

DGUV Regulation 1

Accident prevention regulation

Principles of Prevention



Imprint

Published by:
Deutsche Gesetzliche Unfallversicherung e.V.
(German Social Accident Insurance, DGUV)

Glinkastrasse 40
10117 Berlin, Germany
Tel.: +49 30 288763800
Fax: +49 30 288763808
Email: info@dguv.de
Internet: www.dguv.de

This is the English translation of the DGUV Regulation 1.
The German original version is obligatory.

Edition November 2013, English version issued Januar 2016.

DGUV Regulation 1 can be obtained from your competent German Social Accident Insurance
or at www.dguv.de/publikationen

Contents

| | Page |
|--|-----------|
| Chapter one: General provisions | 5 |
| Sec.11 Scope of application of accident prevention regulations | 5 |
| Chapter two: Employers' duties..... | 6 |
| Sec.2 Employer's basic duties | 6 |
| Sec.3 Assessment of working conditions, documentation requirements and duty to provide information | 6 |
| Sec.4 Instruction of insured individual | 7 |
| Sec.5 Awarding of contracts | 7 |
| Sec.6 Cooperation between several employers | 8 |
| Sec.7 Ability to perform work | 8 |
| Sec.8 Hazardous tasks | 8 |
| Sec.9 Unauthorised access | 8 |
| Sec.10 Inspection of the enterprise, orders issued by the German Social Accident Insurance Institutions and duty to provide information | 9 |
| Sec.11 Action to be taken in the event of defects | 9 |
| Sec.12 Access to rules and regulations | 9 |
| Sec.13 Transfer of duties | 9 |
| Sec.14 Exemptions | 10 |
| Chapter three: Insured individuals' duties..... | 11 |
| Sec.15 General support duties and conduct | 11 |
| Sec.16 Special support duties | 11 |
| Sec.17 Use of installations, work equipment and materials | 12 |
| Sec.18 Unauthorised access | 12 |
| Chapter four: Organisation of safety and health of workers at work | 13 |
| Part one: Supervision by OSH professionals and occupational physicians, safety delegates | 13 |

¹ Sec.: Section

| | Page |
|---|-----------|
| Sec. 19 Appointment of OSH professionals and occupational physicians..... | 13 |
| Sec. 20 Appointment and tasks of safety delegates..... | 13 |
| Part two: Measures in respect of special hazards..... | 14 |
| Sec. 21 Employer’s general duties..... | 14 |
| Sec. 22 Emergency measures..... | 14 |
| Sec. 23 Measures to counter the influence of weather..... | 15 |
| Part three: First aid..... | 15 |
| Sec. 24 Employer’s general duties..... | 15 |
| Sec. 25 Necessary equipment and facilities..... | 16 |
| Sec. 26 Number and training of first aiders..... | 17 |
| Sec. 27 Number and training of in-house paramedics..... | 18 |
| Sec. 28 Insured individuals’ support duties..... | 19 |
| Part four: Personal protective equipment..... | 20 |
| Sec. 29 Provision..... | 20 |
| Sec. 30 Use..... | 20 |
| Sec. 31 Special instruction..... | 20 |
| Chapter five: Regulatory offences..... | 21 |
| Sec. 32 Regulatory offences..... | 21 |
| Chapter six: Rescission of accident prevention regulations..... | 22 |
| Sec. 33 Rescission of accident prevention regulations..... | 22 |
| Chapter seven: Coming into force..... | 23 |
| Sec. 34 Coming into force..... | 23 |
| Annex 1: Re. Section 2(1) | |
| Government regulations concerning occupational safety and health..... | 24 |
| Annex 2: Re. Section 26(2) | |
| Preconditions for authorisation as an institution for (continuing) training in first aid..... | 25 |

Chapter one

General provisions

Sec. 1 Scope of application of accident prevention regulations

(1) Accident prevention regulations apply to employers and insured individuals¹ as well as

- to employers and employees from foreign enterprises who perform work in Germany but are not covered by a German Social Accident Insurance Institution; and
- in cases where insured individuals work in or for the enterprise but are covered by a different German Social Accident Insurance Institution.

(2) In the case of employers with insured individuals as defined in Section 2(1)8(b) of Book VII of the Social Code, this accident prevention regulation shall not apply for the “internal school”².

