



In good hands

Your German Social Accident Insurance

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FOREWORD

IN GOOD HANDS

Are you an employee of a German company? Does your child attend school in Germany or are you studying here? Do you work in a voluntary capacity, or have you just given blood?

If your answer to any of these questions is “Yes”, you are among the individuals insured by the German Social Accident Insurance. You are not alone: in the course of their lives, virtually all residents of Germany are covered at some point by the statutory accident insurance. As a rule, you need not even pay an insurance premium.

If you are an employer or in some other way responsible in your company for the safety and health of its employees, you are doubtless already familiar with the tasks of your own particular German Social Accident Insurance Institution. As the bodies responsible for statutory accident insurance in Germany, the accident insurance institutions provide comprehensive cover against occupational accidents and diseases, and against school and commuting accidents.

The German Social Accident Insurance Institutions support you in your capacity as an employer in preventing accidents and diseases in your company before they happen. And should such an incident happen, they help the insured individuals – your employees – to return to an autonomous (working) life.

This brochure explains the conditions under which the German Social Accident Insurance makes this possible and the resources it uses

for this purpose. It summarizes all the important information and provides the reader, whether new to the subject or already familiar with it, with an overview of the most important facts, functions and benefits.

It can be used both as a reference for the purpose of comprehension, and as an introductory source of information. The text contains numerous references to more detailed information from A to Z (↗) and links (→) to the website of the German Social Accident Insurance.

“In good hands” is not merely the title of this brochure. It is also a key concept and one embodying a promise to you – the member companies of the German Social Accident Insurance and the individuals insured by it. Whether at work, in children’s daycare facilities, schools or higher education, during voluntary work, or on journeys to or from any of these: the German Social Accident Insurance is there to look after your safety and health.

Read this brochure to find out how. Should you still have unanswered questions, you are always welcome to contact your accident insurance institution personally. Our colleagues there will be pleased to provide further assistance.

The Editorial Team

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WHO WE ARE

No one's health should be harmed as a result of their work. This is the principle of the German Social Accident Insurance. It therefore follows that companies must accept responsibility for their own employees and ensure that their workplaces are safe and healthy. The German Social Accident Insurance Institutions support companies in this task, and take care of the employees in the event that something nevertheless does happen to them. The state and society also have a responsibility for children and young people attending public education facilities and for people serving society on a voluntary basis. These groups are all protected and covered by the German Social Accident Insurance, which is an important pillar of the German social security system.

The German Social Accident Insurance

The German Social Accident Insurance is a dedicated part of the German social insurance system. The concept was “invented” by Otto von Bismarck in 1885. Together with statutory health, retirement pensions, nursing care and unemployment insurance, it forms the basis of social security in Germany. Like the other elements in this system, the accident insurance is compulsory.

In accordance with the German Social Code (Volume VII), the German Social Accident Insurance covers around 79 million people against the consequences of ➤ occupational accidents and ➤ occupational diseases.

These include around 17.1 million children in daycare facilities and schools and students at institutes of higher education (➤ German Social Accident Insurance for students). Over 4 million companies and institutions are members of the individual German Social Accident Insurance Institutions.

The key features of the German Social Accident Insurance are:

- ➤ **Indemnification against liability**
The German Social Accident Insurance assumes ➤ liability on behalf of employers for occupational accidents and diseases suffered by their employees.

- **The principle of social protection**

This provides insured individuals with an entitlement to ➤ benefits even in cases in which the company is not at fault, or when an accident occurs on the journey to or from work.

- **The principle of services “from a single source”**

This means that the German Social Accident Insurance takes care of both prevention, and rehabilitation and compensation.

- **The principle of “prevention before compensation”**

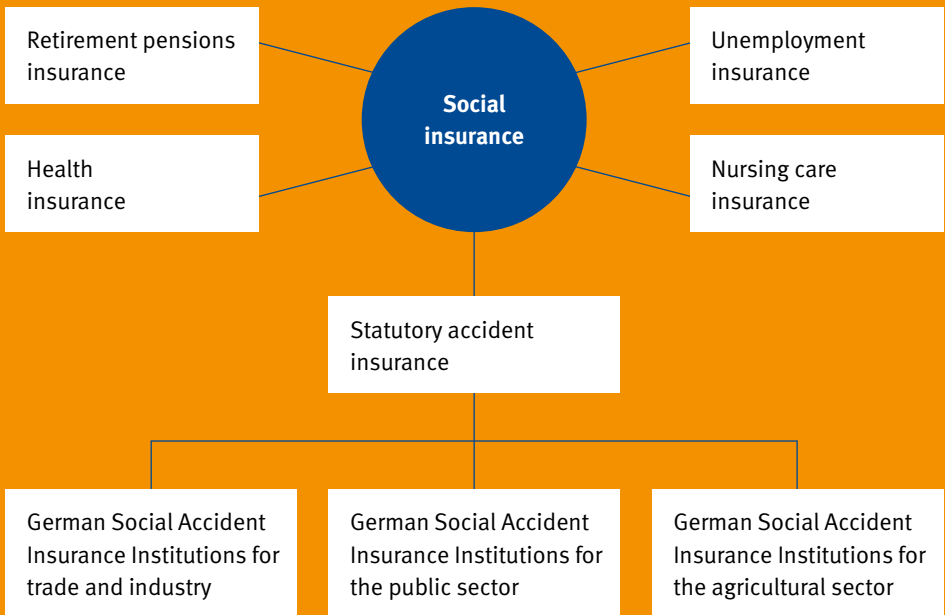
If effective prevention work results in occupational accidents and diseases being avoided, it benefits the insured individuals and their employers alike, and compensation is not necessary. For this reason, the German Social Accident Insurance promotes measures for prevention and preventive care.

- **The principle of “rehabilitation before pensions”**

This means that priority is always given to the best possible medical care for the insured individuals, and to their occupational and social re-integration. Since successful rehabilitation is the best solution for insured individuals, all suitable means are used to attain it.



The social security system in Germany



German Social Accident Insurance Institutions

The statutory accident insurance system has three branches: the accident insurance institutions for trade and industry, those for the public sector, and those for the agricultural sector.

The German Social Accident Insurance Institutions for trade and industry and for the public sector are public-law bodies under **autonomous administration**. Autonomous administration means that their business is conducted by representatives elected by employers and employees rather than by the state.

Since they are social insurance institutions, the German Social Accident Insurance Institutions for trade and industry are supervised by the German Federal (Social) Insurance Office and the German Federal Ministry of Labour and Social Affairs. The German Social Accident Insurance Institutions for the public sector are under the responsibility of the regional insurance offices or the German regional governments.

The DGUV umbrella association

The German Social Accident Insurance Institutions for trade and industry and the public sector are represented by their umbrella association, the German Social Accident Insurance (DGUV), the head office of which is located in Berlin. The DGUV assumes responsibility for the common interests of its member institutions and supports their tasks in the interests of both the companies and the insured individuals.

The DGUV represents the German Social Accident Insurance Institutions in their dealings with the German federal and regional authorities, EU and other national and international institutions, and employers' and

employees' representative bodies (the social partners).

The DGUV supports its member institutions in their prevention and rehabilitation activities. Basic and intensive ➤ **research** is conducted in the three DGUV research institutes.

Medical care and rehabilitation of the insured individuals is the responsibility of experts in nine ➤ **BG Hospitals**, two accident treatment centres, seven special wards and two clinics for occupational diseases. Moreover, the six regional associations of the DGUV are responsible for regional tasks.

What benefits are delivered by the German Social Accident Insurance?

The German Social Accident Insurance delivers a full range of services, from acute care through to reintegration into vocational and private life, "from a single source". Its services are therefore more comprehensive than those of the statutory health insurance institutions, besides not being dependent upon the question of blame.

The German Social Accident Insurance is responsible for:

- **Preventive activity** prior to the incidence

of an insured event and thereafter

- **Rehabilitation** (medical, occupational and social)
- **Compensation** (financial benefits) such as injury benefit, temporary allowances, pensions (disability pension, pensions for widows and widowers, dependants, divorced partners and parents), death benefit and surviving dependants' benefit

Further information:

- **Page 32ff.**

How does a company become a member of the German Social Accident Insurance?

All companies in Germany are automatically members of the responsible German Social Accident Insurance Institution. The establishment of a company must be reported to the responsible institution within one week. Changes to the company (such as a change in ownership) or changes which affect the responsibility of the particular accident insurance institution must be reported to the institution concerned within a certain period.

Certain groups of employers are automatically insured by way of a mandatory membership by act of law or charter.

In principle, all employers may insure themselves voluntarily (see also ➤ **Page 17** and ➤ **registration with the German Social Accident Insurance**).

Funding of the German Social Accident Insurance

The German Social Accident Insurance Institutions are funded by the ➤ **premiums** paid by companies, or by the federal, regional and local authorities in the case of

ums, since the premiums paid by companies to the German Social Accident Insurance largely indemnify companies and also employees with respect to each other against ➤ **liability** for the consequences of ➤ **occupational accidents** and ➤ **occupational diseases**.

This provides employers and employees with protection against claims for compensation, thereby assuring both the future existence of the company, and industrial peace.

The German Social Accident Insurance does not generate a profit. The premium is levied by means of the adjustable contribution procedure. Its level is geared to the expenditure in the previous accounting year, which is ap-

The individuals insured by the German Social Accident Insurance do not pay premiums

insurance for schoolchildren, students and voluntary workers. The insured individuals, i. e. employees, schoolchildren, students and volunteers, do not pay premi-



portioned to the companies by which the premiums must be paid.

The level of the premium to be paid by a company to the responsible German Social Accident Insurance Institution is geared specifically to:

- The funding requirement of the German Social Accident Insurance Institution concerned (the contribution target)
- The remuneration of the employees (total wage costs)
- The accident risk in the company concerned (➤ **hazard tariff**)

During calculation of the premium for a given company, the accident insurance institution takes account of the reported insured events by way of surcharges or discounts, and rewards successful prevention activity with ➤ **bonuses**.



WE ARE AT YOUR SERVICE

The German Social Accident Insurance Institutions are equally at the service of companies and insured individuals for issues relating to safety and health at the workplace. The members of the German Social Accident Insurance Institutions are around 5.5 million companies and public institutions such as schools and preschool facilities. These include around 3.3 million companies in the commercial sector, 1.5 million member companies in the agricultural sector, and just under 680,000 plants and facilities in the public sector. The insured individuals, who number around 79 million, include all persons in dependent employment, children in daycare facilities, schoolchildren and students, and voluntary workers. They all benefit from comprehensive insurance cover and extensive prevention measures.

The German Social Accident Insurance for employers

The German Social Accident Insurance serves as a form of third-party insurance for employers. Should an employee suffer an **➤ occupational accident** or develop an **➤ occupational disease**, this could have legal consequences for the employer. The accident insurance protects the employer against claims for compensation and civil law suits. Insurance against these risks is necessary for employers, and is mandatory in many countries.

The German Social Accident Insurance Institutions indemnify employers against this **➤ liability**, unless they have acted wilfully.

The German Social Accident Insurance Institutions also support the companies, for example with their consultancy services, in issues relating to workplace safety and health, for which they are responsible in accordance with the German occupational safety and health act.

Establishment of a company and membership

The establishment of a company must be reported to the responsible German Social Accident Insurance Institution within one week. In most cases, this is one of the German Social Accident Insurance Institutions for trade and industry. These institutions are responsible by law for all companies, institutions and freelance professionals, except in cases where the agricultural accident insurance institutions or the German Social Accident Insurance Institutions for the public sector are responsible (**➤ registration**).

The German Social Accident Insurance Institutions for trade and industry are organized on sectoral lines. Only one of the institutions is ever responsible for a given company, even where the company maintains a number of operations with a spectrum of activity. The DGUV (tel.: +49 30 288763800) provides assistance in identifying which institution is responsible in a particular case.

“We can offer our passengers outstanding service only if we are healthy. The prevention services of our accident insurance institution help us to achieve this.”

