

# HSC NORD



GERMANY'S TOP OCCUPATIONAL  
SAFETY SERVICES PROVIDER



Occupational Medicine Center Nord

# HSC Occupational Medicine

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# Occupational Medicine

## Occupational medical care according to ASiG

Promoting the health and performance of your employees through customized care models. Whether on-site, via telemedicine, or digitally - our interdisciplinary team of highly qualified specialists will provide you with legally sound advice on all occupational health and safety issues.

### 1 Basics and benefits of occupational medicine

As a preventive medical field, occupational medicine deals with the relationship between workplace hazards and employees' health and illness. The aim is to maintain and promote employees' physical and mental health and performance.

On the one hand, the company's medical care is a legally regulated and justified obligation. In addition, it contributes to primary and secondary prevention for a significant part of the population. Developing targeted, company-specific work-protection goals, procedures, and improvement measures will decrease unnecessary costs and increase the effectiveness of initiated measures. In this way, disease-related costs can be avoided. Preserving the health and workability of the employees will secure their acquisition potential and the future of an aging population.

The strengthening of employee health and performance is an important requirement for the company's success. The demographic development is a decisive productivity factor that consolidates your business competitiveness.

The growth of a new culture of health promotion in the company can strengthen employee loyalty and make the employer more attractive.

## 2 Legal basics

**State and professional association regulations form the legal framework for security and health at work.**

### 2.1 Occupational Safety Act (ArbSchG):

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The ArbSchG prescribes occupational safety measures for all companies and public service employees. The central element is the risk assessment, and since 2013 the evaluation of workplace mental stress is also required.

Our specialists and consultants will be happy to support you in creating legally relevant risk assessments. These serve as the basis for company medical and safety-related action.

### 2.2 Occupational Safety Law (ASiG):

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Law on company doctors, safety engineers, and other specialists for occupational safety. It contains regulations on company doctors and occupational safety professionals' tasks, necessary qualifications for their position in the company, and their cooperation and monitoring regulations.

Occupational Medicine



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## 2.3 Regulation of Occupational Health Care (ArbMedVV):

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Occupational health and safety measures are taken at the company level through the employee's personal information and advice about individual prevention. Occupational health care serves for the prevention and early detection of work-related illnesses, maintaining employability, and the further development of occupational health and safety.

The precautionary measures are defined in the appendices of the ArbMedVV. Accordingly, a distinction is made between mandatory, optional, and desired pension plans.

### • **Mandatory prevention:**

The employer must arrange this in the case of particularly hazardous activities. Participation is compulsory; employees are only allowed to work after engaging in the precautionary activity.

### • **Optional prevention:**

In the case of certain hazards, the employer must offer this option. However, the employees are not obliged to participate.

### • **Desired prevention:**

Employers must allow their employees, if they wish, to have regular occupational medical advice and examinations. This option does not exist if, based on the risk assessment and the protective measures taken, no damage to health is to be expected.

### • **Prevention certificate and precautionary file:**

After each precautionary measure is taken, the certificates are issued to the employee and the employer. On the employer's certificate, for confidentiality reasons, no statement on the employee's health is listed. It only contains information about when and for what reason a check-up took place and when a follow-up appointment is scheduled.

The employer must keep the certificate in a precautionary file.



Dr. med.  
**Sophia Sydow**

**Annika Brehm**

## FOCUS ON WHAT MATTERS MOST

Your time is valuable.

We can assist you in promoting health in the workplace by providing reliable sources of guidance!

