

FORUM NEWS

European FORUM of Insurances against accidents at work and occupational diseases

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EDITORIAL

For 2005 the European Forum has resolved to deepen the relationships between the carriers of the insurance against accidents at work and occupational diseases in the enlarged EU of the 25.

The Working Session and the International Conference of the European Forum on September 5-6 in Vienna are both thematically dedicated to this plan. Upon invitation of the European Forum, experts from the EU member states will exchange information and experiences related to the topic of the Conference, especially regarding current challenges like the demographic development and the fundamental changes in the labour market.

What will have to be especially highlighted is the growing international presence of the Forum, due both to the establishment of an office in the Maison Européenne de la Protection Sociale in Brussels and to the "voice of the Forum" of the European Commissioners Marie-Chantal Blandin and Dr. Franz Terwey.

Bit by bit a new picture of Europe is being formed, by differently sized pieces of a puzzle. What all of them share is an individual tradition and an emotionally charged history, with pictures and feelings that have been handed down through the generations and which will have to be balanced and equalised in the years to come. The European Forum is ready to do its part in supporting this process. ■



Mag. Helmut Pichler, Generaldirektor der Allgemeinen Unfallversicherungsanstalt und Vorsitzender des Europäischen Forums

Mag. Helmut Pichler
President of the European Forum



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The welfare consequences of industrial injuries

The National Board of Industrial Injuries in Denmark is working on a research project that will map the social and personal consequences of industrial injuries

The primary task of the National Board of Industrial Injuries (Arbejdsskadestyrelsen) is to ensure that correct amounts of compensation are paid to people who have sustained an injury in the workplace, following either an accident at work or an occupational disease.

There is comprehensive documentation on the number of people injured, the exposures causing injury, the medical effects of injuries and assessment of the loss of earning capacity. All this information is essential for the determination of the compensation.

However, less attention has been paid to the situation of injured persons after injury. For example, how well do injuries, for which financial compensation has been paid, heal in the long term? What kind of life can be expected after injury? How many people resume some kind of gainful employment – and how many have to live in occupational inactivity on passive support?

A survey of the welfare consequences of industrial injuries

Even though there is still considerable unemployment in Europe, we are all faced with the challenge that there may be a future labour deficit – due, among other things, to the ageing of the European population. Efforts are being made to ensure

and maintain the population's affiliation to the labour market (so that illness or prolonged unemployment does not lead to unnecessary ostracism).

There are thus good reasons for being interested in whether injured persons can maintain their affiliation to the labour market. Moreover, it matters greatly to the individual concerned whether he or she is able to support him/herself to some extent – or merely receives passive support.

The claims management of the National Board of Industrial Injuries is entirely electronic. This means that we have electronic information on the whole claims management process, the accompanying circumstances and the decisions concerning the claims. We applied this data in our research project, merging the records of the National Board of Industrial Injuries with those of Statistics Denmark. This supplementary information pertains to the receipt of social benefits, daily cash benefits and occupational activity in the periods before and after the industrial injury.

The survey is being made for the National Board of Industrial Injuries by the Danish National Institute of Social Research (Socialforskningsinstituttet).

The gravity of the injury is decisive

People with minor injuries who do not qualify for compensation experience little or no financial or occupational hardship.

The opposite applies to people who are severely injured. They do not have much choice: they remain outside the labour market and receive some kind of passive support. Injured persons who have received substantial compensation for permanent disability are at the same time entitled to receive an anticipatory social pension or early retirement pension – if they otherwise meet the qualifying conditions.

The group of moderately injured persons is split into two main categories of roughly the same size: in one category, the persons concerned leave the labour market – typically on an anticipatory social pension or early retirement pension. The people in the other category maintain or restore their affiliation to the labour market, i.e. becoming self-supporting to some extent, typically without receiving supplementary social benefits.

It is essential to acquire a more profound understanding of what separates the two reaction patterns in the group of moderately injured persons. The purpose is to gain the kind of knowledge that makes it possible to launch initiatives to reduce the number of moderately injured persons who have to leave the labour market.

Provided it is possible

In order to get a deeper insight into the factors that are a pre-condition for a possible return to the labour market following an industrial injury, the register survey will now be followed by another survey.

This survey will take into account several factors: how the injured person experiences the disablement and the progression of the disablement, the reactions of the medical and social systems, contact with and interplay between public authorities (including the handling of the compensation claim), contact with previous employer, the family situation, the person's financial situation, the basic notion of being able to influence one's own life, etc.

In other words, the aim of the survey is to throw light on the objective and emotional characteristics of a person that have an impact on his or her reactions. All this is seen in the context of the reactions and potential (or lack of potential) of surrounding players.

The analysis of the survey is expected to be concluded around the turn of the year 2005/06. ■



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The development of the population structure in Europe – opportunities for economy and society

“Good Old Europe” is getting old. The fertility rate is below the threshold needed to renew the population (around 2.1 children per woman). All developed countries of the world have to face the problems of an ageing society and are forced to redesign their policies and institutional arrangements if they want to resolve the problems associated with ageing. On the other hand, these problems present an opportunity to create a new solidarity between the generations.

Three basic trends have resulted in an ageing society:

- Continuing increases in longevity as a result of considerable progress made in health care and quality of life in Europe: healthy life expectancy is still rising.
- Continuing growth in the number of workers over 60: this may stop in 2030 when the baby-boomer generation itself has retired.
- Continuing low birth rates: the share of the EU-25 in world population between 2000 and 2030 is likely to fall from 12 % to 6 %.