Karola Lindequist, stewardess, Air Berlin



Voluntary insurance

As a rule, self-employed persons and employers themselves are not automatically insured. They can however take out insurance voluntarily with the German Social Accident Insurance Institution responsible for them against the consequences of occupational and **➤ commuting accidents** and occupational diseases. Insurance cover with comprehensive **➤ benefits** for medical rehabilitation, occupational and social participation, nursing care and financial benefits can be obtained by application in writing to the responsible German Social Accident Insurance Institution. The level of the financial benefits (such as injury benefit and temporary allowances) and the pensions are geared to the agreed insured sum.

Mandatory insurance

A few categories of employers are insured by act of law in the German Social Accident Insurance, i.e. an application is not required in their case. These categories include persons working on a self-employed basis in the health or welfare services, such as midwives, physiotherapists and speech therapists.

Home workers and self-employed individuals in the agricultural sector are also insured by act of law.

In addition, many of the German Social Accident Insurance Institutions make provision in their charters for insurance for employers. This is dependent upon certain factors.

Premiums

The expenditure of the German Social Accident Insurance is funded by the employers. Employers pay ➤ **premiums** in accordance with the adjustable contribution procedure. The level of the premium is graded according to the risk.

For this purpose, the accident insurance institution groups comparable companies into communities of risk in the ➤ **hazard tariff**. This creates an additional incentive for investment in safety and health within the company, since the lower the costs caused in a sector of industry by accidents and occupational diseases, the lower the premium.

Some of the accident insurance institutions have included a premium adjustment procedure in their charters. This has the effect of reducing the premiums when companies participate effectively in prevention activity; conversely, the premiums rise should the number of accidents exceed the average for the sector.

Many of the accident insurance institutions also offer ➤ **bonus systems** as an incentive for prevention activity. Companies can use these bonuses to reduce the costs of occupational safety and health (see also ➤ **Page 12** and ➤ **premiums**).

The persons insured by the German Social Accident Insurance

Every year, numerous accidents occur at workplaces, in schools and in children's daycare facilities. Restoration of the affected individual's health and capacity for work to the greatest possible extent following such an accident or ➤ **occupational disease** is the task of the German Social Accident Insurance.

In contrast to the risks in many other areas of life, which must be covered by private insurance policies, insurance cover in working life and during education and training is provided under German law by the German Social Accident Insurance Institutions. Whether

in children's daycare facilities or schools, at workplaces, or during voluntary work: the accident insurance institutions have the task of protection, rehabilitation and compensation. The insurance cover applies irrespective of age, level of income, or whether a job is permanent or temporary.

Besides all dependent employees, a large number of persons not in employment are also covered by the German Social Accident Insurance. These include:

- Children in schools and children's daycare facilities, and students (➤ **German Social Accident Insurance for students**)

- Blood and organ donors, lifesavers, rescuers during accidents and similar incidents
- Persons working in aid and/or development organizations
- Persons working in the health and welfare services
- Unpaid carers
- Persons undergoing rehabilitation
- Persons performing voluntary work on behalf of the German federal, regional or local authorities; court witnesses (➤ **volunteers**)
- Under certain circumstances also employers, self-employed persons and members of the liberal professions (➤ **Page 17**)

Employees in Germany are also insured against accidents when assigned by their employers to work abroad. A condition for this is that the ➤ **foreign assignment** is undertaken under a pre-existing German contract of employment, and is of limited duration.

With the exception of employers who have taken out insurance on their own account and others who have done so voluntarily, no charge is made to the insured individuals themselves for the German Social Accident Insurance. The costs are borne solely by the companies, or in the case of students and children in educational establishments and daycare facilities, by the state.

Insurance cover

The German Social Accident Insurance Institutions provide cover for their insured individuals during all journeys to and from their

workplaces (➤ **commuting accidents**), in the event of accidents and diseases caused by their work, in children's daycare facilities and educational establishments, and during voluntary work. Insurance cover also extends to accidents occurring during sporting activities or social events organized by companies for their employees.

Insurance benefits

Persons injured by an occupational accident or who have contracted an occupational disease are entitled to acute medical treatment, rehabilitation benefits, injury benefit, and if

None of the benefits delivered by the German Social Accident Insurance requires any contribution by the recipient

applicable a pension (➤ **benefits**). The benefits of the German Social Accident Insurance also cover surviving dependants.

The tasks of the accident insurance institutions and the benefits delivered by them are governed by corresponding legislation. None of the benefits delivered by the German Social Accident Insurance requires any contribution by the recipient.



Should an insured event occur, the German Social Accident Insurance provides the following benefits:

- Emergency medical care
- Treatment by doctors and dentists
- Provision of pharmaceuticals and other treatments and assistive equipment
- Physiotherapy and other forms of therapy prescribed by a doctor
- In-patient treatment in hospitals and rehabilitation facilities
- Nursing care in the event of incapacitation as a result of an accident
- Disability pension in the event of permanent injury following an accident

- Travel expenses
- Benefits for social and occupational rehabilitation

Following an ➤ **occupational accident** or an ➤ **occupational disease**, the German Social Accident Insurance takes care of the affected individuals using all suitable means. Besides the provision of medical care, efforts are made to restore the individual's capacity for work such that they are able to return if at all possible to their previous job, or failing that at least to another job within the same company. For this purpose, the accident insurance institutions provide ➤ **benefits** for medical re-

habilitation, and where these are insufficient, ➤ **benefits** for participation in working life, such as technical adaptation of the workplace to a disability. Where required, they provide support and assistance to enable the insured individuals to lead their lives as independent-ly as possible despite their disabilities.

The insured individuals are also advised on all issues relating to the accident insurance, including the extent of cover, the scope of the benefits, and other issues. Medical ex-aminations, where needed in order to ascer-tain the obligation of the accident insurance institution to provide benefits, are also free of charge to the insured individuals (➤ **occu-pational medical examinations**).

Employees should ensure that every acci-dent is entered in the company's ➤ **acci-dent book**, even if it does not result in incapacity for work. This ensures that the events can still be verified in the future, should for example an injury have delayed consequences.

Under what circumstances is a pension paid?

The primary goal of the accident in-surance institutions is to restore the in-sured individuals' health and capacity for work. Pensions are paid to insured indi-viduals when their earning capacity is reduced by at least 20 % (➤ **reduction in earning capacity**).

The German Social Accident Insurance in children's daycare facilities, schools and universities

Children enjoy playing and do so with wild abandon, but at the same time are not yet able to judge hazards properly. As a result, accidents repeatedly occur on journeys to or from school, in the school, on the playground, or in children's day-

care centres. It is therefore good to know that should the worst come to the worst, each and every child enjoys full protection and insurance cover, since the German Social Accident Insurance is responsible for around 17 million children, young

17 million children, young people and young adults are insured by the German Social Accident Insurance on their journeys to or from school or training establishment



people and young adults attending educational or daycare facilities.

Within their prevention work, the German Social Accident Insurance Institutions also undertake to ensure that nothing untoward happens in the first place. To this end they conduct road-safety training and consult with educational establishments and their staff. The key topics here are the promotion of safety- and health-conscious behaviour on the part of children and young people, the construction and furnishing of educational establishments, sport and exercise, road safety, and **first aid**.

Parents do not need to register their children for the **German Social Accident Insurance for students**, nor must they make any financial contribution; the statutory accident insurance cover applies automatically. The premiums for this insurance cover are generally paid by the German federal, regional and local authorities.

In the event of an accident, the German Social Accident Insurance Institutions for the public sector or under some circumstances (such as with some private schools) those for trade and industry pay for all costs of medical care and rehabilitation. The insurance cover

is not conditional in any way upon whether a child was itself responsible for the accident.

What benefits are delivered by the German Social Accident Insurance for students?

Curative treatment by all suitable means

The accident insurance institutions ensure that curative treatment is provided as early and as effectively as possible. No time limit is imposed upon this provision. It particularly covers treatment by doctors and dentists and in hospitals.

As with employees, should an accident occur, the German Social Accident Insurance provides the following specific benefits:

- Emergency medical care
- Treatment by doctors and dentists
- Provision of pharmaceuticals and other treatments and assistive equipment
- Physiotherapy and other forms of therapy prescribed by a doctor
- In-patient treatment in hospitals and rehabilitation facilities
- Nursing care in the event of incapacitation as a result of an accident
- Disability pension in the event of permanent injury following an accident
- Travel expenses
- Benefits for social and occupational rehabilitation

Special educational and occupational assistance

Following a severe accident, all educational measures are assured (such as bedside tuition) in order for the injured child to enjoy an education and subsequent vocational training appropriate to his or her abilities.

Where appropriate, training or academic study may also be facilitated by benefits for occupational reintegration. Those affected are not required to pay a component themselves following an accident at school or during the journey to or from school.

What procedure is followed when a child suffers an accident?

Under the terms of the German Social Accident Insurance for students, all accidents resulting in treatment by a doctor are reportable. Should the accident occur whilst the child is under the responsibility of the educational or daycare establishment, the senior member of staff of the establishment initiates all the necessary measures. The responsible accident insurance institution is then informed automatically of the accident and assumes the cost of treatment.

Where applicable, the accident insurance institutions also assume control of the entire therapeutic treatment programme and, if necessary, of rehabilitation management. Should an accident occur on the journey to or from the daycare or educational establishment or the child not be treated by a doctor until after school hours, the parents should inform the educational establishment. Here again, the German Social Accident Insurance is responsible, and not the statutory health insurance system.

Even if an accident is trivial, parents should ensure that it is recorded in the educational establishment's **accident book**. This is important should treatment by a doctor be necessary later as a result of the accident.

Cover for voluntary workers by the German Social Accident Insurance

Over 23 million people perform voluntary work for other people in Germany. Volunteers in welfare institutions, parent representatives in children's daycare centres and schools, election officers, members of the voluntary fire services: many institutions and organizations would be unable to function without the commitment of volunteers such as these. Their service to the wider public is indispensable. The legislator has therefore provided a large group of voluntary workers with the comprehensive cover of the German Social Accident Insurance. Moreover, over the years it has improved the cover provided in the event of accidents and the indemnity from liability claims. The group of individuals covered has for example been extended.

As a result of these arrangements, anyone who suffers an accident whilst performing voluntary work receives **benefits** from

stitution or foundation incorporated under public law, or an officially recognized religious denomination; the activity being performed unpaid; and the activity not being performed as part of a contract of employment.

Persons who work voluntarily in societies or associations on behalf of or with the approval of local authorities are also insured. This is significant in consideration of the increasing reliance by many local authorities upon the involvement of the wider population for assurance of their local infrastructure.

Anyone working on a voluntary basis in the area of health or welfare is also statutorily insured against accidents at no cost. The accident insurance cover in the area of welfare applies to all voluntary tasks, including those for which expenses are paid, for example for the costs incurred by the volun-

teers. As a rule, the German Social Accident Insurance Institution for the health and welfare services is responsible in such cases.

Individuals elected to office in charitable organizations, political parties and trade

unions may insure themselves voluntarily. In these cases, the German Social Accident Insurance Institution for the administrative sector is generally responsible.

Voluntary workers are generally insured by the German Social Accident Insurance

the responsible German Social Accident Insurance Institution. This insurance cover is conditional upon the voluntary activity being performed on behalf of a school, a body, in-



Insurance cover for domestic helps

All persons employed in private households are insured against accidents in accordance with the German Social Code. Examples of domestic helps are cleaners, kitchen staff, gardeners, babysitters, and persons charged with caring for children or adults (but not providers of family daycare to children). The employed personnel are not required to pay premiums to the German Social Accident Insurance; the premiums are paid by the employers, i. e. those responsible for the household concerned. The ➤ **benefits** range from medical care to a lifelong pension, as with all other employees and insured persons.