¹ Unless otherwise indicated, the term “insured individuals” refers to a person insured with a German Social Accident Insurance Institution.

² “Authority for schools” (ministry of education and cultural affairs, district government, education authority) is responsible for organising the running of the school and for the curriculum (“internal school area”)

Chapter two

Employers' duties

Sec. 2 Employer's basic duties

- (1) The employer shall take the measures necessary to prevent occupational accidents, occupational disease and work-related health risks and to ensure effective first aid. The measures to be taken are specified in more detail in, particularly, government regulations concerning occupational safety and health (Annex 1), this accident prevention regulation (UVV) and in other accident prevention regulations (UVV). The measures prescribed by government legislation are also intended to protect insured individuals who are not employees.
- (2) The employer shall base the measures to be taken in accordance with (1) above on the general principles set out in Section 4 of the German occupational safety and health act (ArbSchG) and, primarily, the rules and regulations issued by the government and the German Social Accident Insurance Institutions.
- (3) The employer shall plan, organise, implement and, where necessary, adapt to altered circumstances the measures specified in (1) above in accordance with the provisions of Section 3(1), Sentences 2 and 3 and Section 3(2) of the German occupational safety and health act.
- (4) The employer must not issue any instructions that are detrimental to safety.
- (5) The employer shall not require the insured individuals to bear the costs of measures taken in accordance with this accident prevention regulation or any other accident prevention regulations with which the employer must comply.

Sec. 3 Assessment of working conditions, documentation requirements and duty to provide information

- (1) The employer shall conduct an assessment, in accordance with Section 5(2) and (3) of the German occupational safety and health act, of the risks faced by the insured individuals in connection with their work in order to determine which of the measures referred to in Section 2(1) are necessary.
- (2) The employer shall review risk assessments particularly whenever there is a change in the safety and health conditions at the workplace.
- (3) In accordance with Section 6(1) of the German occupational safety and health act, the employer shall document the result of the risk assessment described in (1) above, the measures specified by the employer and the result of the effectiveness monitoring of said measures.
- (4) On request, the employer shall provide the social accident insurance institution with all of the information available concerning the occupational safety and health measures taken in the enterprise.

(5) In the case of persons who work in companies to provide assistance in the event of an accident or civil protection services and who do so without pay, the employer responsible for such persons must take measures equivalent to those specified in (1) to (4) above.

Sec. 4 Instruction of insured individual

(1) The employer shall instruct the insured individuals on safety and health at work, particularly the hazards related to their work and the measures used to prevent those hazards, in accordance with Section 12(1) of the German occupational safety and health act and, in the case of temporary workers, Section 12(2) of the German occupational safety and health act; the instruction shall be repeated as required, at least once a year, and shall be documented.

(2) The employer shall convey to the insured individuals, in a comprehensible manner, the content of the applicable accident prevention regulations, rules issued by the German Social Accident Insurance Institutions and pertinent government rules and regulations that is relevant to their area of work or their job.

(3) Employers as defined in Section 136(3)3, Alternative 2 of Book VII of the Social Code shall support school authorities in the provision of instruction for insured individuals in accordance with Section 2(1)8(b) of Book VII of the Social Code.

Sec. 5 Awarding of contracts

(1) If the employer awards a contract for the

1. planning, manufacture, modification or corrective maintenance of installations or,
2. planning or design of work methods,

the employer shall submit a written instruction to the contractor, requiring the latter to comply with the provisions of Section 2(1) and (2) of relevance to the contracted work.

(2) If the employer awards a contract for the supply of work equipment or materials, the employer shall submit a written instruction to the contractor, requiring the latter to adhere to the safety and health requirements while working on the contract.

(3) Where a contract is awarded to a thirdparty company, the employer awarding the contract shall support the third party in the latter's assessment of the risks specific to its enterprise. Furthermore, the employer shall ensure that activities involving special hazards are monitored by supervising staff who enforce the specified protection measures. The employer shall also come to an agreement with the third-party company as to who should provide the supervising staff.

