

DGUV Kompakt

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TOP STORY

Occupational disease law in focus

Self-government Committee presents White Paper on further developing occupational disease law



“More clarity and transparency are needed in the processes of occupational disease law; in addition, the law faces new challenges as a result of changes to the world of work.”

Dr Joachim Breuer,
Director General of the DGUV

Research on occupational diseases: the German Social Accident Insurance wants to set new incentives

For more than 90 years, people suffering an occupational disease have been compensated by statutory accident insurance. In the space of almost a century, German occupational disease law has proven to be a stable foundation for prevention and compensation. Representatives of both employers and employees have now put together a joint proposal for modernising the law and making it more transparent.

German occupational disease law has proven its worth – employees and companies have a reliable partner in the German Social Accident Insurance. Nevertheless, there has been criticism of occupational disease law. Both politicians and the general public have expressed their concerns to the German social accident insurance institutions. “Some of this criticism can be refuted quickly, but more clarity and transparency are needed in the processes of occupational disease law; in addition, the law faces new challenges as a result of changes to the

world of work”, said Dr Joachim Breuer, Director General of the DGUV.

Therefore, the DGUV’s Self-government Committee, which represents both employers and employees, has drawn up proposals in five areas on how to further develop occupational disease law. They are summarised in a White Paper and have been passed on to the Federal Government. The Self-government Committee has proposed various amendments including transparency of the law and how insured persons are administratively handled. One suggestion for this is

to legislate the Medical Advisory Committee for Occupational Diseases (ÄSVB). The ÄSVB advises the Federal Government on decisions regarding new occupational diseases. Other suggestions focus on improvements to identifying the cause of diseases, rules on retroactivity and more intensive research.

The White Paper does not question the fundamentals behind German occupational disease law. According to these, German statutory accident insurance takes on employer liability for damage to health caused by work. This “causality principle” remains a presupposition for the services offered by statutory accident insurance. Breuer also points out that the proposed amendments represent a balanced solution which takes into account the complexity of this legal area. “There is consensus between employers and employees that these suggestions are an excellent foundation for further developing occupational disease law.” Policy makers can now build on this foundation.

For more on this topic, see Interview starting Page 2

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



The year that was

Dear reader,

Another year is already over – and what a year it was! It feels like the events in the last twelve months were enough for five years. There were so many landmark events including Brexit, the EU crisis and the election in the USA. But the unstable situation in the world and the flood of refugees have also left their mark. All of these events are directly or indirectly relevant to the German Social Accident Insurance and we have been trying to assist in a variety of ways. For example, by providing information to people who help refugees or by assisting emerging countries to establish occupational safety and health as well as social security. But we have also set challenges for our own work. For example, we have presented suggestions for the further development of occupational disease law, set up research projects and developed proposals for Prevention 4.0 in response to changes in the world of work. Together with our partners, we continue to work on and promote an inclusive working world with comprehensive participation. And with the introduction of digital payroll statements, we have started a new chapter in the digitalisation of administrative processes. These issues and many more will continue to be part of our lives in 2017 – we're working on them and are committed to finding the best possible solutions.

Dr Joachim Breuer
Director General of the DGUV

“Evolution, not revolution”

Talking with DGUV Chairmen Dr Rainhardt von Leoprechting and Manfred Wirsch

The Self-government Committee of the German social accident insurance institutions has proposed that the German legislature further develop German occupational disease law. Employer and employee representatives made this decision at the DGUV Members' Meeting at the start of December 2016. We spoke with DGUV Chairmen Dr Rainhardt von Leoprechting (representing employers) and Manfred Wirsch (representing employees) about the proposed changes and the background behind them.

Mr Wirsch, Dr von Leoprechting, the Self-government Committee of the German social accident insurance institutions is advocating for changes to occupational diseases legislation. What is the background to this?

Wirsch: Occupational disease law has long followed in the wake of the debate on social policy. However, awareness of this area of social legislation has grown recently. Various groups have expressed their opinions regarding which problems exist and which solutions are possible: unions, employer associations, doctors, scientists and political parties. Of course, we have also spoken about this in the Self-government Committee. The results of which are now available.

What changes has the self-government proposed?

von Leoprechting: We have made suggestions in five areas: exposure assessment, forced occupational abstinence, retroactivity, research and the Medical Advisory Committee for Occupational Diseases. We have very specific proposals for what a solution might look like. These go as far as proposing how legislation can be formulated.

Wirsch: It is important to know that we are talking about further developing the existing system. We don't want to do away with regulations which we believe have proven to be effective. These include causal relationship, that is, proof that exercising a profession has caused a disease, and the List of Occupational Diseases, which clearly regulates which illnesses can be recognised as an occupational disease. Our solution builds on the existing foundation.

von Leoprechting: Our focus is on evolution, not revolution.

You spoke about exposure assessment. This has often been a point of discussion in recent years. Critics are of the belief that it is impossible to establish, decades later, the extent to which an insured person was exposed to a hazardous substance such as asbestos in their work environment?

Wirsch: Exposure assessment after such a long period of time is undoubtedly difficult. But there are ways to do this when the actual workplace no longer exists, for example, by using an exposure registry which describes strain and exposure for comparable jobs in comparable work environments. We want to further ease the burden of proof – but this process must also be legally legitimised. Not only because of rules concerning proof in the administrative process but also due to data protection. We believe that we can achieve more by going in this direction and implementing other quality assurance measures, than we could with radical demands.

The Self-Government Committee is also calling for the concept of forced occupational abstinence to be abandoned. What does that mean?

Wirsch: Forced occupational abstinence only affects nine occupational diseases. But these nine account for half of all cases. This is a special situation for acknowledging an occupational disease; the insured person must be so seriously ill that they must abstain from their job completely. Only then can their case be officially recognised as an occupational disease.