**Let HSC make it simple.**

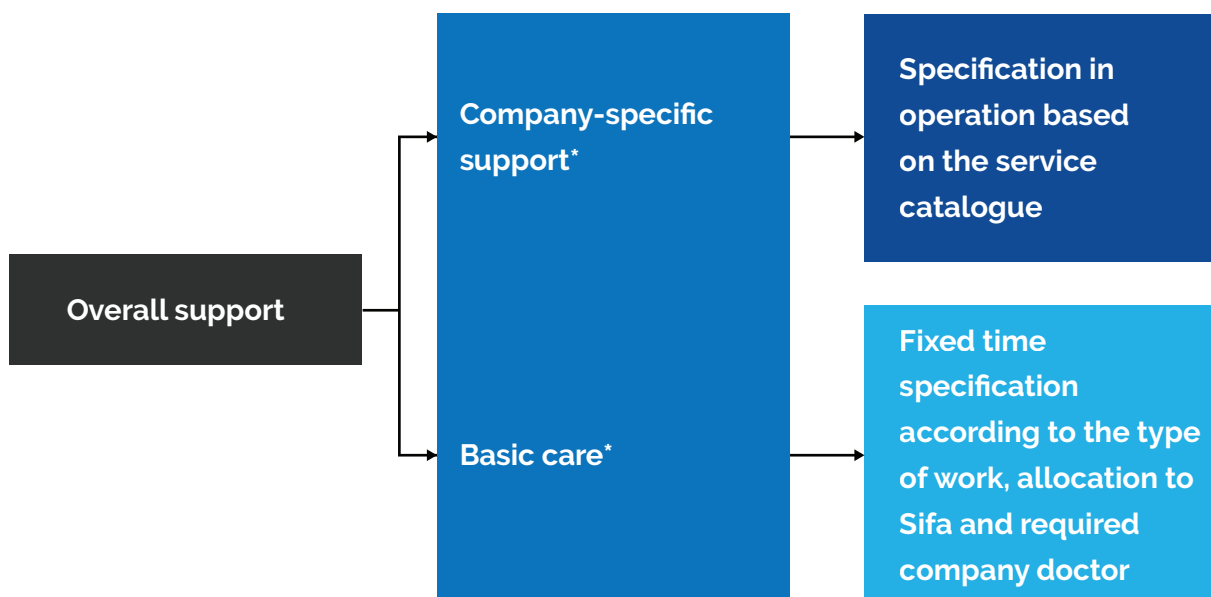
## 2.4 DGUV regulation 2:

It specifies safety-related and company medical support.

The regulation specifies in detail the employer's mandatory measures resulting from the Occupational Safety Act. The measures depend on the size of the company and the type of operation. Depending on the size of the company, different care models (regular care or alternative care) are defined and designed specifically for the wearer.

We would be happy to advise you on which form(s) of support are suitable for your company.

Company size	Standard care	Alternative care
</= 10 Employees	Yes (no operating hours)	Yes, possible (no operating hours)
11 to </= 30/50 Employees	Yes (minimum operating hours)	Yes, possible (no operating hours)
>30/50 Employees	Yes (minimum operating hours)	No, not possible



### Tasks of basic support (in accordance with Annex 3 to Appendix 2, Section 2 of DGUV Regulation 2):

- assistance with risk assessment
- assistance with basic measures of work design (relationship and behavioral prevention)
- assistance with the creation of a suitable organization
- investigation after accidents and work-related illnesses
- documentation
- participation in company meetings
- self-organization

## Tasks of company-specific support (in accordance with Annex 4 to Appendix 2, Section 3 of DGUV Regulation 2):

- Preventive occupational medicine
- Reintegration management
- Review and evaluation of workplaces and work tasks with special risks, proposals for resource-conserving work design and support for the further development of health management
- Support for fundamental changes to plant facilities, workplaces and operational processes
- Support for the implementation of new regulations and new findings in day-to-day operations
- Support and initiation of priority programs, campaigns and campaigns for the prevention of occupational diseases. Initiation of priority programs, campaigns and actions for health promotion.

