



TOP STORY

Putting social partner consensus into practice

Further developing occupational disease law

Germany's new federal government has been in office since March 2018. The social policy projects announced in the coalition agreement include further developing occupational disease legislation. The DGUV had already developed a forward-thinking concept in 2016.

In recent years, there have been calls for changes to Germany's occupational disease law from various sides; Germany's social accident insurance has also been considering how to further develop this legislation. In 2016, the DGUV's Self-governing Committee, with equal representation from employers and employees, passed its own White Paper. It contains recommendations including: giving the Medical Advisory Committee for Occupational Diseases (ÄSVB) and its activities a legal mandate; making it obligatory for the DGUV and its members to report on research activities related to occupational disease legislation; legally establishing and expanding opportunities to assess exposure data in the workplace; abolishing Germany's system of forced occupational abstinence; and introducing a uniform retroactivity regulation when adding a new occupational disease to the List of Occupational Diseases.

The DGUV's proposal is based on the conviction that the basic principles of occupational disease law have proven their worth. It is not about making fundamental changes or interfering with the system of occupational disease law, but about making improvements and finding solutions to problems that arise from existing rules in administrative practice. The proposal is a finely-balanced package of complementary measures. As a mutually agreed-upon concept, jointly supported by the social part-

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ners in the Self-governing Committee, it represents a milestone in what has so far been mostly a very controversial debate.

The White Paper was acknowledged by the previous federal government. Even before the federal election, the Federal Ministry of Labour and Social Affairs took up the Self-governing Committee's suggestions and used them as the basis for a legislative initiative for the new legislative period. As such, the DGUV hopes that the new federal government will quickly submit a bill, rejecting any claims that could jeopardise the long-term future of occupational disease law by attacking fundamental principles such as causality and the indisputable proof of occupational causation as a condition of recognising an occupational disease.

Web: www.dguv.de > Webcode dp1038560 (German only)



Photo: Deutscher Bundestag / Achim Meide

The further development of occupational disease law is on the agenda of the new federal government. The DGUV hopes that a draft bill will be presented swiftly, which must then be passed by the Bundestag.

FYI

Further development of occupational disease law

The DGUV had already come up with the following five points in 2016:

- 1 Improve causal determination**
- 2 Abolish forced occupational abstinence**
- 3 Regulate retroactivity**
- 4 Give the Medical Advisory Committee for Occupational Diseases (ÄSVB) a legal mandate**
- 5 Encourage research**



Proven worth

Dear Reader

‘Nothing is as constant as change’ – a saying that fits well with our current times. The media loves stories about Silicon Valley, and countless start-ups are trying to find their own niche in the digital market. The hype surrounding digitalisation often leaves out one important issue: progress does not mean that society has to reinvent itself. Many political, social and economic achievements have proven their worth. It’s true that they have to be adapted to changing conditions, that’s a given, but there is no need to question them.

Germany’s Occupational Disease Law has proven its worth. For more than 90 years, social accident insurance has compensated people who have an occupational disease. Although this new century is still relatively young and despite some major changes in the world of work, occupational disease law has proven to be a stable foundation for prevention and compensation. The world of work will continue to change and present challenges to occupational disease law. In its White Paper, the German Social Accident Insurance has submitted proposals for more transparency and clarity. But the ‘core’ of occupational disease law - the causality principle - is not negotiable; social accident insurance assumes employers’ liability for damage to health caused by work. It is now up to our politicians to get this proven system ready for the future.

Dr Joachim Breuer

Director General of the DGUV

‘No multi-class society in workplace safety and health’

In November last year, the Members’ Meeting of the German Social Accident Insurance (DGUV) elected new chairpersons for its board. Manfred Wirsch was re-elected as representative for insured workers. Volker Enkerts took over from Dr Rainhardt von Leoprechting as employers’ representative. DGUV Kompakt spoke with the two chairmen about the federal government’s new coalition agreement and the challenges of digitalisation for Germany’s social accident insurance.

