

Fundamentals of Labour Inspection in Germany

Inspectors training and code of practice



Sabine Herbst, DGUV



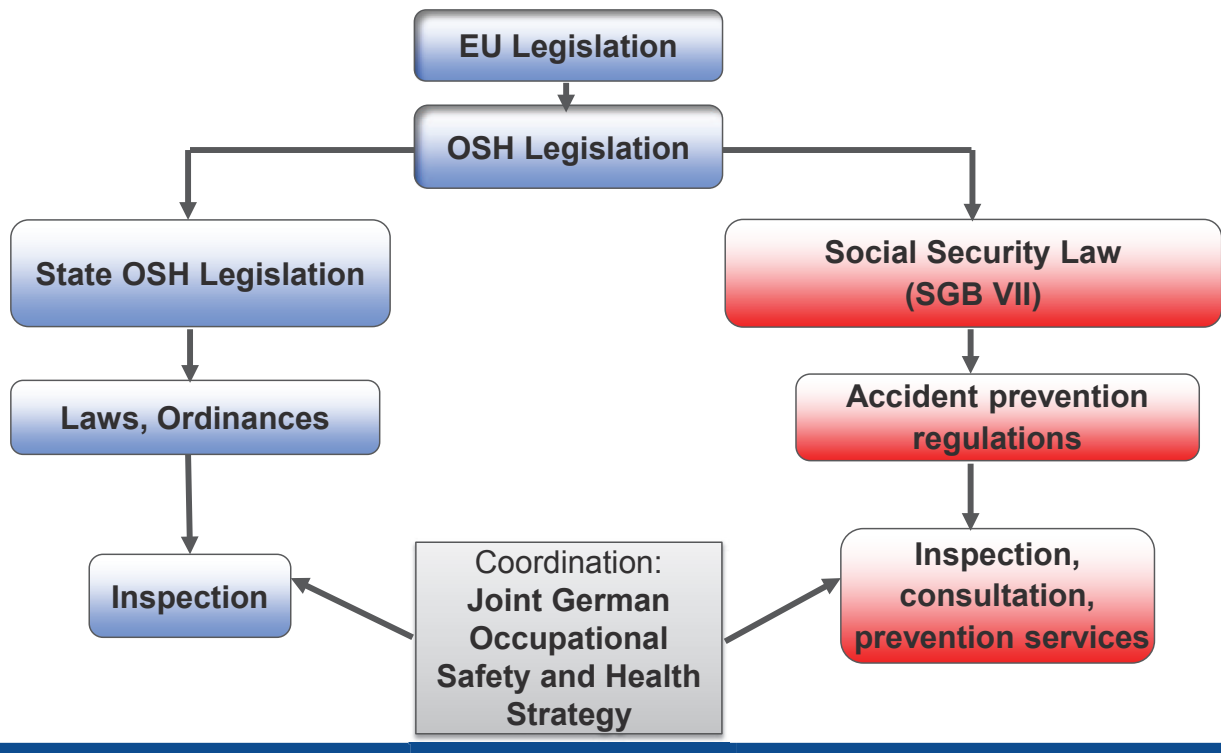
Legal mandate of DGUV Germany

The German Social Accident Insurance Institutions have the function of:

- preventing occupational accidents, commuting accidents, occupational diseases and work-related health hazards **using all suitable means**;
- restoring the health and performance of the insured individuals **using all suitable means** following an occupational accident or an occupational disease;
- awarding monetary compensation to the insured individuals or their surviving dependents according to rules given by law.



OSH legislation and regulation in Germany



Labour inspectors – general information I

Labour inspectors are employees of the German Social Accident Insurance Institutions who conduct prevention work in companies. They serve as the link between the accident insurance institution and the company.

Labour inspectors – general information II

In the implementation of their statutory prevention mandate under Section 14 of the German Social Code Volume VII, the accident insurance institutions must, in accordance with Section 17 of the Code, monitor implementation of the necessary prevention measures, and advise the insured individuals.

In order to be able to perform these tasks, the accident insurance institutions are obliged to employ labour inspectors in sufficient numbers. On a case-by-case basis, the labour inspectors may impose measures for the prevention of occupational accidents, occupational diseases and work-related health hazards, and to ensure effective first aid (Section 19 of the German Social Code VII).

