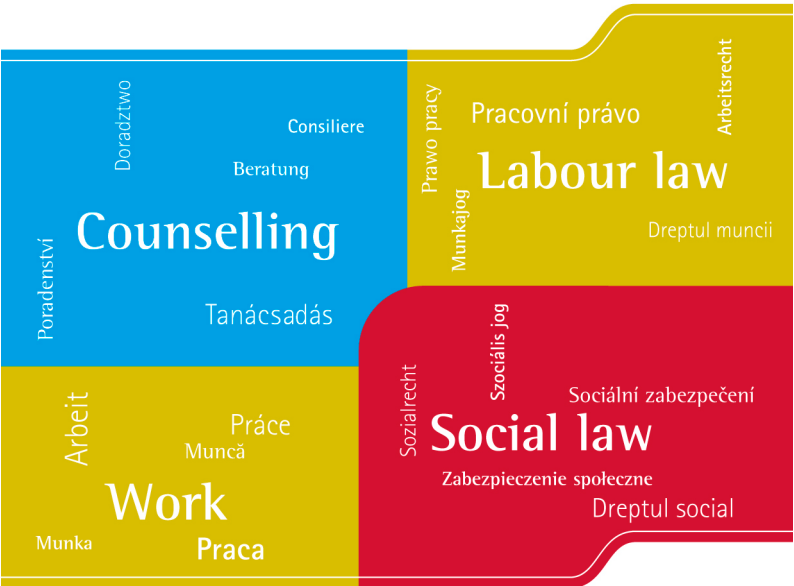


Occupational accident: what to do?



EN

GUTE ARBEIT FÜR
SACHSEN



BABS Beratungsstelle für
ausländische Beschäftigte
in Sachsen

www.babs.sachsen.de

What is an occupational accident?

An accident is a temporary, sudden event that affects the body from the outside and can cause damage to health or result in death. If this happens during working hours or on the way to/from work, it is referred to as an occupational accident (or industrial or work accident) or an accident that has occurred on the way to or from work. Provisions governing statutory accident insurance are set forth in the 7th Social Code (SGB VII). Furthermore, the regulation on the reporting of claims covered by statutory accident insurance must be observed.

An **internal occupational accident** is one that occurs on the premises of a company or at your regular workplace. If you work for a transport company and a heavy crate slips in front of your leg during loading and injures you, this is an occupational accident. It is also an occupational accident if, for example, you work as a cleaner and slip on damp ground, injuring yourself in the process. An injury you suffer while doing a job for your employer (e.g. delivering mail outside the workplace) or on a business trip or an installation assignment is an **external occupational accident**. An accident suffered while travelling directly to or from your workplace is referred to as a **commuting accident**. If, for example, you are hit by a car on your way to work or if you twist your foot, you are insured. An accident on the way also counts as a commuting accident if you have taken a detour to bring your children to or from care.

If you go to a supermarket on your way to work to shop, have an accident there and injure yourself, it is not an occupational accident. If you are then on your way home again and suffer an accident, this will count as a commuting accident if the interruption lasted less than two hours. If you take a walk in the park during your lunch break and a branch falls on your head, it is not an occupational accident. It is also important to note that the routes to the canteen and toilet and back are insured. However, an accident in the canteen or the toilet is not covered.

What do I have to do if I have an accident at work?

If you suffer an accident at work or an accident on your way to or from work, there are a few things you need to bear in mind. You should report the accident / injury to your employer and, if possible, enter the injury in the accident record.

Note: The employer must report an accident to the accident insurer. He is obliged to do this if the employee is unable to work for at least three days as a result of the accident. A copy of the accident report must be sent to the local health and safety supervisory authority. In Saxony, this is Department 5 of the Saxony State Department with headquarters in Chemnitz, Dresden and Leipzig. If you suffer only a minor injury, such as a small cut on your finger, enter this in an accident record. This will protect you if what is actually a minor injury becomes infected later and you become too ill to work. It is best to ask your employer beforehand where to find the accident record.

After your accident, consult a doctor. **Important:** This doctor should be qualified as an **accident insurance consultant (Durchgangsarzt or D-Arzt)**! These doctors are usually orthopaedists or accident surgeons who are specially qualified to treat victims of occupational accidents. Their practices are also furnished and equipped accordingly. You can also go to an emergency department or an accident department in the hospital. This also functions as a Durchgangsarzt, since the head physician is usually admitted as D-Arzt. If you suffer exclusive injuries to the eyes, ears, throat or nose, please consult an appropriate specialist directly. As a rule, the D-Arzt will also report the accident to the accident insurance provider. The D-Arzt decides on further treatment and may refer you to your general practitioner for treatment in the case of minor injuries.

