



INTERVIEW

'The law on occupational diseases is on the right track'

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TOP STORY

Help in a crisis

The German Social Accident Insurance welcomes the new compensation legislation and has set up a central contact point for serious emergencies and disasters.

In order to better care for victims of violence, the Bundestag passed new legislation to regulate social compensation in November. According to the new Social Compensation Act, the social accident insurance system will be responsible for the supply of medical aids. The Bundesrat has ratified the Act. It has also recommended that an evaluation be carried out before the law comes into force in 2024. The aim is to determine whether it would be useful to transfer further benefit areas to social accident insurance.

The aim of the new Compensation Act is to provide better assistance to victims of violent crimes and emergencies. The DGUV also welcomes this development. Under the Act, various social insurance institutions with different benefit standards, as well as the administrative authorities, are responsible for the medical treatment, the provision of medical aids and long-term care of those affected.

On 29 November, the Bundesrat also looked at the matter of competences. It has recommended that the Federal Government carry out an evaluation before the Act enters into force. This evaluation is intended to clarify whether medical treatment and long-term care can also be transferred to the social accident insurance system. The reasoning is that it is important to have clearly defined responsibilities and coordinated procedures for victims of violent crime. This simplifies access to benefits and reduces the burden on victims, especially in crisis situations.

'We support the recommendation for an evaluation,' said Dr Edlyn Höller, Deputy Director General of the DGUV. 'Our own experience has shown the benefits of this.' The social accident insurance system has many years of expertise in case management in the rehabilitation sector and has a comprehensive network for medical care. 'We provide



Photo: @Andreas Trojak - CC BY 2.0

It is three years since the attack on the Breitscheidplatz Christmas market in Berlin. The aim of the Social Compensation Act is to provide help to victims without red tape.

all services from a single source, using all suitable means, including medical treatment, the provision of medical aids, rehabilitation and participation services,' said Dr Höller. 'We are offering to use this expertise for the treatment and rehabilitation of people who have been the victims of violent crime.'

In order to ensure there are coordinated procedures following an attack, but also in the event of accidents involving insured persons from various accident insurance institutions, the German Social Accident Insurance has begun to establish new structures. A central contact point and a coordinating office in each federal state have been established. The latter are located within the social accident insurance institutions of the federal states. In the event of a major traumatic event, the coordinating office stays in contact with the authorities, organises the crisis team, arranges access to assistance such as psychotherapeutic treatment and handles public relations work centrally. 'I am pleased that the new structures will be in place by the end of 2019,' said Dr Höller. 'Naturally, in the hope that they will have to be used as rarely as possible.'

FYI

Psychotherapist Procedure

The procedure was established by the social accident insurance institutions in 2012. A nationwide network of more than 700 psychotherapists provides fast and unbureaucratic help after a traumatic event. Accident insurance institutions or accident insurance doctors arrange the therapy.

Web: www.dguv.de
Webcode: d139696
 (German only)



Time to reflect

Dear Reader,

The lead-up to Christmas is supposed to be a particularly reflective and joyful time. Three years ago, the people who wanted to enjoy the festive spirit of the Christmas market at Berlin's Breitscheidplatz, or perhaps were just on their way home, probably had exactly this in mind, to stop and enjoy the pre-Christmas season for a moment. What then happened shocked not only Germany.

Extreme events such as an attack, shooting rampage, plane crash or traffic accident are always an emotional challenge for victims, helpers and relatives. The suffering is immeasurable, and the consequences usually last a lifetime. Therefore, it is wonderful news that those affected can now receive better and faster help. The Social Compensation Act paves the way for this.

The end of the year is always a time to reflect for a moment and to say thank you. I would like to thank all those people who help others day after day. I would particularly like to mention the members of fire brigades, rescue services and medical facilities. But also, all those who stand by the victims, their relatives and those who help by providing professional counselling with empathy, compassion and patience.

I wish you all a joyful Christmas season and a healthy and accident-free 2020.

Dr Stefan Hussy

Director General of the DGUV

'The law on occupational diseases is on the right track'

There have been positive developments in Germany's legislation on occupational diseases. The Federal Ministry of Labour and Social Affairs (BMAS) has put forward a draft bill. It incorporates numerous proposals from the White Paper 'Occupational Diseases Legislation 2016' published by the DGUV. DGUV Kompakt discussed the key points with Dr Edlyn Höller, Deputy Director General of the DGUV.

