

Experience on Occupational Safety and Health in Europe and Germany

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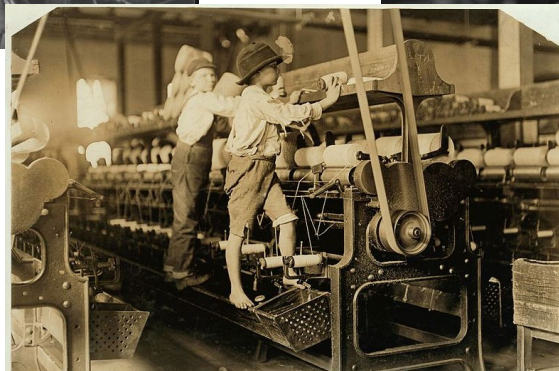
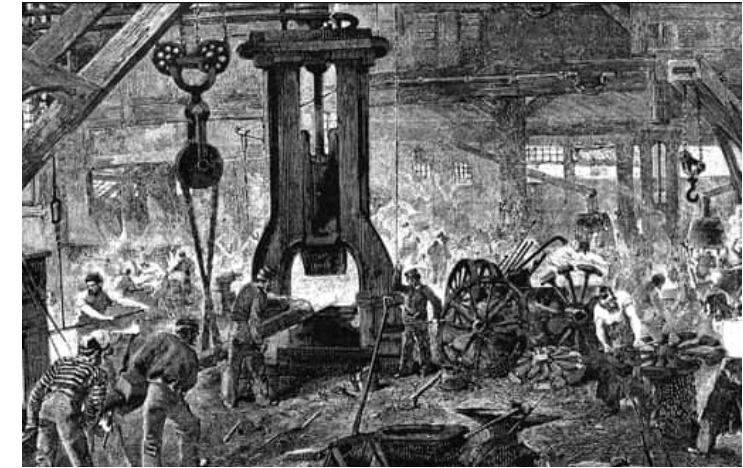
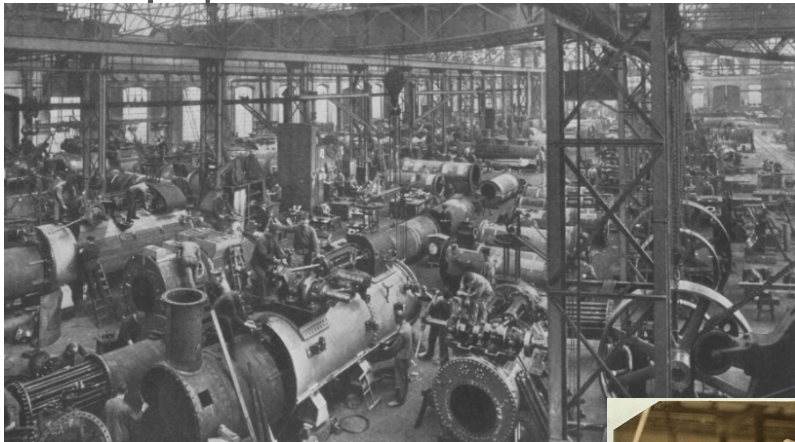
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Dr. Sven Timm, DGUV - ISSA Information, Germany

National Law School India, University of Bhopal, 25.03.2022

Working conditions in Europe in the 19th century

- At the beginning the main issues were too long working hours, hazardous machinery, and child



Need to improve working conditions

- Moral reasoning
- Mortality rates of men, women and children were too high
- Labour movement started
- First legal provisions (UK Factories Act, 1802)
 - Cotton Mills, etc. Act 1819
 - Labour in Cotton Mills Act 1831
 - Labour of Children, etc., in Factories Act 1833
- Europe / Germany
 - Prussian Regulative, 1839
 - Trade Regulations, 1883
 - Health, accident and pension Insurance in Germany, Bismarck 1883



ILO and EU



- International Labour Organization (ILO), founded 1919, has set international standards for workers' protection and has provided practical information about the world's labour problems
- Many ILO Conventions and Recommendations concern safety, health and conditions of work
- ILO is the only tripartite UN agency with government, employer and worker representatives from 189 member states
- The most labour legislation in European countries today is based on the ILO Conventions and Recommendations
- EU – start with EU Treaty of Rome 1957, amended social policy with Single European Act 1987, formal EU birth with Treaty of Lisbon 2009

European Union (EU)