The total working age population (15-64 years) is due to fall by 20.8 million until 2030. To compensate this, greater efforts are needed to integrate young people into the labour market. The ratio of the population aged 0 to 14 and over 65 to the population aged 15-64 will rise from 49 % in 2005 to

66 % in 2030. That means the younger generation will have to provide for a larger number of individuals in the older generation. Bridges have to be built between school and working life to comply with the requirements of the knowledge society. The education systems must raise the level of basic training and offer more flexible solutions: for example, young people would be more likely to alternate college education, work and on-the-job training in order to meet the needs of the economy.

Companies in Europe have to rely increasingly on the experience and skills of older workers, whilst actively preparing those younger than 55 to replace them. With respect to changed living circumstances and personal preferences, government policies will need to make full use of the potential of the female working population.

The European Commission's Lisbon Agenda meets the challenge and demands policies focusing on getting people into jobs, especially certain groups of people, such as women, and both younger and older people. According to the Commission, it is also necessary to continue modernising social welfare systems. Pension and welfare systems should no longer subsidise early retirement. Greater emphasis on lifelong learning, as well as changing employment and wage practices, would facilitate the retention and hiring of older workers.

These trends were discussed at the meeting of the G8 Employment and Labour ministers in London, March 2005. The OECD Secretariat prepared the background paper “Ageing Populations. High Time for Action”.

Green Paper “Confronting demographic change: a new solidarity between the generations” Communication from the Commission – COM (2005) 94 final

“Ageing Populations: High Time for Action” Background paper prepared by the OECD Secretariat – Organisation for Economic Co-Operation and Development – 10-11 March 2005 ■

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How to keep seniors at work? What we can learn from the countries of Europe



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Eurogip¹⁾ publishes the proceedings of the European conference held in Paris on the theme of: "Ageing and Occupational Risks - how to promote workers' health throughout their working life?" on October 1, 2004.

Europe is currently faced with a major population challenge. This is the result of the massive retirement of the baby-boomers, the

age group born after World War II, and the later entry of young people into the labour market, and in insufficient numbers.

In the future, it will, therefore, be necessary to work beyond the age of 60. This is even an objective set in Lisbon in 2000 by the European Union for the Member States: to increase the employment level of the 55-64 age group to 50% by 2010.

However, it is from age 60 onwards that individuals' functional and cognitive capabilities deteriorate. It is from age 40, and especially after age 50, that most serious industrial accidents occur. With increasing age, an employee's average length of sick leave also increases, while occupational injuries tend to be more incapacitating. As regards fatal injuries and occupational diseases, it is the over-45 age group that has the highest rate of occurrence.

Maintaining 50-year-olds at work is therefore a veritable challenge faced by all the countries of the Union.

The implications, however, are more important for the countries of continental Europe, where the culture of early retirement prevails, than for the Scandinavian countries which already, for some years now, have developed the culture of the right to work at all ages.

Following introductory round table discussions in which a sociologist, a gerontologist and a representative of the European Commission took part, various national experiences (in Germany, Belgium, Sweden and Luxembourg) were presented. Finally, a third round table meeting was devoted to measures adopted in the enterprise: the insurance company Storebrand in Norway; the building and construction firm Spie Batignolles and the automotive manufacturer PSA Peugeot Citroën in France.

The various cases presented showed clearly that occupational safety and health promotion measures should be implemented from the start of a person's working life, so that employees reach retirement in good health. It is clear, then, that meeting the challenge of ageing in the workplace requires above all an improvement in occupational safety and health. ■

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¹⁾ Eurogip was set up by the CNAMTS (French National Health Insurance Fund for Employees) and the INRS (National Institute for Research and Safety) to work on the European aspects of occupational risks. To obtain the conference proceedings, look up the Eurogip website: www.eurogip.fr, Publications section

EU: Harmonised statistics

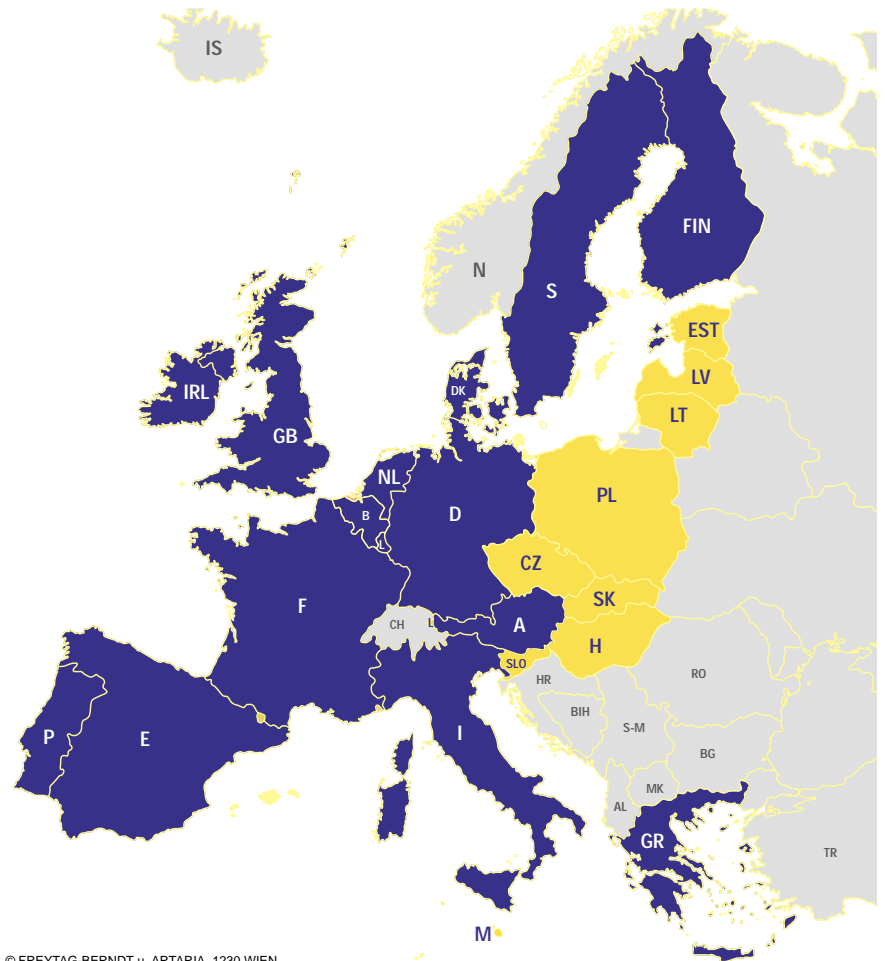
In autumn 2004, the EU statistical office Eurostat published the first extensive survey of working conditions and occupational health in Member States of the European Union. The statistical survey contains information on deaths in the workplace and occupational accidents resulting in at least four days' absence.

