made by the employer and the employee, as assessed by the "UWV".

Thuis in arbeid

[www.thuisinarbeid.nl](http://www.thuisinarbeid.nl)

### **Translation of the infographic (page 3)**

**Title:** Occupational Assessment

**Step 1:** Intake interview with the employee and the employer

**Step 2:** Exploration of reintegration possibilities within the employee's own job

**Step 3:** Exploration of reintegration possibilities in other positions within the organisation

**Step 4:** Adjustment of working conditions and job demands where possible

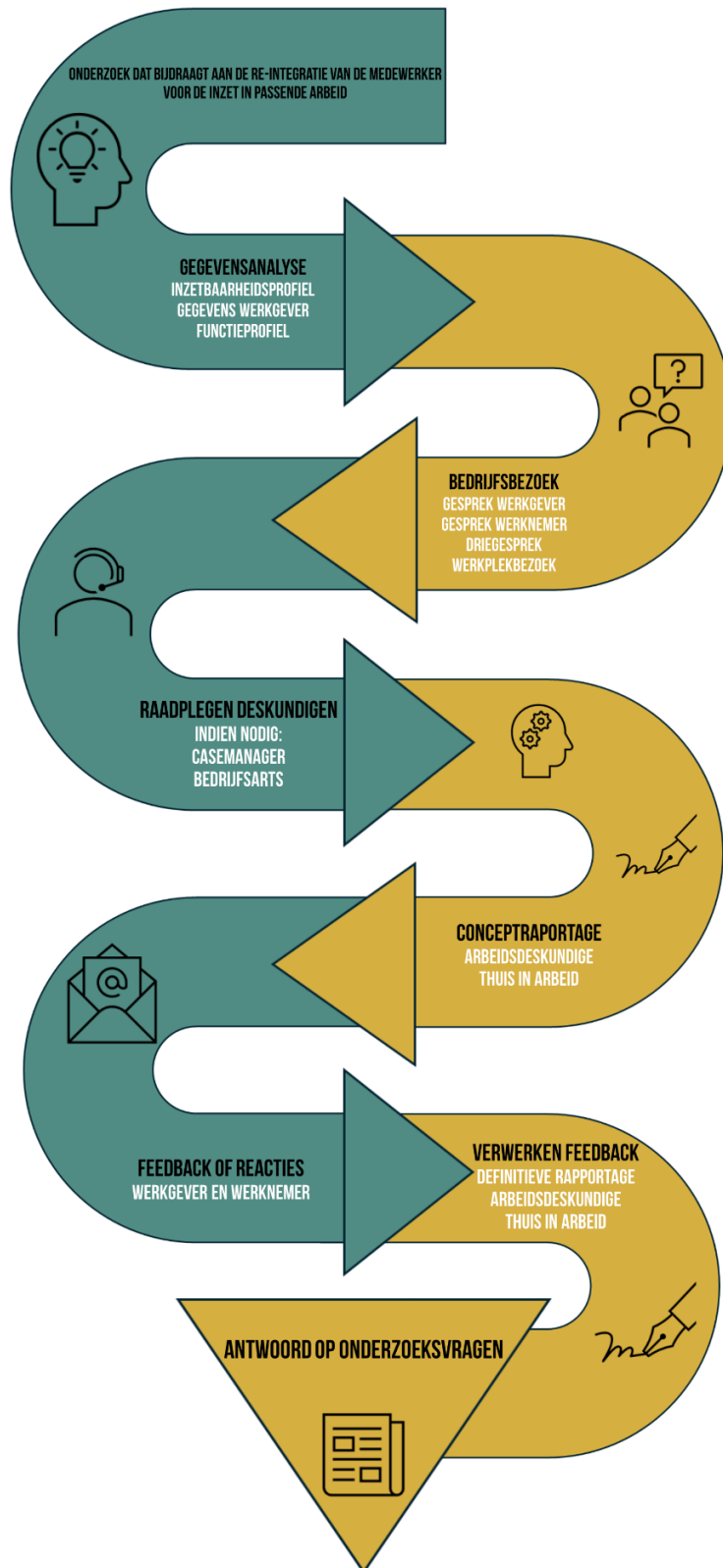
**Step 5:** Feedback and advice on reintegration options

**Step 6:** Answering the assessment questions

### **Central question at the bottom of the infographic:**

Is the employee's own job suitable, or can it be made suitable? If not, are there opportunities for other appropriate work within the same organisation? And if these options are not available, what are the possibilities for reintegration with another employer, taking into account the employee's capabilities and limitations and the obligations arising from Dutch legislation?

# ARBEIDSDESKUNDIG ONDERZOEK



**IS HET EIGEN WERK PASSEND / PASSEND TE MAKEN?  
IS ANDER WERK BIJ DE EIGEN WERKGEVER PASSEND?  
ZIJN ER MOGELIJKHEDEN VOOR RE-INTEGRATIE BIJ EEN ANDERE WERKGEVER?  
WELKE ANDERE ACTIVITEITEN BEVORDEREN DE RE-INTEGRATIE EN RESPECTEREN ALLE BELANGEN?**