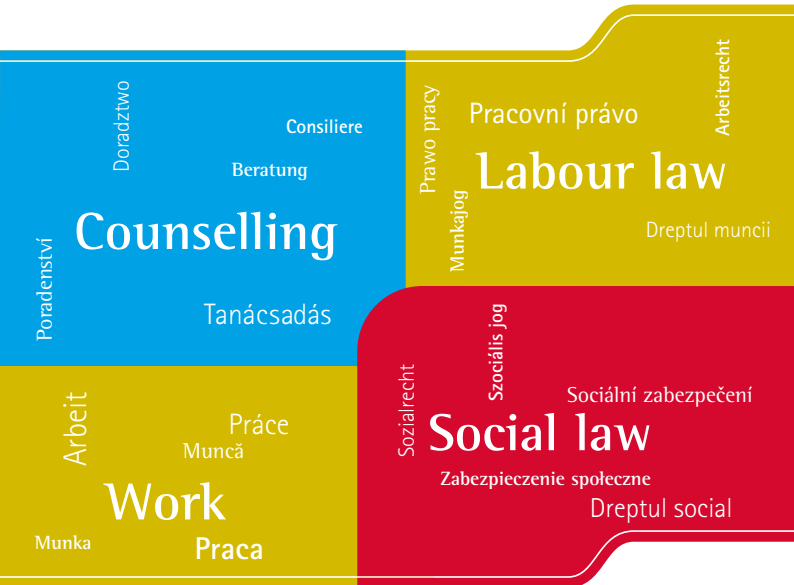


Occupational accident: what to do?



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GUTE ARBEIT FÜR
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ausländische Beschäftigte
in Sachsen

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What is an occupational accident?

If you have an accident at work or on your way to work, it is important to know what to do. We have compiled some information here that applies to all employees with a German employment contract. Of course, this also applies to foreign nationals and cross-border commuters.

Workplace and commuting accidents

A workplace accident happens at the company or at your regular place of work. Examples: If you work for a transportation company and a heavy box falls on your leg while you are loading goods and injures you, it is an occupational injury. It is also an occupational accident if, for example, you are working as a cleaner and you slip on a wet floor and get injured.

If you suffer an injury while you are doing something for your employer (e.g. bringing away mail) or on a business trip or during assembly, this is also an occupational accident.

It is a commuting accident if you have an accident on the direct way to work or from work to home.

Important: The routes to the canteen and toilet and back are insured. However, an accident in the canteen or toilet is not. If you leave the workplace for a walk or similar during your lunch break and get injured during this time, this is not an occupational accident.

What you need to do after an accident at work

If you have an accident at work or on the way to work, there are a few things you need to keep in mind: Report the accident to your employer as soon as possible and see a doctor. **Important:** This doctor should be an accident insurance consultant (**German: Durchgangsarzt, abbr. D-Arzt!**). These doctors have special qualifications to treat accidents at work, and their practices are also adapted to this situation. You can also go to an emergency room in the hospital. They also act as an accident insurance consultant. If you have suffered injuries to the eyes, ears, throat or nose alone, please go directly to the corresponding specialist. The D-Arzt will decide on further treatment and may refer you to your primary care doctor for treatment of minor injuries.

Note: Every injury sustained in the workplace must be entered in the first-aid book. If this results in an absence of more than three days, an accident report must be filed. The decisive factor for the accident report is the time lost, not the visit to a doctor. The employer must report an accident to the accident insurer. A copy of the accident report must be sent to the locally responsible occupational health and safety authority. In Saxony, this is Department 5 of the Saxony State Directorate with offices in Chemnitz, Dresden and Leipzig. If you only sustain a minor injury, such as a small cut on your finger, enter this in a first-aid book. This will protect you in the event that this minor injury subsequently becomes infected, for example, and you become unfit for work. It is best to ask your employer in advance where the first-aid book is located.

Important: If your employer asks you not to report the accident at work, he may not have registered you with an accident insurance fund, even though this is his duty. For your own protection, you should still be sure to state to the Durchgangsarzt that it is an occupational accident! The accident insurance fund will later contact your employer to clarify the situation.

Reporting an accident at work is important!

It can make a considerable difference to you whether the health insurance fund or the statutory accident insurance fund is responsible in the event of incapacity for work. After a recognized accident at work, for example, you are entitled to injury benefit for the duration of your inability to work. Injury benefit is currently 80% of your regular gross pay, but it may not be higher than your regular net pay. By the way, your injury benefit is paid by the health insurance fund, but don't confuse it with sick pay, which is 70% of your regular gross pay. In addition, the accident insurance institutions will pay for remedies and aids, rehabilitation measures (e.g. in clinics specially designed for the care of occupational accidents) and, if necessary, household help. If necessary, your workplace will be adapted to suit the needs of the disabled. If you are no longer able to work in your current occupation because of the accident at work, you will be given the opportunity to retrain in another occupation. In the event of permanent damage to your health, you are also entitled to an accident pension.

Unlike health insurance funds, accident insurance funds have unlimited budgets and are supposed to restore the health and earning capacity of those affected by all appropriate means. As a patient, you usually do not have to worry about formalities, as the Durchgangsarzt and the accident insurance institutions work closely together.

Can I claim compensation from my employer in addition to the insurance benefits?

The payment of compensation after an accident at work is a matter of civil law in Germany. There is no automatic entitlement, but in certain cases it is possible to receive compensation. Please contact a lawyer to clarify this issue.

Foreigners and cross-border commuters

If you suffer an accident at your workplace or while working for an employer in Germany, you must first be treated in Germany and follow the accident reporting procedure described on page 2. Only after consultation with and approval by the responsible employers' liability insurance association is it possible to continue treatment in the country of residence. This applies to all foreign employees, including cross-border commuters.