Important: If you are asked by your employer not to report the accident at work, then he has probably not reported you to an accident insurance provider, even though he is obliged to do so. For your own protection, you should nevertheless report your injury as an occupational accident! The accident insurer will contact your employer later to clarify the situation.

What is an employers' liability insurance association or accident insurance fund and which one is responsible for me?

The DGUV (German Statutory Accident Insurance Association) is a central association representing all German accident insurance providers. Accident insurance providers include not only the commercial employers' liability insurance associations but also the public accident insurance funds and the agricultural employers' liability insurance associations. Every employee must be registered with one of these providers by the employer and be covered by mandatory insurance. The costs are borne by the employer. If you are self-employed, you have the option of taking out voluntary insurance. Since each branch of industry bears its own risks and burdens, the employers' liability insurance associations are subdivided into occupational groups.

If you go to an accident insurance consultant after an accident at work, you may be asked about the professional association or accident insurance institution responsible for you. You must obtain this information from your employer, who must know where he has registered you. If you do not receive any information from your employer, you will find below a list of commercial employers' liability insurance associations and their responsibilities.

Berufsgenossenschaft

Rohstoffe und chemische Industrie

(Employers' Liability Insurance Association for the Raw Materials and Chemical Industries/BG RCI)

The Berufsgenossenschaft Rohstoffe und chemische Industrie is responsible for approx. 32,000 companies with roughly 1.4 million employees. The BG RCI serves companies from the mining, building materials, stone and earth, chemical, leather, paper and equipment industries as well as the sugar industry.

www.bgrci.de

Berufsgenossenschaft Holz und Metall

(Wood and Metal Employers' Liability Insurance Association/BGHM)

The Berufsgenossenschaft Holz und Metall serves approx. 223,000 companies with approx. 4.9 million employees. This also includes temporary employees, home workers and trainees. The BGHM is responsible for companies involved in wood production as well as for companies that process wood, plastics or similar materials. In addition, it serves companies in the iron, steel, precious metal and metal production sectors as well as companies that process iron, steel, metal, precious metals, precious stones, semi-precious stones and similar materials.

www.bghm.de

Berufsgenossenschaft

Nahrungsmittel und Gastgewerbe

(Employer's Liability Insurance Association for the Food and Hospitality Industry/BGN)

The Berufsgenossenschaft Nahrungsmittel und Gastgewerbe is responsible for approx. 400,000 companies with approx. 3.4 million employees. The BGN serves

companies in the food and beverage industry, the hotel and restaurant industry, the bakery and confectionery trades and the tobacco industry. It also supports fairground, circus company and meat industry workers.

www.bgn.de

Berufsgenossenschaft der Bauwirtschaft

(Employers' Liability Insurance Association for the Construction Industry/
BG BAU)

The Berufsgenossenschaft der Bauwirtschaft caters for the needs of approx. 500,000 companies and some 50,000 private construction projects with around 2.8 million insured persons. The BG BAU is responsible for the construction industry and construction-related services. This includes building construction (e.g. roofing work, scaffolding and painting) and civil engineering (e.g. road construction, street cleaning, sewer cleaning) including the necessary preparatory work, secondary activities and workshop work and transport activities.

www.bgbau.de

Berufsgenossenschaft Handel und Warenlogistik

(Employers' Liability Insurance Association for Trade and
Goods Logistics/BGHW)

The Berufsgenossenschaft Handel und Warenlogistik looks after approximately 378,000 companies with approx. 5.3 million employees. The BGHW is responsible for the wholesale and retail trade, commercial agencies, forwarding companies, purchasing and sales associations, publishing houses whose products are predominantly produced on a contract basis, and those involved in the sale, delivery and distribution of press products.

www.bghw.de

Verwaltungs-Berufsgenossenschaft

(Administrative Employers' Liability Insurance Association/VBG)

The Verwaltungs-Berufsgenossenschaft serves over 1.1 million companies from more than 100 sectors with over 10 million employees. The VBG is responsible for temporary employment agencies, banks, insurance companies, engineering and architecture firms, law firms, churches, sports clubs, companies in the ceramic and glass industries, as well as those which operate trams, underground trains and railways. It also serves persons receiving in-patient treatment, rehabilitants and trainees from vocational training institutions as well as people engaged in civil-service activities.