Most of the data in Eurostat's survey, entitled "Work and Health in the EU. A Statistical Portrait" (EU 2004), was received from European accident insurance institutions in Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, Austria, Portugal and Finland. Their statistics were chiefly based on indemnified accidents at work. Accident data for Denmark, Ireland, Holland, Sweden and England was based on information received from occupational safety officials.

The statistics examine areas such as the number of accidents and incidence rate of accidents at work (accident ratio). The incidence rate means the number of accidents at work per 100,000 employed persons.

Eurostat's portrait can be considered the best source of information currently available, although comparison of data between countries with regard to accidents at work is still somewhat piecemeal, given that accident data is compiled differently from country-to-country. However, Eurostat itself considers the data from each country to be reliable. Since 2001, accident data from EU Member States has been compiled according to ESAW (European Statistics on Accidents at Work) methodology.

This extensive portrait also incorporates data from the very latest questionnaire surveys on European working conditions compiled by the EU's Dublin-based European Foundation for the Improvement of Living and Working Conditions. ■



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7.6 million accidents a year in the EU

There were 7.6 million accidents at work in the European Union in 2001. In recent years, however, there has been an encouraging trend, with the Nordic countries showing results slightly above average in the European accident statistics.

Even though the trend has been relatively encouraging, both in

terms of the number of industrial accidents and their frequency, there is a continuing need for effective occupational safety measures. There are still far too many accidents at work in the EU, which unnecessarily undermine Europe's competitiveness.

In 2001 there were a total of 7.6 million accidents at work. Around

4.7 million of these led to absence from work of at least four days.

In the EU, every five seconds a worker suffers an accident. In relation to the number of workers, however, the rate of accidents has dropped sharply in most EU countries. In 1994 there were approx. 4,700 accidents with an absence of at least four days per 100,000 workers in the principal branches of activity. In 2001, this figure was down to approx. 3,900.

The most hazardous sectors in the European Union are construction, agriculture and transport. In the construction sector there were approx. 7,000 industrial accidents in 2001 with at least four days' absence per 100,000 workers; in agriculture the figure was approx. 6,000, and in the transport sector approx. 5,000.

Most industrial accidents occur in companies with 10-49 employees. Large companies with over 250 employees with resources to invest into occupational safety are the safest.

The incidence of accidents at work is almost three times as high for men as for women - the reason being that men more often work in hazardous sectors than women, and men are also more likely to work full-time. Most industrial accidents involve workers aged 18-24. Shift work clearly increases the risk of accidents.

The majority of accidents in the European Union area cause temporary injury only. Only five per cent of the accidents at work cause the worker to be absent from work for more than three months or cause permanent injury.

Fewer fatal accidents at work

In terms of the number of fatal accidents at work, occupational safety standards at workplaces in the European Union area have improved considerably. In 1994 approximately 6,400 persons died as a result of accidents at work in the EU area; in 2001 the figure was down to 4,900.

This still means that currently one worker dies every two hours as a result of an industrial accident. This is the assessment made by Eurostat in its recent publication 'Work and Health in the EU. A Statistical Portrait'.

The Eurostat statistics show that the number of fatal accidents at work has decreased in all EU countries and in all principal sectors over the last 10 years.

At present, there are three fatalities per year for every 100,000 workers in the European Union. The incidence of fatal accidents at work is highest in agriculture, construction and transport. In 2001 there were 12 fatal accidents for every 100,000 workers in agriculture, and 10 in construction and transport.

The incidence of fatal accidents at work is clearly the highest for male workers over the age of 55. Their risk of having a fatal accident at work is more than twice as high as for workers aged 18-24.

650,000 commuting accidents a year

Eurostat estimates that in 2001 some 650,000 commuting accidents with an absence of at least four days occurred between home and the workplace. About 3,400 of these were fatal. The incidence of commuting accidents is slightly higher for women than for men.

Eurostat estimates that there are currently around 400 commuting accidents with at least four days' absence per 100,000 workers. The incidence is highest for women in the construction and transport sectors. There are considerable variations within sectors.

