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Translation provided by Peter McKenna, Eurolingua UND Interlingua Übersetzungen GmbH & Co. KG

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Ordinance on Workplaces (Workplace Ordinance - ArbStättV)

Workplace Ordinance of 12 August 2004 (Federal Law Gazette I p. 2179), last amended by Article 4 of the Act of 22 December 2020 (Federal Law Gazette I p. 3334).

This Ordinance implements

1. Council Directive 89/654/EEC of 30 November 1989 concerning minimum safety and health requirements at the workplace (first individual Directive within the meaning of article 16 (1) of Directive 89/391/EEC) (OJ EC No L 393 p. 1) and
2. Council Directive 92/58/EEC of 24 June 1992 concerning minimum requirements for the provision of health and/or safety signs at work (ninth individual Directive within the meaning of article 16 (1) of Directive 89/391/EEC) (OJ EC No L 245 p. 23) and
3. Annex IV (minimum requirements for safety and health on construction sites) of Council Directive 92/57/EEC of 24 June 1992 concerning the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of article 16 (1) of Directive 89/391/EEC) (OJ EC No L 245 p. 6).

Section 1

Objective, Scope of Application

(1) The purpose of this Ordinance is to ensure the safety and health of workers when workplaces are being set up and operated.

(2) For the following workplaces, only section 5 and Annex No 1.3 apply:

1. workplaces in the travel industry and market trading,
2. means of transport used in public transport,
3. fields, forests and other areas belonging to an agricultural or forestry holding but situated outside its built-up area.

(3) For collective accommodation outside the premises of an establishment or construction site only

1. Section 3,

2. Section 3a and
3. No. 4.4 of the Annex apply.

(4) The following apply only to teleworking jobs:

1. section 3 during the initial assessment of working conditions and of the workplace,
2. section 6 and Annex No 6,

insofar as the workplace deviates from that in the establishment. The provisions referred to in sentence 1 apply insofar as requirements are applicable to teleworking jobs taking the latter's special features into account.

(5) Annex Number 6 does not apply to:

1. operating stations for machines or driver's positions in vehicles with display devices,
2. portable display devices for mobile use that are not used regularly at one workplace,
3. calculators, tills or other work equipment with a small data or measured value display device that is required for the direct use of the work equipment and
4. traditional typewriters with a display.

(6) With regard to workplaces in establishments governed by the Federal Mining Act, this Ordinance only applies to display screen equipment workstations, including teleworking jobs.

(7) Where public concerns make this urgently necessary, especially for the maintenance or restoration of public safety, the Federal Chancellery, the Federal Ministry of the Interior, Building and Community, the Federal Ministry of Transport and Digital Infrastructure, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, the Federal Ministry of Defence or the Federal Ministry of Finance may permit exemptions to the provisions of this Ordinance where they are responsible in the relevant case and in consultation with the Federal Ministry of Labour and Social Affairs and, provided the Federal Ministry of the Interior, Building and Community is not itself responsible, in consultation with the Federal Ministry of the Interior, Building and Community. In such a case it must be stipulated at the same time how the safety and health of workers under this Ordinance are to be safeguarded in some other way.

Section 2 Definitions

(1) Workplaces are:

1. work rooms or other places in buildings on the site of an establishment,
2. places outdoors on the site of an establishment,
3. places on construction sites,

provided that they are intended for use as workstations.

(2) Workplaces include in particular:

1. places on the site of an establishment or a construction site to which workers have access in the course of their work,
2. traffic routes, escape routes, emergency exits, storage, machinery and secondary rooms, sanitary facilities, canteens, break and standby rooms, first aid rooms, accommodation and

3. installations that serve the operation of the workplace, in particular safety lighting, fire extinguishing installations, supply systems, lighting installations, ventilation plants, signalling equipment, energy distribution equipment, doors and gates, moving walkways, escalators, loading ramps and vertical ladders.

(3) Working rooms are rooms in which workstations are set up permanently within buildings.

(4) Workstations are areas in which workers are active in the framework of their work.

(5) Display screen equipment (DSE) workstations are workstations that are located in working rooms and are equipped with display screen equipment and other working appliances.