Dr Höller, the law on occupational diseases has existed for almost 100 years. Why has there been and continues to be criticism?

The law on occupational diseases has stood the test of time since its introduction in 1925. Workers and companies have a reliable partner in the form of social accident insurance. Nevertheless, criticism of the legislation has become increasingly vocal in recent years. Politicians and the general public have initiated a debate on its provisions: Are not enough cases being recognised? Who has to prove what? These questions show that the topic of occupational diseases is not regarded as transparent from the outside. This was reason enough for us to scrutinize the regulations. We also felt that more clarity and transparency in the procedures was necessary. The result was the White Paper on enhancing the law on occupational diseases, which we adopted in December 2016 and submitted to the Federal Government and the Bundestag.

Through the White Paper, the DGUV has become closely involved in the debate on advancing the law on occupational diseases. With success?

I would like to emphasise once again that the basic principles of the law have proved their worth. All those involved in the White Paper agreed that there shouldn't be a new concept, but rather improvements of the existing legislation. We have developed solutions in five fields of action, which work as an overall package to eliminate weaknesses and improve the legislation in a meaningful way.

The BMAS' draft bill has mostly taken into account the proposals developed by the Self-Governing Committee. All fields of action will be incorporated. This includes recommendations for a harmonised statutory regulation with retroactive effect and an evaluation. The law on occupational diseases is on the right track. However, we are critical of certain points regarding the mandatory obligation to stop working.

Why?

Under the current provisions of the law, some occupational diseases can only be officially recognised if the person in question has had to give up the work that is harmful to his or her health because of the disease. If they don't do this, they can only receive preventive and medical services. The draft bill provides for the abolition of the obligation to stop working as of 1 January 2021. We welcome the decision to abolish the mandatory obligation to cease work as a prerequisite for official recognition. It's outdated and no longer necessary. It unfairly disadvantages the insured person. However, if abolishing the mandatory obligation to cease work is to be fully effective, we believe that some measures must be implemented in tandem. These include a more precise description of the individual occupational diseases by the legislator and the requirements necessary for official recognition. This particularly applies to the degree of severity of the disease required for recognition. Creating more detailed definitions is vital for delineating occupational diseases from common diseases. In our view, medical expertise is imperative for eval-



Photo: Jan Röhl / DGUV

Talking with Dr Edlyn Höller, Deputy Director General of the DGUV. Dr Höller has been head of the Insurance Law Division since November 2018.

uating and substantiating occupational diseases. Unfortunately, the draft bill falls short of our proposal in this respect.

To do this, the draft bill will introduce an obligation for the affected parties to cooperate according to the standards set out in Book I of the German Social Code (SGB I). What does this mean?

The obligation to cease work is about ensuring that a disease does not get worse or reoccur. We believe this can also be achieved in other ways. Insured persons should be informed about possible preventive measures and legally obliged to participate in them. Similar regulations on participation already apply, for example, participation in rehabilitation. It's a question of education, motivation, personal responsibility and self-determination of those affected – we want to encourage and strengthen this. One-on-one counselling by employees from the accident insurance institutions is only one component, but a very important one. Legally embedding participation into legislation also addresses the negative consequences of a lack of cooperation. There are now clearly defined legal requirements here, which are applied equally to all insured persons.

The Medical Advisory Committee for Occupational Diseases (ÄSVB) is to be embedded in the law to create more transparency. Why is this important?

The federal government is the body that decides what an occupational disease is. In doing so, it obtains advice from the Medical Advisory Committee for Occupational Diseases. Currently, the ÄSVB is not legally embedded in legislation, and its members have not been made public. However, the findings of this scientific committee are of significant importance for the question of whether new diseases should be included in the Official List of Occupational Diseases. By making it a part of the law, its legally binding nature can be distinguished from pure consultation. According to the draft bill, an ÄSVB 'Occupational Diseases' will be established at the BMAS and an office will be set up at the Federal Institute for Occupational Safety and Health. In future, the latter is to provide organisational and scientific support to the ÄSVB Committee with its work. We hope that this will speed up the process to include an illness in the list of occupational diseases.

Web: www.dguv.de › Webcode: d1182057 (German only)

TOPIC

German Occupational Safety and Health Prize

At the A+A Trade Fair, various companies were awarded the German Occupational Safety and Health Prize 2019 for their innovative solutions for safety and health at work.