Sec. 6 Cooperation between several employers

- (1) If several employers' employees or self-employed sole traders work at a given place of work, the employers (and sole traders) shall cooperate on employee safety and health matters, particularly with regard to the measures described in Section 2(1), in accordance with Section 8(1) of the German occupational safety and health act. In particular, they shall appoint a person to coordinate the work if necessary in order to prevent the various parties from posing a hazard to each other; said person shall be granted the authority to issue instructions so as to avert special hazards.
- (2) The employer shall ensure that persons working in the employer's enterprise have received appropriate instructions regarding the safety and health risks that might occur during their specific work in the employer's enterprise.

Sec. 7 Ability to perform work

- (1) When assigning tasks to insured individuals, the employer shall consider whether the insured individuals are able to comply with the safety and health rules and measures applicable to their specific tasks. The employer shall also take into consideration the required qualifications for specific tasks.
- (2) The employer must not assign to insured individuals tasks that they are clearly unable to perform without causing risk to themselves or others.

Sec. 8 Hazardous tasks

- (1) If a hazardous task is performed by several persons jointly and requires communication between said persons in order to prevent hazards, the employer shall ensure that a reliable person who is familiar with the task supervises the work.
- (2) If a hazardous task is performed by one person on their own, the employer shall ensure suitable technical or organisational personal protection measures are in place, in addition to the general protection measures.

Sec. 9 Unauthorised access

The employer shall ensure that unauthorised persons do not enter workplace areas if so doing creates a safety and/or health risk.

Sec. 10 Inspection of the enterprise, orders issued by the German Social Accident Insurance Institutions and duty to provide information

- (1) The employer shall grant the German Social Accident Insurance Institution's inspectors access to the employer's enterprise in order to carry out inspections and

shall accompany the inspectors, if so requested, or arrange for a suitable representative to accompany the inspectors.

(2) If the German Social Accident Insurance Institution's inspector orders additional measures and specifies a deadline by which they have to be taken, the employer shall inform the institution immediately after the deadline expires whether the requested measures have been taken.

(3) Where requested, the employer shall provide the German Social Accident Insurance Institution's inspectors with the information necessary for them to be able to perform their work. The employer shall support the inspectors to the extent that such support is necessary for them to be able to perform their tasks.

Sec. 11 Action to be taken in the event of defects

If a defect in a piece of work equipment, an installation, work process or workflow causes a hazard for the insured individuals and there is no other way to avert said hazard, the employer shall withdraw the work equipment or installation from use or shut it down or stop the work process or workflow until the defect has been remedied.

Sec. 12 Access to rules and regulations

(1) The employer shall ensure that the applicable accident prevention regulations and rules issued by the German Social Accident Insurance Institutions and the relevant government rules and regulations are made available to the insured individuals at a suitable place.

(2) The employer shall provide the persons charged with conducting and supporting the measures described in Section 2(1) with the rules and regulations that the risk assessment (Section 3(1) and (2)) indicates are applicable to their area of responsibility.

Sec. 13 Transfer of duties

Reliable persons who have the required knowledge can be charged in writing by the employer with the performance, on their own responsibility, of tasks specified by the accident prevention regulations as being incumbent upon the employer. The record of transfer shall specify the area of responsibility and the powers granted and be signed by the person charged with the task(s). He or she shall also be presented with a copy of the record.

Sec. 14 Exemptions

(1) In individual cases, the employer can apply in writing to the German Social Accident Insurance Institution to be exempted from specific accident prevention regulations. A statement by the enterprise's employee representatives shall be enclosed with the application; should an application be filed by a children's daycare facility, school, vocational college or higher education institution, the management of the establishment shall also be given the opportunity to make a statement.

(2) The German Social Accident Insurance Institution can approve an application of the type described in (1) above

1. if the employer takes a different, equally effective measure

or

2. if, in the individual case concerned, enforcement of the regulations would lead to an unreasonable burden on the employer and the exemption is not detrimental to the safety of the insured individuals.

(3) If the application as described in (1) above concerns provisions in accident prevention regulations that are also contained in government occupational safety and health regulations, the German Social Accident Insurance Institution shall obtain and take into account a statement from the governmental occupational safety and health authority responsible for enforcing the government occupational safety and health regulations.

