



## TOP STORY

# Brexit – Exit from European social law?

## Consequences for social insurance in cross-border situations

On 29 March 2017, the British Prime Minister Theresa May officially declared the United Kingdom's intention to leave the European Union (EU). This will also have legal consequences for social insurance provisions. For now, the European Regulation on the coordination of social security systems will continue to apply unconditionally to relations with the United Kingdom. Only after the transition phase of a maximum of two years will people need to take into consideration changes to their insurance.

The United Kingdom's withdrawal from the EU comes into effect when an exit agreement has been signed. If this cannot be negotiated within a two-year period and the EU Member States do not unanimously agree to an extension for negotiations, the United Kingdom will depart the EU by 30 March 2019 at the latest. But what does Brexit mean for social security in cross-border cases? If Regulations No 883/04 and No 987/09 on the coordination of social security systems are applicable in cross-border situations, for example, when German workers are posted to the UK, there are currently no changes. This has been confirmed by the German Social Accident Insurance, the National Association of Statutory Health Insurance Funds and the German Federal Pension Insurance.

Many people work both in Germany and the United Kingdom. The European Regulation for coordinating social insurance provides them with comprehensive protection and ensures they have access to all their social insurance benefits. In addition, workplace accidents or periods of hazardous employment that occur in the UK or Germany continue to be taken into consideration by both countries. This is important when assessing condi-



Photograph: ddp images/CAMERA PRESS/ROTA

On 29 March 2017, British Prime Minister Theresa May invoked Article 50 to withdraw from the European Union. But what legal consequences will this have on social insurance provisions?

tions of entitlement to a pension because of a workplace accident or occupational disease. Furthermore, time spent in the German Pension Insurance Fund and the UK's statutory pension fund are taken into consideration when accessing pensions in either of the two countries. The upcoming negotiations will determine which regulations specify the rights of workers and insured persons in the UK and Germany following Brexit. The bodies of the German social insurance system will provide up-to-date information as soon as new developments arise following the UK's withdrawal.

### More information:

**Web:** [www.dguv.de](http://www.dguv.de) (Webcode e1089384)

### FYI

## Regulations 883/2004 and 987/2009

Regulation 883/2004 entered into force on 1 May 2010. It currently applies only within the EU. This Regulation and the Regulation for its implementation (No 987/2009) are referred to as the modernised coordination of social security systems.

### More information online:

**Web:** <http://ec.europa.eu>



## Having a say

Dear Reader,

The various branches of German social insurance have provided social security for more than 125 years. One of the main contributing factors to the system's stability, continuity and flexibility is the concept of self-governance. This allows insured persons (employees) and employers to have an active say on steering the course of social insurance. As a result, the system can be adapted to changes in society and the needs of the people.

The elected employee and employer representatives in the self-governing committees make a strong contribution to the social security of Germany. They take on a significant responsibility – and do this on a voluntary basis. The self-governing committees of the statutory health, pension and accident insurance systems will be elected during the German social elections in May. The same rules apply to all of them: a self-governing committee has equal representation and acts independently of the government, which means it is close to the people and local conditions it represents.

For example, the social partners in the German social accident insurance system specify regulations to prevent accidents, determine 'hazard tariffs' and the level of insurance contributions, operate appeals centres, initiate reform plans, decide on prevention goals and much more. All of these issues are discussed and decided on by the people affected by them. This ensures that decisions are made bottom-up and not top-down.

**Dr Joachim Breuer**

Director General of the DGUV

# “We need self-governance today more than ever”

New representatives for the self-governing committees in all branches of the German social insurance system will be elected this year. It is essential to strengthen and protect self-governance as a means of directly involving citizens. This is particularly important given the opposing trend coming from the Federal Government, which gives reason to fear the nationalisation of social security systems. DGUV Kompakt spoke about this with DGUV Chairmen Dr Rainhardt von Leoprechting and Manfred Wirsch.

**Mr Wirsch, Mr von Leoprechting, new representatives will be elected this year for the self-governing committees of the German Social Accident Insurance and the other branches of the social insurance system. What role do self-governing committees play nowadays?**

*Von Leoprechting:* We need self-governance today more than ever. Self-governance is a way for citizens to be directly involved in how things are administered. The German Social Accident Insurance is especially reliant on the expertise that comes out of companies. And, of course, companies want to have a say in how their insurance contributions are used.

*Wirsch:* The same applies to the representatives of insured workers. They can influence the notices, decrees and decisions which affect all insured workers. They are directly involved. This makes administrative activities more transparent.

**In January, at the start of the year of social elections, the Federal Government drafted an act to strengthen self-governance in the statutory health insurance system. In a letter to Health Minister Hermann Gröhe, you criticised this act. Does the name of the act not actually reflect what it promises?**

*Von Leoprechting:* No, in our opinion, this won't support self-governance. Quite the contrary. As the name suggests, the act is aimed at the umbrella associations of the statutory health insurance system. The aim is to expand the internal and external control of self-governing committees and

to strengthen state supervision. This fundamental political direction also made us pay careful attention. The act makes it possible for the government to intervene in the charter, statutes and decisions of self-governing committees. In the event of undesirable developments, it will even allow the government to send in delegates to take over the running of them.