Tasks of Labour Inspectors

Experts at the German Social Accident Insurance support the labour inspectors in all prevention services provided by the accident insurance institutions. For this purpose, they perform tasks such as the following:

- Provision of advice and information on all issues concerning occupational safety and work-related health hazards
- Monitoring of occupational safety at the workplace
- Performance of training in prevention
- Measurement of hazardous substances during consulting and inspection activities
- Investigations in relation to formally recognized occupational diseases

Candidate screening and employment conditions

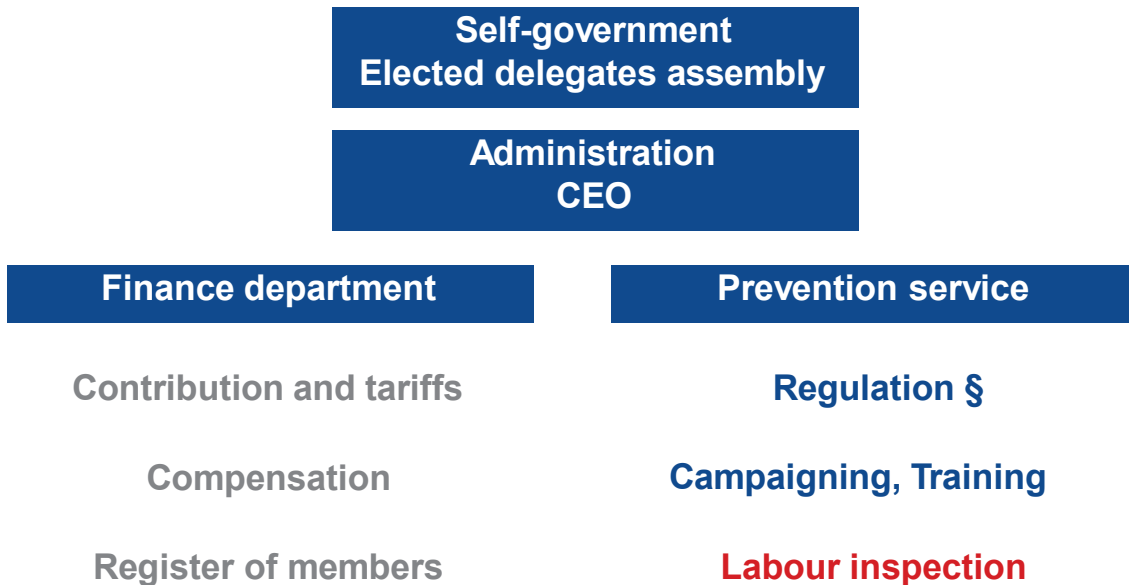
- Annual staff requirement: approx. 110 new labour inspectors
- Candidates must have a university or technical college degree
- Candidates have to prove not less than 24 month work experience in industry or commerce
- Successful written application, job interview and personal assessment
- Successful completion of 24 month probation period = basic training course for labour inspection aspirants
- Life-long job and pension guaranteed
- salary approx. 35 % above industrial average

Skills

The labour inspectors must meet complex requirements in order to fulfil their tasks.

They must monitor observance of the standards and be able to provide advice on safety and health at work. They must also combine problem-related knowledge and methods from a range of specialist disciplines, and be able to identify problems, take them up and refer them to the appropriate contact.