For ➤ **minijobs** in private households, the €450 rule applies. If the domestic help is in only “marginal employment” under the German social security legislation, he or she must be registered with the Minijob Centre by means of the “household cheque” procedure. The Minijob Centre collects the accident insurance premiums together with the other taxes and social insurance contributions. Where the employment is not marginal, the domestic help must be registered directly with the responsible German Social Accident Insurance Institution for the public sector.

Occupational accident or occupational disease: what procedure must be followed?

Should an ➤ **occupational accident** occur in a company or a suspected case of ➤ **occupational disease** arise, the measures described below must be taken, not least in consideration of possible consequences in the future. All parties involved in the company must act immediately. Prompt and appropriate first-aid measures for example are important even with minor injuries. Employers must therefore ensure that a functioning ➤ **first-aid system** is in place in their companies.

What is an occupational accident?

In order for an accident to be treated as an occupational accident, an inherent relation-

What procedure must be followed in the event of an occupational accident?

Employers

Should an accident occur in a company, the injured person must be taken to an ➤ **accident insurance consultant**. Accident insurance consultants are specially trained in the treatment of accident injuries. In the case of severe accidents, injured persons must be taken to a hospital that is part of the DGUV trauma category procedure. A list of accident insurance consultants and specially qualified hospitals can be found on the Internet.

→ www.dguv.de (webcode: d25693)

Accidents occurring on the journey to or from work are also regarded as occupational accidents

ship must exist between the insured activity and the accident. The harm to health must be attributable in its cause to the accident. Accidents occurring on journeys to and from the insured activity are also regarded as occupational accidents.

Where an occupational accident results in an employee being unfit for work for longer than three days, it must be reported to the responsible accident insurance institution by means of the accident notification form. The notification must also be signed by a member of the works/staff council. The day of the accident itself is not counted in the three days; Sundays and public holidays are however counted. A copy of the accident notification form must be sent to the OSH authority/labour inspectorate. An accident investigation, in which the works/staff council must also be involved, must be performed.



Insured individual

Following an occupational accident, insured individuals must immediately consult an accident insurance consultant, and must inform their employers. Accident insurance consultants are often specialists in the area of accident surgery or orthopaedics. Companies normally retain a list of suitable accident insurance consultants. Minor/trivial injuries should also be reported within the company as a matter of course, to enable claims to be made in the event of consequential harm. A corresponding entry by the employer in the ➤ **accident book** is therefore strongly recommended.

Insured individuals do not need to apply to the accident insurance institution for an

occupational accident to be recognized as such. As soon as the accident insurance institution becomes aware of the circumstances, it examines on its own account whether an occupational accident has occurred.

Occupational accidents have no effect upon the employee's employment contract. Consequences arise only once the employee is no longer able to resume his or her previous tasks even after completion of rehabilitation.

Who treats the victims of accidents?

Doctors in the statutory health insurance system may treat accident victims following occupational or ➤ **commuting accidents**. Depending upon the form and severity of the injury, a duty may exist to consult an

accident insurance consultant as part of the curative procedure of the German Social Accident Insurance, since this assures that the special accident medical treatment is initiated as soon as possible following the occupational or ➤ **commuting accident**. Only appropriately qualified and equipped doctors, hospitals and rehabilitation facilities are involved by the regional associations of the DGUV in the special treatment procedures.

What are the charging arrangements for doctors' services?

The contractual arrangements between doctors and accident insurance institutions govern what services may be provided and charged for. A schedule of charges and services forms part of this contractual arrangement.

What is an occupational disease?

➤ **Occupational diseases** are diseases which insured individuals contract through their work and which:

- are listed in the German Ordinance on occupational diseases (BKV); or
- are considered in the light of validated occupational medical findings to be caused by the occupation.

The occupational diseases formally recognized as such by the German Social Accident Insurance are listed in the annex to the BKV. They are recognized on the basis of statements issued by the German medical advisory committee of the German Federal Ministry of Health. Once it has been established that the insured activity has given rise to a disease which is indicated in the list of occupational diseases in the BKV, insurance cover takes effect.

A criterion for recognition of an ➤ **occupational accident** or an occupational disease is that the occupational activity must be the cause of the health impairment that has arisen.

Formally determining occupational diseases is not always easy. Often, comprehensive

“I always knew that I was insured against accidents by law – I had been previously when I was self-employed. But I didn’t find out just how valuable that is until I had my accident at work.”

Ralf-Peter Joppich-Buchholz, patient at the Berlin accident hospital



investigations must be performed which may extend into the distant past, particularly when the cause of the disease dates back several years (as in the case of exposure to asbestos) or the workplace has long ceased to exist.

When must an occupational disease be reported?

An occupational disease must be reported by a doctor when reasonable medical grounds exist for suspicion that a disease on the list of formally recognized occupational diseases

has developed. Where the disease is not on the list of occupational diseases, it may be reported as an occupational disease only with the consent of the insured individual. Reasonable grounds for this suspicion exist for example when the symptoms of the disease could be related to the patient's working conditions. Employers and their authorized representatives must file a report when evidence suggests that an occupational disease may have developed. This report can however also be made informally by the insured individual.



FROM A SINGLE SOURCE

The German Social Accident Insurance delivers its benefits from a single source: prevention, curative treatment, rehabilitation and compensation are provided by a single institution, the German Social Accident Insurance Institution. This enables processes to be controlled without obstructive lines of communication, streamlines administrative procedures, and thus reduces costs. Above all, employees benefit from comprehensive support from the outset following an insured event. Employers receive support with prevention activity in their companies, in order to prevent occupational accidents or diseases from occurring in the first place. This provides the insured individuals with comprehensive protection and a high degree of social security. “From a single source” means all-round support for the companies and their employees, and also for children and employees in daycare and educational establishments.

“From a single source”: the guiding principle of the German Social Accident Insurance

The risk of suffering an accident at work has fallen by more than half in the last 20 years. Occupational and ➤ **commuting accidents** and ➤ **occupational diseases** are nevertheless not uncommon. In such cases, those affected are covered by comprehensive ➤ **benefits** for rehabilitation, participation, nursing care and compensation.

The tasks of the German accident insurance system are:

- The prevention of work-related accidents and diseases and health hazards
- The restoration of good health and capacity for work (rehabilitation)
- Financial benefits (compensation; for example in the form of pensions and nursing care)

Prevention

The prevention mandate of the German Social Accident Insurance Institutions is enshrined in German law. The objective of prevention work is to assure safety and health in public and private-sector companies and institutions, in children’s daycare facilities and educational establishments, and for voluntary workers, particularly members of the voluntary fire services. The prevention activity of the German Social Accident Insurance follows an all-round approach which includes safety and occupational medical measures and also health protection.

The prevention mandate of the accident insurance institutions includes consultation and inspection, ➤ **research**, ➤ **initial and further training** and the provision of information. Occupational safety and health is a function performed in partnership be-

tween companies and public institutions, accident insurance institutions and skilled personnel.

The advantage of provision “from a single source” lies in the incentive for prevention: every accident or disease that is prevented from occurring not only avoids human suffering, but also reduces costs which do not then have to be passed on to the member companies. As a result, the average ➤ **premium** paid to the German Social Accident Insurance has remained stable for some time, without benefits having had to be curtailed, as has been the case in other branches of the German social insurance.

Accordingly, successful OSH activity on the part of companies is reflected in the defined premium level. Companies causing fewer



accidents may enjoy reduced premiums; conversely, more accidents result in surcharges.

Prevention therefore pays off in several ways. Sustainable occupational safety and health improves industrial and commercial processes and reduces costs. Improved working conditions and recognition of employees' efforts enhance their motivation and reduce absences from work.

The elements of prevention

In the years since they were established, the German Social Accident Insurance Institutions have created a differentiated system for safety and health at the workplace involving a number of elements:

- Informative documents, **rules and regulations** governing safety and health at the workplace
- Inspection and consulting services
- Occupational safety and medical consulting and support (see also **occupational medical service**)
- Initial and further training

In order for the successes of prevention to be sustained, numerous people join together in working towards a common objective:

- Around 2,300 technical **labour inspectors** advise and support the member companies on the ground in assuring safety and health at the workplace
- Some 330,000 people (not including the **German Social Accident Insurance for students**) take part in initial and further training events in occupational safety and health every year
- Over 630,000 **safety delegates**, around 79,000 **OSH professionals** and 1.7 million persons trained in first aid can be found in companies and institutions

How is occupational safety and health organized in Germany?

Rules in force

The essential legislation concerning occupational safety and health and the prevention of accidents is:

- The German occupational safety and health act (ArbSchG) and the ordinances pursuant to it
- The German **↗ occupational safety act** (ASiG)
- Volume 7 of the German Social Code – statutory accident insurance

The dual OSH system

Germany has a dual OSH system. Occupational safety and health in companies is the responsibility of:

1. The labour inspectorates of the regional governments
2. The individual German Social Accident Insurance Institutions, which are administered autonomously

Further information:

↗ Joint German OSH Strategy

State occupational safety and health

Legislation in the area of occupational safety and health and the monitoring of its observance are state functions. The basic requirements are governed by legislation. Implementation in practice is governed by ordinances, implementation ordinances, executive orders and ministerial decrees.

German Social Accident Insurance Institutions

The individual accident insurance institutions are responsible for trade and industry and the institutions of the public sector, including the companies that have emerged from them. The accident insurance institutions issue legally binding accident prevention regulations, and monitor their observance. They also draw up supporting **↗ rules** and informative documents. The German Social Accident Insurance Institutions further have the function of supervising OSH in companies, particularly with regard to monitoring the observance of their own accident prevention regulations.

European legislation

At European level, too, considerable efforts have been and continue to be made, within the overall aim of creating Social Europe, to improving safety and health at work. This European harmonization process has given rise to a number of EU directives containing minimum occupational safety and health requirements, which have been transposed by the EU Member States into their respective national legislation. In Germany, the cornerstone of modern state OSH legislation has been laid in particular by adoption of the occupational safety and health act (ArbSchG) and the associated ordinances.

Whereas directives and laws have the purpose of setting out the general objectives,

standards developed at national, European and international level support their actual implementation in practice. Ensuring that standardization activity respects the interests of occupational safety and health from a German perspective is not least the task of KAN,

the **Commission for OH&S and standardization**. The German Social Accident Insurance Institutions, the German federal and regional governments, representatives of employers and employees, and DIN Deutsches Institut für Normung are represented in KAN.

Rehabilitation

Should, despite all precautions and preventive measures, an occupational or **commuting accident** or an **occupational disease** occur, the individuals insured by the German Social Accident Insurance receive comprehensive care and support. The responsible accident insurance institution takes care of the necessary medical and vocational measures. The principle in the German Social Accident Insurance is that rehabilitation takes priority over pensions. In practice, this means that all suitable means are used in the interests of medical rehabilitation, and if necessary also occupational and social reintegration. The focus lies at all times upon the affected individual and the promotion of his or her autonomy. In this context, the accident insurance institutions gear their activities to the United Nations Convention on the Rights of Persons with Disabilities (**Action Plan**).

Medical rehabilitation

The basis for effective rehabilitation is medical care of a high standard. The German Social

Accident Insurance assures this care by a seamless network of specialized doctors and accident and rehabilitation hospitals. In the event of severe injuries or additional need for help, the necessary measures are also co-ordinated and networked by **case managers** and rehabilitation advisers. These measures are always taken in close consultation with the affected individuals.

Serious injuries must be treated swiftly and competently in special hospitals. Inpatient treatment of such injuries is therefore performed solely in hospitals which satisfy the relevant requirements and have been licensed for the purpose by the DGUV.

As part of their medical rehabilitation, the benefits enjoyed by the insured individuals include:

- Treatment by doctors and dentists
- Psychological support/psychotherapy
- Pharmaceuticals and dressings
- Medicinal substances, orthopaedic and other assistive equipment

- Treatment in hospitals and rehabilitation facilities
- Home nursing care

The BG Hospitals

The **BG Hospitals** of the accident insurance institutions are important partners in the medical care of accident victims. They have over 4,300 beds throughout Germany, and resources for the treatment of particularly severe injuries. The BG Hospitals possess proven competence in treatment of paraplegics and victims of severe burns. The patients of the statutory and private health insurance institutions also benefit from these services.