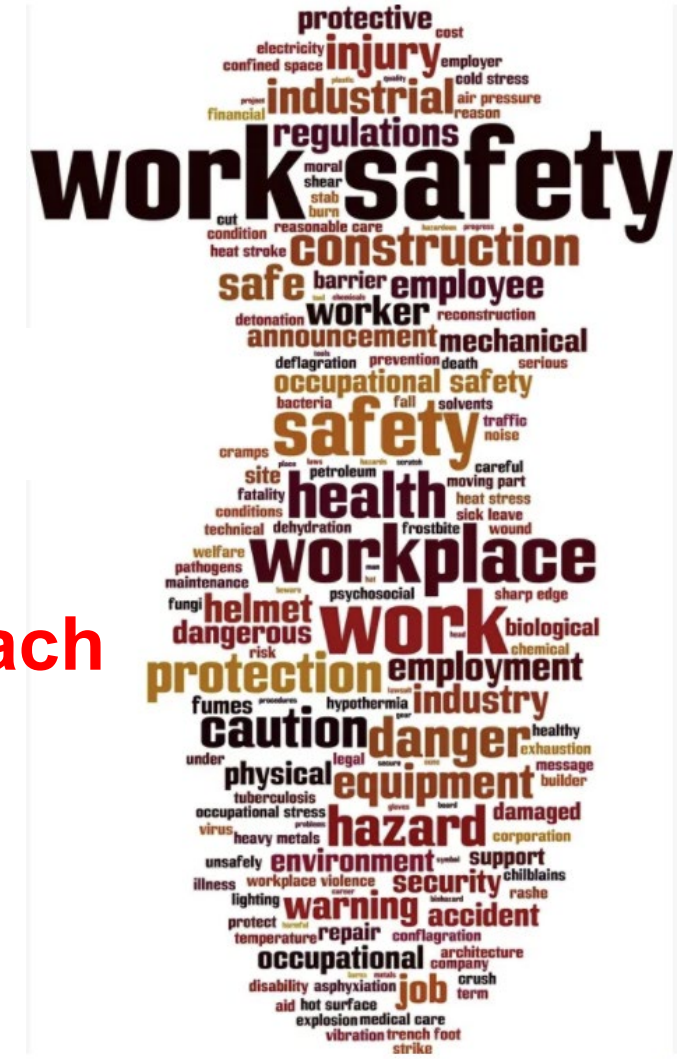


- 448 million people
- 27 countries
- confederation of autonomous states
- Principles
 - Human dignity
 - Freedom to travel, work, invest and choose place of residence within the EU
 - Democracy
 - Equality
 - Rule of law
 - Human rights

Technical Harmonisation

- 1983: Directive 98/34/EC on information procedure for technical standards and regulations.
- Council Resolution of 7 May 1985 on “New Approach”
- Council Resolution of 21 Dec 1989 on “Global Approach”
- Council Decision 93/465/EEC on the “modules” for conformity assessment

OSH – risk- based approach



New Approach

PRINCIPLES OF STRUCTURE OF NEW OSH LEGISLATION

The First level:

Framework Directive

What is required; Tools

The Second level:

Individual Directives

How it shall be fulfilled

The Third level:

Standards

Non Binding Guidelines and/or

Details of measures

Two packages of OSH Legislation

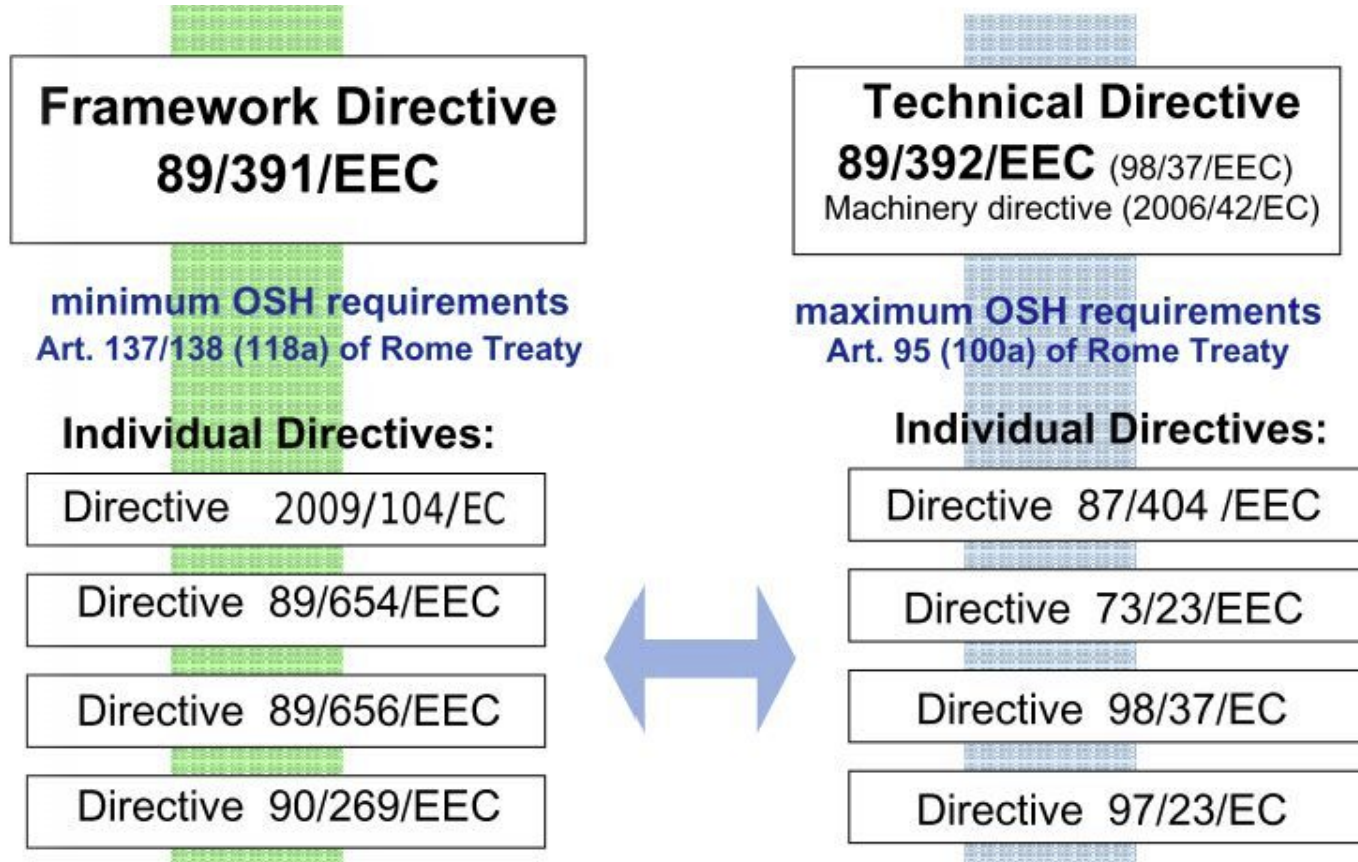
Working (for employers)

Technical

(for designers and producers)



Acquis communautaire - Common body of legal rights



EU Framework Directive (89/391/EEC)

The European Union (EU) establishes a set of base rules in order to protect the health and safety of workers.