210 million working days lost each year

At present, approx. 1,250 million working hours are lost in the European Union due to accidents and health problems.

Eurostat, the European Union's statistics office, estimates that some 210 million working days are lost each year due to accidents at work alone. Work-related illnesses cause a loss of 340 million working days a year.

In Eurostat's calculations this means that, on average, 1.3 working days per worker are lost annually due to industrial accidents and 2.1 days due to work-related illnesses.

Surveys show that currently seven per cent of European workers are exposed to the risk of an accident - in construction as many as one in five workers.

Almost one per cent of European workers suffer from long-term accident-related health and disability problems.

The European Agency for Safety and Health at Work has estimated that the overall costs of poor occupational safety in the EU are as much as 300 billion euros a year, and in the construction sector alone over 75 billion euros a year. ■

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Source: *Work and Health in the EU. A Statistical Portrait. Data 1994-2002. Theme 3 Population and Social Conditions. European Commission and Eurostat 2004.*

European Commission: German BG monopoly conforms to European law

Question

(published on the server of the European Parliament at [http://www2.europarl.eu.int/registre/questions/reponses_qe/2004/3535/P6_RE\(2004\)3535_EN.doc](http://www2.europarl.eu.int/registre/questions/reponses_qe/2004/3535/P6_RE(2004)3535_EN.doc))

WRITTEN QUESTION E-3535/04 by Klaus-Heiner Lehne (PPE-DE) to the Commission

Subject: Accident insurance in Germany

In Germany two kinds of accident insurance exist in parallel: private accident insurances, which cover the whole range of private accidents, and legal accident insurance, i.e. the so-called 'trade associations' (Berufsgenossenschaften), which each have a monopoly of a particular branch of industry as regards 'industrial accidents', a term which in no way covers all accidents in the workplace. The trade associations are generally regarded in Germany as overpriced and ineffective. The range of their activities is limited, and the administrative effort connected with the insurance is disproportionately high. This gives rise to the following questions:

1. Does the Commission consider the monopoly of industrial accident insurance in Germany to be compatible with the freedom to provide services (financial services)?
2. Have there been complaints from non-German insurance companies that want to offer insurance services in Germany in this market and cannot do so because of the monopoly resulting from State regulations?
3. Does the Commission intend, in the medium to long term, to open up the market for industrial accident insurance in the European Union and, if so, what is the planned time frame?
4. Has the Commission ever reached decisions in this connection on the basis of complaints relating to European competition law or to infringements of the single-market freedoms and, if so, what decisions and when? ■

European Representative Klaus-Heiner Lehne (EVP-CDU – DE) has tabled a parliamentary question to the European Commission concerning the monopoly of the German institutions for statutory accident insurance and prevention (BG). Essentially, the German practice of exclusively transferring the insurance of work accidents and occupational diseases to the BG excluding profit-oriented, commercial insurances would contradict EC guidelines. The European Commission rejected this opinion in its decision of 17 February 2005:

1. In accordance with the established precedents set by the European Court of Justice (ECJ), European law does not have any influence on the responsibility of member states to organise their own system of social security; each member state is entitled to transfer accident insurance to special institutions on a monopoly basis. This organisational form of statutory accident insurance does not constitute an infringement upon the European freedom to perform services (financial services).
2. If, and only if, a state decides to adopt private accident insurance, it is then required to observe the so-called Third Non-Life Insurance Directive, i.e. foreign EC insurance companies must be granted access to domestic markets.
3. The Commission does not favour neither monopolies under public law nor social insurance systems based on private competition.

4. No complaints are known of foreign insurance companies claiming any denial of access to the German insurance market for work accidents and occupational diseases.
5. So far, the Commission has not given any guidelines concerning competition law. However, reference should be made to the findings of the ECJ with regard to the Italian INAIL decision in which the Court did not ascertain a competitive infringement.

The Commission "is endeavouring to preserve the interests of the EU as a whole". It introduces the majority of legal initiatives and is, together with the European Council and the European Parliament, the European Union's most significant participating organ with respect to procedures for passing resolutions. The Commission's answer is significant for all accident insurance systems under public law within EC States, not only for the German BGs that are being directly addressed here. Therefore, Forum News is publishing the following verbatim questions and answers. ■

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Answer

(published at [http://www2.europarl.eu.int/registre/questions/reponses_qe/2004/3535/P6_RE\(2004\)3535_EN.doc](http://www2.europarl.eu.int/registre/questions/reponses_qe/2004/3535/P6_RE(2004)3535_EN.doc); the footnotes form part of the Commission's answer).

E-3535/04EN

Answer given by Mr McCreevy on behalf of the Commission (17.2.2005)

The questions concern the manner in which the statutory social security regime for accidents at work is organised in Germany.

Well established case law of the Court of Justice¹ has established that Community law does not detract from the powers of the Member States to organise their social security schemes. Member States are competent to determine the conditions concerning the right or duty to be insured with a social security scheme and how the provision of cover is organised. In this context a Member State may decide to confer the cover of this risk to special associations which will have an exclusive right to provide such cover. This situation is not in conflict with Community law regarding free movement of services and in particular financial services.

Member States may also decide that private insurance undertakings provide such a cover at their own risk. If a Member State decides that the statutory social security cover for accidents at work shall be provided by private insurance undertakings at their own risk, the pursuit of these insurance activities falls under the scope of the Third-Non-Life Insurance Directive 92/49/EEC².

