



COÖRDINATOREN VEILIGHEID EN GEZONDHEID  
COORDINATEURS SÉCURITÉ ET SANTÉ

PLAN

COORDIATE



# ISHCCO CONFERENCE 8 APRIL 2022 LIMASOL - CYPRUS

## TMC CONSULTATION 2021- BELGIUM FINAL REPORT

**Jean-Pierre Van Lier**  
**President VCCS**



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# 1. Situation

**Twenty years of application of TMB regulations**

**Bottlenecks require consultation with all parties involved in the construction sector and the government.**

Analysis application and its effectiveness.

Initiative via the Permanent Committee on Construction (VC Bouw), a consultation platform within the High Council of Prevention and Protection at Work of FPS WASO.

Ad hoc commission **TMB Consultation 2021.**

Management and reporting: VCCS.



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# 2. Abbreviation

ABVV	Algemeen Belgisch Vakverbond
ACLVB	Algemene centrale liberale vakbond van België
ACV	Algemeen Christelijk Vakverbond
Arcop	Association Royale des Conseillers en Prévention
Art	Artikel
CB	Confederatie Bouw
CGSLB	Centrale générale des syndicats libéraux de Belgique
CSC	Confédération des Syndicats chrétiens
FAB	Fédération des sociétés d'architectes de Belgique – Federatie van de architectenverenigingen van België
FGTB	Fédération générale du travail de Belgique
FOD HUA	Federale Overheidsdienst Werkgelegenheid Humanisering van de Arbeid
FOD WASO	Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg
KB	Koninklijk Besluit – Royal Decree
NAV	Netwerk architecten Vlaanderen
PBW	Preventie en Bescherming op het Werk
Prebes	Koninklijke Vlaamse Vereniging voor Preventie en Bescherming
SPF ETCS	Service public fédéral Emploi, Travail et Concertation sociale
SPF HUT	Service Public Fédérale Humanisation du Travail
TMC	Temporary or Mobile Construction site
UB - EB	Uitvoerend Bestuur - Executive Board
SC Construction	Standing Committee Construction
VCCS	Belgische beroepsvereniging van veiligheids- en gezondheidscoördinatoren



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### 3. The participants in the consultation

#### SC Construction:

- Representatives of the employers' organizations
  - o **Bouwunie**
  - o **Confederatie Bouw**
- Representatives of the workers' organizations
  - o **ACLVB/CGSLB**
  - o **ABVV/FGTB**
  - o **ACV-CSC**
- **FOD WASO/SPF ETCS** - two first consultation moments
- **FOD HUA/SPF HUT** - observer - two first consultation moments



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#### Experts within the SC Construction:

- **Constructiv** as a service organization of and for the construction sector
- **VCCS** for the safety coordinators

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#### Architect's Associations:

- **FAB (BVA-UWA-AriB)**
- **NAV**

#### Prevention counselors:

- **Prebes** for the Dutch-speaking part of the country
- **Arcop** for the French-speaking part of the country

#### Cabinet of the Minister of Work : info

*TMC Consertation 2021 Annex A Participation in the consultation moments*



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## 4. Course of the consultation

### a. Initiation to the consultation

Memo VCCS - *TMB Consultation 2021\_APPENDIX B\_Memo for the Permanent Committee on Construction*: outlines and request input from participants in the consultation:

Additional notes:

- Constructiv (together with the social partners):  
*CONSTRUCTIV\_Suggestions*
- NAV: *Position changes KB*
- VCCS: *Bottlenecks application KB, VCCS amendment proposal, Scheme reformed VC*

Notes evolved along with the consultation.

All notes and documents submitted are included in their entirety in the final report. At the final report

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### b. The consultation moments

Four consultation moments:

- 12 February 2021
- 30 March 2021
- 21 May 2021
- 30 June 2021

Documents included:

- VCCS: *Overview of proposed amendments KB, Analysis application Art 30, Analysis application Art 30\_Legislative texts, Proposal legal texts for the establishment of the professional institute for safety coordinators TMB, Specifications for Certification VCCS*
- Construction Confederation: *Co-activities in the execution of works*



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## c. The final report

- Final report proposal: November 2021
- Consultation round for supporters: November-December 2021
- Final report: end of December 2021
- Presentation to the VC Bouw: January 2022
- Proposal by VC Bouw to its Executive Board at the Supreme Court BPW



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## 5. Result of the discussions

### a. Bottlenecks

#### i. Appointment of the safety coordinator design

General observations:

- **Late or missing appointment of the safety coordinator design;**
- Lack of communication to the design safety coordinator of a **detailed work schedule in the design phase;**
- Lack of communication to the design safety coordinator of **design decisions and provisions to be complied with.**



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**Appointment of the safety coordinator too late or even not at all.**

**Result: heavy mortgage on the correct application of Art. 30 of the KB TMB.**

Lack of clear and unambiguous determination of who should provide the planning and the *architectural, technical or organisational choices* referred to here lies at the base of this problem.



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## ii. The critical phases

Quoted in two documents:

- VGP during the design phase;
- In the agreement and/or appointment of the implementation safety coordinator.