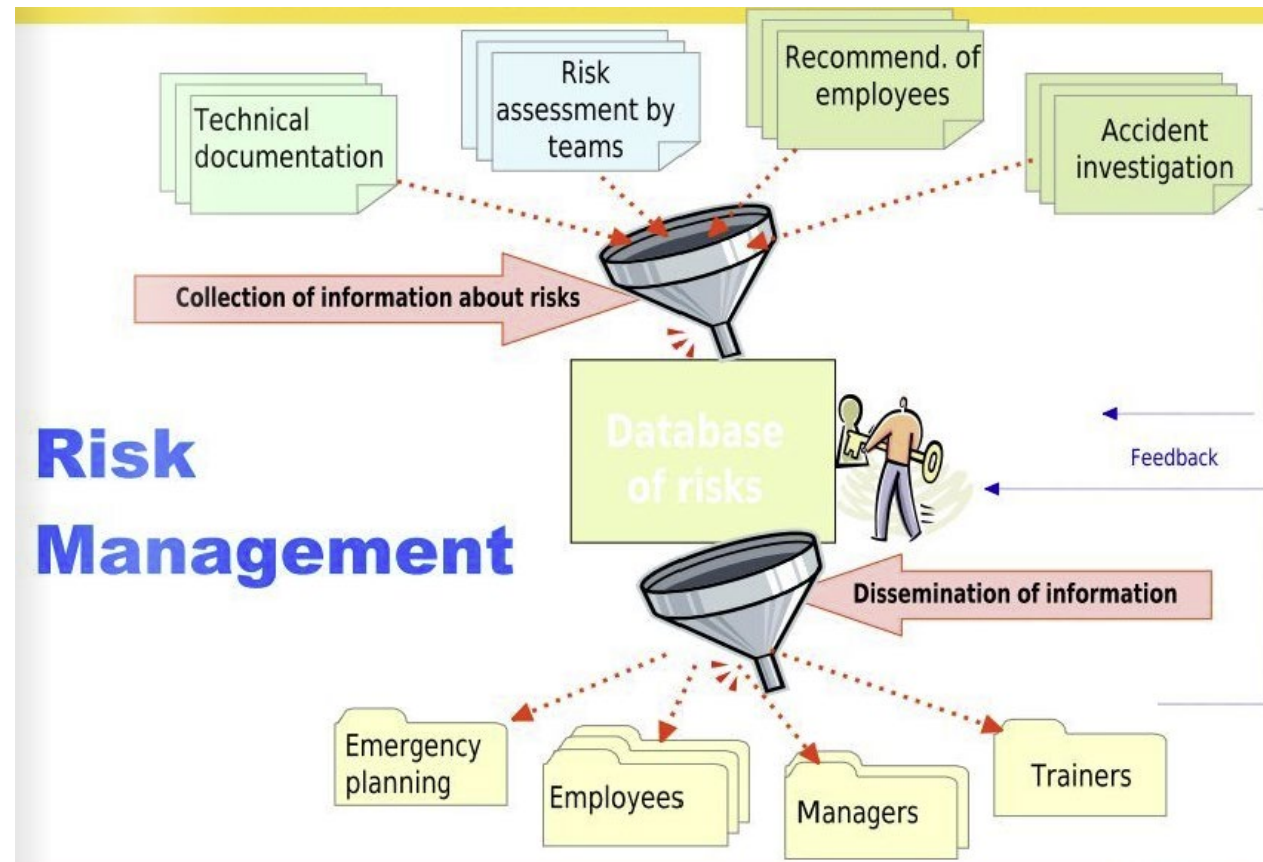
To this end, this Directive establishes obligations for:

employers and workers, in particular to limit accidents at work and occupational diseases.

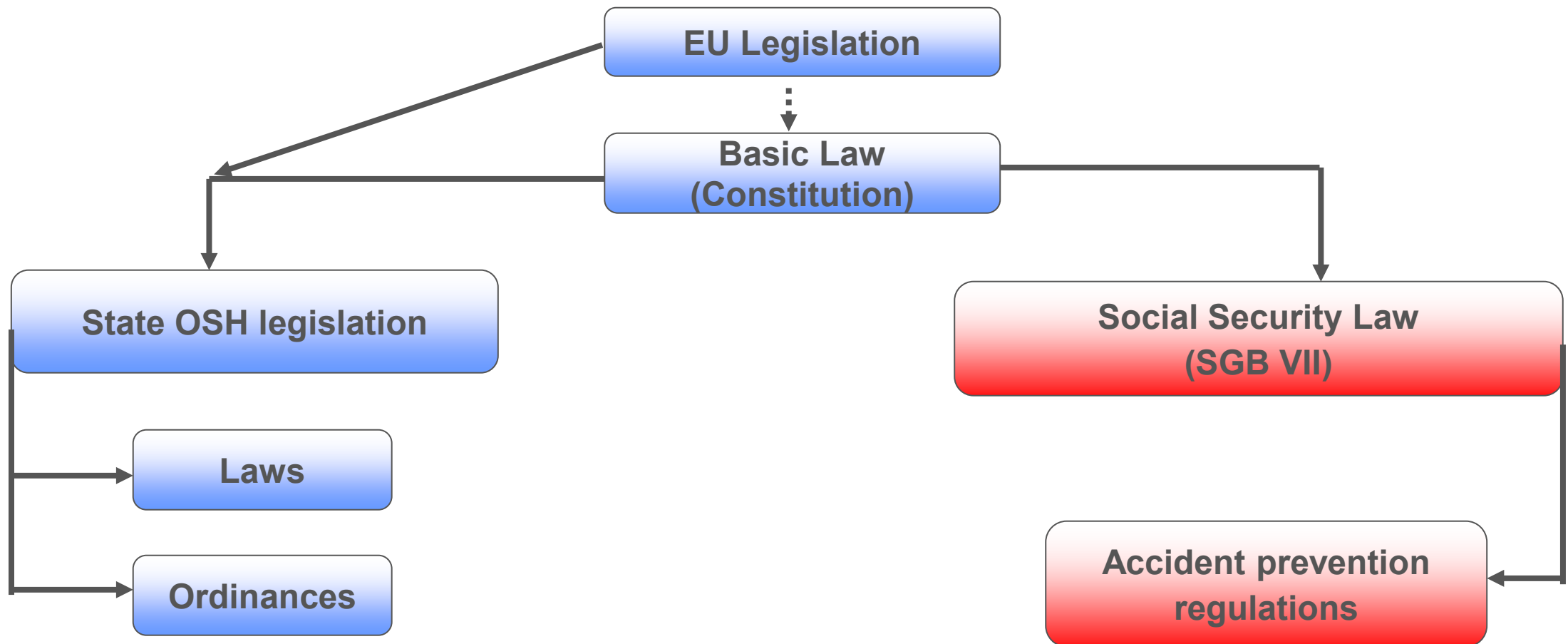
to improve the training, information and consultation of workers.