*Wirsch:* The DGUV's self-governing committee still has considerable options for structuring the German social accident insurance system and it makes use of these. We are worried that the act could be another step towards the nationalisation of social insurance systems. This is a problematic political signal during a year of social elections. If you put social insurance systems under state guardianship, you can't also expect a high degree of acceptance and voter turnout. Ultimately, this undermines the foundation of self-governance rather than strengthening it.

**Even though there haven't been any changes discussed for the upcoming social elections, the political debate over reform continues. Some people are calling for compulsory primary elections to increase voter participation. However, the German Social Accident Insurance advocates in favour of keeping the option for “unchallenged elections” (elections without the election process). Why?**

*Wirsch:* Of course, high voter turnout is something positive. The German social accident insurance system also conducts some primary elections. However, there is one significant difference between us



Photograph: Wolfgang Bellwinkel / DGUV

Manfred Wirsch (left) is the incumbent chairman of the DGUV. He represents the interests of insured workers from the commercial sector. Dr Rainhardt von Leoprechting (right) is the alternating chairman of the DGUV. He represents the interests of employers from the commercial sector.

and the other social insurance systems: we don't have a register of insured persons. To have a primary election, we first have to create an electoral register for the social accident insurance institutions. Given the heterogeneous groups of insured persons – workers, students, volunteers – this is a huge logistic, legal and technical challenge.

*Von Leoprechting:* And unchallenged elections can even be a better way of dealing with certain issues. Due to the mergers of various accident insurance institutions, different sectors with different employee numbers have been combined into one institution. In primary elections, it is possible that the sector with the largest number of workers wins the majority of positions or even all of them. Smaller sectors would then no longer be adequately represented. This would jeopardise acceptance of self-governance which is mainly based on the expertise of industry representatives. However, an unchallenged election takes careful consideration of adequate representation of all sectors. This creates a reliable foundation for social accident insurance.

#### FYI Self-governance

Self-governance is a living form of democracy. It means less involvement from the state and more direct involvement from citizens in fulfilling state tasks – as seen in the German social accident insurance system. The organisational structure of German social accident insurance is characterised by two principles: self-governance and co-determination. In the self-governing committees of all social accident insurance institutions, as well as their umbrella association, the DGUV, both employers and insured persons (employees) are represented with an equal number of votes (parity). In addition, the structure of member companies (services, trades, industry) are reflected in the composition of the self-governing committees. This guarantees a high degree of representation and different interests in the self-governing committees; this has a positive effect on the acceptance of measures adopted.

#### TOPIC

## Preliminary accident figures for 2016

The number of fatal workplace accidents declined further last year. This is shown by preliminary statistics from the DGUV on the occurrence of workplace accidents. The final statistics will be released in summer 2017. The figures particularly highlight the need to further promote and support occupational safety and health. However, they also show that good prevention work pays off.

In 2016, there was a total of 424 fatal workplace accidents, which is 46 fewer than in the year before. The number of fatal commuting accidents also dropped from 348 to 304. This is a record low for fatal accidents at work or while commuting. “Even if the number of fatal accidents continues to decline, every one of these accidents is one accident too many”, said DGUV Director General Dr Joachim Breuer. “We will not slacken off in our efforts to ensure a safe and healthy world of work.” One of the most important tasks of German social accident insurance is to prevent workplace and commuting accidents.

The number of reportable workplace accidents in the private sector increased slightly year on year from 866,056 to 876,579. Over the same period, the number of reportable commuting accidents rose by three percent (184,854). The German Social Accident Insurance institutions responsible for the public sector (including the education sector) recorded a total of 1,314,013 accidents for students in 2016 – 40,764 fewer than in the previous year. 1,207,053 of these occurred in an educational institution itself and 106,960 accidents occurred on the way there or back. 41 students died in 2016 as a result of an accident, 31 of these happened as they travelled to or from the educational facility.

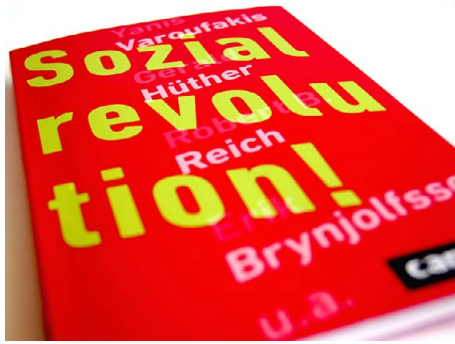
**More information on the preliminary statistics for workplace accidents and occupational diseases for 2016 can be viewed online.**

**Web:** [www.dguv.de](http://www.dguv.de) (Webcode: d39569) (German only)

## RECOMMENDED

# „Sozialrevolution!“

Digitalisation, globalisation and demographic change are putting their stamp on the modern world of work. But what do these developments mean for social security systems? Do they have to be rethought? Can Bismarck's welfare state keep pace with the increasingly global and flexible world of work? If not, what needs to change? In the new anthology "Sozialrevolution!", 13 authors, including Robert B. Reich, Yanis Varoufakis and economists Erik Brynjolfsson and Michael D. Tanner, analyse today's world of work and describe ways towards a new social system. Coming from different perspectives, the authors discuss various approaches such as an unconditional basic income, mobile social services and peer-to-peer insurance. The authors



agree that the ongoing digital revolution requires a social revolution to secure a common social future.