Knowledge of planning and execution methods already in the design phase.

## iii. Coordination structure

Lack of response and participation.

## iv. The TMBs of very limited size

Need for proportional safety coordination proportional to the size of the TMB.



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## v. The different types of safety coordinators

Did not receive any support:

- Safety coordination training within the architecture training course
- Safety coordination by construction workers with minimum 15 years experience and additional requirements

## vi. Independence of the safety coordinator

Combating conflicts of interest when functions are cumulated for the same TMB.



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## vii. Evolution of security coordination services

Pricing problem where the necessary services for security coordination can no longer be ensured and where complicity to the maintenance of an abnormality occurs.

## viii. Certification and continuous training

2005 !!!

Still not applied!!!

Regulation of the profession awaits!!!



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## b. Analysis application of Art. 30

Reference documents VCCS: *Analysis of application Art 30, Legislative texts*

Strict application of Art 30, paragraph 2, 1° and 2° according to VCCS almost impossible.

The provision of data regarding the imposed **extra prevention measures and resources** with regard to the **co-activities – simultaneously and sequentially – between the construction supervisors** is deficient.

The client and/or designer(s) must provide these.

Art 17 of the WZW does not clearly determine who must provide the planning. It is almost impossible to draw up an exact schedule in the design phase.

Exceptions to the application of Art 30 for public procurement is discriminatory.

Preserving Art 30 in its current form requires a thorough discussion with all construction partners.

Art.30, second paragraph, sections 1 and 2 are not imposed by ER 92/57.



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## c. Optimisation of safety coordination

### i. Supervision of appointment safety coordinator design

Appointment at the start of elaborating preliminary design.

Mention at **construction application** and **site notification**

Notification of **name of the person who has been appointed**.

### ii. Clarifying the tasks of the construction partners

Obligations and responsibilities of:

- Clients,
- Construction supervisors in charge of the design;
- Construction supervisors charged with the control of the execution of the works;
- Construction supervisors charged with the execution of the works;
- Health and safety coordinators design phase;
- Health and safety coordinators execution phase;
- Contractors.



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### iii. Clarifying the coordination tools

**Primary coordination tools:** the health and safety plan (VGP); the coordination diary (CD); the coordination structure (CS); the post-intervention file (PID).

**Secondary coordination tools:**

- the agreement for the appointment of the safety coordinator.
- the document that the candidate contractors must enclose with their offer explaining how the requirements set out in the VGP will be met
- the prior site notification;
- the certification and continuous training;
- the official report for the end of the assignment from the safety coordinator.

Proportionality in the application of the instruments must be elaborated.

Correct use of all tools by all construction partners requires further overarching consultation.

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### iv. Introduce safety coordination Level C for the yards of limited size without increased risks

Proposal for a new description Level C: ***“Temporary or mobile construction sites for which the cooperation of an architect is legally not required”***

Exclusion of TMBs with increased risks as determined in Art 26, paragraph 1 and the size of which is greater or equal to what is determined in Article 26, paragraph 2 of the KB TMB.

Safety coordination by construction management for execution.

Minimum training of 12 hours provided by the professional federations.

With the implementers' own means of communication.

Schedule: *TMB Consultation 2021\_APPENDIX G\_VCCS\_Scheme reformed VC*

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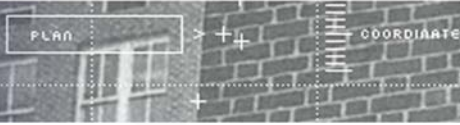


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Proportional application of safety coordination in function of size and degree of risk of TMB												
Size of TMB	Level	Conditions*	VC tools	Classification Level VC	Certif./Reg. of the VC	Basic diploma VC	Specific training and/or exam VC	years of experience of the VC			Appointment VC by:	
								III	II	I	Design phase	Exec. phase
No architect	C	If 1 and 2, then B1, B2 or A	Report	C	No	N/A	Training session	N/A	N/A	N/A	N/A	N/A
< 500 m <sup>2</sup>	B2	3	Simplified	B	Yes	III, II, I	Level B	5	2	1	BDO/BDU	BDCU/BDU
≥ 500 m <sup>2</sup>	B1		Standard	B	Yes	III, II, I	Level B	10	5	2	OPD	OPD
< 2,500,000 €	A		Standard	A	Yes	I	Level A	Not permitted		2	OPD	OPD

Conditions*: partly determines the classification TMB			
1	Increased risks (10)	Art 26 para 1	
2	≥ 30Days/20Wks of 500 Mnths	Art 26 para 2	
3	No 1 and 2	Art 26 para 3	Art 26 para 1 and 2 N/A
(1 and ≥ 5Wd) or 2 :	Prior site notification by first BDU		

Explanation of responsibility for the appointment of the VC
BDO quoted here is the "architect" if he intervenes for the OPD.
BDO quoted here is the "architect" if he intervenes for the Opd.
If no BDO and BDCU occur, this responsibility is transferred to the first BDU.