The BG Hospitals have over 4,300 beds in total

Occupational rehabilitation and benefits for participation in working life

Following an insured event, the German Social Accident Insurance Institutions use all suitable means to keep those affected in their existing jobs. For this purpose, they provide benefits for medical rehabilitation, and where these alone are not sufficient, **benefits for participation in working life**.

Examples of the benefits for participation in working life (occupational rehabilitation) include:

- Assistance in retaining or finding a job
- Measures for trial work experience and preparation for an occupation
- Initial, further or re-training
- Driving aids
- Support in job-seeking and job placement (for example by the DGUV job service)

Returning the affected individual to his or her existing workplace has priority. In consultation with the affected individual and his or her employer, all measures are taken to make this possible (for example: modification of the workplace; use of assistive equipment; personal work assistance). Should a return to the existing job not be possible, efforts are made at least to retain the individual's employment with the existing employer, for example by transfer to a different workplace or by retraining.

Should this also prove not to be possible, the next aim is swift and sustainable integration on the wider labour market (for example at a workplace designed for a disabled worker), possibly with the aid of partial or full retraining. Where retraining is needed and requires particular support, it takes place in facilities suitable for the purpose, for example a vocational training or vocational promotion centre.

Depending upon the severity of the disability and the retained abilities, re-integration may be possible in a workshop for persons with disabilities, or in a supported employment arrangement.



Social rehabilitation and benefits for participation in life in the community

As part of social rehabilitation, benefits may be delivered for participation in life in the community and for other purposes including financial maintenance of the insured individuals. These benefits enable them to cope as independently as possible with all the challenges of daily life, even with a permanent disability. Such benefits include:

- Benefits for housekeeping assistance
- Vehicle and mobility aids
- Social and psychosocial advice and support
- Support by accompanying persons
- Domestic help
- Rehabilitation sports
- Promotion of stays in convalescence facilities for seriously injured individuals and their accompanying persons

These benefits also include support for the affected individuals for participation in social, family and cultural life.

Nursing care

Should an individual be incapacitated as a result of an accident, nursing care benefits are provided in the form of:

- Nursing care allowance (for care by relatives)
- Provision or financing of home-based care by suitably trained professional care personnel/services
- Alternatively, where necessary, accommodation and board in a suitable nursing home

In complex cases, a combination of benefits comprising nursing care allowance and home-based nursing care (by professional nursing personnel) is possible, as is support for relatives providing care.

Personal budget

Insured individuals may apply to receive their benefits for reintegration and nursing care in the form of a “personal budget”, i. e. a financial benefit. The personal budget is not an additional benefit, but a different means of delivering the same benefits. It has the particular function of promoting the autonomy of the affected individuals, and of facilitating their participation. It is condi-

tional upon the entitlement to benefits, i. e. the need having been identified. The accident insurance institutions and the affected individuals discuss whether a personal budget would be advantageous in their particular case. If so, an agreement is reached between them which determines the purpose for which the personal budget is to be used, its duration, its level, and the targets that it is intended to reach.

Financial benefits and compensation

In order to provide their insured individuals with the necessary financial assistance during measures for medical or occupational rehabilitation, the accident insurance institutions pay injury benefit and temporary allowances. Should the affected individuals not be able to re-enter working life again without constraints despite the curative treatment and rehabilitation measures, they are supported financially by a pension. Payment of a pension is conditional upon a permanent **➤ reduction in earning capacity** of at least 20 % owing to an **➤ occupational accident**, a **➤ commuting accident** or an **➤ occupational disease**. The insured individuals are

compensated on the basis of the loss suffered. The level of the pension is dependent upon a number of factors, notably the level of the reduction in earning capacity and the insured individual's annual income. The pensions committee of the accident insurance institutions decides whether a pension is to be paid.

The German Social Accident Insurance makes provision for the following compensation benefits:

- Injury benefit
- Temporary allowances
- Pension benefits
- Nursing care allowance





FROM A TO Z

Accident insurance consultant, hazard tariff, household cheque procedure, accident book: numerous specialist terms are used by the German Social Accident Insurance that are not always familiar from everyday use. This glossary defines the most important key terms in alphabetical order, and describes the procedures and benefits to which they refer. From measures for the prevention of occupational, school and commuting accidents and occupational diseases, through medical and occupational rehabilitation, to research and international co-operation: the list explains in brief the essential terms used by the German Social Accident Insurance. For more detailed issues, links are provided to more comprehensive sources of information on the Internet.

Accident book

All accidents, whether in a company, school or children's daycare facility, must be documented. For example, as soon as ➤ **first aid** is provided, the nature of the accident and the first-aid measures taken must be recorded in an accident book.

The records must be retained for at least five years. This is important, since this documentation may be used at a later stage as

evidence for formal recognition of an ➤ **occupational accident**. It is therefore advisable for even the most trivial accidents to be recorded in the accident book.

Further information:

→ www.dguv.de (webcode: d97211)

Download or order the accident book:

→ www.dguv.de/publikationen



Accident insurance consultant

Accident insurance consultants are specialists in surgery or orthopaedics and accident surgery, and have special knowledge and experience in the entire field of traumatology. They are appointed by the accident insurance institutions. They are responsible for assuring the quality and efficacy of the curative treatment and rehabilitation.

An individual suffering an occupational or **➤ commuting accident** must consult an accident insurance consultant when:

- the injury caused by the accident leads to incapacity for work lasting beyond the day of the accident; or
- the necessary medical treatment is expected to last for longer than one week; or
- treatments and assistive equipment or rehabilitation measures must be prescribed; or

- the illness is a relapse attributable to the effects of an accident.

The accident insurance consultant decides whether general curative treatment is to be performed by the general practitioner, or whether the nature or severity of the injury warrant special curative treatment. In the latter case, the occupational accident consultant generally performs this treatment him or herself. Where the treatment is performed by a general practitioner, the accident insurance consultant monitors its progress.

Altogether, Germany has over 3,500 accident insurance consultants in private practice and in hospitals and clinics.

Further information and the database of all accident insurance consultants:

→ www.dguv.de (Webcode: d25565)

“It’s good to know that I’m insured as the training leader. If something should happen to me, I don’t want to have to pay out of my own pocket.”

Mischa Lentz, voluntary youth trainer, Reinickendorfer Füchse sports club, Berlin

Action plan of the German Social Accident Insurance for the inclusion of people with disabilities

Since 26 March 2009, the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) has had legal force in Germany. It contains binding provisions that have the purpose of assuring social and occupational participation for persons with disabilities. It thus also applies to individuals insured by the German Social Accident Insurance Institutions who live with a disability following an ➤ **occupational accident** or an ➤ **occupational disease**.

and measures. These are assigned in turn to five fields of action: awareness-raising, access, participation, individualization and diversity, and life environments and inclusion. Many measures had already been implemented by the end of the Action Plan's term in 2014. Based upon this progress, Action Plan 2.0 was adopted in the spring of 2015, and is to run until the end of 2017. Continuation of the Action Plan is to ensure that the measures implemented are converted into automatic action. One aspect of this is that all activities and projects are to be reviewed at the planning stage with reference to the content of the UN CRPD.

Further information and download:
→ www.dguv.de (webcode: d133311)

Continuation of the Action Plan is to ensure that the measures implemented are converted into automatic action

In order to protect the human rights of persons with disabilities in the day-to-day activities of the statutory accident insurance system, the German Social Accident Insurance Institutions adopted an Action Plan in 2011. The Action Plan states 73 specific actions

Autonomous administration

Each of the German Social Accident Insurance Institutions is managed by an autonomous administration, as is the DGUV, their umbrella association. The autonomous administration is responsible for the chief administration functions and takes decisions for example concerning the charter, the budget, the ➤ **hazard tariff**, and accident prevention regulations (see also ➤ **rules and regulations**).

The autonomous administration is an important principle of the German Social Accident Insurance. The autonomous administration takes decisions on its own account within the boundaries of its charter and the statutory provisions. At the same time, it is subject to supervision by the state. A characteristic of the principle of the autonomous administration is that both insured individuals and employers are directly involved in it. They are represented on the au-

tonomous administration committees with an equal number of votes. In addition, the composition of the autonomous administration reflects the sectoral diversity of the member companies (service sector, trades and crafts, industry).

The organs of the autonomous administration are the Members' Meeting and the Governing Committee. The Members' Meeting is elected every six years in social elections by the employers and insured individuals. The Members' Meeting then elects the Governing Committee, which manages the accident insurance institution and represents it in dealings with third parties. All representatives of the autonomous administration fulfil their functions on a voluntary basis.

Further information:

→ www.dguv.de (webcode: d336)

“An accident can always happen, and it's no different in school. I think it's a good thing that society does not leave parents alone with this concern, and that attendance at school is statutorily insured.”

Boris Jarosch, father, Friedrichshain-Kreuzberg, Berlin

B

Benefits

The benefits of the German Social Accident Insurance cover the following areas:

- Medical care and rehabilitation
- Financial compensation benefits

Following an **occupational accident** or an **occupational disease**, the accident insurance institutions assure optimum medical care up to and including benefits for occupational and social participation. For this purpose, they have a network of skilled partners at their disposal comprising specially trained **accident insurance consultants**, **BG Hospitals**, and other service providers.

The accident insurance institutions have their own **case managers**, who co-ordinate the entire rehabilitation process. The case managers maintain contact with the insured individuals, the doctors and therapists, and the other parties involved in the process. This enables the rehabilitation process to be planned in consultation with the affected individuals and all parties to the process, and unnecessary delays to be avoided.

The objective is to rehabilitate the insured individuals such that they are able to resume their jobs and to participate in life in the community again without constraints. Should this not be possible, the German Social

Accident Insurance assumes the costs of transitional benefits and further training.

Examples of such benefits are conversion of the affected individual's home in consideration of the disability, purchase of a wheelchair, retraining, and the costs of travel to the rehabilitation facility (see also **benefits for participation in working life**).

In order for the loss in earnings during medical rehabilitation and vocational measures to be bridged, the affected individuals may also receive financial benefits, such as injury benefit or temporary allowances.

For insured persons who are incapacitated as a result of the accident or occupational disease to the extent that they require help from others on a considerable scale, a nursing care allowance is paid, or home-based or institutional care assured.

Should the permanent **reduction in earning capacity** be at least 20 %, the accident insurance institution pays a pension to the affected individual. Should a fatal occupational accident or disease occur, the German Social Accident Insurance supports the surviving dependants with financial bene-

fits, such as death benefit or a surviving dependants' pension.

Further information:

Summary of the benefits:

→ www.dguv.de (webcode: d72)

Financial benefits:

→ www.dguv.de (webcode: d1545)

➤ Page 38

Benefits for participation in working life

Besides the benefits for medical care and rehabilitation and the financial compensation payments, the German Social Accident Insurance also delivers benefits for participation in working life following an ➤ **occupational accident** or in the event of an ➤ **occupational disease**. The return to the existing job takes priority.

In consultation with the employer, the accident insurance institution assumes for example the costs of conversion of the workplace where required, the use of assistive equipment or work assistance. Should a return to the existing job not be possible despite these measures, efforts are made to transfer the affected individual to a suitable job in the same company, possibly after further training. In the event of this also not

being possible, the German Social Accident Insurance assists affected insured individuals in finding new jobs. Where necessary, this includes retraining. The individual's social status should be retained if at all possible.

The German Social Accident Insurance also delivers benefits for participation to children and young people who have suffered a school accident. The aim in this case is to enable them to complete their general schooling and to enter a vocation or other form of gainful employment.

Further information:

→ www.dguv.de (webcode: d1458)

BG Hospitals

The nine hospitals of the Hospital Group of the Statutory Accident Insurance (BG Hospitals) are among the largest trauma treatment centres in Germany.