Accident insurance: How inspection is classified

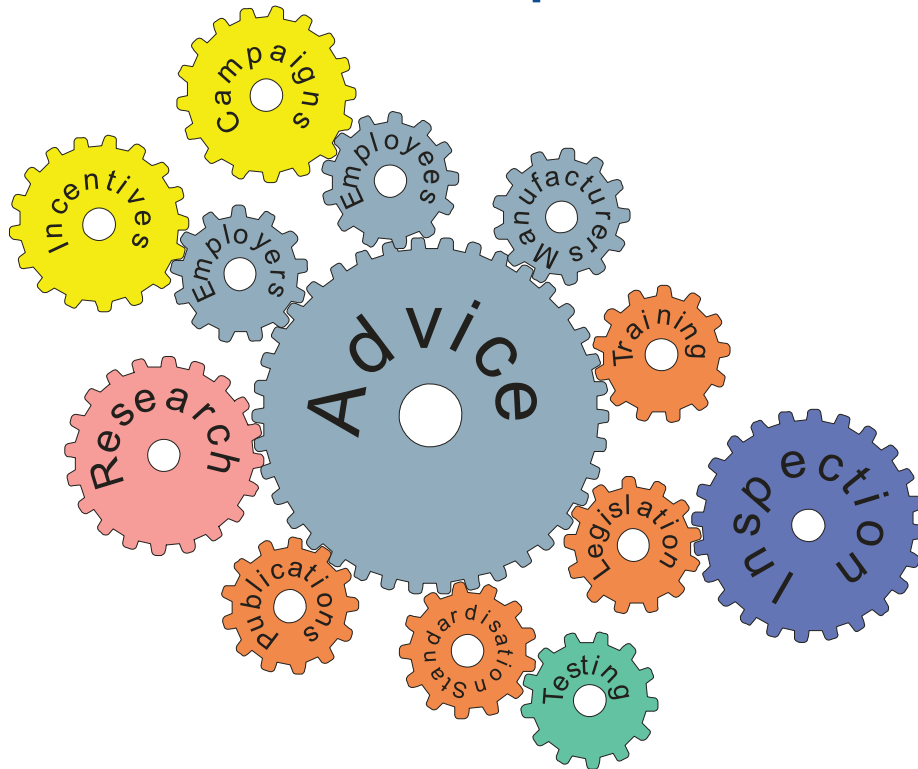


Facts and Figures

- Labour Inspection basically operated by appointed inspectors of the statutory accident insurance units
- Expenditures for prevention p.a.: 1.083.191.237,- Euro
- 3.3 million enterprises inspected by 1.704 inspectors. Ratio: one inspector per 1.950 enterprises
- Co-operation and shared responsibilities with state inspectorates
- 479.589 inspections in 221.110 enterprises
- 3.606 short-term improvement notices issued*
- 5.479 instant shutdown notices issued*
- 924.889 deficiency complains declared*
- 1.684 personal penalties awarded to employers or employees*

* industrial sector, annual number, source: Federal Institute for OSH 2014, www.baua.de