Explanation basic training VC		
I	Master*	degree in engineering or a diploma of higher technical education at university level or of higher technical or art education of the long type
II	Bachelor*	a short-type higher technical education diploma
III	Higher education	diploma of higher secondary education

\* Relevant to the construction industry. In case of doubt, submit equivalence to an official FPS WASO.

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## v. Certification and continuous training

Purpose: to ensure the performance of safety coordination by only persons who meet the legally required qualifications and finally the **REGULATION of the profession**.

Introduced in 2005, still a dead letter due to lack of implementation decrees.

Making available by VCCS of its complete certification scheme and procedure: *Specifications book Certification VCCS*.

Issuing of certification by a completely independent body. Can also be performed by an independent professional institute.

**The certification can only achieve its purpose if it is generally mandatory.**



## d. Proposal for legislative amendment

Purpose:

- solving bottlenecks in the application of the regulations
- optimisation of the application of safety coordination.

VCCS proposal amendments KB TMB :

- *Introduction of the third type of TMB, Level C, of a very limited scope:*
  - o *With well-defined limits*
    - *No intervention by architect;*
    - *Limited risks;*
  - o *With limited timespan.*
  - o *With safety coordination through communication between the parties involved.*
- *Safety coordinator Level A and B only through safety coordination training.*  
*With the removal of unnecessary options for architects and contractors.*

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- *Mandatory registration for safety coordinators at the Institute of Safety Coordinators. With certification: administrative control and control further training.*  
*Result: compulsory continuous training six hours per year.*
- *Art 30 last paragraph: extension exemption application Art. 30, second paragraph, sections 1 and 2 for all TMBs.*
- *Indication in the appointment (design and implementation) who will actually carry out the safety coordination in person.*

***In the margins of these proposals, bottlenecks to be discussed:***

- *Problematic planning of work in design phase*
- *Appointment safety coordinator in design phase*
- *Application of Art. 30, second paragraph, sections 1 and 2 by all parties involved*
- *Determination of critical phases*
- *Application of coordination structure*

**Consensus between construction partners requires further consultation.**

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## e. Establishment of professional institute

**Purpose: regulation of the profession and optimisation of application safety coordination TMB.**

**Means: professional institute.**

**Tasks:**

- Verification of professional qualifications access to the profession = administrative certification
- Verification continuous training (proposal: 6 hours per year)

The establishment in three steps and three legal texts:

- **the organisation of the profession of safety coordinator (law)**
- **the determination of the rules regarding the organisation and functioning of the Professional Institute of Safety Coordinators (RD)**
- **the establishment of a Professional Institute (KB)**



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Construction partners were convinced of the usefulness of setting up a professional institute by guaranteeing its independence and objectivity. As a result, the concerns of Constructiv and NAV (TMB Consultation 2021\_APPENDIX D\_NAV\_Position changes KB) were answered.

Further steps:

- Subject proposals to a proportionality assessment.
- Convince political bodies and policy makers.



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## 6. Final conclusion

Consultation activities: general consultation with construction partners during four sessions and final reporting.

Determination **complexity of TMB** legal texts not conducive to the application of the TMB regulations. Example par excellence: Application of Art. 30 KB TMB. This forces the construction partners to consult.

General consensus for the introduction of a much-simplified safety coordination **Level C**, without architect intervention but of very limited scope and with very limited risks.



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Absolutely necessary **regulation of profession** safety coordination.

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Consensus for the introduction of **mandatory administrative certification**, with subsequent **continuous training** by an independent **professional institute**.

VCCS proposal **amendment KB TMB** with processing of proposals and deletion of unhelpful provisions.

Obligation in **construction application and site notification** to state **name of the person appointed for safety coordination**.

For all intervening parties, increasing the efforts to promote the **application of the TMB regulations mainly in the design phase and also the execution phase**.



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# Appendices to the TMB Consultation 2021

*TMB Consultation 2021\_APPENDIX A\_Participation in the consultation moments*

*TMB Consultation 2021\_APPENDIX B\_Memo for the Permanent Committee on Construction.*

*TMB Consultation 2021\_APPENDIX C\_CONSTRUCTIV\_Suggestions;*

*TMB Consultation 2021\_APPENDIX D\_NAV\_Position changes KB;*

*TMB Consultation 2021\_APPENDIX E\_VCCS\_Bottlenecks application KB*

*TMB Consultation 2021\_APPENDIX F\_VCCS\_Proposal amendment VCCS*

*TMB Consultation 2021\_APPENDIX G\_VCCS\_Scheme reformed VC*

*TMB Consultation 2021\_APPENDIX H\_VCCS\_Overview proposal amendment VCCS*

*TMB Consultation 2021\_APPENDIX I\_VCCS\_Analysis application Art 30*

*TMB Consultation 2021\_APPENDIX J\_VCCS\_Analaysis application Art 30\_Legal texts*

*TMB Consultation 2021\_Appendix K\_VCCS\_Proposal legal texts for the establishment of a professional institute for safety coordinators TMB*

*TMB Consultation 2021\_APPENDIX L\_VCCS\_Specification for certification VCCS*

*TMB Consultation 2021\_APPENDIX M\_CB\_Co-activities in the execution of works*



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