

German contribution

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*Question 1a:*

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*Please indicate if there are specific standards in place for the protection of health and safety in particular sectors of economic activity.*

In Germany, the Arbeitsschutzgesetz (Act on Occupational Safety and Health) stipulates standards for the protection of health and safety of employees. The rules of this act are implemented by several ordinances. Those are, e. g., the Gefahrstoffverordnung (Ordinance on Hazardous Substances), the Biostoffverordnung (Ordinance on Biological Agents), the Betriebsicherheitsverordnung (Ordinance on Industrial Safety), the Arbeitsstättenverordnung (Ordinance on Workplaces), the Verordnung zur Arbeitsmedizinischen Vorsorge (Ordinance on Preventive Occupational Medicine) or the Verordnung zum Schutz der Beschäftigten vor Gefährdungen durch künstliche optische Strahlung (Ordinance on the Protection of Employees against Hazards from Artificial Optical Radiation).

**Question 1b:**

*Please indicate if there are specific standards in place for protecting workers against specific risks such as the exposure to radiation, toxic substances (including industrial chemicals, pesticides and building materials), and air pollution, among others.*

In Germany, worker's protection against exposure to radiation is regulated by the Ordinance on the Protection of Employees against Hazards from Artificial Optical Radiation, the protection against exposure to toxic substances (including industrial chemicals, pesticides and building materials) is regulated by the Ordinance on Hazardous Substances, the protection against exposure to air pollution is regulated by the Ordinance on Workplaces.

**Question 1c:**

*Please provide specific information on permissible exposure levels of workers to such risks, including URL links (or other documentation) on established levels, and information regarding procedures for the establishment of such levels.*

Permissible exposure levels in general are regulated by the Technical Rules for Hazardous Substances (TRGS). These reflect the state of technology, occupational safety and health and occupational hygiene as well as other definite knowledge relating to activities involving hazardous substances including their classification and labelling.

With regard to permissible exposure levels at the workplace, the TRGS 900 (available only in German)

<https://www.baua.de/DE/Angebote/Rechtstexte-und-Technische-Regeln/Regelwerk/TRGS/TRGS-900.html>

and the TRGS 910 (also available in English)

<https://www.baua.de/EN/Service/Legislative-texts-and-technical-rules/Rules/TRGS/TRGS-910.html>

are applicable. Both also set out the procedures for the establishment of permissible exposure levels.

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**Question 2:**

*Please indicate the main authorities tasked with overseeing the implementation of occupational health norms and a description on their mandate.*

The superior authority tasked with overseeing the implementation of occupational protection and health norms is the Federal Ministry of Labour and Social Affairs. The Federal Ministry obtains scientific advice from its subordinate, the Federal Institute on Occupational Safety and Health. This institute is, in turn, the higher federal authority for occupational safety and health. Enforcement of regulations falls to the state authorities of the German states (Bundesländer).

**Question 3:**

*Please provide the national laws establishing the right to information and the instruments establishing the specific rights of workers to information on issues relating to their occupational health and safety.*

According to sec. 12 of the Act on Occupational Safety and Health, employers must inform employees with regard to safety and health at the workplace. This responsibility is furthered in the several applicable ordinances, e.g. sec. 14 of the Ordinance on Hazardous Substances.

**Question 4:**

*Please provide the national laws and regulations providing protection to whistleblowers sharing information on their work activity and environment, particularly concerning disclosures on harms to the environment and public health.*

In Germany, workers and employees sharing information on their work activity and environment, particularly concerning disclosures on harms to the environment and public health are protected by established general rules, especially sec. 612a, 626 Bürgerliches Gesetzbuch (Civil Code) and sec. 1 of the Kündigungsschutzgesetz (Act on Protection Against Dismissals), applicable provisions of the German Constitution, especially sec. 2 par.1, sec. 5, sec. 20 par. 3 Grundgesetz (Basic Law), and the jurisprudence and case-law set by the Bundesarbeitsgericht (Federal Labour Court), the Bundesverfassungsgericht (Federal Constitutional Court) and the Europäischer Gerichtshof für Menschenrechte (European Court on Human Rights). In addition, there are several specific regulations providing protection to whistleblowers in certain specific areas, e.g. sec. 13 of the Geldwäschegesetz (Act on Money Laundering), sec. 17 par. 2 of the Act on Occupational Safety and Health.

**Question 5:**

*Please provide information on the existing national laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances.*

According to sec. 17 par. 2 of the Act on Occupational Safety and Health, workers, when based on specific indications, are of the opinion that the measures taken and means made available by the employer are not sufficient to guarantee safety and health protection at work and the employer does

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not remedy any complaints raised by the workers in this regard, may contact the competent authority. The workers may suffer no disadvantages as a result thereof.

**Question 6:**

*Please indicate if public officials periodically analyse the situation of occupational safety and health and how these assessments are publicized.*

In Germany, different public officials do periodically analyse the situation of occupational safety and health. Their reports and assessments are publicized. The arguably most important report in this respect is the „Bericht Sicherheit und Gesundheit bei der Arbeit“ (Report on Safety and Health at Work), published annually by the Federal Institute on Occupational Safety and Health. The latest iteration of this report can be obtained at the following URL:

[https://www.baua.de/EN/Topics/The-changing-world-of-work-and-occupational-safety-and-health/Monitoring-working-conditions/SuGA/SuGA\\_node.html](https://www.baua.de/EN/Topics/The-changing-world-of-work-and-occupational-safety-and-health/Monitoring-working-conditions/SuGA/SuGA_node.html)

**Question 7:**

*Please indicate if your Government considers revising its existing norms for occupational health and safety and the reasons for this possible revision.*

The German Government does not currently consider a full revision of its existing norms for occupational health and safety. Existing rules do not only comply with the high standards set by applicable European Union Regulations. In several instances, German national rules even exceed these high standards. In cases, where applicable European Union Regulations require an amendment of German national law, such changes are implemented accordingly.

Germany is also committed to the health and safety of workers in transnational supply and value chains. The National Action Plan on business and human rights sets out the expectation vis-à-vis companies based in Germany to exercise human rights due diligence throughout their operations. This applies especially when they operate in countries where the rule of law is not enforced or is only partly enforced. The German government will review whether at least 50% of all German-based enterprises with more than 500 employees have incorporated the elements of human rights due diligence into their business processes by 2020. If the target is missed, the Federal Government will consider further action, which may culminate in legislative measures.