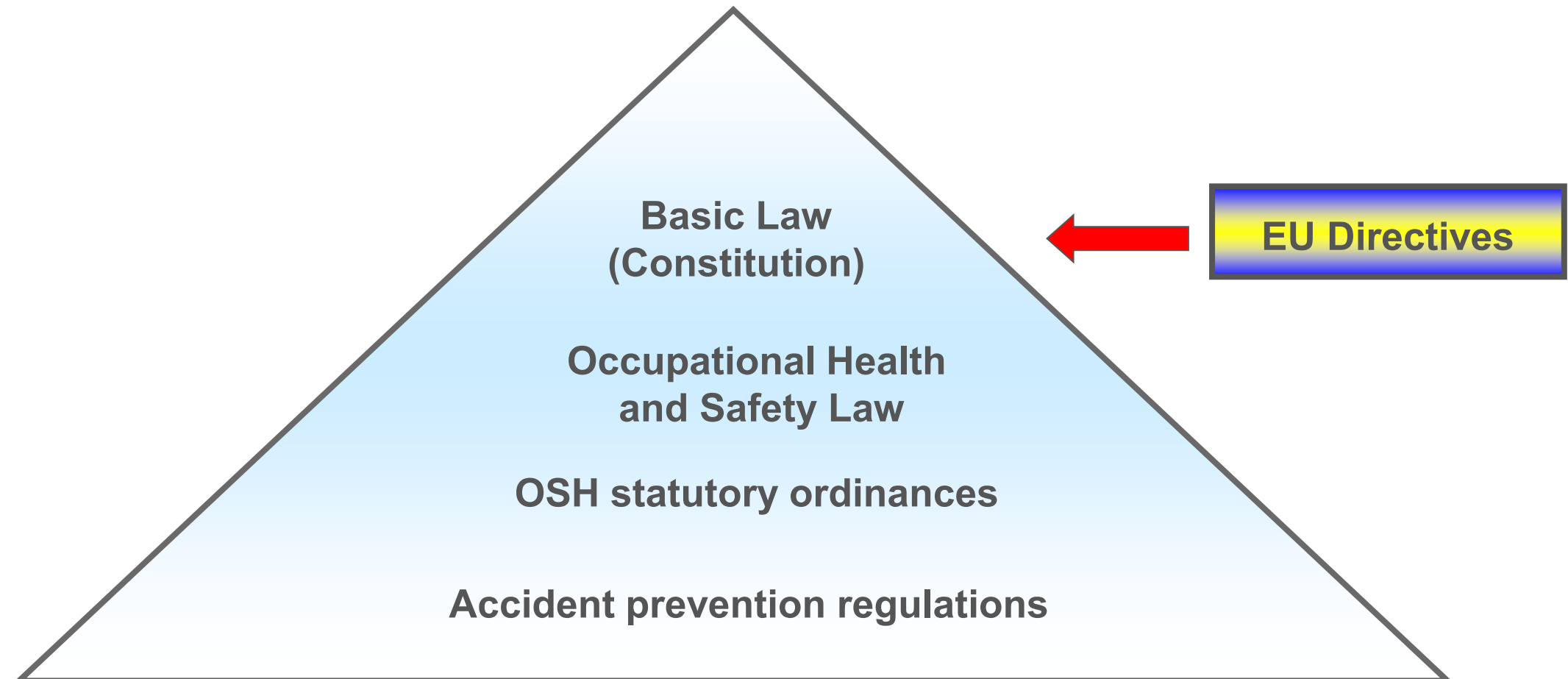
Universal approach: Risk Assessment



OSH legislation and regulation in Germany

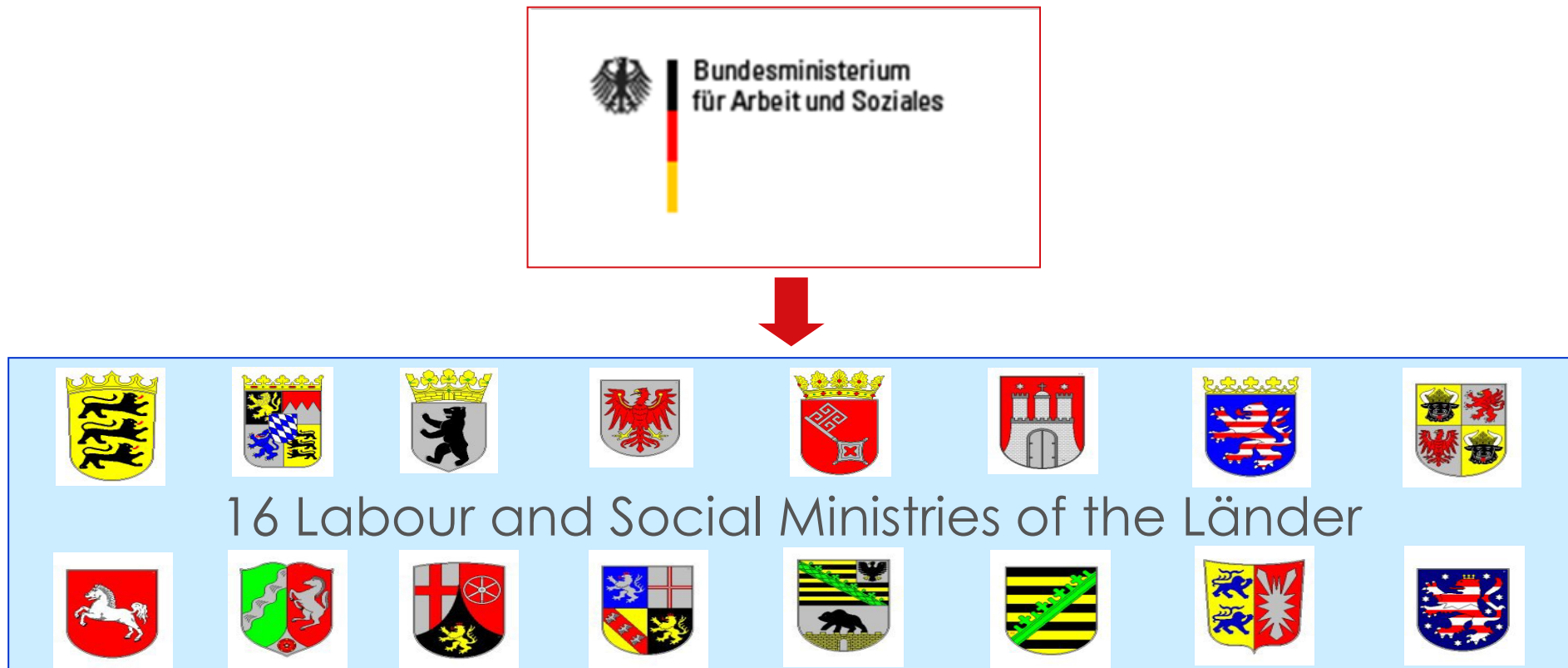


Germany: Legislative pyramid concerning OSH

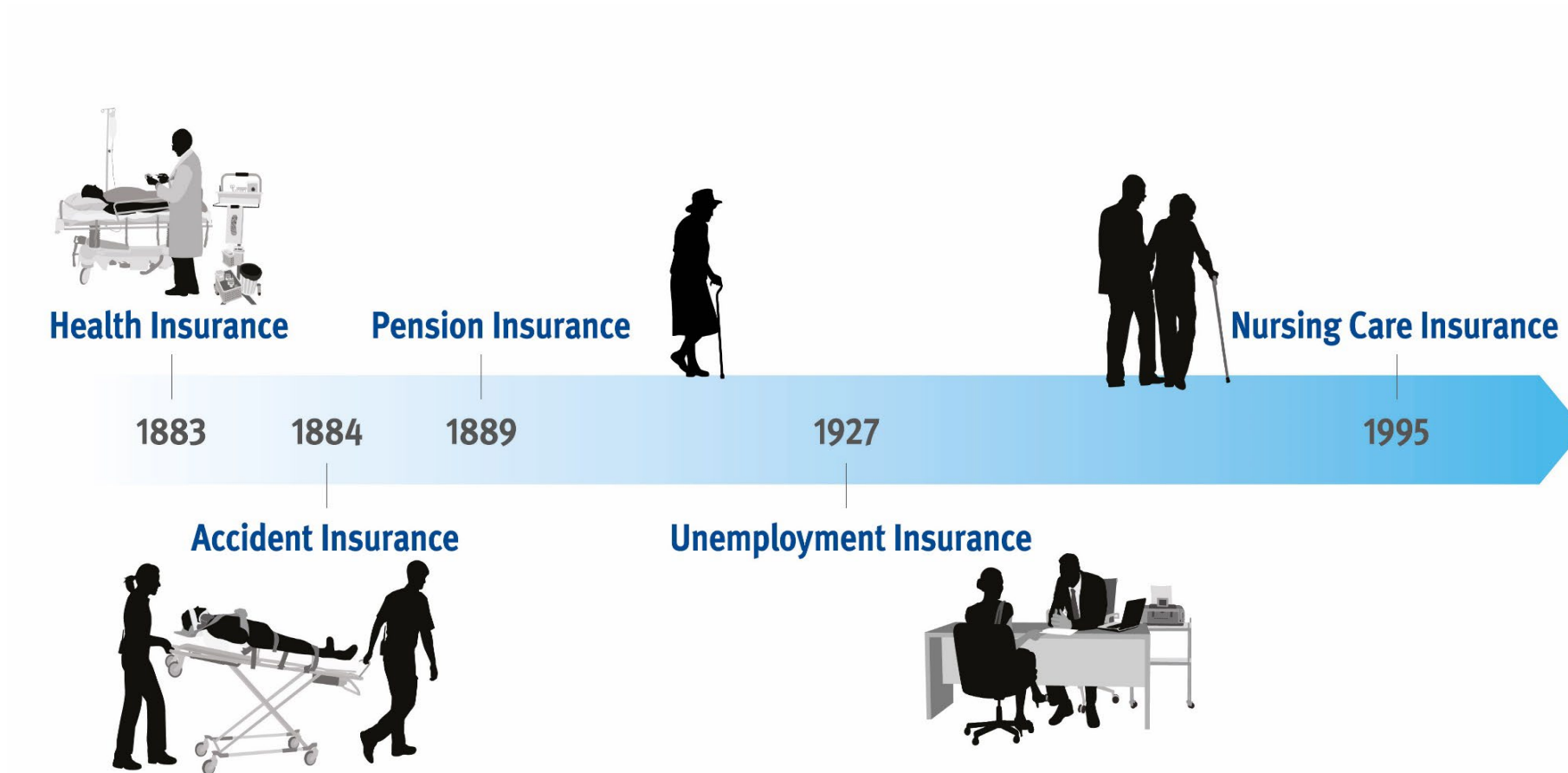