Along with two medical clinics for occupational diseases and two injury treatment units, the BG Hospitals provide patients nationwide with innovative cutting-edge medicine at the highest level, guiding their return into private and professional life.

Responsibility for the BG Hospitals lies with the German Social Accident Insurance Institutions. The umbrella company of the group of hospitals has its head office in Berlin.

State-of-the-art treatment and highly qualified personnel enable the BG Hospitals to perform the most complex of operations. Close cooperation between the different clinical disciplines assures optimum rehabilitation of patients following an occupational or commuting accident or an occupational disease.

The BG Hospitals are international leaders in specialist disciplines such as the treatment of hand, burn and spinal cord injuries, and of multiple injuries and traumatic brain injuries.

A holistic treatment concept supports patients from the site of the accident to their return to everyday life. Close intermeshing of acute and rehabilitative medicine in this form is unique in Germany. Each hospital has an experienced team of nurses, physiotherapists, sports therapists and occupational therapists. The staff provide personalized care and are supported by social and advisory services.

The BG Hospitals also serve as supraregional trauma treatment centres, providing a comprehensive service for the population as a whole, and can thus be used by patients insured by any of the health insurance associations.

Further information:

→ www.bg-kliniken.de

→ www.dguv.de (webcode: d1359)

➤ [Page 36](#)

Bonuses, surcharges, discounts

The success of prevention activity depends on the commitment of the companies. The German Social Accident Insurance Institutions for trade and industry are able to reward the particular commitment of individual companies to occupational safety and health by special incentives or bonuses.

The specific aspects considered and the procedure for calculation are set out by the individual statutory accident insurance institutions in their respective charters.

Further information:

→ www.dguv.de (webcode: d57243)

In addition, all German Social Accident Insurance Institutions for trade and industry are obliged under the German Social Code Volume VII Section 162 (1) to apply surcharges or discounts in the calculation of their premiums. The development of the frequency and severity of accidents in the companies determines the level of the surcharges or discounts.

“Every employee is important to us and is unique – whether they work in an office or at a machine. When one of them is absent, a part of our company is also absent.”

Bettina Kerwien, employer, stabotec steel, move & service, Berlin

Case managers

The case managers (or rehabilitation advisers) provide the insured individuals with active support during their medical, occupational and social rehabilitation (participation). They serve as the key contacts for the injured or sick insured individual throughout the entire rehabilitation process. Based upon a rehabilitation plan, which is drawn up jointly with the affected individuals and with the involvement of all the partners in the process, the case managers

Case managers are key contacts for injured and sick individuals during their rehabilitation

and rehabilitation advisers co-ordinate and supervise medical rehabilitation and the benefits for participation (rehabilitation management).

The objective of rehabilitation management is to co-ordinate and link all necessary measures in complex cases in order to reverse or mitigate the harm to their health that insured individuals have suffered as a result of an occupational or **➤ commuting accident**, to prevent the situation

from deteriorating or to alleviate its consequences, to attain swift and sustainable occupational and social reintegration, and to enable the affected individuals to lead autonomous lives.

The functions of rehabilitation management include:

- Making contact with the insured individuals without delay, often whilst they are still in hospital
- Co-ordinating and guiding medical rehabilitation in conjunction with the insured individuals and the doctors and therapists responsible for treatment
- Ensuring sustainable participation in working life, and planning all benefits for participation required for this purpose. The suitability, preferences, and previous vocational activity of the insured individuals must be taken into account here
- Supporting the insured individuals in leading the most autonomous life possible and enabling them to participate in life in the community

Further information:

→ www.dguv.de (webcode: d1359)

Commission for Occupational Health and Safety and Standardization (KAN)

The Commission for Occupational Health and Safety and Standardization (KAN) has the task of monitoring standardization activity and presenting the interests of occupational safety and health within it. It has been channelling the interests of its members since the beginning of 1994, and presents them to current and planned standardization projects in the form of comments. KAN also provides information on standardization and standardization procedures.

KAN is not itself a standards body; its decisions in the area of occupational safety and health and standardization have the status of recommendations which are based on the broadest possible consensus of all parties to occupational safety and health.

The SVLFG (Social insurance for agriculture, forestry and landscaping) is a permanent guest. All the German accident insurance institutions are therefore involved in KAN's specialist activity. The chair of KAN rotates every two years between representatives of the state and employers' and employees' representatives. The inherent composition of KAN, comprising the social partners (employers' and employees' representatives) and the state in three equal proportions,

reflects the requirement of the Machinery Directive 2006/42/EC (Article 7 (4)), which aims to improve participation by the social partners in standardization activity.

It also reflects the explicit desire of the German government to promote OSH within its concept of standardization policy. This concept calls for the participation of employers and employees in standardization activity

All German Social Accident Insurance Institutions are involved in KAN's specialist activity

to be assured. This political intent has been implemented structurally by incorporation of the offices of the two social partners into the KAN Secretariat.

Further information:

→ www.dguv.de (webcode: d19046)

Commuting accident

Commuting accidents are accidents occurring on journeys directly to and from the insured activity (work, school, ➤ **voluntary work**, etc.). The insured journey begins when the insured individual leaves the outside door of their residential building, and ends when they pass through the outside door at their destination. The mode

- To bring children to a place of supervision during working hours
- For the purpose of car-sharing

These routes are also covered by the statutory accident insurance. Deviations in the route for other reasons (for example for shopping, visits to friends) are not insured.

Commuting accidents are accidents occurring on journeys directly to and from the insured activity

Insurance cover does not begin again until the journey to the original destination is resumed. Should a break in the journey for private purposes last more than two hours, insurance cover no longer applies for the remainder of the journey home.

Commuting accidents are also treated as ➤ **occupational accidents**. This means that affected insured individuals must be examined by an ➤ **accident insurance consultant**, even when initial treatment has been provided by another doctor.

of transport used is at the discretion of the insured individual.

The route insured is always the direct route. This need not necessarily be the shortest or fastest route. A more suitable route in consideration of the traffic conditions, for example in the event of a diversion or traffic-jam, is also insured. Deviations from the direct route may however be necessary, for example:

Should the doctors declare the employee unfit for work for more than three days, the employer must complete an accident notification form.

Further information:

→ www.dguv.de (webcode: d25665)

Compensation (see Page 38)

Compulsory insurance (see Page 17)

Corporate integration management

Where employees are absent from work frequently or for longer periods owing to illness, their employers must take measures to ensure that their working capacity is retained and that they do not become permanently unfit for work. This is achieved in conjunction with the affected individual, the workers' representation and other parties involved within corporate integration management.

Since 2004, all employers in Germany have been required to conduct corporate integration management. Its purpose is to bring employees who are unfit for work following an illness of longer duration back to their full working capacity in their previous job, step by step in a phased pro-

cess under the supervision of a doctor. This enables the transition to full employment to be eased, and future incapacity for work to be prevented.

In this process, all possibilities which could assist the affected individual are examined and exploited. These include support and services offered by the health, retirement pensions and accident insurance institutions, the rehabilitation agencies and other service providers in this area. A special form of corporate integration management is ➤ **disability management**.

Further information:

→ www.dguv.de (webcode: d36233)

Disability management

Disability management is a modern, internationally standardized service forming part of **corporate integration management**.

Since 2004, employers in Germany have had a statutory obligation to implement a corporate integration management scheme by which employees who are ill frequently or for longer periods can be brought back into the world of work.

The legislation does not specify however how integration management is to be organized by employers. The DGUV has therefore introduced the internationally recognized and standardized “disability management” scheme in Germany.

In conjunction with other training bodies, it trains disability managers and licenses them to practise once they have passed an examination.

Disability management is the ideal solution for the occupational reintegration of employees who are at risk of being unfit for work for longer periods owing to health reasons. Disability management is however not limited to rehabilitation in response to an accident or disease that has already occurred,

but has a preventive element by which such developments can be recognized at an early stage.

Disability managers act as the link between all the parties involved in cases where employees who have suffered long-term illness are to be reintegrated into companies.

They organize co-operation between the affected employees, their employers, the employees’ representative body, social insurance bodies, official departments, doctors, rehabilitation centres, job promotion centres and other parties.

As a rule, disability managers are not only concerned with specific cases, but are also responsible for overall co-ordination of disability management in or for a company. Different services are required for this purpose, depending upon the size of the company.

Further information:

→ www.dguv.de/disability-manager

First-aiders

First-aid measures are among the tasks defined in law for companies within their duty of care for their employees. Employers must ensure that a functioning first-aid system is in place within the company. This includes, for example, first-aid material, facilities for alerting emergency services, equipment for rescue and transport, first-aid areas, marking of first-aid facilities, and training in first aid.

First aid is understood to mean all measures which are required in the event of accidents, acute illnesses, poisoning and other emergencies before the arrival of the emergency services or a doctor, in order to prevent the condition of the affected individual from deteriorating further. Examples of these measures are: safeguarding the accident location, taking accident victims out of acute danger, alerting emergency services, taking immediate lifesaving measures, and providing support for the accident victims.

In the event of an accident or emergency, internal first-aiders must be available for consultation in all companies and institutions. Any insured employee may be appointed as a first-aider by the employer. A criterion is that they must have completed training in first aid and attend regular refresher courses

every two years. The training must be provided by specially approved bodies. The flat fees for the training courses are paid directly to the training bodies by the accident insurance institutions.

A minimum number of internal first-aiders must be appointed in each company. The number depends upon the number of insured individuals in the company. It must be ensured that sufficient first-aiders are present at all times, including for example during shift working and holiday periods.

Further information:

→ www.dguv.de/erstehilfe

Foreign assignments

An employee of a German company who is assigned to work abroad is also insured in the country of destination by the German Social Accident Insurance in the event of an ➤ **occupational accident** or ➤ **occupational disease**. One of the criteria for this is that the assigned individuals continue to be paid by the German company, and not

cover in these cases is subject to the legislation in the country of destination.

Foreign assignments of employees by German companies must be prepared carefully. Different OSH legislation may for example apply in the country of destination. Consultation of the responsible accident insurance

institution or the German Social Accident Insurance well in advance is therefore strongly recommended.

Schoolchildren and students may also be insured by the German Social Accident

Schoolchildren and students may also be insured by the German Social Accident Insurance during foreign visits

for example by a legally independent subsidiary. The foreign assignment must also be of planned limited duration from the outset. In the Member States of the European Union, the limit is normally 24 months.

Insurance during foreign visits, for example on class trips. It is important that the foreign visit be related to schooling and that organization of the visit be the responsibility of the school or institute of higher education.

Employees who enter into an employment relationship abroad or who are employed in the country of destination in an independent subsidiary do not enjoy the protection of the German Social Accident Insurance; the insurance

Further information:

→ www.dguv.de (webcode: d75)

G

German occupational safety act (ASiG)

Under the German occupational safety act (ASiG), employers are required to appoint occupational physicians and **OSH professionals**. These provide comprehensive advice on safety and the protection of health. The German Social Accident Insurance Institutions support implementation of the German occupational safety act through accident prevention regulations (**rules and regulations**). These regulations particularly govern the expertise required of company physicians and OSH professionals, and the scope of the support which they provide.

The revised accident prevention regulation governing company physicians and OSH professionals (DGUV Regulation 2) came into force on 1 January 2011. With the appearance of DGUV Regulation 2, a harmonized and uniform regulation now exists for the first time governing the form of support provided for companies, public administrations and educational establishments by company physicians and OSH professionals.

Further information:

→ www.gesetze-im-internet.de/asig



German Social Accident Insurance for students

Over 17 million children in children's daycare facilities, schoolchildren and students are insured by the German Social Accident Insurance Institutions against accidents occurring during their attendance of these facilities and on the journeys to and from them. The prevention of accidents and ➤ **work-related health hazards** and the assurance of effective ➤ **first aid** are among the core functions of the German Social Accident Insurance, including in children's daycare facilities, schools and institutes of higher education.