(6) Display screen equipment is a functional unit that comprises in particular display screens for showing visual information, facilities for data entry and output, other control and communication devices (computers) and software for controlling and implementing the task.

(7) Tele workstations are DSE workstations installed permanently by the employer in the workers' private sphere, for which the employer has stipulated weekly working hours — agreed with the worker — and the duration of the installation. A tele workstation is not set up by the employer until the employer and the worker have stipulated the conditions for teleworking in a contract of employment or in the framework of an agreement and the necessary fitting out of the workstation with furniture, work tools including communications equipment has been provided and installed in the worker's private sphere by the employer or a person commissioned by him.

(8) Collective accommodation within the meaning of this Ordinance is accommodation on or outside of an establishment or construction site

1. provided to workers by the employer or at the employer's direction by third parties against payment or free of charge and

2. which is shared by several employees and by a total of at least four people.

(9) Setting up is providing and organising the workplace. Setting up comprises in particular:

1. constructional measures or alterations,

2. equipping with machines, systems, other work tools and furniture and with lighting, ventilation, heating, fire extinguishing systems and utility installations,

3. setting out and identifying traffic and escape routes and identifying hazard points and fire protection equipment and

4. stipulating workstations.

(10) Operating workplaces comprises the use, maintenance and optimisation of workplaces as well as organising and structuring work including work processes in workplaces.

(11) Maintenance is the upkeep, inspection, repair or improvement of workplaces to maintain the constructional and technical condition.

(12) The state of the art is the development status of advanced techniques, facilities or operating modes that lets the practical suitability of a measure for guaranteeing safety and for the protection of the health of workers appear secure. When the state of the art is determined, comparable techniques, facilities or operating modes are to be included in particular that have been tested successfully in practice. This applies analogously to the requirements for occupational medicine and hygiene.

(13) A competent person is one who is in possession of the specialist knowledge that is required to carry out a task defined in this Ordinance. The requirements for competence are dependent on the type of the respective task. The requirements include appropriate vocational training, occupational experience, or an appropriate occupational activity carried out contemporarily. Specialist knowledge is to be kept up to date by taking part in training sessions.

Section 3 Risk assessment

(1) When working conditions are assessed pursuant to section 5 of the Safety and Health at Work Act, the employer must ascertain whether workers are or may be exposed to risks when setting up and operating workplaces. If this is the case, he must assess all possible risks to the safety and the health of the workers and in doing so take into account the effects of the work organisation and the work processes in the workplace. During the risk assessment the employer must take physical and mental stresses into account and, in the case of DSE workstations, in particular stress on the eyes or risks to the sight of workers. Based on the findings of the risk assessment the employer must stipulate measures for the protection of workers pursuant to the provisions of this Ordinance including its annex in accordance with the state of the art, occupational medicine and hygiene. Other established ergonomic findings are to be taken into account.

(2) The employer must ensure that the risk assessment is carried out competently. If the employer is not in possession of the appropriate knowledge, he must obtain professional advice.

(3) The employer must document the risk assessment before the work is started. The documentation must show which risks may occur at the workplace and which measures in accordance with subsection 1, sentence 4 must be carried out.

Section 3a Setting Up and Operating Workplaces

(1) The employer must ensure that workplaces are set up and operated in such a way that risks to the safety and health of workers are prevented as far as possible and remaining risks are kept as low as possible. When setting up and operating workplaces, the employer must carry out the measures in accordance with section 3(1) and when doing this take into consideration the state of the art, occupational medicine and hygiene, ergonomic requirements and in particular the rules and findings published by the Federal Ministry of Labour and Social Affairs in accordance with section 7(4). When complying with the published rules it is to be assumed that the requirements stipulated in this Ordinance are satisfied in this respect. If the employer does not apply these rules, he must achieve the same safety and the same protection of health for workers through other measures.

(2) If the employer employs persons with disabilities, he must set up and operate the workplace in such a way that the special needs of these workers are considered with regard to safety and health. This applies in particular with regard to the barrier-free design of workstations, sanitary facilities, break and standby rooms, canteens, first aid rooms and accommodation, as well as the related doors, traffic routes, escape routes, emergency exits, stairs and orientation systems that are used by workers with disabilities.