Mr Enkerts, Mr Wirsch, the coalition agreement states that occupational disease legislation should be further developed. This could be seen as a response to the White Paper submitted by the DGUV in 2016. Is this a success story for the Self-governing Committee?

Enkerts: Several volunteer committees were involved in drafting the proposals for further developing occupational disease law. The White Paper shows how the law can be modernised without forgoing its legal basis. We’re now very interested in seeing what the legislator does next.

Wirsch: Due to the political vacuum of the last few months, there’s been a lot of time lost. I would really like to see occupational disease legislation get a prominent position on politicians’ to-do list. Various social groups have pointed out the need to take action. That was the impetus for our White Paper.

The coalition agreement also speaks of further developing accident insurance in general. This leaves the future open for which way it could go. Do you have any ideas?

Wirsch: Social accident insurance has been going through a process of transformation for years. For example, the Accident Insurance Modernisation Law, which came into force ten years ago, has resulted in the merger of several accident insurance institutions. For me, further developing accident insurance means getting it ready for new technologies and forms of work, which it should continue to assess and support. Further development

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Volker Enkerts

shouldn’t mean questioning benefits and services or regarding accident insurance as just liability insurance.

Enkerts: We have been working with the effects of digitalisation on applied OSH for some time now. We’ve also been focusing on the demands this puts on administrations. As a result of the Online Access Act, all German authorities are required to offer their administrative services online by the end of 2022. A uniform telematics infrastructure for Germany’s entire healthcare system will be put in place at the same time. This is a huge challenge because handling sensitive data requires the highest level of security.

How well placed is Germany’s social accident insurance system to meet these requirements?

Enkerts: The idea behind a citizen’s portal is to offer more services to citizens. For example, insured persons should be able to download online forms, make appointments or even look at their records. Of course, the ability to provide this varies a great deal between each of the social accident insurance institutions. The task of the association is to work with its members towards a joint portal.



Photo: Wolfgang Bellwinkel / DGUV

Board Chairmen Manfred Wirsch (left) and Volker Enkerts (right) are members of the DGUV's Self-governing Committee. Its task is to integrate real-world insights from the workplace into accident insurance and thus design prevention and rehabilitation from a practical perspective.

Wirsch: When it comes to the exchange of medical data, we're already one step ahead. Accredited accident insurance physicians are already exchanging data as part of the 'EDA UVT Reha' project, which is the data exchange programme for managing rehabilitation by the social accident insurance institutions. Last year was the first time that surgical and discharge reports of insured persons were exchanged electronically between the accident insurance institutions and the Hospital Group of the Statutory Accident Insurance.

Digitalisation not only has an impact on administrative services, innovations in the world of work also create new pressures on workers, such as mental stress. How does social accident insurance help managers and workers prepare for these new challenges?

Enkerts: Many managers have become aware of this issue. Although some still have problems with including psychological stressors in their risk assessments. The social accident insurance institutions must continue to provide support. An important keyword in this for me is 'culture of prevention', which the new **kommittensch**

'I believe the best way forward for the future is to approach prevention holistically, including everything from leadership to employee participation to error management culture.'

Manfred Wirsch

prevention campaign promotes. I believe the best way forward for the future is to approach prevention holistically, including everything from leadership to employee participation to error management culture.

Wirsch: We just need to make sure that that a multi-class society in workplace safety and health doesn't develop, where we have company employees who are serious about OSH on the one hand and on the other we have an increasing number of solo self-employed workers and crowd-workers who potentially are working without social protection. Under current legislation, these workers are not covered by social accident insurance or pension insurance. This issue needs to be urgently discussed in our society.

TOPIC

European Labour Authority to launch in 2019

Of the 500 million citizens in the EU, 16 million work in another EU Member State. That's twice as many as 11 years ago. European Commission President Jean-Claude Juncker therefore proposed the creation of a European Labour Office (ELA) in his State of the Union Address in September 2017. The initiative is a building block of a major EU project to implement the European Pillar of Social Rights.