In order for effective prevention to be implemented in educational establishments, an integral approach is taken which considers not only aspects of the premises, but also education and social policy and organizational and personal factors, and which places the spotlight upon students and teaching staff alike. Children's daycare facilities, schools and institutes of higher education are to be supported in developing into good, healthy educational establishments. Important topics here are the promotion of safety-conscious and health-conscious behaviour on the part of children and young people, the health of employees, the construction and furnishing of educational establishments in consideration of their impact upon health and the facilitation of learning, the development of a social climate conducive

to good health, the promotion of safety and good health through sports and exercise, the management of occupational safety and health, and road safety.

The services of the German Social Accident Insurance include training measures for management and teaching staff, childcare professionals, and parties responsible for planning and running educational establishments; the development of prevention concepts and programmes for educational establishments, and consulting with the latter in issues of safety and health promotion; and the provision of recommendations, information material and guides for childcare professionals, teachers and head teachers and for teaching staff at institutes of higher education. Under the terms of the German Social Accident Insurance for students, all accidents resulting in treatment by a doctor are reportable.

The German Social Accident Insurance for students is primarily the responsibility of the German Social Accident Insurance Institutions for the public sector.

Further information:

➔ www.dguv.de (webcode: d39974)

➔ Page 21f.

Hazard tariff

The hazard tariff is a quantity used for calculation of the ➤ **premium** to be paid by a company to the statutory accident insurance institution.

It has the purpose of adjusting premiums according to the risk of accident, and assigns sectors of trade and industry to different risk categories, since the accident risk may differ widely from sector to sector. An office workplace for example is associated with a lower risk than work performed on a construction site.

The risk classes are calculated from the ratio of the benefits delivered by the statutory accident insurance institution to the total wage costs in the sector of industry concerned.

All German Social Accident Insurance Institutions for trade and industry have their own hazard tariffs, whereas this is the case only for a minority of the German Social Accident Insurance Institutions for the public sector.



Initial and further training

Under their statutory prevention mandate, the German Social Accident Insurance Institutions are to use all suitable means to ensure the prevention of **➤ occupational accidents**, **➤ occupational diseases** and **➤ work-related health hazards**.

The accident insurance institutions have therefore laid down guidelines for prevention, and offer training for persons from various companies, sectors and target groups.

These may be **➤ OSH professionals**, management personnel at all levels, **➤ safety delegates**, employers, members of works/staff councils, and other persons involved in occupational safety and health. For this purpose, the accident insurance institutions offer seminars, conferences and further training events relevant to companies, for example in conjunction with industry associations and chambers of commerce.

Sound qualification of the parties involved in occupational safety and health in companies, both internal and external, is becoming increasingly important, not only for the avoidance of accidents and diseases, but also in order to assure legal security for the companies. The training requirements for

those responsible for OSH are therefore also rising. As the largest provider of education and training after the state, the accident insurance institutions motivate and qualify more than 360,000 disseminators each year.

In so doing, they ensure that safety and health in education, training and work are in the hands of people with subject expertise and methodical and social skills. Their skills are to be kept up to date at all times in the spirit of lifelong learning. Uniform training and quality standards form the basis for this.

For this reason, the German Social Accident Insurance Institutions are stepping up the quality assurance of training measures, in particular by means of a quality association created for the purpose.

Quality assurance in this context encompasses all processes of training, from planning of training measures, through their delivery to further development, and including the assurance of transfer to industrial practice.

Further information:

→ www.dguv.de (webcode: d1146574)

Joint German OSH Strategy (GDA)

The Joint German OSH Strategy is an initiative of the German federal and regional governments and the accident insurance institutions. It has a long-term focus and the objective of improving safety and health at the workplace.

Since its creation in November 2008, the GDA has pursued the objective of regulating the existing OSH measures uniformly and transparently, and of promoting their sustainable implementation at workplaces. For this purpose, the German national and regional governments and the accident insurance institutions have drawn up and agreed a concept with the involvement of all parties to occupational safety and health, particularly bodies representing employers and employees.

The GDA develops common OSH targets and sets out fields of action which are implemented in national work programmes in accordance with uniform principles by the accident insurance institutions and the regional OSH authorities.

In the work programmes, the national and regional authorities and the accident insurance institutions channel and co-ordinate their prevention and inspection activities

and exploit synergies with other partners. A further element of the GDA is the creation of a comprehensible, clear and consistent body of **rules and regulations**.

The GDA is controlled at political level by the National Occupational Safety and Health Conference (NAK), a central decision-making body for planning, co-ordinating and evaluating the measures for implementation of the GDA.

In the OSH forum, the NAK engages in dialogue with OSH experts from industry associations, the scientific community and the specialist public, in order to lend the process of the GDA the broadest possible support.

A further important element of the GDA is the biennial competition for the German OSH Prize. This prize is awarded to model solutions for preventive healthcare and workplace safety, which are presented as examples of best practice.

Further information:

→ www.gda-portal.de

Labour inspectors

Labour inspectors are employees of the German Social Accident Insurance Institutions who conduct prevention work in companies. They serve as the link between the accident insurance institution and the company.

In the implementation of their statutory prevention mandate under Section 14 of the German Social Code Volume VII, the accident insurance institutions must, in accordance with Section 17 of the Code, monitor implementation of the necessary prevention measures, and advise the insured individuals. In order to be able to perform these tasks, the accident insurance institutions are obliged to employ labour inspectors in sufficient numbers.

On a case-by-case basis, the labour inspectors may impose measures for the prevention of **↗ occupational accidents**, **↗ occupational diseases** and **↗ work-related health hazards**, and to ensure effective first aid (Section 19 of the German Social Code VII).

Experts at the German Social Accident Insurance support the labour inspectors in all prevention services provided by the accident insurance institutions. For this purpose, they perform tasks such as the following:

- Provision of advice and information on all issues concerning occupational safety and work-related health hazards
- Monitoring of occupational safety at the workplace

“Accidents are always possible on a construction site, not least because many people share it as their workplace. But with proper safety measures, we can reduce the risk to a minimum.”

Sven Böhme, qualified civil engineering foreman, RAKW GmbH & Co. KG



- Performance of training in prevention
- Measurement of hazardous substances during consulting and inspection activities
- Investigations in relation to formally recognized occupational diseases

The labour inspectors must meet complex requirements in order to fulfil their tasks. They must monitor observance of the stand-

ards and be able to provide advice on safety and health at work. They must also combine problem-related knowledge and methods from a range of specialist disciplines, and be able to identify problems, take them up and refer them to the appropriate contact.

Further information:

→ www.dguv.de (webcode: d32907)

Liability/indemnification

Indemnification against liability is a concept inherent to the German Social Accident Insurance. It means that employers need not fear claims for compensation from their employees should the latter suffer an **➤ occupational accident** or **➤ occupational disease**.

This assures social peace and financial security. Under German law, the German Social Accident Insurance Institutions indemnify employers against their liability under civil law.

Consequently, should an employee be injured or develop an occupational disease whilst working for the company, the harm is compensated for solely by the statutory accident insurance institutions. Conversely, employees have no recourse to claim compensation from their employers or colleagues, except in cases of wilful action and accidents in public traffic. In return, employers pay

➤ premiums to the statutory accident insurance institutions. The **➤ benefits** delivered by the German Social Accident Insurance include medical treatment, rehabilitation, injury benefit, pensions, and occupational assistance.

The German Social Accident Insurance Institutions have a duty to use “all suitable means” to restore the health and capacity for work of their insured individuals. In many of the systems in place in other countries, particularly private systems, this form of indemnification against liability does not exist: even though employers in these countries also pay insurance premiums, they may still face legal claims for compensation.

Further information:

→ www.dguv.de/wir-haften

“Cycling is a good way of travelling to the campus. But the traffic has its risks. It’s good to know that should I have an accident, I’m insured.”

Anna Wagner, student, Berlin





Minijob

Minijobbers are also covered by the statutory accident insurance. They are subject to the same provisions as those governing all other employees.

Anyone employing a minijobber must register them with the Minijob Centre. Registration with the Minijob Centre and the flat fee that must then be paid do not however include the statutory accident insurance; the premium for this must be paid directly to the company's accident insurance institution.

For calculation of the premiums for the statutory accident insurance, the remuneration of the minijobbers must be listed in the social insurance report (DEÜV) and in the annual documentation of remuneration for the accident insurance.

One special arrangement applies only to minijobbers employed in private households (for example as domestic helps, gardeners or babysitters). The tasks of reporting and of payment of premiums to the German Social Accident Insurance are also performed by the Minijob Centre as part of the “household cheque” procedure.

Minijobs are forms of marginal employment in which the gross monthly remuneration must not exceed €450.

Further information:

→ www.dguv.de (webcode: d1775)

➔ Page 25

Notification

The notification in this context is a written administrative decision taken by the accident insurance institution, for example as a result of a formal finding by the pensions committee.

The notification must be accompanied by statement of the essential factual and legal basis upon which it was reached by the

accident insurance institution. Each notification must be accompanied by information on the opportunities available to the individual concerned to appeal the decision should they desire. Should this information not be provided, the deadline for appeal against the notification is extended from one month to one year.



Occupational accident

Occupational accidents are accidents suffered by insured individuals as a result of an insured activity. Should an occupational accident occur, the German Social Accident Insurance delivers ➤ **benefits**.

Employees, children in schools and preschool facilities, students, and other groups of persons are insured by the German Social Accident Insurance. Insurance cover does not apply around the clock, however, but only when an insured activity is being performed.

Should an occupational accident occur, the German Social Accident Insurance delivers benefits

Examples of insured activities are:

- The performance of tasks arising from a contract of employment
- Attendance at a preschool childcare facility or school or education at an institute of higher education

- Travel by a direct route between the home and the place of work, preschool childcare facility, school or institute of higher education
 - Business journeys, participation in class trips organized by the school or in study trips organized by the institute of higher education
 - Participation in social events such as Christmas or other company parties
 - Participation in company sporting events
- Private tasks, such as eating and drinking, are not insured.

Accidents are sudden external events acting upon the body which have a harmful effect upon the health.

If for example an employee loses consciousness at the workplace owing to low blood pressure, this is not regarded as an accident.

The criteria for an occupational accident are that firstly, it must have been caused by an insured activity, and secondly, that the harm caused to health is a result of the accident.

Further information:

➔ www.dguv.de (webcode: d1279)

➤ Page 26ff.



Occupational diseases

Occupational diseases are diseases contracted by insured individuals as a consequence of an insured activity, and which:

- are indicated on the list found in the German Ordinance on occupational diseases (BKV); or
- have been shown by recent medical findings to be caused by the occupation.

Diseases may be considered occupational diseases only when they have been shown by scientific research to be caused by forms of exposure to which certain groups

of persons are subject owing to their work to a considerably higher degree than the wider population. Diseases endemic in the wider population, such as musculoskeletal or cardiovascular diseases, cannot therefore generally be considered occupational diseases.

The BKV is an ordinance adopted by the Lower Assembly of the German government with the approval of the Upper Assembly under Volume VII, Section 9 of the German Social Code, and which supplements



the statutory provisions governing occupational diseases.

The functions of the BKV include serving as the legal basis for additional preventive measures taken by the accident insurance institutions should an occupational disease definitely threaten to arise, recur or progress. An elementary aspect of the BKV is the list of occupational diseases contained in Annex 1. Suspected cases of occupational disease must be reported to the accident insurance institution, by both employers and doctors.

Examples of particular exposure at the workplace are:

- Forms of working (such as work in a constrained trunk posture)
- Tools (such as pneumatic tools)
- Working conditions (such as noise or dust)
- Working substances (such as hazardous substances)

Further information:

→ www.dguv.de (webcode: d1296)

Occupational medical check-ups

Even where all employees observe occupational safety and health and wear protective equipment, hazards to health may still arise, for example by exposure to biological, chemical or physical hazards, or through dangerous tasks. Occupational medical examinations are intended to prevent work-related diseases, or at least to enable impairments to health to be identified at an early stage. During the occupational medical examinations, the employees are informed and advised on the risks to their health. Only in the case of mandatory examinations are employers informed

of the result of the examination, and even then not in detail.