### 2.5 Prevention Act (PrävG):

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The Prevention Act, which came into force in 2015, is intended to enable new measures in the areas of disease prevention, health promotion and early detection of diseases. To this end, the health insurance funds can set up health promotion programs directly with the companies and their company doctors. In addition, a link is planned between preventive occupational medicine and the primary prevention services offered by the health insurance funds. In the future, company physicians will be able to issue a prevention recommendation as part of their consulting activities, which must be taken into account by the health insurance funds when deciding whether to provide a prevention service. In addition, company physicians will in the future be able to carry out general preventive vaccinations in the same way as contract physicians.





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## 3 Aptitude tests

The ArbMedVV basically requires a separation of occupational health screening and aptitude. While preventive occupational medicine within the framework of the ArbMedVV serves to maintain the health of employees and safeguard their employability, an aptitude examination is intended to clarify whether the employee meets the health requirements for the job in question. Participation in the examination is mandatory for continued employment.

### 3.1 Aptitude examinations based on a legal basis

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In Germany, there are a number of legal regulations that require a suitability test by law, for example:

- for bus drivers in the Driver's License Ordinance
- for locomotive drivers, the Traction Vehicle Driver Ordinance
- for pilots, the Aviation Safety Act

### 3.2 Aptitude tests without legal basis

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The accident prevention regulations alone do not provide a sufficient basis. Therefore aptitude tests without cause are not permissible in the course of employment because they interfere with the employee's right to privacy.

If required due to the activity, collective work agreements can be made. These agreements must take into account both the protection of the general public and the personal rights of the person under investigation. The principle of proportionality must always be observed. The consent of the employee to participate in these examinations is required. Aptitude examinations for specific reasons during an ongoing employment relationship can be permissible under certain conditions, for example:

- if there are justified doubts about the suitability of the employee. A reasonable doubt may arise from factual indications that point with sufficient certainty to a lack of suitability
- in the event of assignment to a new field of activity with a different requirement profile

We would be happy to advise you on this in a personal meeting with one of our specialists.

### 3.3 Recruitment examinations

In high-risk work areas, examinations can be useful if the risk of occupational accidents can be reduced by determining suitability prior to employment. The limits of the right to ask questions in accordance with the German Federal Data Protection Act (with regard to health data, if applicable in accordance with §Section 28 (6) no. 3 BDSG) must be taken into account. Thus, the assessment may only relate to whether a person is suitable for a defined activity at the time of employment. The specific contents of the examination are derived from the job-related requirements profile, taking into account the risk involved and the particularly dangerous situation, if necessary in conjunction with the risk assessment (proportionality principle).

### 3.4 Aptitude tests versus occupational health screening

	Occupational health Suitability	Precaution
Question:	Does the activity pose a risk to the employee's health?	Does the employee pose a risk to colleagues, customers, third parties or material resources?
Determination of the examination	Self-protection	External protection
Legal foundation	ArbMedVV, ArbSchG	Employment contract, collective agreement, company agreement, laws and regulations, duty of the employer

### Frequent occupational medical check-ups according to ArbMedVV

Old	New	Examples activity areas
G20	<ul style="list-style-type: none"><li>• Activities with exposure to noise</li><li>• Offered or obligatory precaution (according to defined trigger criteria)</li></ul>	metalworking, construction sites, child care
G24	<ul style="list-style-type: none"><li>• Activities within wet conditions</li><li>• Offered or obligatory precaution (according to defined trigger criteria)</li></ul>	food processing, nursing and care for the elderly, doctors, hairdressers, dental technicians, cleaners
G37	<ul style="list-style-type: none"><li>• Activities with display screen equipment</li><li>• Offered precaution</li></ul>	office activity, sales/consulting
G42	<ul style="list-style-type: none"><li>• Activities with risk of infection</li><li>• mandatory precaution (according to defined trigger criteria)</li></ul>	nursing and care of the elderly, doctors, child care

# HSC Occupational Medicine



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**Safety-related and occupational medical care  
according to § 3 ASiG from a single source**

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**We get you the best attention.**

Let HSC make it simple!



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