(4) Rules of procedure detailed in government occupational safety and health regulations, particularly rules concerning approval, permits, exemptions, notifications and duties to submit information to the authorities, shall remain unaffected by this accident prevention regulation; the official measures required in accordance with the rules of procedure are the responsibility of the relevant occupational safety and health authorities.

Chapter three

Insured individuals' duties

Sec. 15 General support duties and conduct

(1) The insured individuals shall, as far as possible and as instructed by the employer, protect their own safety and health at work and the safety and health of those affected by their actions or failure to take action. The insured individuals shall support the measures taken to prevent occupational accidents, occupational disease and work-related health risks as well as the measures taken to ensure effective first aid. They shall obey the instructions given by the employer in relation to such matters. They must not obey instructions that are clearly contrary to safety and health requirements.

(2) Insured individuals must not, by consuming alcohol, drugs or other intoxicating substances, put themselves in a state in which they might pose a hazard to themselves or others.

(3) (2) shall also apply to use of medicines.

Sec. 16 Special support duties

(1) The insured individuals shall report every direct, significant safety and/or health hazard they detect and every defect they detect in protective devices and safety systems immediately to the employer or the relevant manager. Without prejudice to this duty, insured individuals shall also report any safety and health hazards or defects in protective devices and safety systems to the OSH professional, occupational physician or the safety delegate.

(2) If an insured person establishes that

- there is a defect in a piece of work equipment or any other installation,
- materials have not been packaged or labelled properly or are not of the correct quality

or

- that there are defects in a work process or workflow,
- and that these factors are relevant in terms of prevention of occupational accidents, occupational disease and work-related health risks, he or she shall remedy the defect immediately, provided that such action is within their area of responsibility and that they have the necessary skills. In all other cases, the insured person shall report the defect immediately to their manager.

Sec. 17 Use of installations, work equipment and materials

Insured individuals shall use installations, work equipment, materials and protective devices in the intended manner and to the extent necessary for the tasks assigned to them.

Sec. 18 Unauthorised access

Insured individuals may only access hazardous areas in order to perform the tasks assigned to them.

Chapter four

Organisation of safety and health of workers at work

Part one

Supervision by OSH professionals and occupational physicians, safety delegates

Sec. 19 Appointment of OSH professionals and occupational physicians

- (1) The employer shall appoint OSH professionals and occupational physicians in accordance with the Act on Occupational Physicians, Safety Engineers and other OSH Professionals (also known as the “German occupational safety act”) and the related accident prevention regulations.
- (2) The employer shall promote collaboration between the OSH professionals and the occupational physicians.

Sec. 20 Appointment and tasks of safety delegates

- (1) In enterprises that regularly have more than 20 employees, the employer shall appoint the necessary number of safety delegates, taking into consideration the working conditions, work environment and work organisation in the company. The number of safety delegates is determined on the basis of the following criteria:
 - accident and health hazards present in the enterprise,
 - physical proximity of the safety delegates to the employees for whom they are responsible,
 - need for safety delegates to be present at the same time as the employees for whom they are responsible,
 - similarity of the work carried out by the safety delegates and the employees and
 - number of employees.
- (2) The safety delegates shall support the employer in the latter’s implementation of measures aimed at preventing occupational accidents and occupational disease; in particular, the safety delegates shall satisfy themselves that the mandatory protective devices and personal protective equipment are present and used properly and draw attention to accident and health hazards for the insured individuals.
- (3) The employer shall give the safety delegates the opportunity to perform their tasks, particularly to take part in the inspections and investigations of accidents and occupational diseases carried out in their area of responsibility by the German Social Accident Insurance Institutions inspectors; the safety delegates must be informed of the results of such inspections and investigations.

- (4) The employer shall ensure that the OSH professionals and occupational physicians work closely with the safety delegates.
- (5) The safety delegates must not be placed at a disadvantage as a result of their performing the tasks assigned to them.
- (6) The employer shall give the safety delegates the opportunity, taking into account the enterprise's operational requirements, to attend training courses run by the German Social Accident Insurance Institution if necessary in view of the nature of the workplace and the associated accident and health hazards for the insured individuals.