The Commission does not favour one way over another concerning how a Member State organises its system for the covering of the risks which form part of its statutory social security regime.

A review of available internal data carried out by the Directorate-General for Competition pursuant to the Honourable Member's enquiry has not identified any complaints from non-German insurance companies in the recent past that want to offer insurance services in Germany and cannot do so because of the State regulations in the market referred to.

Although the Commission has not taken any decisions in this context on the basis of complaints relating to European competition law, it would like to point out that the judgment of the European Court of Justice of 22 January 2002³ dealing with the Italian provisions regulating compulsory insurance against accidents at work and occupational diseases might be of interest to the Honourable Member. In this judgment, which was based on a reference for a preliminary ruling, the Court found that the body charged with the management of insurance against accidents at work and occupational diseases did not fulfil an economic activity for the purposes of competition law and did therefore not constitute an undertaking within the meaning of Articles 81 and 82 of the Treaty⁴. ■

¹ Case C-158/96, ECR 1998 Page I-01931.

² Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directive 73/239/EEC and 88/357/EEC, OJ L 228, 11.8.1992.

³ Case C-218/00, ECR 2002 Page I-00691.

⁴ Ibid. para. 45.

www.europeanforum.org

Relaunch of the European Forum Website –
New design of the website of the European Forum



Social accident insurance for high risks sectors: China introduces an accident insurance of Bismarckian imprint

Employers in high risks sectors in China are now obligated by law to contract accident insurance for their employees, otherwise the state will not grant their company the operating permission. Moreover, employers also have the duty to inform the employees about the existence of such insurance.

In 2004, the People's Republic of China finalized the basic legislative reform of its accident insurance, taking out quite a few „loans“ from the German system of legal accident insurance. Thus, the accident insurance will not only cover accidents at work but also accidents on business trips, commuting accidents as well as accidents while offering first aid.

As the Chinese Minister for Work and Social Affairs explained, in the first phase employees working in high risks sectors as well as migrant workers are to be covered by the accident in-

surance. At the end of March 2005, 70.09 million employees were covered by accident insurance, by the end of 2005 the number of covered workers should already reach 75 million and 120 million in 2010.

After thorough analysis of different systems of accident insurance, China has explicitly decided to adopt essential elements of the German legal accident insurance. The Chinese Minister of Work and Social Affairs referred to the integrated approach of the Berufsgenossenschaften who offer prevention, rehabilitation and indemnity all from one source. He considers this to be the most important international trend in the area of insurance against accidents at work and occupational diseases. ■

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Military insurance integrated into Suva

On July 1st, Suva assumed responsibility for military insurance. This insurance handles around 50,000 insurance claims each year.

Military reforms in recent years have left their mark in Switzerland: it is not only the number of conscripts that has been on a substantial decline for years. The number of accidents and cases of illness registered by conscripts on duty has also been on a continuous decline. Consequently, the Federal Council of the Swiss government decided to integrate military insurance (which had previously been organized on an independent basis) into Suva last year.

Approved by Parliament

Corresponding legislation was approved by the Federal Parliament in spring 2005, which meant that the integration process could be implemented as of July 1. The cost of this transfer amounts to about € 10 million and will be assumed by Suva, which anticipates annual savings of roughly 20 percent or approximately € 3 million.

Military insurance is currently staffed by 123 employees. They process around 50,000 claims annually (accidents, illness). Half of these claims are minor cases that can be resolved without contacting insurees. ■

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Spain: The amounts of compensation for permanent injuries that do not cause total invalidity have been updated

In Spain, a Ministerial Order updating the amounts of compensation for permanent injuries that do not cause total invalidity was published in April 2005.

Permanent injuries that do not cause total invalidity are injuries, mutilations and permanent deformities resulting from accidents at work or occupational diseases, which are not classified as being totally disabling, but which involve an impairment or a change in the physical make-up of an employee and are recognised on the scale laid down to cover this contingency.

Beneficiaries affected by these injuries receive payment of a

single economic indemnity, the amount of which is established in the scale approved by Ministerial Order in 1969.

This Order has been amended at different times but the amounts of indemnities have not been re-examined since the last modification in 1991. Hence, a Ministerial Order updating the amounts mentioned was approved in April 2005.

<http://www.boe.es/boe/dias/2005-04-22/pdfs/A13781-13786.pdf> ■

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tions are involved, among others the Occupational Accidents Fund (FAT).

The tasks of the FAT, an organization with equal management entrusted with the control of the class of insurance "occupational accidents", are the control of the employers and the insurance companies as well as the payment of allowances and revenues for permanent disabilities up to and including 19%, for the seafarers and, in the form of a guarantee fund, for the injured workers whose employers are not insured.

The FAT also has to collect contributions of the uninsured employers as well as of contributions and reserves of the insurance companies for its self-financing and the financing of its different tasks.

Furthermore, it is an organization in charge of information in the form of expert reports given to the relevant minister and of a central database on the occupational accidents in the private and public sectors. It serves as interface between the Crossroads Bank for Social Security and the insurance companies. Finally, it also informs the public and offers benefit payment to victims of accidents at work and rightful claimants.

The first contract between the FAT and the State, covering the 2002-2004 period was approved by the Royal Decree of April 8, 2002 (Belgian Official Journal of June 4, 2002).