Photograph: Lucasz80 / Fotolia

Exposure assessment: it can be a problem to determine, decades later, the degree to which an insured person was exposed to a hazardous substance at work such as asbestos

von Leoprechting: But it would be better if it didn't go this far at all. There is a lot that can be done in these cases in order to maintain the person's capacity to work. Alternatively, their work can be rearranged so that the causes of the disease are reduced to such a degree that the person can continue to work in their profession – both of these also benefit the employer.

Wirsch: Forced occupational abstinence results in a paradox: the insured person can continue to do their job but now the illness is no longer recognised as an occupational disease because they would have to give up their job in order for this to happen. This is not easy to comprehend. At the same time, the courts constantly question the legality of insurance requirements because individual cases can have disproportionate consequences. For example, when unemployment is pre-programmed for older workers.

But isn't there a risk that people will continue to put themselves in harm's way?

Wirsch: For the majority of people this is definitely not the case. Most people want to stay healthy.

von Leoprechting: And for those cases where people, for whatever reason, don't protect themselves we want to put in place a duty to collaborate in preventive measures, similar to that which already exists for rehabilitation in Book I of the German Social Code.

What happens next?

von Leoprechting: Firstly, we have given the policy makers our proposals in the form of a White Paper. We hope that Parliament and the Government will use it as a guideline for legislation.

Wirsch: Which follows the proven motto: "Self-governance has priority".



Photograph: DGUV

Dr Rainhardt von Leoprechting and Manfred Wirsch
DGUV Chairmen

TOPIC

Pilot project: accident insurance for civil servants

Starting 1 January 2017, the German Social Accident Insurance Institution of the Federal Government and for the railway services (UVB) has a new area of responsibility. As part of a four-year pilot project, the UVB will take on the majority of accident insurance duties for federal civil servants and judges in certain parts of the federal administration, namely the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Social Court, the Federal Labour Court, the Federal Institute for Occupational Safety and Health (BAuA), the Federal Insurance Office (BVA) and the Federal Employment Agency.

"As an accident insurance provider, I'm very pleased that we can take on such a duty", said Bernhard Schneider, Chairman of the UVB Management Board. The primary objective is to make use of the tried and tested structures and instruments of the German social accident insurance system, together with the experience and specialised ability of the UVB concerning the provision of accident medical treatment, in order to offer accident insurance for civil servants. Schneider further said, "I am sure that this project has a future beyond its initial four years and can serve as a model for other accident insurance institutions." As part of the pilot project, the UVB will make decisions regarding official recognition of accidents in the civil service, acceptance of medical expenses, compensation of material damage including recourse, and regarding any other discrepancies. Only early retirement due to an accident and provisions for surviving dependents following a fatal accident remain with the employer. During treatment, the UVB will advise and look after the insured person and even take on the complete monitoring and management of the treatment. "Injured persons can decide for themselves whether they want to take advantage of the advice and care we offer. Naturally we inform the insured person about this in advance so that everything runs smoothly", said Schneider.

Web: www.uv-bund-bahn.de/dienstunfall
(German only)

RECOMMENDED

Explanatory video on new procedure for payroll statements

Payroll statements for statutory accident insurance have gone digital. As of 1 January 2017, member companies have also started sending their payroll statements conveniently via their payroll software to their accident insurance institution. How does it work exactly? What do employers have to keep in mind during the two-year transitional phase? And what are the advantages of the new procedure? The most important information is explained in a short three-minute video. Every step from reconciling company data through to digitally transmitting payroll statements is covered and explained.

The video and additional information about the new procedure for payroll statements can be found online at:
Web: www.dguv.de (Webcode: d981926)
(German only)



Screenshots: DGUV

Screenshots of the explanatory video on the new procedure for payroll statements

IMPORTANT DATES

17-18 January 2017
Working Hours Conference
BERLIN
www.dgb.de > Termine

14 February 2017
“What are the framework conditions for the platform economy?”
BERLIN
www.fes.de/wiso > Veranstaltungen

8-9 March 2017
Occupational Health and Safety Day
FELLBACH
www.dguv.de > Veranstaltungen

13-14 March 2017
11th iga.Colloquium
DRESDEN
www.dguv.de > Veranstaltungen

NUMBER OF THE MONTH

77,177

reportable workplace accidents ...
... occurred in companies in July. Followed by October, July was the month with the most reportable workplace accidents in companies in 2015.

LEGAL INFORMATION

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NEWS IN BRIEF

Dr Joachim Breuer new ISSA President

During the World Social Security Forum in Panama, Dr Joachim Breuer, Director General of the DGUV, was elected as 16th President of the International Social Security Association (ISSA) on 18 November. Prior to his presidency, Dr Breuer was already a member of the ISSA Bureau and Chairperson of the ISSA Technical Commission on Insurance against Employment Accidents and Occupational Diseases. “I am delighted and proud to be able to take on the office of president. I am convinced that social security must play a stronger role in a world of growing extremes”, said Breuer. The ISSA is the world’s leading international organisation for institutions, government departments and agencies which deal with social security. It promotes excellence in social securi-



Photograph: ISSA

ty through guidelines which reflect internationally recognised professional standards and through the exchange of expert knowledge between member organisations. This is done via ISSA’s Centre for Excellence and other services it provides. The Association analyses trends and challenges for social security administrations and coordinates research in various key areas that are of relevance to the more than 334 member organisations from 158 countries.

Web: www.issa.int

German Paralympic Media Award: Application deadline extended

► All journalistic contributions on the topic of disabled sports can still be submitted until 23 January 2017. The GPMA will be presented in Berlin on 29 March 2017 across five categories: print, photography, TV/Film, radio and online/social media.

Web: www.dguv.de/gpma (German only)