Part two

Measures in respect of special hazards

Sec. 21 Employer's general duties

- (1) The employer shall take precautions to ensure that all insured individuals who are or might be exposed to a direct, significant hazard are informed as early as possible about the hazard and the safety measures that have been or must be taken. Where there is a direct, significant hazard for insured individuals' own safety or the safety of other individuals, the insured individuals must be able to take the appropriate measures to avert the hazard and limit the damage themselves if the manager responsible cannot be contacted; the insured individuals' knowledge and the technical resources available must be taken into account when defining the measures.
- (2) The employer shall take measures that enable the insured individuals to get themselves to safety by leaving their workplaces immediately in the event of a direct, significant hazard.

Sec. 22 Emergency measures

- (1) In accordance with Section 10 of the German occupational safety and health act, the employer shall plan, implement and monitor the measures that are particularly necessary in the event of fire, explosion, uncontrolled discharge of substances and other hazardous operating faults.
- (2) The employer shall train a sufficient number of insured individuals, by means of instruction and drills, on how to use extinguishers to fight incipient fires.

Sec. 23 Measures to counter the influence of weather

If insured individuals work for the employer outdoors and if there are weather-related accident and/or health hazards, the employer shall put suitable measures in place at the workplace, take suitable organisational safety measures or, if necessary, supply personal protective equipment.

Part three
First aid

Sec. 24 Employer's general duties

- (1) The employer shall ensure that the necessary equipment, facilities and staff are available for first aid and rescue operations.
- (2) The employer shall ensure that, in the event of an accident, first aid is provided immediately and arrangements are made for any necessary medical treatment.
- (3) The employer shall ensure that injured persons are transported in the correct manner.
- (4) As far as possible, the employer shall take action to ensure that insured persons
 1. are presented to a "accident insurance consultant"³ unless the physician who treats them first has established that the injury will not prevent them from working after the day of the accident, or the treatment needed is not anticipated to last longer than one week,
 2. who are seriously injured are taken to a hospital designated by the German Social Accident Insurance Institutions,
 3. who have an eye, throat, nose or ear injury are taken to the closest physician of the relevant discipline unless the initial medical treatment provided results in such action being superfluous.
- (5) The employer shall ensure that the insured individuals are informed, by means of notices produced by the German Social Accident Insurance Institutions or other appropriate documents, of first aid practice, emergency numbers, first aid facilities

³ A physician quality-assured by and registered with a German Social Accident Insurance Institution.

and emergency rescue facilities, the first aiders, physicians to be contacted and hospitals to be used. The information must be kept up to date.

(6) The employer shall ensure that a record is kept of all first aid provided and that the records are kept available for a period of five years. The records shall be treated confidentially.

(7) The “responsibility of the school funding body”⁴, in their capacity as employers as defined in Section 136(3)3, Alternative 2 of Book VII of the Social Code, shall support the “authority for schools”⁵ in the implementation of measures to ensure effective first aid for insured individuals in accordance with Section 2(1)8(b) of Book VII of the Social Code.

Sec. 25 Necessary equipment and facilities

(1) The employer shall ensure, taking into consideration the specifics of the workplace, that emergency communication facilities and organisational measures are in place to call for the necessary assistance immediately and guide it to where it is needed.

(2) The employer shall ensure that sufficient quantities of first aid materials are kept in suitable containers, protected against harmful effects, that they can be accessed quickly and easily at all times and that they are replenished and replaced in good time.

(3) The employer shall ensure, taking into consideration the specifics of the workplace, that emergency and rescue equipment are kept at hand.

(4) The employer shall ensure that there is at least one first aid room or similar facility, which is easily accessible when transporting individuals using rescue equipment,

1. at workplaces with more than 1,000 insured individuals working on site,
2. at workplaces with 1,000 or fewer insured individuals working on site, but more than 100, if the nature of the workplace and the nature, severity and number of accidents that occur there necessitate a special first aid room,

⁴ “responsibility of the school funding body” (local authority, association of local authorities, administrative district, federal state) is responsible for the upkeep of the school buildings and facilities as well as for the provision of furniture, equipment and learning resources (“external school area”).

⁵ “authority for schools” (ministry of education and cultural affairs, district government, education authority) is responsible for organising the running of the school and for the curriculum (“internal school area”).

3. on building sites with more than 50 insured individuals working on site.