**Börries Hornemann, Armin Steuernagel (Pub.) Sozialrevolution!, 209 pages, Campus Verlag 2017, EUR 19.95/EUA 20.60/sFr 25.30**  
**Web:** [www.sozialrevolution.de](http://www.sozialrevolution.de)  
**(German only)**

## NEWS IN BRIEF

# German Paralympic Media Award

On 29 March, the DGUV presented the 17th German Paralympic Media Award (GPMA). The award's five categories honour outstanding reporting of recreational sport, rehabilitation sport and competitive sport for people with disabilities. In the Online/Social Media category, Andre Hofmann, Niklas Klütsch, Thomas Stephany and Marcel Wienands were honoured for their inclusive fan reporter project "Rio-maniacs". Their postings reached a total of 2.4 million people. Authors Maria Fremmer and Heike Mund were awarded for their radio coverage on WDR 5 of exceptional sportswoman Silke Pan. The winning entry in the category TV/Film tells the story of track and field athlete Marieke Vervoort who has an incurable disease. The recipients were Peter Leissl, Mathias Berg, Yorck Polus and Susanne Simon from the German TV station ZDF. The Print category was un-



Photograph: Tom Maelisa / DGUV

usual this year because it was awarded to both David Hock for his report "200 Metres Perfection" in "Rollt-Magazin" and also to Niclas Müller and his team for the sport magazine "1890". Photographer Conny Kurth was awarded for her photo "In der Schwebel" ("Floating on Air"). This year, a special award went to Verena Bentele, Federal Government Commissioner for Matters relating to Disabled Persons, for her outstanding commitment to inclusion and disabled sports.

**Web:** [www.dguv.de/gpma](http://www.dguv.de/gpma)  
**(German only)**

## BAuA launches new website

The Federal Institute for Occupational Safety and Health has launched a revamped website. It provides comprehensive information and practical solutions on occupational health and safety.

**Web:** [www.baua.de](http://www.baua.de)  
**(German only)**



## IMPORTANT DATES

**15 & 16 May 2017**  
**Mental Health Forum**  
**ZELL IM WIESENTAL**  
[www.arbeitsfaehig.com](http://www.arbeitsfaehig.com) > Seminare

**31 May 2017**  
**Psychology in OSH**  
**DRESDEN**  
[www.baua.de](http://www.baua.de) > Veranstaltungen

**15 & 16 June 2017**  
**Traumatology Congress 2017**  
**BERLIN**  
[www.dguv.de](http://www.dguv.de) > Veranstaltungen

**21 June 2017**  
**Modern OSH as a Growing Career Field for University Students**  
**DRESDEN**  
[www.baua.de](http://www.baua.de) > Veranstaltungen

## NUMBER OF THE MONTH

# 728

**fatal accidents ...**

... occurred at work or while commuting in 2016 according to preliminary figures released by the DGUV. This is about 11% less than the previous year.

## LEGAL INFORMATION

**Published by:** Deutsche Gesetzliche Unfallversicherung (DGUV), Dr Joachim Breuer (Director General). The DGUV is the umbrella association of the German Social Accident Insurance Institutions for the public sector and for trade and industry

**Publishing committee:** Dr Renate Colella (Chair), Udo Diel, Professor Dr med Axel Ekkernkamp, Reiner Hoffmann, Gabriele Pappai, Dr Udo Schöpf, Karl-Sebastian Schulte

**Editorship:** Gregor Doepke, Dr Dagmar Schittly, DGUV, Glinkastr. 40, 10117 Berlin

**Editorial team:** Dr Dagmar Schittly, Kathrin Balthscheit, Katharina Dielmann, Jan-Peter Schulz

**Layout:** Christoph Schmid, [www.christophschmid.com](http://www.christophschmid.com)

**Publishers:** Quadriga Media Berlin GmbH, Werderscher Markt 13, 10117 Berlin

**Printed by:** DCM Druckcenter Meckenheim

## FOLLOW US ON TWITTER

 **@DGUVKompakt**

News live from the editorial team:  
[www.twitter.com/DGUVKompakt](http://www.twitter.com/DGUVKompakt)

## Contact

**KOMPAKT@DGUV.DE**  
**WWW.DGUV.DE/KOMPAKT**