The contract comprises various commitments: respecting the deadlines, checking the accuracy of the data, controlling quantities, increasing the quality, informing and communicating with the public, victims and rightful claimants, taking sim-

The Administration Contract of the Occupational Accidents Fund, a public institution of social security in Belgium: a successful challenge

The Act of July 26, 1996 relating to the modernization of the social security, carried out by a Royal Decree of April 3, 1997, pursues the goal of responsabilising the public institutions of social security to a higher degree.

The management by contract or contractualisation is a policy started by the institutions themselves which implies that all institutions account for the

fulfilment of the tasks concerning the social policy entrusted to them by the State.

Thus, the State, on the one hand, designs this social policy and, on the other hand, evaluates the results of its execution by the institution concerned.

The process control tool used is the administration contract concluded between the State and the public institution of social security. Fifteen institu-

ple organisational measures or measures related to data processing investments. The objectives of the first three categories are quantified; the other ones are subject to work schedules.

Besides, the contract is associated internally with an administration plan which indicates by department and year the short-term objectives of the institution. This plan is connected with operating reports which give an overview of the degree of achievement of the objectives defined in the contract.

The latter have thus allowed the FAT to fulfil its task of control of the insurance companies in a more structured and more effective way.

The same is true for the confirmation of the agreements occurred between victims of accidents at work or rightful claimants and the insurance companies. The time limits for the payment of allowances, annuities and medical expenses have been shortened significantly. The controls as regards collection of reserves have been fixed again accurately and the standards have been re-examined.

Considerable efforts have been made with regard to information: the development of a website as well as publications of general and sectorial statistics, some folders and booklets directed at the vic-

tims of accidents at work. The intelligibility of the forms used has been improved. The quality of the telephone service has been evaluated and improved on the basis of two parameters: waiting time and satisfaction of the customer.

Finally, at the level of the organisation of social security in Belgium, the FAT has been integrated into the development of the e-government within the social security and has largely contributed to its success (multipurpose declaration for the National Office of Social Security and declaration of the social risk to the one-stop office).

With respect to the financing of its management monies, the FAT has been granted a lump sum payment prefixed by the government with no direct connection to the predetermined objectives. Nevertheless, it has committed itself to set up a model of calculation of the costs that can be used as a basis in the future for a more precise calculation of the management monies. It, furthermore, has committed itself to implement the standardized accounts structure for the institutions of social security.

The contract expired in 2004. For reasons of convenience the government extended its term of operation until December 31, 2005.

Just before finishing the second administration contract for the 2006-2008 period, we can underline how much the FAT appreciates this new management technique that especially aims at improving the services for the socially insured persons.

The contract review by the Audit Court pointed out some weak points concerning the starting up and the course of the process.

On the basis of that analysis, the second contract now under development will not fail to take into account these remarks and to further improve the effectiveness of this new management tool. ■

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Downsizing administration: Only 26 BGs left

Up to the end of 2004, there were still 35 German Berufsgenossenschaften (BGs), i.e. institutions for statutory accident insurance and prevention in trade and industry. Since May 2005, there are only 26 left and the concentration process continues.

The German BGs are each responsible for an industrial branch on a national scale. For example, this includes the chemical industry, mining, the wholesaling branch, etc. In addition, there were (and still are) regional jurisdictions, particularly in the construction industry, which exist because of historical reasons. On 1 May 2005, seven regionally structured Construction BGs merged together with the nationally organized Civil Engineering BG to form a new "Construction BG" which is headquartered in Berlin and has national jurisdiction.

At the same time, the Southern German Metalworkers BG merged with the Precious and Base Metals BG to form the "Southern Metalworkers BG". The BG for vehicle operating trades already merged with the BG for inland waterway navigation in January of this year. Other BGs have already agreed to extensive cooperation or have established common administrative units leading to future mergers in the next few years.

The objective of these measures is to strengthen prevention programs and to increase administrative and structural efficiency while decreasing administrative costs over the long term. On the one hand, the beneficial branch structure should be retained, particularly with respect to worker protection. This strategy will allow flexible response coupled with the necessary expertise to meet the widely diverse needs of the various industrial branches. On the other hand, all BGs must remain stable and effective in the future. This cannot be guaranteed for smaller branches, such as the inland waterway navigation trade, for example, where insurants are progressively decreasing in number. The BGs must adapt to structural changes taking place in the German economy. All re-organizations have been agreed upon by the representatives of employers and insured employees within the framework of the BGs involved, and were not the result of a government decree. An updated list of the occupational branches and addresses of the BGs can be found in the internet at

http://www.hvbg.de/d/pages/service/adressen_links/adressen/bg/index.html ■

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Social insurance in the Single European Market – What remains for the national states?

The Umbrella Organisations representing the German Social Security System of health, pension and accident insurances warn against the gradual loss of democratic control and social objectives. They demand a broad political debate about social insurance within the European single market.

In actual fact, the principle of the European Union (EU) is being eroded in which member states are responsible for the organisation and funding of their social security systems. In a policy document dated April 2005, German health, pension and accident insurance institutions recount in detail how the precedents of the European Court of Justice and numerous initiatives of the Commission increasingly tend to limit the potential regulatory scope of national legislation. The dilemma: the Union is responsible for trade and economic activities in the single market, as well as for traffic in goods, freedom of services and fair competition; the individual member states are responsible for the system of solidarity. For many years now, the exact borderline between entrepreneurial, profit-oriented activities and

national social insurance has been a matter of debate. It has led to a number of European Court of Justice decisions such as the famous INAIL decision regarding Italian public accident insurance. Nonetheless, an end to the discussion is not in sight - see the article on the parliamentary question of European Representative Lehne regarding the German accident insurance in this issue.