3. shall also apply if tasks necessary in order to perform construction work taken on by the employer are assigned by the employer to other employers and the total number of insured individuals working at the same time exceeds 50.

(5) In children's daycare facilities, schools, vocational colleges and higher education institutions, the employer shall provide the necessary number of suitable beds or suitable rooms with beds, where emergency care can be administered to injured individuals.

Sec. 26 Number and training of first aiders

(1) The employer shall ensure that at least the following numbers of first aiders are available:

1. Where there are 2 to 20 insured individuals present – one first aider
2. Where there are more than 20 insured individuals present –
 - a) 5% in administrative and trading enterprises,
 - b) 10% in other types of enterprise,
 - c) in children's daycare facilities, one first aider per group and
 - d) in higher education institutions, 10% of the insured individuals as defined in Section 2(1)1 of Book VII of the Social Code.

If so agreed with the German Social Accident Insurance Institution, the number of first aiders may differ from the number specified in 2. above, taking into account the way in which the in-house paramedic service is organised and the hazards in the enterprise.

(2) The employer may only appoint as first aiders persons who have trained with an institution authorised by the German Social Accident Insurance Institution to provide first aid training, or persons who have paramedic/medical emergency training or have completed training in a healthcare profession. The preconditions for such authorisation are specified in Annex 2 of this accident prevention regulation.

(3) The employer shall ensure that the first aiders receive continuing training, usually at intervals of two years. (2) above shall apply accordingly to the continuing training. Persons who have paramedic/medical emergency training or an appropriate qualification in a healthcare profession are deemed to have undergone continuing training if they regularly attend similar continuing training courses or regularly perform first aid measures as paramedic/medical emergency employees or volunteers.

The employer shall request proof of the continuing training.

(4) If, due to the nature of the enterprise, particularly its use of hazardous substances, it can be expected that measures not covered by general first aider training as described in (2) above will be necessary in the event of an accident, the employer shall ensure that the necessary additional training is provided.

(5) Employers with insured individuals as defined in Section 2(1)8b of Book VII of the Social Code shall not be subject to (1) to (4) above.

Sec. 27 Number and training of in-house paramedics

(1) The employer shall ensure that at least one in-house paramedic is provided if

1. there are more than 1,500 insured individuals (as defined by Section 2(1)1 of Book VII of the Social Code) in a enterprise,
2. there are 1,500 or fewer, but more than 250, insured individuals (as defined by Section 2(1)1 of Book VII of the Social Code) in a enterprise and the nature, severity and number of accidents necessitates the deployment of paramedic staff,
3. more than 100 insured individuals (as defined by Section 2(1)1 of Book VII of the Social Code) are present on a building site.

3. shall also apply if tasks necessary in order to perform construction work taken on by the employer are assigned by the employer to other employers and the total number of insured individuals working at the same time exceeds 100.

(2) In enterprises of the type described in (1), Sentence 1, Number 1, it can be agreed with the German Social Accident Insurance Institution that there is no need for in-house paramedics, provided the nature, severity and number of accidents are such that it is not necessary to deploy them. On building sites of the type described in (1), Sentence 1, Number 3, it can be agreed with the German Social Accident Insurance Institution that there is no need for in-house paramedics, taking into consideration how easily accessible the accident site is and how far away the public emergency services are located.

(3) The employer may only appoint as in-house paramedics persons who have been trained by institutions that the German Social Accident Insurance Institution has judged to be suitable in terms of staff, material resources and organisation.

(4) The employer may only appoint as in-house paramedics individuals who have attended

1. a foundation training course
- and
2. an advanced course

for in-house paramedic tasks.

In-house paramedics are also deemed to have undergone foundation training if they have attended a course of at least the same level or undergone vocational training that covered paramedic tasks.

(5) In order to attend the advanced course specified in (4), Sentence 1, Number 2, insured individuals must have attended the training course described in (4), Sentence 1, Number 1 no longer than two years beforehand; if an insured person has been employed in an associated job on the basis of their training, that training must have been completed no later than two years previous to attendance of the advanced course.

(6) The employer shall ensure that the in-house paramedics receive regular continuing training in three-year cycles. (3) above shall apply accordingly to the continuing training.