OSH stakeholders in Germany

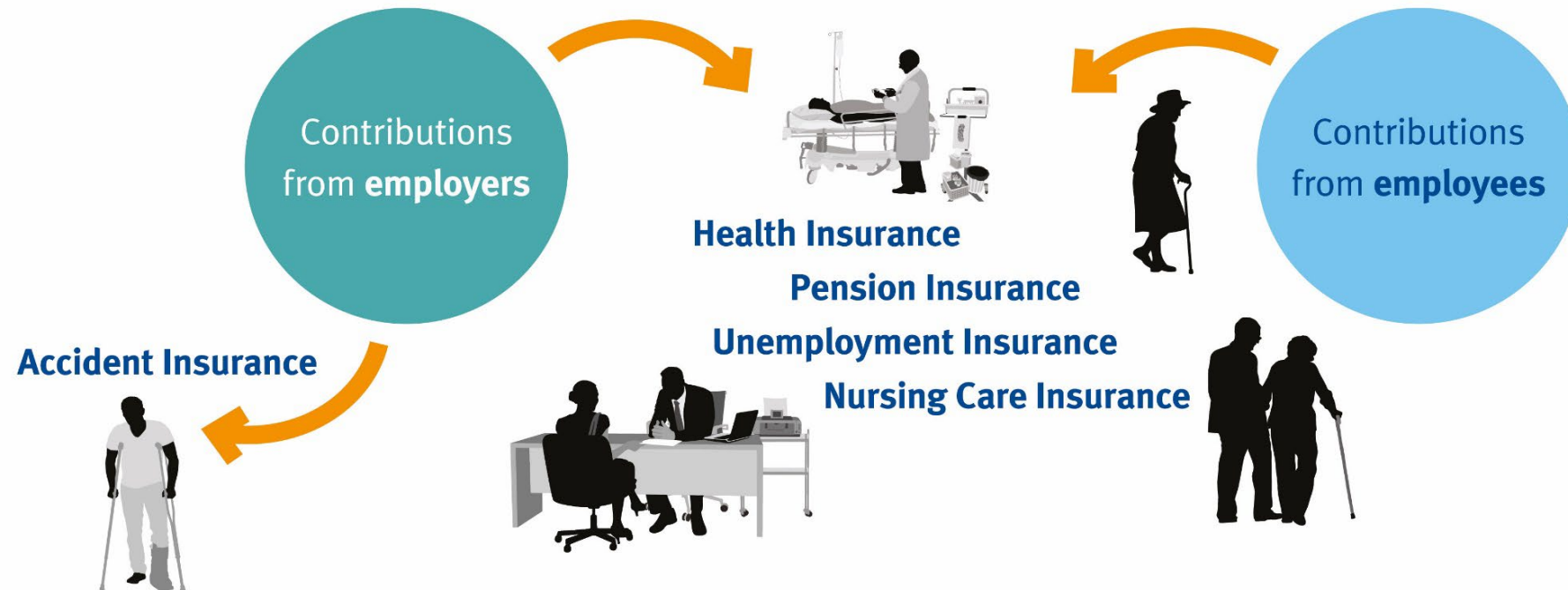
- State authorities:



The different Social Security Schemes



The different Social Security Schemes



Statutory Accident Insurance in Germany

- Statutory accident insurance and prevention schemes and institutions in different economic sectors



SVLFG - Agricultural social (accident) insurance



Social accident insurance institutions
for industry and trade and for the public sector