Occupational medical examinations are performed in the interests not only of the individual employee's health, but of that of all employees, since the observations gained from such examinations can be used to protect the health of all employees in the company.

Occupational medical examinations are conducted in consideration of a range of legislation, and for the greater part in accord-



ance with the German Ordinance on occupational medical prophylaxis (ArbMedVV). A distinction must be drawn, according to the scale of the hazard, between mandatory examinations, examinations offered to the employees, and those which may be requested by them. These examinations may be performed by specialists in occupational medicine or doctors with the supplementary qualification in company medicine.

Occupational medical service

All employers must arrange for their employees to be supported by a company physician. For this purpose, they appoint a specialist in occupational medicine or a doctor with the supplementary qualification in company medicine, in accordance with the provisions of DGUV Regulation 2.

These doctors advise the company in all issues relating to the protection of health. This includes the performance of **occupational medical examinations** in accordance with various legislation. The scope of the

With the DGUV principles for occupational medical examinations and the associated guidelines for occupational medical prophylaxis, the German Social Accident Insurance Institutions have created effective instruments by means of which the risks to employees' health at the workplace can be kept as low as possible.

Further information:

→ www.dguv.de (webcode: d1594)

tasks of company physicians is set out by the DGUV in DGUV Regulation 2. The activity consists of generic basic supervision and a company-specific component.

When a company physician is selected, importance may be attached to his or her possession of a quality mark awarded by the GQB, the society for quality assurance in occupational medical supervision.

Further information:

→ www.dguv.de (webcode: d40257)

OSH professionals

OSH professionals are among the key office holders in the internal company OSH system. Their appointment is explicitly required by the German **↗ occupational safety act**. They have the task of supporting employers in satisfying their statutory duties with regard to occupational safety and health. DGUV Regulation 2, the accident prevention regulation governing occupational physicians and OSH professionals, describes and details these tasks. They are “performance packages” that the OSH professional must deliver in conjunction with the occupational physician, based upon an agreement with the employer. In order to fulfil these tasks, OSH professionals must possess the necessary expertise. This expertise is defined in DGUV Regulation 2, and covers all issues of occupational safety and health, including the humane organization of the work. Possession of the necessary expertise must be demonstrated by successful completion of a recognized course of training (see also **↗ initial and further training**).

OSH professionals are OSH experts with a number of responsibilities. They have a central function in the company hierarchy. They have no authority to issue instructions and therefore also have no responsibility for the

conducting of occupational safety and health within the company; this responsibility lies with the company’s management staff. However, OSH professionals have the duty and responsibility to support employers and managers with their OSH expertise.

In order to complete their wide range of functions, these experts possess both sound knowledge of occupational safety and health and knowledge of associated areas, such as that of environmental protection. They are expected to use initiative and creativity in contributing their knowledge within the company.

An essential task of OSH professionals is the support they provide for the integration of occupational safety and health into the company’s organizational structure, particularly its management. This can most readily be achieved when occupational safety and health is considered in all company procedures, and employees are actively involved in it.

Personal budget (see Page 38)

Premiums and their calculation

The German Social Accident Insurance Institutions are funded by premiums paid by their member companies according to the adjustable contribution procedure. In contrast to other areas of the German social insurance, the level of the premium is based on actual expenditure and is not calculated until the end of an accounting year. Exceptions may apply to the German Social Accident Insurance Institutions responsible for the federal, regional and local governments.

The premiums for the accident insurance of preschool and schoolchildren, students and voluntary workers are paid to the German Social Accident Insurance Institutions for the public sector by the state. The procedures for calculation of the premiums differ between the institutions. Details of the precise procedure for calculation of the premiums for employees in public-sector companies and for other insured individuals should there-

fore be obtained from the accident insurance institution concerned.

Premiums for the German Social Accident Insurance Institutions for trade and industry are calculated in consideration of the funding re-

The premium is calculated by means of the following formula:

$$\text{premium} = \frac{\text{total wage costs} \times \text{risk category} \times \text{contribution base}}{1,000}$$

quirements, i. e. the contribution target, the total wage costs of the insured persons, and the risk categories. The contribution target is the expenditure of the accident insurance institution in the previous accounting year, minus the monies received by it. The total wage costs in this context are the gross salaries paid by the member companies to their employees.

In order for the premiums to be graded according to the risk of accident, risk classes for the



various branches of industry are defined in the **➤ hazard tariff**. The risk classes are calculated from the ratio of the benefits delivered by the statutory accident insurance institution to the total wage costs in the sector of industry concerned.

The contribution base is calculated by division of the contribution target by the premium units (total wage costs and risk classes). For calculation of the premium, the total wage costs, risk class and contribution base are multiplied together and the result divided by 1,000.

In order to make allowance for the actual incidence and severity of accidents in each individual company during calculation of the premium, the accident insurance institution applies surcharges and discounts on a case-by-case basis to the resulting premium in consideration of the insured events reported by the company concerned. **➤ Commuting accidents** are not considered for this purpose.

Further information:

→ www.dguv.de (webcode: d2172 and d105724)

➤ Page 12f.

Reduction in earning capacity

Should it not be possible to restore the health of an insured individual in full following an ➤ **occupational accident** or an ➤ **occupational disease**, the result is a reduction in earning capacity. The level of this reduction is dependent upon the scale of the individual's permanent physical or mental impairment, and the extent to which their opportunities for employment on the wider labour market are limited.

Should the earning capacity be lost completely (100 %), the German Social Accident

Insurance pays a full pension. The full pension comprises two-thirds of the individual's gross annual earnings prior to the occupational accident or disease. Where the reduction in earning capacity is partial, a proportion of the full pension is paid corresponding to the level of the reduction. Entitlement to a part pension exists where the earning capacity is reduced by 20 % or more.

Further information:

→ www.dguv.de (webcode: d1988)

Registration with the German Social Accident Insurance

An entrepreneur launching a new business in Germany must register it within one week with the responsible German Social Accident Insurance Institution.

This requirement, set out in Section 192 of the German Social Code Volume VII, applies despite the fact that the statutory accident insurance system receives a copy of each registration of a new craft or trade business. Under German law, the

German Social Accident Insurance Institutions for trade and industry are responsible for all businesses, institutions and members of the liberal professions, except where they fall within the responsibility of the respective accident insurance institutions for the agricultural or public sectors. A new business is therefore generally the responsibility of one of the German Social Accident Insurance Institutions for trade and industry.



Forms for the registration of companies are available on the Internet. They must be sent to the German Social Accident Insurance Institution responsible for the sector which forms the company's focus of activity.

Important: only one accident insurance institution is ever responsible for a business, even where the business is made up of several different parts. If it is unclear which accident insurance institution is responsible in a particular case, information can be obtained either directly from one of the institutions, or from the German Social Accident Insurance (DGUV, +49 30 288763800).

Only one accident insurance institution is ever responsible for a business, even where the business is made up of several different parts

Employers and the self-employed themselves are not generally automatically insured under German law or the charter of their accident insurance institution; they can however insure themselves voluntarily with their accident

insurance institution against the consequences of occupational and ➤ **commuting accidents**. Further information is available from the accident insurance institutions.

Companies not established in Germany but with employees in the country must also be registered with the German Social Accident Insurance.

For this purpose, the company must appoint an authorized representative in Germany who assumes the duties of the company in this respect. These companies must also pay ➤ **premiums** to the German Social Accident Insurance for employ-

ees with whom they have a contract of employment in Germany. The level of the premium to be paid is stated in a ➤ **notification** from the responsible accident insurance institution.

Further information:

➤ **Assignment**

Online registration form:

➤ www.dguv.de (webcode: d2136)

Information for foreign companies:

➔ www.dguv.de (webcode: d108809)

Research

For many years, the German Social Accident Insurance has conducted research into occupational safety and health, into **➤ occupational diseases**, and into curative treatment and rehabilitation following **➤ occupational accidents** and occupational diseases.

Scientific studies and research results open up new perspectives for safety and health at work and are substantially conducive to preventing occupational accidents, occupational diseases and **➤ work-related health hazards** in the long term.

Research is conducted on numerous levels on behalf of the individual accident insurance institutions and the expert committees of the German Social Accident Insurance

(DGUV). The DGUV maintains three research institutes, which are specialized in the complex cause-and-effect relationships of occupational hazards and develop solutions for the prevention of health risks.

These institutes' functions and areas of activity cover virtually the entire spectrum of the accident insurance institutions' research needs.

The institutes co-operate closely in research, but differ in their areas of focus. The Institute for Occupational Safety and Health of the DGUV (IFA) focuses on the sciences and conducts research, consulting and testing in the areas of chemical, biological and physical hazards and of accident prevention, product safety and ergonomics.

“We conduct precise analyses and accelerated chemical studies in order to make our contribution to greater occupational safety, and thus protect other employees.”

Karin Leborius, chemical laboratory technician, analytical laboratory of the German Social Accident Insurance Institution for the raw materials and chemical industry, Leuna



The Institute for Work and Health of the DGUV (IAG) promotes safety and health at work through training, research, development and consulting. Teams of researchers and lecturers from 22 disciplines are able to call upon the full range of methods and knowledge from the spheres of work organization, commerce, occupational medicine, psychology and the social sciences, education, law, the natural sciences and engineering.

The research foci of the Institute for Prevention and Occupational Medicine of the German Social Accident Insurance – Institut der Ruhr-Universität Bochum (IPA) are the effects upon health of hazardous chemical and biological substances.

Complex medical issues are studied by the five centres of competence: Medicine, Toxicology, Allergology/Immunology, Molecular Medicine and Epidemiology.

The accident insurance institutions maintain further research facilities which particularly focus upon sector-specific issues.

In addition, the DGUV uses a research fund to sponsor research projects in the areas of occupational safety and health, rehabilita-

tion and occupational diseases. Proposed projects are assessed not only in terms of their scientific quality and likelihood of success. Of equal importance are a substantial current need for the study on the part of the accident insurance institutions, and scope for the project results to be applied across a number of sectors.

Sponsored projects are generally supervised by a group of experts from the German Social Accident Insurance.

Further information:

→ www.dguv.de (webcode: d74)

→ www.dguv.de/ifa

→ www.dguv.de/iag

→ www.ipa-dguv.de

Rules and regulations

The rules and regulations of the German Social Accident Insurance form the basis of preventive measures in companies, schools and children's daycare centres.

Besides state acts and ordinances, the accident prevention regulations of the German Social Accident Insurance constitute an important part of the body of rules and



Restructuring of the body of rules and regulations

In Germany, both the state and the German Social Accident Insurance have the task of preventing ↗ **occupational accidents**, ↗ **occupational diseases** and ↗ **work-related health hazards**. In order to attain this target, both parties are able to issue rules and regulations which are binding upon employers.

As part of their ↗ **Joint German OSH Strategy** (GDA), the German federal and regional authorities and the individual statutory accident insurance institutions have set themselves the task of optimizing and restructuring the body of rules and regulations governing occupational safety and health.

The aim is to avoid the duplication of provisions, and to ease the burden upon companies. At the same time, the standard of occupational safety and health in Germany will be enhanced and consolidated.

Further information:

→ www.gda-portal.de › Vorschriften und Regelwerk

regulations governing occupational safety and health in Germany.

The accident prevention regulations state specific and binding objectives of protection and requirements which are intended to assure the safety and health of the insured individuals.

Under these binding regulations, the accident insurance institutions also issue rules.

Rules support the regulations, which are often formulated in abstract form. Rules contain recommendations for application of the regulations, and make them easier for companies to understand.

In addition, the German Social Accident Insurance publishes a range of informative documents, codes of practice and principles which support companies and institutions in meeting their occupational safety and health obligations.

