

# ***Occupational Health and Safety and Workplace Health Promotion in Germany***

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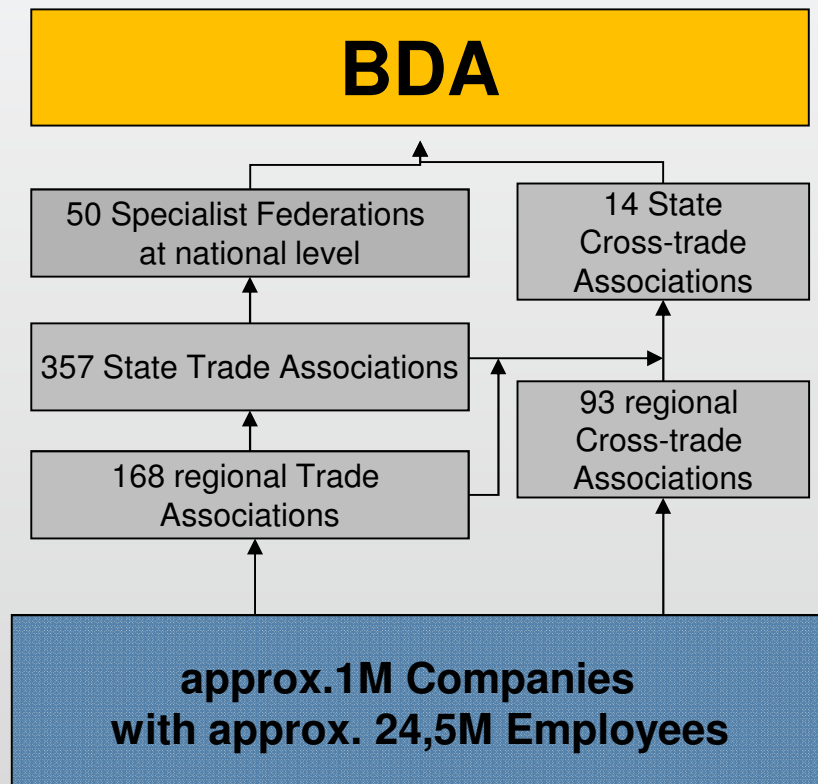
***Employer Representative***

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## ***Occupational Health and Safety and Workplace Health Promotion in Germany***

- I. What is the BDA (Confederation of German Employers' Associations)?
- II. How does occupational safety and health (OSH) in Germany „work“ and what benefits can the companies get from good OSH?
- III. Workplace Health Promotion – motivation and economic incentives for employers
- IV. Conclusions

## Confederation of German Employers' Associations (BDA)



### BDA's missions:

- Representation of business interests in the field of social policy (central mission)
- Engagement in the work of committees at national, European and international level, in expert hearings, in social insurance self-administration bodies
- Discussion partner for its members, the general public, German government and German parliament on all issues linked to social and pay policy, labour law, education personnel and society policy
- Organisation and moderation of cross-sectoral and country-wide consensus between its' members

## ***II. Occupational Health and Safety (OHS) in Germany***

- Health and safety regulations can be found in various laws and regulations of the State and in accident prevention regulations of the Social Accident Insurance
- The State regulations are increasingly based on EU directive
- The Statutory Accident Insurance has a supplementary rulebook. It consists of accident prevention regulations (binding for the companies), rules and information.
- All companies in Germany have to be member of a Statutory Accident Insurance (Berufsgenossenschaft: German Social Accident Insurance Institutions for trade and industry)

## *II. Occupational Health and Safety (OHS) in Germany*

German Social Accident Insurance Institutions cover:

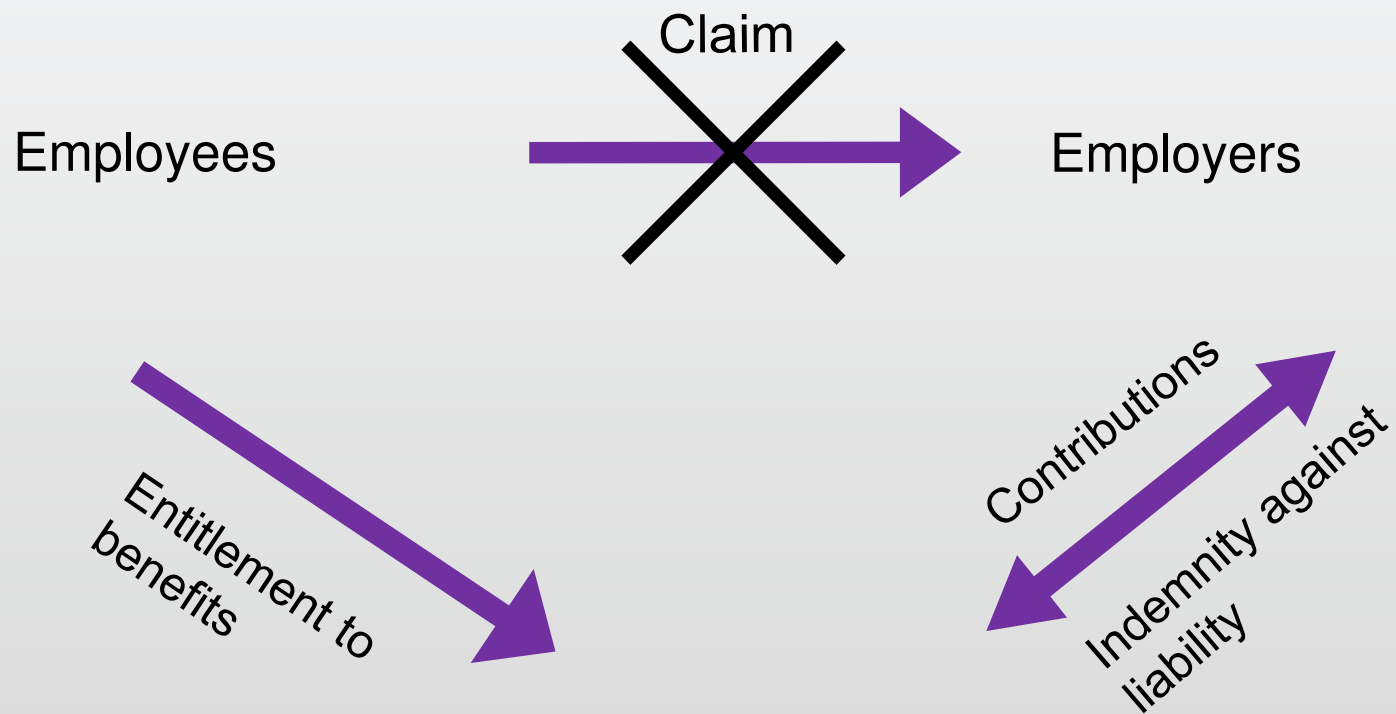
- occupational accidents
- commuting accidents
- occupational diseases

The contributions

- are entirely paid by employers
- Average rate: 1.21 % of companies payroll (range from 0.7 to 8 %)
- Amount depends on size of the payroll, sector of industry and risk class

## II. Occupational Health and Safety (OHS) in Germany

### **Employer's Liability:**



## *II. Occupational Health and Safety (OHS) in Germany*

Legal Mandate of the Accident Insurance Institutions:

The German Social Accident Insurance Institutions are to:

- prevent occupational accidents, occupational diseases and work-related health hazards “with all suitable means”;
- restore the health and performance of the insured “with all suitable means” after an occupational accident or an occupational disease;
- award monetary compensation to the insured or their surviving dependants.

## *II. Occupational Health and Safety (OHS) in Germany*

- Responsibilities and Targets of Prevention
  - To promote safety and health at work
    - To **reduce risks** for life and health
    - To **make** unavoidable **risks controllable**
    - To **support** the employer or institution **with advice** in the field of occupational health and safety



## *II. Occupational Health and Safety (OHS) in Germany*

To promote Occupational Health and Safety the members of the German Social Accident Insurance have developed an extensive catalog of measures:

- **incentive systems**
- consultation
- supervision by occupational physicians and OSH professionals
- assessment
- research, development and pilot projects
- information on consultation
- testing and certification
- set of rules and regulations
- qualification
- supervision inclusive of event-related consultation

## *II. Occupational Health and Safety (OHS) in Germany*

- Incentive systems – possibilities according to the Code of Social Law:
  - Despite from non-monetary benefits for companies who have safe and healthy working conditions, companies can also get monetary benefits from their Statutory Accident Insurance
  - The Statutory Accident Insurance has according to the Code of Social law (§ 162 SGB VII) two possibilities how they can give monetary benefits to companies with good OHS:
    - Awards for companies with prevention measures, which go beyond what the occupational health and safety laws usually require

## *II. Occupational Health and Safety (OHS) in Germany*

- Premium discounts for the premium to the Statutory Accident Insurance (e.g.: premium discount for a company which has less occupational accidents than the average of similar companies in their sector).
- The Statutory Accident Insurance with their self-administration (representatives of the employers and the employees) can decide on their own, for what measures in the field of health and safety they want to give awards or premium discounts.