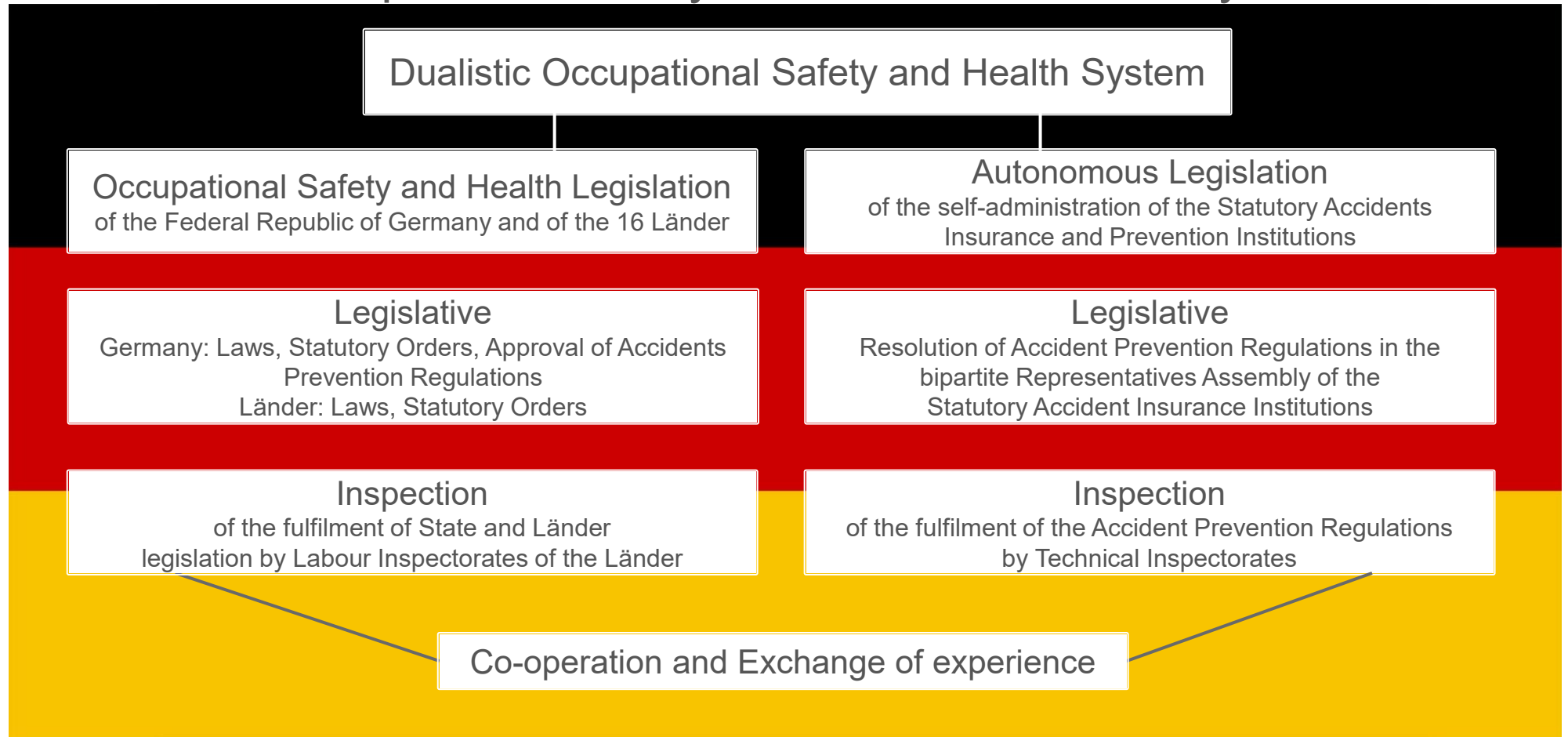
Overview



EU Directives



Occupational Safety and Health in Germany



Prevention: Dualism in German OSH system

1. Non-enterprise OSH

State: Laws, Statutory Ordinances

- e.g. Work Places Ordinance, Plant Safety Law
about 3,000 Labour Inspectors of Länder authorities

BGs/UKs: Accident Prevention Regulations (UVV)

- Autonomous right (§15 SGB VII)
- UVV, fulfilled and explained by corresponding „Guidelines“
- About 2,200 social accident insurance inspectors
~400 soc. acc. ins. inspectors of the agricultural sector
- ~2,000 prevention expert staff for consultation and assessment

Connected: Social accident insurance institutions can survey state laws and ordinances

Prevention: Dualism in German OSH system

2. OSH within enterprises

Employers: occupational doctors (hired/employed)
safety experts (~81,000; hired/employed)

Enterprises: enterprises with more than 20 employees:
Safety representatives (more than 558,000);
First-aiders (more than 1,807,000)

Workers council: co-surveillance and co-designing

German OSH concept: responsibilities and requirements

Employer

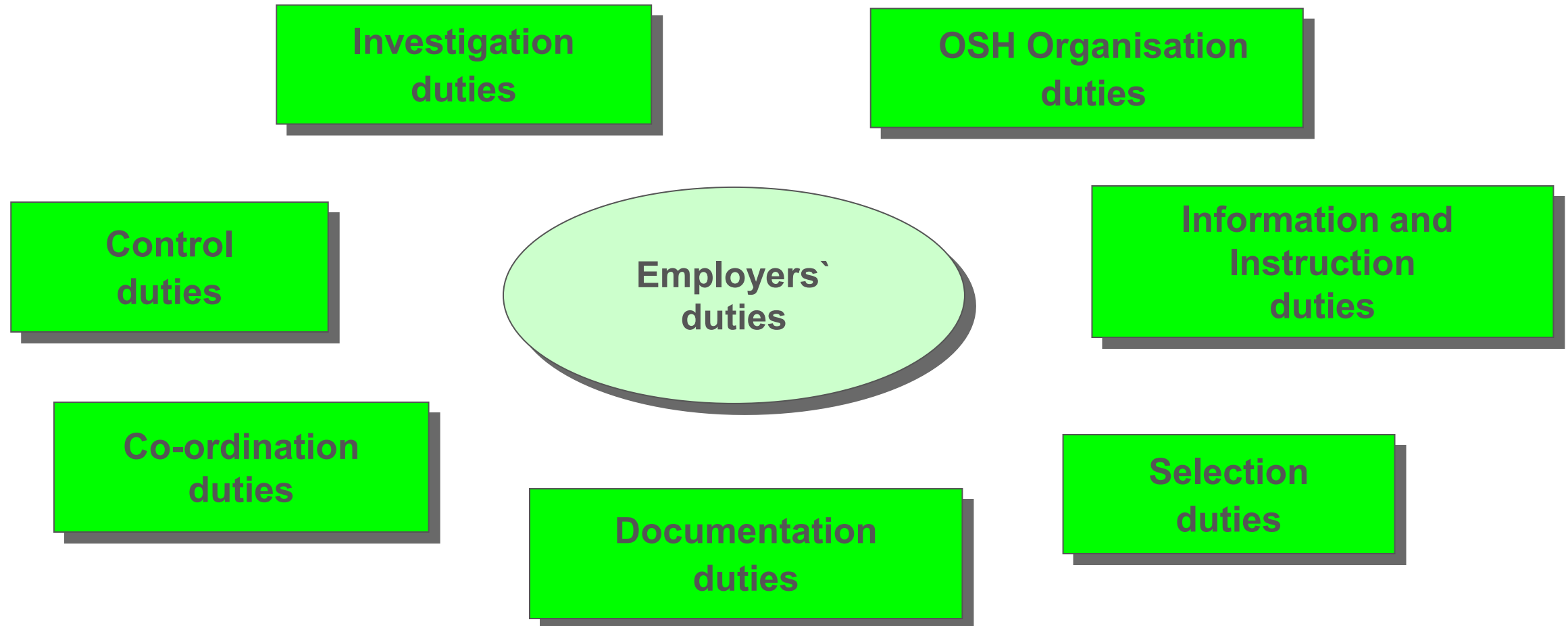


- High level of responsibility
- High flexibility
- Enterprise specific execution of measures
- Changed certainty of the law
(lack of concrete guidelines/levels, more abstract protection target-oriented legislation)
- High information requirements