Increasingly, in the EU emphasis is being shifted towards the "opening to the market" of social insurance providers, traditionally under public administration. The consequences are that the Union makes increasingly more decisions, while national parliaments have increasingly less to decide. This process is supported through the broad interpretations of competition and service laws, and also of laws regulating special areas that are less known to the public such as European public procurement law and financial assistance regulations. The Commission is forcing this development through a host of individual initiatives. The Commission concept of "social and health services of general interest" maintains that all social services can

be principally rendered in European-wide competition – which, of course, will be regulated by the Commission. The individual state, therefore, would only provide minimal objectives for protection, surveillance of private purveyors and – depending upon its budget situation – subventions to those who are unable to afford such services.

By imposing such stipulations the Commission, according to the German associations, is attempting to increasingly define the content and extent of publicly guaranteed social protection. The selections of means can never be neutral in respect to the socio-political objectives to be followed. Thus, the associations are demanding a broad political debate as to whether the solutions being propagated by the Commission are actually desirable.

This policy document is published in German and in English at <http://www.deutsche-sozialversicherung.de/de/europa/dokumente.html> ■

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Victims of accidents at work and occupational diseases: which compensation?

Results of a European survey

Eurogip publishes the results of a survey on the conditions of compensation for the victims of occupational injuries in 14 European countries

Why this survey?

All the countries of the future EU-15 adopted – between 1884 and 1913 – a law which posed the principle of the compensation for the damages caused by accidents at work. This law validated a kind of compromise. Any accident occurring in the workplace and during working hours will be presumed to be of occupational origin and the victim can claim compensation without having to prove the fault of the employer. In return, the damage sustained by the victim is compensated on a flat rate basis and the employer benefits from civil immunity.

In France, since the 1980s and the creation of exceptional compensation regimes (in favour of the victims of the road, of asbestos...) giving entitlement to full compensation of the damages, this compromise has been the subject of debates. In order to bring a European light onto these debates and a possible reform of the modalities of compensation of occupational injuries, the Occupational Hazards Department of CNAMTS asked Eurogip to carry out this survey.

No European system offers real full reparation

The study shows that no system of reparation for occupational injuries to date is equivalent to the common-law compensation.

On the one hand, not all types of damage are generally covered by the insurance. This is particularly true in Germany, Austria, Belgium, Spain, France, Luxembourg and Portugal where the system of compensation is founded on the flat rate reparation of only the professional damage, i.e. repercussions which an accident or a disease can have on the earning/work capacity of the victim.

And in all countries, damages like pretium doloris (suffering), loss of future promotion and material damage (except in Luxembourg) are not taken into account.

On the other hand, the damages are not entirely compensated:

- The benefits are almost always calculated within the limits of a ceiling applicable to the insured remuneration, except in Finland and Portugal.
- In more than one country out of two, there is a minimum disability rate (10 % in Switzerland, 20 % in Germany and 33 % in Spain), which leads to the exclusion of compensation for minor disabilities.

In some countries, however, the compensation is "fuller" than in others

In Denmark, Finland, Italy, Sweden and Switzerland, the victim is not only compensated for the loss of earning capacity, but also for physical and/or psychic damage.

Moreover, it is undeniable that the level of compensation varies greatly according to the country irrespective of the type of damage considered. Thus, in Denmark, Sweden and Switzerland, it is similar to the reparation granted under common law, in other words to full reparation.

Which evolutions?

One notes a general evolution of the systems towards greater allowance for damage. In Luxembourg, a report of the Economic and Social Council advocates a separate compensation for the economic and biological damage, as is already the case in some countries.

The other tendency is the attenuation of the employer's civil immunity. In Spain it was abolished in 1966. In Switzerland, an employer can be held civilly liable for an occupational injury since 2003. And in France, even though the principle still exists, recent

court decisions have opened up more opportunities for victims to make claims against their employers, with a broader interpretation of the inexcusable fault.

Report “Accidents at work and occupational diseases: flat rate or full reparation? European survey on the conditions of compensation for the victims” to be ordered from www.eurogip.fr ■

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MISSOC 2004 – Social Security in the EU, now including Eastern Europe

European Commission (edit.).
MISSOC – Social security in European Union member states within the European economic area and in Switzerland. Status 1 May 2004. Luxembourg: Office for official publications of the European Community 2005, 945 pp ISBN 92-894-8470-5.

Available at: www.isg-institut.de,
info@isg-institut.de,
Fax: 02.21-21.52.67

MISSOC – the “mutual information system on social protection” – is an extensive reference source based upon 306 questions regarding (in particular) social security, 36 of which about statutory accident insurance. It has been coordinated by the European Commission and is based upon information provided by the ministries of the countries involved.

The edition in question, dated 1 May 2004 (the date of entry of the 10 new member states to the European Union), was published at the beginning of 2005. The tables for the first time describe the social security systems in all 25 EU States, as well as the EEA States, Iceland, Liechtenstein and Norway, and Switzerland. Moreover, by retaining the traditional structure that has proven its effectiveness over the years, it has, with great effort, also succeeded in integrating the social systems of the new central and eastern European members within the system description. Currently, this reference document consists of approximately 950 pages, as com-

pared to the 670 pages of its earlier editions. Thus, it remains the basic source of information in this field.

