

Information sheet: Optimisation of the rules and regulations

Background

We in Germany have developed a "dual occupational safety and health system". State occupational safety and health authorities of the Laender and public accident insurance institutions are committed to the safety and health of workers, both jointly but with different functions and with different statutory mandates. That only works with reliable and harmonised statutory regulations. They create a sound legal basis for companies and workers. The addressee must be able to recognise clearly and distinctly what specific occupational safety and health requirements are expected from him and how he can fulfil them.

A wide-ranging and complex structure of laws, ordinances and rules has evolved over the years. There are also the tools of the public accident insurance institutions, and in particular the accident prevention regulations with their set of rules. From the companies' point of view this is a lot of, for many of them too much, regulation.

For example, according to a representative survey¹ conducted by TNS-Infratest from May to August 2011, 82% of companies agree with the statement (46% completely, 36% partly) that the obligations of the employer were clearly regulated in the rules and regulations and 69% considered them easy to understand (26% completely, 43% partly). However, considerably more than half of them (59%; of which 23% completely, 36% partly) consider them too detailed. Equally, 51% indicated (22% completely, 32% partly) that the set of rules and regulations was difficult to implement at many of their workplaces.

Mandate of the Joint German Occupational Safety and Health Strategy (GDA)

In order to further improve the quality of occupational safety and health law, the creation of an understandable, manageable and harmonised set of rules and regulations as a joint task of the German government, federal states and public accident insurance institutions was anchored in law with the Joint German Occupational Safety and Health Strategy. Cooperation of both sides, especially in a dual structure, is the acid test for the practicability of the system.

Results

On 31 August, 2011, the bodies of the Joint German Occupational Safety and Health Strategy and the social partners signed a guideline paper on the reorganisation of the set of rules and regulations in occupational safety and health. The guideline paper describes the fields of action of the various statutory design tools and eliminates existing conflicts at the interfaces of state and accident insurance. It ensures clarity and guidance and sets the framework for easily manageable and self-explanatory rules and regulations. The guideline paper creates the requirements for avoiding duplicated regulation, reducing the burden of companies even more and, at the same time, further promoting and expanding the level of occupational safety and health.

As at: March 2012

¹ Company and worker survey as part of the GDA evaluation; results not yet published; contracting authority: General Office of the National Occupational Safety and Health Conference (NAK) at the Federal Institute for Occupational Safety and Health (BAuA)