www.vbg.de

Berufsgenossenschaft

Verkehrswirtschaft Post-Logistik

Telekommunikation

(Transport, Postal Logistics & Telecommunications Employers' Liability Insurance Association/BG Verkehr)

Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation looks after around 200,000 companies with over 1.7 million employees. The BG Verkehr is responsible for companies engaged in postal logistics, logistics, freight and passenger transport, waste disposal, aviation, inland navigation, shipping and fishing as well as telecommunications and financial services. In addition, it also insures driving schools, towing services, car rentals, funeral services, equine husbandry and pilotage companies.

www.bg-verkehr.de

Berufsgenossenschaft für Gesundheitsdienst und Wohlfahrtspflege (Employers' Liability Insurance Association for Health and Welfare Services/BGW)

The Berufsgenossenschaft für Gesundheitsdienst und Wohlfahrtspflege serves roughly 640,000 companies with over 8.4 million insured persons. The BGW is responsible for non-governmental health service and welfare institutions. These include companies, administrations, facilities and activities in the fields of welfare, health care, veterinary medicine, hairdressing and body and beauty care. It is also responsible for administrative and educational institutions in the above areas.

www.bgw-online.de

Berufsgenossenschaft Energie Textil Elektro Medienerzeugnisse (Employers' Liability Insurance Association Energy Textile Electrical Media Products/BG ETEM)

The BG ETEM supports approx. 220,000 companies with roughly 3.8 million employees. The BG ETEM is responsible for companies in the electrical industry and electrical trades, precision mechanics, energy and water management, textiles and footwear, as well as printing and paper processing. These include, among others, electrical installation companies, paper-processing companies, gas, district-heating and water-supply companies as well as waste-water disposal and energy-supply companies.

www.bgetem.de

Why is it important for me to report an occupational accident as such?

It can make a considerable difference to you whether the health insurance fund or the statutory accident insurance is responsible in the event of your incapacity to work. After a recognised occupational accident, for example, you are entitled to an injury allowance for the duration of your incapacity to work. The injury allowance currently amounts to 80% of your regular gross salary, but it may not be higher than your regular net salary. Your injury allowance is paid by the health insurance fund, but do not confuse it with sickness allowance, which amounts to 70 % of your regular gross salary.

In addition, accident insurance providers pay for medications and aids, rehabilitation measures (e.g. in clinics specially designed to care for victims of occupational accidents) and, if necessary, domestic help. If necessary, your workplace will be redesigned and made handicapped-accessible. Should you no longer be able to work in your current occupation due to the occupational accident, you will be eligible for retraining in another occupation. If you suffer permanent damage to your health, you will also be entitled to receive an accident pension.

Accident insurance providers, unlike health insurance funds, have unlimited budgets and are expected to use all appropriate means to restore the health and earning capacity of accident victims. As a patient, you usually do not have to worry about formalities, as accident insurance consultants and accident insurance providers work closely together.

As a foreign employee, am I insured against accidents in Germany?

Yes, you are. You are covered regardless of your age, sex, marital status, nationality or income.

Am I also insured as a mini-jobber?

Yes, you are also insured as a mini-jobber. In contrast to pension insurance, for example, statutory accident insurance is not voluntary. All employees are covered by mandatory insurance paid for by their employer.

Does accident insurance cover mini-jobbers in private households?

Yes, even part-time employees in private households are covered by statutory accident insurance. Accident insurance providers in the municipal sector are responsible for implementing insurance coverage. To simplify the reporting and contribution procedure, this is handled within the framework of the employee's general registration with the Minijobzentrale der Deutschen Rentenversicherung Knappschaft/Bahn/See for accident insurance as well. The standard accident insurance contribution is 1.6 percent of the employee's salary, which is also collected by the Minijobzentrale and paid by the employer.

What other groups of people are insured?

Although employees are the largest group of insured persons, they are not the only one.

The following groups are also insured:

- Trainees
- Volunteers (e.g. members of a volunteer fire brigade)
- Unemployed persons who are asked by the Employment Agency to go to another location.
- Rescue personnel who provide first aid, blood donors and witnesses
- College students

This list is not exhaustive; the insured persons are listed in §§ 2, 3 and 6 SGB VII.

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