This was the sixth time that the industry-wide competition was organised by the Federal Ministry of Labour and Social Affairs, the Committee for Occupational Safety and Safety Engineering of the Federal States, and the German Social Accident Insurance. A jury of experts selected the winners across five categories from a record 231 entries: Bauunternehmung August Mainka GmbH & Co, Felix Röwekämper in cooperation with Arnz FLOTT GmbH Werkzeugmaschinen, RWE Power AG, BielkineSattlerei and recalm GmbH. The People's Choice Prize went to GE Healthcare GmbH. Since 2009, the German OSH Prize has been awarded to companies that implement innovative, long-term occupational safety measures, thus generating added value for their employees and increasing their competitiveness.

The German OSH Prize is part of the Joint German Occupational Safety and Health Strategy (GDA), in which the Federal Government, the Federal States and the German Social Accident Insurance combine activities relating to safety and health at work. Over the next five years, the GDA's members want to implement specific occupational safety and health objectives even more effectively. These include better integration of prevention into company processes and implementation of mandatory risk assessments. An important issue for the GDA is the design of health-promoting workplaces. The aim is better prevention of musculoskeletal disorders. Raising awareness of the issue of mental illness and appropriate preventive measures are also on the agenda. Entries for the German OSH Prize 2021 open in autumn next year.

Web: www.deutscher-arbeitsschutzpreis.de (German only)

Moving images



Photo: Stephan Floss / DGUV

High emotions among all participants of the inaugural Film & Media Festival at this year's A+A.

All entries can be viewed at
Web: www.kommmitmensch-festival.de
 (German only)

The current prevention campaign of the German social accident insurance institutions, **komm mit mensch**, in conjunction with Messe Düsseldorf organised the inaugural Film & Media Festival at the A+A Congress 2019. Small and medium-sized companies, trainees, and film and media students were invited to submit their film and media productions on occupational safety and health. An expert jury headed by film director Isa Prahl selected the first-prize entries across four categories: BASF Colors & Effects GmbH, Baeumler film + tv, University Hospital Bonn and Haarstudio Elisabeth. The A+A Special Award went to HAIX Schuhe, Produktions und Vertriebs GmbH, the Audience Award went to BASF Colors & Effects GmbH. Bayernoil Raffineriegesellschaft mbH was awarded a special prize by Messe Düsseldorf.

PEOPLE

Professor Breuer re-elected as ISSA President



Photo: Elina Okic / ISSA

Professor
Joachim Breuer

On 18 October 2019, Prof. Joachim Breuer was reappointed President of the International Social Security Association (ISSA) for a second term. Following his departure as Director General of the German Social Accident Insurance, Prof. Breuer has continued his commitment to occupational safety and social security at the international level. He holds a professorship for insur-

ance medicine at the University of Lübeck. After his re-election as ISSA President, Breuer said he wanted to grow the membership base and further improve the international position of the organisation. The ISSA was founded in 1927 under the auspices of the International Labour Organization and today it has over 334 member institutions in more than 158 countries. It is the world's leading international organisation for institutions, governments and agencies concerned with social security.

PEOPLE

Company/Hospital Leader of the Year



Photo: ukb

Professor
Axel Ekkernkamp

Professor Axel Ekkernkamp, Managing Director and Medical Director of the BG Accident Hospital Berlin (ukb) and member of the Editorial Board of DGUV Kompakt, was named Company/Hospital Leader of the Year 2019 by the digital health platform 'Entscheiderfabrik' at Medica in Düsseldorf. The 'Entscheiderfabrik', a network of associations, hospitals and industrial companies for promoting digital medicine, has

honoured Prof. Ekkernkamp's patronage of one of five projects that promote outstanding examples of digitally transforming medical processes this year. Health service providers such as hospitals, medical care centres or homes can take advantage of this project for up to one year, at no additional cost, to determine whether digitisation projects make a beneficial contribution to the success of a company and thus avoid bad investments.

Web: www.ukb.de > Medien
 (German only)

IMPORTANT DATES

6-7 March 2020
Accident Medicine Congress 2020
DGUV, Landesverband Nordwest
BREMEN
www.dguv.de (dp1316346)

11-14 March 2020
60th Anniversary of DGAUM
Anniversary Congress
MUNICH
www.dgaum.de

22 April 2020
German Paralympic
Media Award 2020
BERLIN
www.dguv.de (d1168213)

NUMBER OF THE MONTH

220,638

... work or commuting accidents involving tripping, slipping or falling occurred in 2018.

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