Sec. 28 Insured individuals' support duties

(1) As part of their support duties as described in Section 15(1), insured individuals shall train as first aiders and undergo continuing training, usually at intervals of two years. Following training, they shall make themselves available for first aid tasks. Insured individuals shall not be required to comply with the duties set out in Sentences 1 and 2 if they have personal reasons for not doing so.

(2) Insured individuals shall report all accidents immediately to the department responsible in the enterprise; if they are not able to do so, the employee who becomes aware of the accident first must report it.

Part four

Personal protective equipment

Sec. 29 Provision

(1) In accordance with Section 2 of the Ordinance on the use of personal protection equipment, the employer must provide the insured individuals with suitable personal protective equipment; the employer must consult the insured individuals before providing the equipment.

(2) The employer shall ensure that a sufficient amount of personal protective equipment is provided to the insured individuals for their personal use at the workplace. There must be EC declarations of conformity for the personal protective equipment provided. Sentence 2 shall not apply to skin-protection products.

Sec. 30 Use

(1) The employer shall ensure that personal protective equipment is used as intended in accordance with any limits on wearing times and length of use.

(2) The insured individuals shall use the personal protective equipment as intended, check it regularly to ensure it is in good order and report any faults detected to the employer immediately.

Sec. 31 Special instruction

In the case of personal protective equipment intended to provide protection against fatal hazards or permanent damage to health, the employer shall provide the insured individuals with instruction and exercises to convey the information on use that must be kept at hand in accordance with Section 3(2) of the use of personal protection equipment.

Chapter five

Regulatory offences

Sec. 32 Regulatory offences

Within the meaning of Section 209(1)1 of Book VII of the Social Code, it is an offence to wilfully or negligibly contravene the provisions of

Section 2(5),

Section 12(2),

Section 15(2),

Section 20(1)

Section 24(6),

Section 25(1), (4), Number 1 or 3,

Section 26(1), Sentence 1 or (2), Sentence 1,

Section 27(1), Sentence 1, Number 1 or 3, (3),

Section 29(2), Sentence 2 or

Section 30.

Chapter six

Rescission of accident prevention regulations

Sec. 33 Rescission of accident prevention regulations

The following accident prevention regulation is hereby rescinded:

(Text for German Social Accident Insurance Institution for trade and industry):

“Principles of Prevention” (BGV A1), dated ...

(Text for German Social Accident Insurance Institutions for the public sector):

“Principles of Prevention” (GUV-V A1), dated ...

Chapter seven

Coming into force

Sec. 34 Coming into force

This accident prevention regulation shall come into force on ...

Annex 1

Re. Section 2(1):

The main government regulations concerning occupational safety and health in which the measures to be taken by the employer to prevent occupational accidents, occupational disease and work-related health risks are defined in detail are as follows (each as amended from time to time):

- German occupational safety and health act
- Ordinance on work places
- Construction Site Ordinance
- Ordinance on visual display unit (VDU) workplace
- Ordinance on biological Substances
- Ordinance on industrial safety and health
- Ordinance on hazardous Substances
- Ordinance on noise and vibration protection
- Ordinance on health and safety requirements for the manual handling of loads at work
- Ordinance on the use of personal protective equipment
- Ordinance on occupational medical prophylaxis
- Ordinance on the protection of employees against Hazards caused by artificial optical radiation

The above list is not exhaustive.

The legal requirement incumbent upon German Social Accident Insurance Institutions to prevent occupational accidents, occupational disease and work-related health risks shall also apply to employers and insured individuals who do not fall directly within the scope of the government regulations concerning occupational safety and health.

Annex 2

Re. Section 26(2):

Preconditions for authorisation as an institution for (continuing) training in first aid
Institutions that conduct (continuing) training in first aid need a written agreement stipulating the nature and scope of the training and the course fees.

1 General principles

1.1 Application for authorisation

The application for authorisation shall be submitted to the relevant German Social Accident Insurance Institution.

1.2 Inspection

The German Social Accident Insurance Institution and any persons charged by the German Social Accident Insurance Institution with inspection tasks shall be entitled to inspect the training rooms, facilities, teaching materials and the way in which the training courses are conducted at any time.

1.3 Fixedterm limitation and revocation of authorisation

Authorisation shall be granted for a limited fixed term and subject to revocation following an assessment of compliance with the preconditions concerning staff, material resources and organisation.