Many of these publications can be ordered free of charge by the member companies and institutions from their respective statutory accident insurance institution. They can also be downloaded or ordered (for a fee) from:

→ www.dguv.de/publikationen

Safety delegate

A number of persons support employers in their task of ensuring safety and health at the workplace. These include the safety delegates.

The German Social Code Volume VII requires companies with over 20 employees to appoint a safety delegate. In consideration of the hazard situation in a particular company, the accident insurance institutions may however impose arrangements at variance with this requirement.

Safety delegates have the task of using their expertise to identify accident and health risks and to support employers in performance of the necessary OSH measures. For

example, they must ensure that the specified protective equipment is in place or available and is also being used.

For employees, they have the role of disseminators, and have an impact upon the safe behaviour of their colleagues. The safety delegates carry out their duties solely on a voluntary basis. They work in close co-operation with the ➤ **OSH professional** and the company physician.

Further information:

→ www.dguv.de (webcode: d56016)

“My granddad was a master joiner. He would have liked to have had the support that I have today in noise abatement. He’s hard of hearing now.”

Sebastian Dressler, trained cabinet-maker, Müller & Innenausbau GmbH, Berlin

Voluntary insurance (see Registration and Page 17)

Voluntary work

Voluntary workers in Germany are often covered by the statutory accident insurance. Voluntary work may for example be performed on behalf of or with the approval of a public institution or a religious denomination incorporated under public law. Certain holders of voluntary offices in charitable organizations,

employers' and employees' organizations or political parties may also take out insurance for themselves voluntarily.

Further information:

→ www.dguv.de (webcode: d2415)

➔ Page 24

Work-related health hazards

“Work-related health hazards” cover all hazards to the health of employees which may arise at work.

Protection against such hazards has now long been an integral part of all prevention services of the German Social Accident Insurance. The accident insurance institutions co-operate closely in this respect with the health insurance institutions, including in the area of workplace health promotion.

Work-related health hazards include, for example, many forms of exposure which

develop as a result of changing working conditions. Companies must create working conditions under which their employees remain healthy and fit for work through to retirement age, in order for the companies to remain competitive.

The German Social Accident Insurance Institutions support their member companies comprehensively in this area through their prevention mandate.

Further information:

→ www.dguv.de (webcode: d69458)



CONTACT

The German Social Accident Insurance

Tel.: +49 30 288763800

Call the DGUV if you have general questions concerning occupational accidents, commuting accidents or occupational diseases. Questions concerning specific cases, which fall within the responsibility of a particular German Social Accident Insurance Institution, will be forwarded to the institution concerned. Employers and new business start-ups can call the DGUV to establish which German Social Accident Insurance Institution is re-

sponsible for them, and be put through to the institution concerned if necessary. General information is also available on occupational safety and health and health protection. Specific inquiries concerning prevention are referred to the responsible German Social Accident Insurance Institution.

Further information can be found on the internet at www.dguv.de, or can be requested by e-mail from info@dguv.de.

German Social Accident Insurance (DGUV)

The umbrella association of the German Social Accident Insurance Institutions for trade and industry and for the public sector, the DGUV, has its head office in Berlin and further offices in Sankt Augustin and Munich.

DGUV Berlin

Glinkastrasse 40
10117 Berlin

DGUV Sankt Augustin

Alte Heerstrasse 111
53757 Sankt Augustin

DGUV Munich

Fockensteinstrasse 1
81539 München

www.dguv.de

The publications and media of the German Social Accident Insurance can be ordered through our database or downloaded from www.dguv.de/publikationen.

Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA)

Alte Heerstrasse 111
53757 Sankt Augustin
www.dguv.de/ifa

Institute for Work and Health of the German Social Accident Insurance (IAG)

Königsbrücker Landstrasse 2
01109 Dresden
www.dguv.de/iag

Institute for Prevention and Occupational Medicine of the German Social Accident Insurance (IPA)

An institute of the Ruhr University, Bochum
Bürkle-de-la-Camp-Platz 1
44789 Bochum
www.dguv.de/ipa

German Social Accident Insurance Institutions for trade and industry

German Social Accident Insurance Institution for the raw materials and chemical industry (BG RCI)

Kurfürsten-Anlage 62
69115 Heidelberg
www.bgrci.de

German Social Accident Insurance Institution for the woodworking and metalworking industries (BGHM)

Isaac-Fulda-Allee 18
55124 Mainz
www.bghm.de

German Social Accident Insurance Institution for the energy, textile, electrical and media products sectors (BG ETEM)

Gustav-Heinemann-Ufer 130
50968 Köln
www.bgetem.de

German Social Accident Insurance Institution for the foodstuffs and catering industry (BGN)

Dynamostrasse 7 – 11
68165 Mannheim
www.bgn.de

German Social Accident Insurance Institution for the building trade (BG BAU)

Hildegardstrasse 28 – 30
10715 Berlin
www.bgbau.de

German Social Accident Insurance Institution for the trade and distribution industry (BGHW)

M 5, 7
68161 Mannheim
www.bghw.de

German Social Accident Insurance Institution for the administrative sector (VBG)

Deelbögenkamp 4
22297 Hamburg
www.vbg.de

German Social Accident Insurance Institution for the transport industry, postal logistics and telecommunications (BG Verkehr)

Ottenser Hauptstrasse 54
22765 Hamburg
www.bgverkehr.de

German Social Accident Insurance Institution for the health and welfare services (BGW)

Pappelallee 33/35/37
22089 Hamburg
www.bgw-online.de

German Social Accident Insurance Institutions for the public sector German federal institutions

German Social Accident Insurance Institution for the Federal Government and for the railway services

Weserstrasse 47
26382 Wilhelmshaven

Salvador-Allende-Strasse 9
960487 Frankfurt
www.uv-bund-bahn.de

German Social Accident Insurance Institutions for the public sector Regional institutions

Baden-Württemberg

German Social Accident Insurance Institution for the public sector in Baden-Württemberg (UKBW)

Augsburger Strasse 700
70329 Stuttgart
www.ukbw.de

Bavaria

German Social Accident Insurance Institution for local authorities in Bavaria (KUVB)

German Social Accident Insurance Institution for the public sector in Bavaria (Bayer.LUK)

Ungererstrasse 71
80805 München
www.kuvb.de
www.bayerluk.de

Berlin

German Social Accident Insurance Institution for the public sector in Berlin (UKB)

Culemeyerstrasse 2
12277 Berlin-Marienfelde
www.unfallkasseberlin.de

Brandenburg

German Social Accident Insurance Institution for the public sector in Brandenburg (UKBB)

Müllroser Chaussee 75
15236 Frankfurt (Oder)
www.ukbb.de

German Social Accident Insurance Institution for the fire services in Brandenburg (FUKBB)

Müllroser Chaussee 75
15236 Frankfurt (Oder)
www.fukbb.de

Bremen

German Social Accident Insurance Institution for the public sector in the Free Hanseatic City of Bremen (UK Bremen)

Konsul-Smidt-Strasse 76 a
28217 Bremen
www.unfallkasse.bremen.de

Hamburg

German Social Accident Insurance Institution for the public sector in Schleswig-Holstein and Hamburg (UK Nord)

Hamburg site
Spohrstrasse 2
22083 Hamburg
www.uk-nord.de

German Social Accident Insurance Institution for the fire services in the Hanseatic regions of Hamburg, Mecklenburg-West Pomerania and Schleswig-Holstein

Mönckebergstrasse 5
20095 Hamburg
www.hfuknord.de

Hesse

German Social Accident Insurance Institution for the public sector in Hesse (UKH)

Leonardo-da-Vinci-Allee 20
60486 Frankfurt am Main
www.unfallkasse-hessen.de

Lower Saxony

German Social Accident Insurance Institution for local authorities in the Braunschweig region (BS GUV)

Berliner Platz 1 C (Ring-Center)
38102 Braunschweig
www.bs-guv.de

German Social Accident Insurance Institution for local authorities in the Hanover region German Social Accident Insurance Institution for the public sector in Lower Saxony (GUVH LUKN)

Am Mittelfelde 169
30519 Hannover
www.guvh.de
www.lukn.de

German Social Accident Insurance Institution for local authorities in the Oldenburg region (GUV OL)

Gartenstrasse 9
26122 Oldenburg
www.guv-oldenburg.de

German Social Accident Insurance Institution for the fire services in Lower Saxony (FUK)

Bertastrasse 5
30159 Hannover
www.fuk.de

Mecklenburg-West Pomerania

German Social Accident Insurance Institution for the public sector in Mecklenburg-West Pomerania (UK MV)

Wismarsche Strasse 199
19053 Schwerin
www.ukmv.de

German Social Accident Insurance Institution for the fire services in the Hanseatic regions of Hamburg, Mecklenburg-West Pomerania and Schleswig-Holstein (HFUK Nord)

Bertha-von-Suttner-Strasse 5
19061 Schwerin
www.hfuknord.de

North Rhine-Westphalia

German Social Accident Insurance Institution for the public sector in North Rhine-Westphalia (UK NRW)

Sankt Franziskusstrasse 146
40470 Düsseldorf
www.unfallkasse-nrw.de

Rhineland-Palatinate

German Social Accident Insurance Institution for the public sector in Rhineland-Palatinate (UK RLP)

Orensteinstrasse 10
56626 Andernach
www.ukrlp.de

Saarland

German Social Accident Insurance Institution for the public sector in the Saarland (UKS)

Beethovenstrasse 41
66125 Saarbrücken
www.uks.de

Saxony

German Social Accident Insurance Institution for the public sector in Saxony (UK Sachsen)

Rosa-Luxemburg-Strasse 17a
01662 Meissen
www.unfallkassesachsen.de

Saxony-Anhalt

German Social Accident Insurance Institution for the public sector in Saxony-Anhalt (UK SA)

Käspersstrasse 31
39261 Zerbst
www.ukst.de

German Social Accident Insurance Institution for the fire services in Saxony-Anhalt and Thuringia (FUK Mitte)

Magdeburg office
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39112 Magdeburg
www.fuk-mitte.de

Schleswig-Holstein

German Social Accident Insurance Institution for the public sector in Schleswig-Holstein and Hamburg (UK Nord)

Seekoppelweg 5a
24113 Kiel
www.uk-nord.de

German Social Accident Insurance Institution for the fire services in the Hanseatic regions of Hamburg, Mecklenburg-West Pomerania and Schleswig-Holstein (HFUK Nord)

Hopfenstrasse 2 d
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www.hfuknord.de

Thuringia

German Social Accident Insurance Institution for the public sector in Thuringia (UKT)

Humboldtstrasse 111
99867 Gotha
www.ukt.de

German Social Accident Insurance Institution for the fire services in Saxony-Anhalt and Thuringia (FUK Mitte)

Thuringia office
Magdeburger Allee 4
99086 Erfurt
www.fuk-mitte.de

Regional associations of the DGUV

Joint website of the regional associations:

→ www.dguv.de/landesverbaende

Regional Association North-West

Hildesheimer Strasse 309

30519 Hannover

Responsible for: Lower Saxony, Bremen, Hamburg, Schleswig-Holstein, Saxony-Anhalt

Regional Association North-East

Fregestrasse 44

12161 Berlin

Responsible for: Berlin, Brandenburg, Mecklenburg-West Pomerania

Regional Association West

Kreuzstrasse 34

40210 Düsseldorf

Responsible for: North Rhine-Westphalia

Regional Association Centre

Isaac-Fulda-Allee 18

55124 Mainz

Responsible for: Hesse, Thuringia, Rhineland-Palatinate

Regional Association South-West

Kurfürsten-Anlage 62

69115 Heidelberg

Responsible for: Baden-Württemberg, Saarland

Regional Association South-East

Fockensteinstrasse 1

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Responsible for: Bavaria, Saxony

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Social insurance for agriculture, forestry and landscaping

Social insurance for agriculture, forestry and landscaping (SVLFG)

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34131 Kassel

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LEGAL INFORMATION

In good hands.

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