MISSOC’s core structure is comprised of various synoptics that provide concise answers to the subjects which are addressed. The following issues (among others) are dealt with in the chapter with the title “Employment injuries and occupational diseases”: “Applicable statutory basis” and “Basic Principles”, “Field of application – Beneficiaries”, “Benefits”, “Rehabilitation”, “Fixing level of incapacity”, as well as many more topics including “The Taxation of cash benefits”. The introduction includes organisational diagrams, with comments and explanations, of the social administration in all 29 States.

Due to reasons of layout, the alphabetical listing of the 29 States is subdivided into three groups of ten. The countries are listed under their original i.e. in their own language, (and not in accordance with the publication language of a given MISSOC edition – for example, in German or English or French, etc.). Therefore, Czech Republic (Česká Republika) can be found between Belgium (België) and Denmark (Danmark); and Spain (España) between Greece (Ellas) and France (France).

“That’s Europe!” ■

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Blome, Otto; Schilling, Sandra (edit.). Occupational diseases–pamphlets.

Print issue – Legal Basis – Hints – Accident Insurance-Reporting Regulation – Occupational Diseases in Europe. [4th edition]
Berlin: L. Düringshofen 2005, 541 S. ISBN 3 980 935 10 8

In accordance with the Social Book of Statutes VII, every physician and dentist in Germany is obligated to report all substantiated indications of the existence of an occupational disease (OD) of patients or of deceased persons to the accident insurance provider, i.e. for industry and the commercial trades to the Berufsgenossenschaften (BGs). If the BG is informed of a suspected occupational disease, it officially (ex officio) has to investigate the case. Thus, attentiveness, proper knowledge and awareness within the medical community of its reporting obligations are decisive in maintaining the lowest possible number of undetected cases of OD.

The publication in question represents a practical source of references and assistance. Following a brief and easily intelligible introduction regarding basic concepts and the text of the German law regarding occupational diseases, the manual focuses on information pamphlets of the 68 currently officially recognised occupational diseases. Edited by the Federal Ministry of Health and Social Welfare, the pamphlets are always

structured in the same way and contain information regarding incidence and sources of danger (of dangerous substances/damaging effects), contact with and effects of agents, disease patterns and diagnosis as well as references for medical opinions. As a rule, the pamphlets contain updated knowledge regarding occupational medicine and science and are published on a case-to-case basis in the official section of the *Bundesarbeitsblatt* (Federal Work Sheet). The primary benefit of “Blome/Schilling” is that its information can be easily made available for quick reference in a paperback edition for the reference library.

Furthermore, the book contains the OD statutes of the European Community and the scientific justification for accepting new diseases into the German listing of compensable occupational diseases. For the first time, beginning with the 2005 edition, reports are being included about OD systems in Belgium, France, Italy, Austria and in Switzerland, along with a section comparing national statutes.

It is obviously unnecessary to recommend “Blome/Schilling” to German physicians, occupational health specialists and social insurance experts. This standard work is already well known in this area and has been used for many years. To interested non-Germans capable of reading the German language all of the important medical/legal texts regarding OD statutes in Germany are available from a single source, thus providing a basis for comparison with other legal systems – perhaps not an insignificant benefit of the print edition in a Europe that is in the process of growing together. ■

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14 October 2005: Temporary Work in Europe and Occupational Risks

This is the theme of the European conference to be held by Eurogip in Paris on 14 October 2005, bearing in mind that:

- the use of temporary workers is constantly increasing;
- the frequency index for occupational injuries amongst such workers is one of the highest;
- the results of the application of the directive governing the health and safety of temporary workers and workers on fixed-term contracts are unsatisfactory;
- Parliament and the Council have been unable to reach an agreement concerning a draft directive on temporary work, which has been under discussion for several years.

The conference is intended for institutions, social partners and the working world at the European level. Discussions will be in the form of two round table meetings: one on policies implemented at the national, regional and sector levels, and the other on action taken by enterprises. Each of them will be followed by question and answer sessions between the speakers and the audience.

The official languages will be French, English and German.

To find out more:
information@eurogip.fr ■

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17th World Congress on Safety and Health at Work „Prevention in a Globalized World – Success through Partnerships“

18 – 22 SEPTEMBER 2005
ORLANDO, FLORIDA, USA

Organized by the International Social Security Association (ISSA), the International Labour Organization (ILO) and the National Safety Council (NSC) of the United States.
e-mail: customerservice@nsc.org
Internet: www.safety2005.org

IOHA 2005 – 6th International Scientific Conference „Promoting Occupational Hygiene in Africa and Globally.“

19 – 23 SEPTEMBER 2005
PILANESBERG NATIONAL
PARK,
NORTH WEST PROVINCE
SOUTH AFRICA

Organized the International Occupational Hygiene Association (IOHA). Information:
e-mail: ioha2005@asosh.org
Internet:
www.saioh.org/ioha2005/

Fourth International Congress on Women Work and Health – WWH 2005 „Women and Development“

27 – 30 NOVEMBER 2005
NEW DELHI
INDIA

e-mail:
wwh@societyforworkinglife.org
Internet: www.societyforworkinglife.org/wwh2005.html

Workcongress 7 7th International Congress on Work Injuries, Prevention, Rehabilitation and Compensation

26 – 30 JUNE 2006
HONG KONG, CHINA

www.workcongress7.hk

Information:
workcongress7@swiretravel.com

Work with Computing Systems

21 – 24 MAY 2007
STOCKHOLM, SWEDEN

www.wwcs2007.se