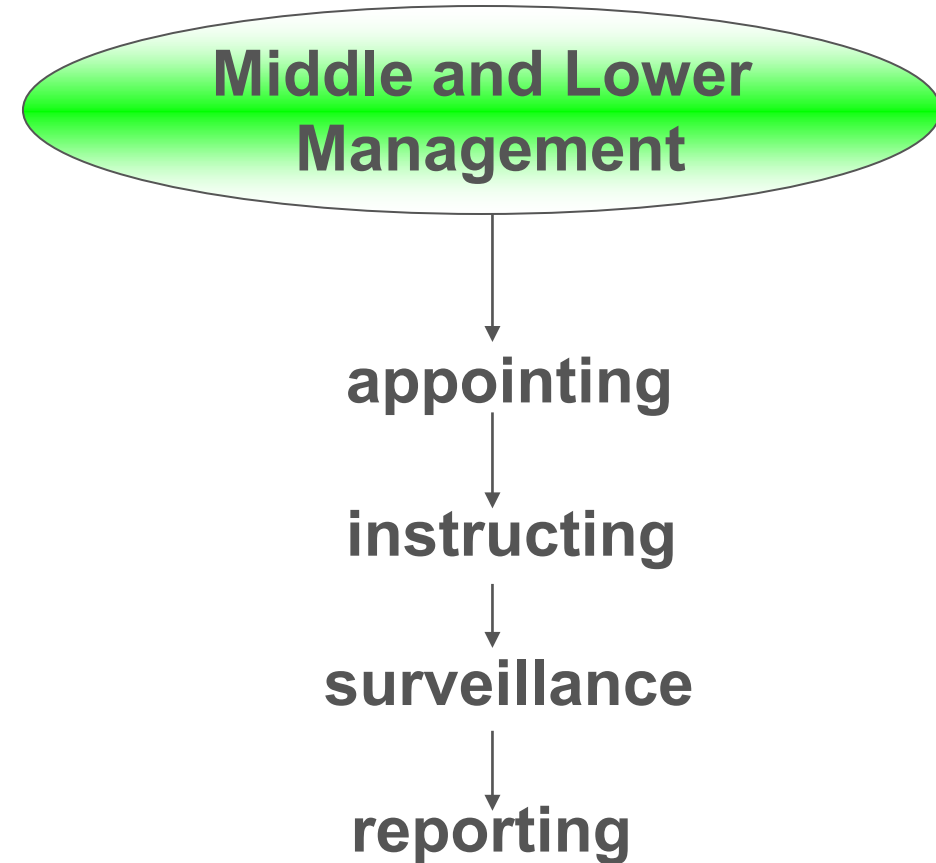
OSH authorities

- High consultation need
- Individual, practice-oriented consultation
- High consultation quality

Duties of employers: Basic duties



Management duties on OSH



Key duty within OSH legislation: Risk assessments

Seven steps of **risk analysis**:

- **Identification** of the risks at the workplace
- Identification of the **persons who are exposed** to these risks
- **Assessment and evaluation of the degree of endangering** of the identified risks according to laws, regulations and good practice guidelines
- Decision if **measures** are necessary and in consequence on suitable protection measures
- **Ranking of the protection measures** according to priority
- **Execution** of the assessed protection measures
- **Evaluation** of the efficiency of the protection measures

Risk assessment

Risk assessments and evaluation within the enterprise can be executed

- by external commercial services/consulters

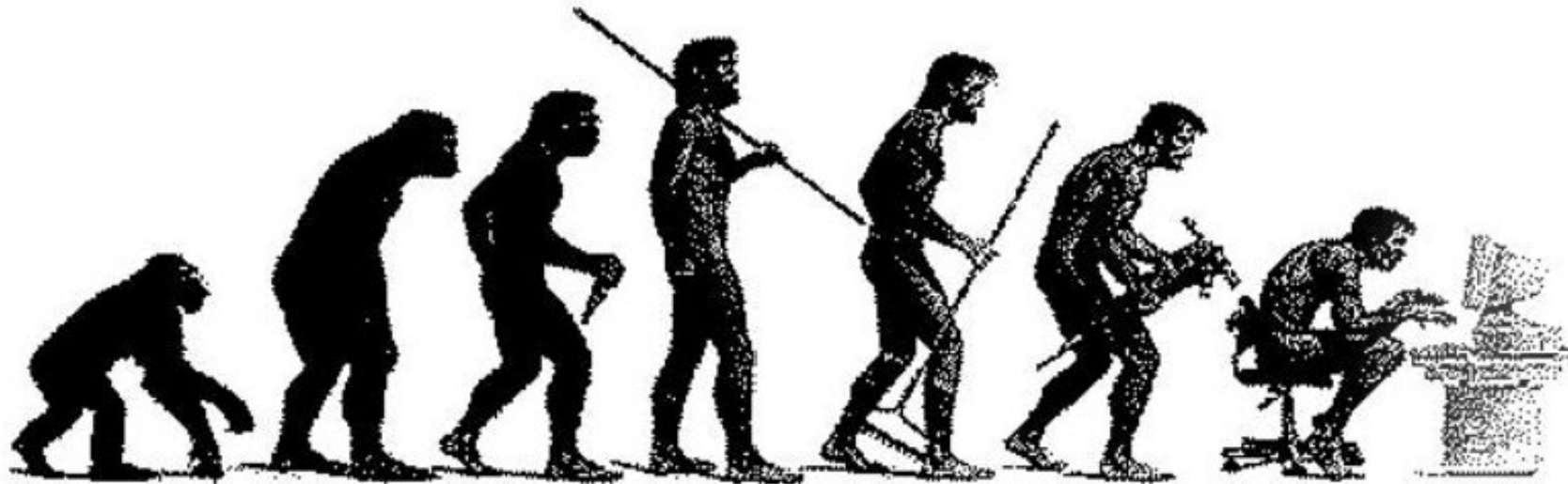
or

- by internal safety experts

The employer has to pay for all OSH means and measures!

- Companies have to document the risk analysis, evaluation and occasioned measures.

Labour is a human activity, which has formed his evolution



Labour can ennoble a man -
- but it can degenerate him, as well

VISION ZERO

Safety.Health.Wellbeing.

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Thank you for your attention.

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