## ***II. Occupational Health and Safety (OHS) in Germany***

- OHS is very important for German companies
- Health and safety at work are essential components of the legal obligation of the employer
- Healthy and safe working conditions avoid damage to the employees' health, enhances its images, improve business operations and processes, avoid costs of medical treatment, wage replacement costs and pensions for the social system and can bring awards or reduce the premium for the Statutory Accident Insurance
- OHS brings benefits for both: the employees' and the employers

### *III. Workplace Health Promotion (WHP)*

- Workplace Health Promotion (WHP) is – in contrast to occupational health and safety – voluntary for the companies in Germany.
- Measures concerning WHP go beyond what is required by health and safety legislation. They are voluntary for the employers to offer and voluntary for the employees to take part. And the German employers want them to stay voluntary.
- The statutory health insurance funds are legally bound to provide WHP services which cover activities such as:
  - Analyzing the companies' health situation
  - Developing proposals for its' improvement
  - Supporting the implementation of suggested measures.

### *III. Workplace Health Promotion (WHP)*

- In 2014 German health insurance funds spent 54 Mio. Euro on WHP measures.
- Since July 2015 there is a new law in Germany: The Preventive Health Care Act
  - Strengthens the basis for enhanced co-operation among social security institutions, the federal states and the local authorities in the areas of prevention and health promotion
  - The health insurance funds have to spend more money on prevention (starting from 2016):
    - 7 Euro per year and member for prevention measures
    - 2 Euro there off for WHP measures

### *III. Workplace Health Promotion (WHP)*

- A lot of employers conduct WHP measures. The number is increasing. And – in general - the bigger the company, the more WHP measures are usually offered.
  
- Great variety of measures, e.g.:
  - Campaigns concerning drug and alcohol abuse
  - Providing healthy food options in canteens
  - Programs for a healthy back, stress management
  - Health Checks
  - Encouraging employees to exercise during the lunch break
  - Supporting employees to join a gym or sports club

### *III. Workplace Health Promotion (WHP)*

- Benefits of WHP:
  - Increased productivity
  - Improved employee satisfaction
  - Fewer absences from work
  - Improved morale
  - Reduced health risks
  - Reduced medical costs
  - Less staff turnover
  - Improved company profile
  - Attraction of new employees



### *III. Workplace Health Promotion (WHP)*

- Measures of the company concerning WHP can be tax-free
- Since the beginning of 2009 the German government supports companies, if they are investing in WHP programs. Two possibilities:
  - Measures of WHP which are mainly in the company's own interest: no wage tax has to be paid
  - Independent thereof: If the measure is not mainly in the company's own interest: up to 500 Euro per year and employee, invested in specific WHP-measures, can be tax free
  - These WHP-measures have to fulfill certain requirements which are regulated in § 20 and 20 a Social Legislation Code V

### *III. Workplace Health Promotion (WHP)*

- Requirements in the Social Legislation Code concern quality, appropriation and goal-orientation.
  - Tax exemption of 500 Euro is not very attractive for the companies, because it is
    - difficult to differ if the measures are mainly in the company's interest, or if the measures are more in the interest of the employees. Some companies have problems with their fiscal authorities
    - very bureaucratic to document, which employee has attended what WHP measure and how often. Attendance lists have to be maintained.
- > This is all necessary to see if the amount of 500 Euro is reached

### *III. Workplace Health Promotion (WHP)*

- Modifications should be made. Cut-off of 500 Euros should be deleted.
- Nevertheless the WHP measures should still need to fulfill the requirements according to the Social Legislation Code V.
- BDA asked the legislator to do so, but until now, there are no changes planned.
- Independent from that: Because of the ageing workforce and the skills shortage in Germany more and more companies will offer their employees WHP measures.
- But important is also: the employees have – in the first place – a responsibility for their health!

## ***NO! Standardisation in the Field of Workplace Health Promotion (WHP)***

- As before mentioned WHP is a voluntary task of the employer
- Standardisation in this field opens the field for certifiers
- This could produce a lot of costs for the enterprises
- Especially SME`s might have problems in fulfilling the standard
- Better would be solutions in the form of guidelines
- These guidelines could better follow the needs and expectations of enterprises of different size and industry sectors
- Health promotion is not only the task of companies
- First every single person is responsible for his health
- Furtheron it is a Question of the whole society

## *IV. Conclusions*

- Occupational safety and health and workplace health promotion are very important for German companies. The companies offer a lot of measures for the health of their employees.
- Measures in these areas are important for social and economic reasons.
- Incentives are important for companies to conduct those measures, but they are not essential.
- Due to the ageing of the workforce and skills shortage it is getting more and more important for companies to look after the health of the employees. But the employees also have to assume responsibility for their own health!
- No Standardisation is needed in this voluntary field

**Thank you very much for your attention!!**

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