Interlocked instruments of prevention

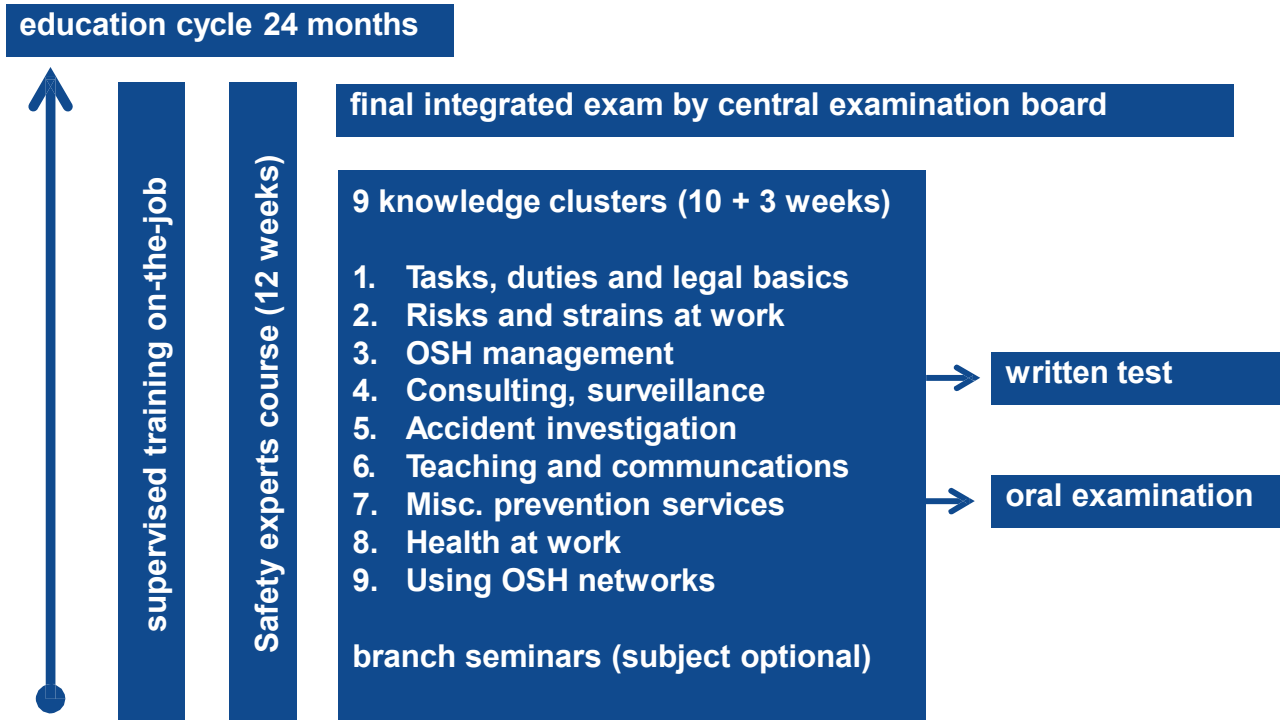


Example: Inspection and consultation services

- Executed by appr. 2,200 labour inspectors of BGs and UKs (mainly engineers and natural scientists), which are authorized to make inspections within the enterprises on the basis of laws, accident prevention regulations and technical guidelines.
- Additionally supported by about 2,000 technical and scientific experts of the BGs, UKs and the DGUV (medical doctors, measurement technicians, psychologists, biologists, social and technical scientists) are supporting the surveillance and consulting activities, e.g. in executing measurements of all kinds at work places.



Basic training for Labour Inspectors



Advanced training for Labour Inspectors

- to extend professional skills and keep them up-to-date
- recommended training time approx. 5 working days per year
- annual personal budget approx. 2.000 Euro (course fees and travel expenses)



Dresden DGUV Academy & Training Center

Training course booking



annual seminars catalogue



online booking system: dguv.de/iag

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Master studies programme for high potentials



Place of study: Dresden, DGUV Academy
Duration: 2 years, extra-vocational
Enrolment fee: 15.000 EUR total
Admission requirements: university degree
min. 180 ECTS, work experience in OSH
Final degree: Master of Science, M. Sc.

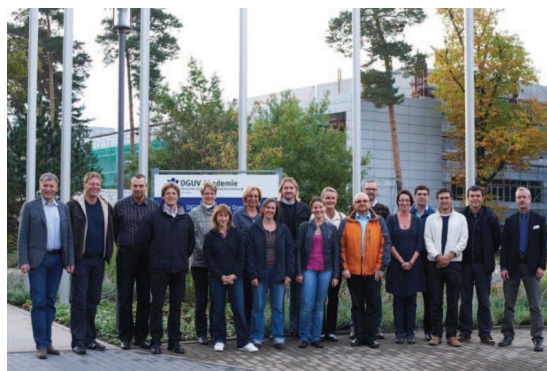


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Scope and principles of Labour Inspection

- Labour Inspectors have comprehensive authority and legal power to grant safety standards by all appropriate (legal) means
- They may stop production whenever hazard for life and health is detected
- The employer has absolute to follow, but can later appeal
- Proper application of acknowledged safety management systems by an enterprise can lower the number of inspections
- Labour Inspectors are always obliged to combine supervision with consultancy
- Labour Inspectors are committed to settle conflicts as they have to involve both tariff partners

Labour Inspection: Obstruction or benefit?

- Burns up valuable operation time
 - Brings inconvenient duties back in mind
-
- Enterprises get technical and legal consultation free of charge
 - Internal safety department is backed up
 - Training and OSH promotion campaigns are disseminated
 - Consolidation of insurance claims of employers and employees
 - Cost effectiveness: Accident insurance is the only branch with stable or even decreasing fees in the long term

Improving the public image of Labour Inspection

- Labour inspectors training is focused on social skills and customer orientation
- No straight career from college to labour inspection, candidates must have practical experience from the industry
- Process of deregulation gives scope for individual decisions
- Paper oriented formalism is replaced by specific risk assessments
- Employers and employees have guaranteed rights in favour of partnership and mutual understanding
- “Code of good conduct” has the highest priority