On 13 March, the European Commission presented a legislative proposal for the Authority and its responsibilities as part of its Social Fairness Package. The EU Commission wants the ELA to be up and running by the end of 2019 and fully operational by 2023. The Authority will ensure that all EU labour mobility rules are enforced in a fair, simple and effective manner.

The proposal for a Regulation also affects the social accident insurance institutions, particularly with regard to cross-border cooperation with other institutions and the EESSI electronic data exchange system. The Regulation which coordinates national regulations of the EU Member States concerning social security in cross-border cases is currently being revised; this raises the question of how necessary and proportionate the proposal for an ELA is. In addition to tackling undeclared work, the Authority will also see several bodies of the Administrative Commission brought under one roof. The wide-ranging powers of the ELA raise doubts as to whether this still corresponds to the distribution of competences, in particular to the powers of the Member States in the area of social security. The DGUV will take part in the consultation initiated by the Commission by submitting joint comments via the German Social Insurance.

Web: www.dsv-europa.de

› Statements › Labour and Social Affairs

RECOMMENDED

Guide: '5 Steps towards Participation'



In its Action Plan 2.0 for implementing the UN CRPD, the German Social Accident Insurance resolved to involve persons with disabilities in its decision-making processes and projects. As part of putting the Action Plan into practice, a new brochure has been developed called '5 Steps towards Participation – a guide to involving persons with disabilities in Germany's social accident insurance'. The brochure explains why participation is important and how people with disabilities can, and should, be involved in decision-making processes. The guide is also available as a plain-language version in the DGUV's publication database: 'Guide to Participation – Information in plain language'.

Web: www.dguv.de/publikationen
Order Numbers: 12660, 12697
(German only)

NEWS IN BRIEF

Accident figures: initial trend for 2017

The positive trend in reportable workplace accidents continues. The DGUV's preliminary accident figures for 2017 show that the number of reportable workplace accidents decreased by 0.4% in 2017 to 873,562. However, reportable commuting accidents increased to 190,095 – 2.2% more than in the previous year. There was also an all-time low for the total number of new accident pensions; these fell by 604 cases to 18,244 new accident pensions. After reaching an all-time low in 2016, the number of fatal occupational accidents increased from 424 to 454. There were 282 workers who were the victim of a fatal road accident, which is 29 fewer than in 2016. 'The number of workplace accidents remains at a low level; new accident pensions as a result of a serious accident are declining,' said Dr Joachim Breuer, Director General of the DGUV. 'Although the



The number of reportable workplace accidents continued to decline in 2017.

numbers are pleasing, they also show that we are still a long way from achieving the goal of Vision Zero, a world without occupational accidents and work-related diseases. This is why the DGUV and the social accident insurance institutions have started their new *kommitmentsch* prevention campaign.'

Web: www.dguv.de > **Pressemitteilungen**
(German only)

IMPORTANT DATES

8-9 June 2018
XII Potsdam Occupational Diseases Congress
POTSDAM
www.dguv.de > **Webcode: d96934**

19 June 2018
The Future of Social Security Systems: Developmental Prospects for a Social Europe
BRUSSELS
www.vgv.org > **Terminkalender**

20-22 June 2018
4th Prevention Congress 'Healthy Living and Working'
FILDERSTADT
www.praeventionskongress-2018.de

NUMBER OF THE MONTH

74 948

... suspected cases of an occupational disease were submitted by the social accident insurance institutions in 2017, according to the DGUV's preliminary accident figures. That's 427 fewer cases than in the previous year.

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New EU-OSHA campaign

In April, the European Agency for Safety and Health at Work (EU-OSHA) launched its 'Healthy Workplaces Manage Dangerous Substances' campaign to raise awareness of dangerous substances in the workplace.

Web: More information is available [here](#).