In order to receive medical treatment in the country of residence after an occupational accident, proof of existing health insurance is usually accepted (e.g. European Health Insurance Card-"EHIC"). The accident insurance certificate DA 1, which is intended for benefits in kind, is usually only issued after the accident has been examined and then sent to the connecting office in the state of residence and/or to you as the insured person.

If you, as a cross-border commuter, are on your way to work or home, have an accident and do not know where the nearest Durchgangsarzt is, you can visit another doctor (also in your home country) in the area. However, you must then inform the doctor directly that it is a commuting accident!

As a cross-border commuter, you are also entitled to non-monetary benefits at your place of residence. The non-monetary benefits will then be provided by the institution of your place of residence in accordance with the legal provisions applicable to you; as if you were insured in accordance with these legal provisions (non-monetary benefits assistance).

Important: Please contact the responsible authorities in good time to find out whether and under what conditions the costs of treatment at your place of residence will be covered!

Mini-jobber

You are also insured as a mini-jobber. Unlike, for example, pension insurance, there is no exemption from insurance for statutory accident insurance. All employees, whether full-time, part-time or mini-job, are compulsorily insured by the employer.

Mini-jobbers in private households

Mini-jobbers in private households are also insured under the statutory accident insurance scheme. The accident insurance institutions in the municipal sector are responsible for carrying out the insurance. To simplify the registration and contribution procedure, this is done by the general registration of the employee at the Minijobzentrale der Deutschen Rentenversicherung Knappschaft/Bahn/See also for the accident insurance. A standard accident insurance contribution of 1.6% of pay applies, which is also collected via the Minijobzentrale and must be paid by the employer.

Other insured groups

Although employees are the largest insured group of persons, they are not the only one. Also insured are, among others:

- Apprentices
- Volunteers (e.g. volunteer firefighters)
- Life-savers who provide first aid, blood donors
- Students

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

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

The DGUV (German Social Accident Insurance) is a central association of all German accident insurance funds. In addition to the industrial accident insurance funds, the accident insurance funds also include the public accident insurance funds and the agricultural accident insurance funds. Every employee must be registered with one of the institutions by the employer and is compulsorily insured there. The costs are covered by the employer. If you are self-employed, you have the option of voluntary insurance. Since each branch of trade has its own dangers and obligations, the Berufsgenossenschaften are divided into occupational groups.

If you present yourself to the Durchgangsarzt after an accident at work, they may ask you for the Berufsgenossenschaft or accident insurance fund responsible for you. You must obtain this information from your employer, as he must know where he has registered you. If you do not receive any information from your employer, you can find a list of the accident insurance funds and their responsibilities here:

Employer's Liability Insurance Association for Raw Materials and chemical industry (BG RCI)

www.bgrci.de

BG RCI serves companies in the mining, building materials – stone – earth, chemical, leather, paper manufacturing and equipment, and sugar industries.

Employer's Liability Insurance Association for Wood and Metal (BGHM)

www.bghm.de

The BGHM is responsible for companies involved in wood extraction as well as companies that work or process wood, plastics or similar materials. It also looks after companies in the iron, steel, precious metal and metal production industries, as well as companies that work or process iron, steel, metal, precious metal, precious stones, semi-precious stones and similar materials.

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

www.bgn.de

The BGN serves companies in the food and beverage industry, the hotel and restaurant industry, the bakery and confectionery trades, and the tobacco industry. Also fairground entertainers, circuses and the meat industry.

Employer's Liability Insurance Association for the Construction Industry (BG BAU)

www.bgbau.de

BG BAU is responsible for the construction industry and construction-related services. This includes building construction (e.g. roofing work, scaffolding, painting) and civil engineering (e.g. road construction, street cleaning, sewer cleaning), including the preparatory work, ancillary activities, workshop work and transport activities required for this.

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

www.bghw.de

The BGHW is responsible for wholesalers and retailers, commercial agencies, freight forwarding companies, purchasing and sales associations, publishers whose products are predominantly produced by contract printing and the distribution, as well as the delivery and distribution of press products.

Administrative Employer's Liability Insurance Association (VBG)

www.vbg.de

The VBG is responsible for temporary employment agencies, banks, insurance companies, engineering and architectural firms, law firms, churches, sports clubs, companies in the ceramics and glass industries, and the tram, subway and railroad industries, among others. Also patients undergoing hospital treatment, rehabilitation patients, learners at educational institutions, and people engaged in community work.

Employers' Liability Insurance Association for Transport, Post-Logistics, Telecommunications (BG Verkehr)

www.bg-verkehr.de

BG Verkehr is responsible for the sectors of postal logistics, logistics, freight and passenger transport, waste disposal, aviation, inland shipping, maritime shipping and fishing, as well as telecommunications and financial services. In addition,

driving schools, towing services, car rental companies, funeral homes, equestrian animal farms and pilotage companies.

Employer's Liability Insurance Association for Health Welfare (BGW)

www.bgw-online.de

The BGW is responsible for non-governmental institutions in the health service and welfare care. This includes establishments, administrations, facilities and activities in welfare, health care, veterinary, hairdressing, and personal and beauty care businesses. It is also responsible for administrations and educational institutions in the mentioned sectors.

Employers' Liability Insurance Association for Energy, Textiles, Electrical Media Products (BG ETEM)

www.bgetem.de

BG ETEM is responsible for companies in the electrical industry and electrical trades, precision mechanics, energy and water management, textile industries and footwear, and printing and paper processing. These include electrical installation companies, paper processing, gas, district heating and water supply companies and wastewater disposal and energy supply companies.

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