1.4 Changes to aspects defined as preconditions

All changes to aspects that are defined as preconditions for authorisation shall be reported to the relevant German Social Accident Insurance Institution immediately.

2 Staff-related preconditions

2.1 Medical background

The applicant must prove that a suitable physician is in charge of the (continuing) training in first aid.

Suitable physicians are those who have a certificate confirming their suitability for emergency-service work, whose title includes a designation as a rescue medicine

doctor or who have a comparable qualification. In addition, they must have detailed knowledge of the recommendations for first aid issued by the German Resuscitation Council at the German Medical Association.

2.2 Trainers

Applicants must prove that they are able to perform the training themselves or have a sufficient number of trainers who can do so.

Trainers shall be deemed able to perform the training if they present a valid certificate confirming that they have attended a special training course for first aid at a suitable institute for trainer training. The trainers must receive continuing training at appropriate intervals.

2.3 Experience in organising and providing first aid

Applicants must prove that they have particular experience in organising and providing first aid. This is deemed to be the case if they or their training staff have been working in the public or in-house emergency services for at least three years, as a rule, and can provide evidence of that work.

2.4 Insurance cover

Applicants must provide evidence that they have taken out liability insurance to cover any personal injuries or material damage that occur in connection with the training.

3 Preconditions concerning material resources

3.1 Training rooms, facilities and teaching materials

Suitable rooms, facilities and teaching materials must be available for the training courses. There must be at least one room in which 20 people can be instructed in first aid by means of theory tuition, practical demonstration and exercises. The room must have adequate lighting. Furthermore, seating, writing surfaces, wash facilities and toilets must be provided.

The necessary teaching materials, especially demonstration and exercise materials plus appropriate media, such as an overhead projector and transparencies, must be available in adequate quantities and in working order.

The demonstration and exercise materials, particularly the equipment used to practise mouth-to-mouth resuscitation and cardiac pressure massage, are subject to special hygiene requirements; they must also be disinfected and proof given that the disinfection has taken place.

4 Organisational preconditions

4.1 Number of participants

As a rule, no fewer than 10 and no more than 15 people should participate in any given course. In any event, the number of participants must not exceed 20, including the training assistant.

4.2 Volume of training

The applicant must guarantee that at least 100 insured individuals per year receive (continuing) training.

4.3 Content and scope of training courses

In terms of content, scope and the educational methods employed, the (continuing) training must, as a minimum, reflect the content set out in the curricula and guidance documents for the first aid course; the curricula and guidance documents are drawn up in agreement with the organisations represented in the Federal association for first aid, taking into account the recommendations of the German Resuscitation Council at the German Medical Association.

4.4 Participant handouts

Each participant on a (continuing) training course shall be supplied with a handout concerning the course content; the handout shall contain, as a minimum, the information presented in the “First aid manual” (DGUV informative publication 204-007).

4.5 Certificate of attendance

Each participant shall be given a certificate of attendance. The first aid training or continuing training certificate may only be awarded if the trainer is convinced that the participant, having attended the course regularly, has the necessary knowledge and abilities as described in 4.3 above.

4.6 Documentation

The authorised institute shall keep a record of the following aspects of the training conducted:

- type of (continuing) training course,
- course venue and times,
- name of the physician in charge,
- name of the trainer,
- name, date of birth and signature of the participant,
- participant's employer and
- German Social Accident Insurance Institution responsible for paying costs.

These records must be kept for five years and presented to the German Social Accident Insurance Institution on request.

5 Special preconditions for (continuing) first aid training in child education and childcare establishments

This training covers first aid measures for adults and children; in addition to the preconditions mentioned above, it requires a curriculum aligned with the form of training, additional material resources, an additional qualification on the part of the trainers and distribution of a document providing information that is at least equivalent to that given in the "Manual for first aid in educational and childcare establishments" (DGUV informative publication 204-008).

Deutsche Gesetzliche Unfallversicherung e.V.
(German Social Accident Insurance, DGUV)

Glinkastraße 40
10117 Berlin, Germany
Tel.: +49 30 288763800
Fax: +49 30 288763808
E-Mail: info@dguv.de
Internet: www.dguv.de