(3) On written application by the employer, the competent authority may grant exemptions from the provisions of this Ordinance including its annex if

1. the employer takes other measures that are just as effective or
2. implementation of the provision would in individual cases lead to unreasonable hardship and the deviation is compatible with protection of the workers.

The employer may submit the application on paper or electronically. The concerns of small enterprises must be taken into account in particular in the assessment.

(4) Requirements in other legal provisions, in particular in the building regulations of the Länder (federal states) take precedence to the extent that they go beyond the requirements of this ordinance.

Section 4 Special Requirements for the Operation of Workplaces

(1) The employer must maintain workplaces and ensure that any defects that are found are remedied without delay. If defects that may pose a direct considerable danger cannot be

remedied immediately, he must ensure that endangered workers suspend their work without delay.

(2) The employer must ensure that workplaces are cleaned in accordance with hygienic requirements. Contaminations and deposits that may lead to hazards must be eliminated without delay.

(3) The employer must maintain the safety devices, in particular safety lights, fire alarm and fire extinguishing devices, signalling systems, emergency generators and emergency switches as well as ventilation installations and have them tested at regular intervals with regard to their serviceability.

(4) The employer must ensure that traffic routes, escape routes and emergency exits are kept free at all times so that they can always be used. The employer must take precautions to ensure that in case of danger, workers can reach safety without delay and be rescued quickly. The employer must draw up an escape and rescue plan if the location, extent and nature of the use of the workplace make this necessary. The plan must be displayed or posted up at suitable points in the workplace. Drills in accordance with this plan must be carried out at reasonable intervals.

(5) When setting up and operating workplaces, the employer must make means and equipment for first aid available and have them tested regularly to ensure that they are complete and usable.

Section 5

Protection of Non-smokers

(1) The employer must take the necessary measures to ensure that non-smoking workers are effectively safeguarded in workplaces from health hazards due to tobacco smoke. Where necessary, the employer must issue a general ban on smoking in the workplaces or one limited to individual areas.

(2) When setting up and operating working rooms in workplaces frequented by the public, the employer must take technical and organisational measures according to subsection 1 for the protection of non-smoking workers in accordance with the nature of the establishment and the type of employment.

Section 6

Instructions for workers

(1) The employer must make sufficient appropriate information based on the risk assessment available to workers in a form and language that is comprehensible for the workers with regard to

1. operating the workplace for the intended purpose,
2. all questions relevant to health and safety in connection with their work,
3. measures that must be implemented to guarantee the safety and protect the health of the workers, and
4. measures specific to the workplace, in particular in the case of work on construction sites or using display screen equipment,

and instruct them by means of this information.

(2) Instructions in accordance with subsection 1 must extend to measures in case of danger, in particular to

1. operating safety and warning devices,
2. first aid and the means and equipment provided for this and
3. internal traffic.

(3) Instructions in accordance with subsection 1 must extend to measures for fire prevention and measures in the event of fire, in particular use of escape routes and emergency exits.

The employer must instruct workers who take over the tasks of firefighting in how to use the fire-extinguishing appliances.

(4) Instructions must be given before the start of work. Following this, they must be repeated at least annually. They must be given in a form and language that is understandable for the workers. Instructions must be repeated without delay if there are significant changes to workers' activities, the work organisation, the work and production methods or the equipment and modes of operation in the workplace and the change is associated with additional hazards.

Section 7 Committee for Workplaces

(1) A Committee for Workplaces will be established in the Federal Ministry of Labour and Social Affairs in which expert representatives of employers, trade unions, Länder (federal states) authorities, the statutory accident insurance scheme and other experts, in particular from the academic community, are to be represented in suitable numbers. The total number of members is not to exceed 16 persons. A deputy is to be designated for each member. Membership of the Committee for Workplaces is honorary.

(2) The Federal Ministry of Labour and Social Affairs appoints the members of the Committee and the deputy members. The committee draws up its own rules of procedure and elects a chair from among its members. The rules of procedure and the election of the chair are subject to the approval of the Federal Ministry of Labour and Social Affairs.

(3) The Committee's tasks include

1. identifying rules concerning the safety and health of workers in workplaces in compliance with the state of the art, occupational medicine and hygiene and other sound scientific knowledge,
2. identifying rules and knowledge that make it possible to satisfy the requirements of this Ordinance, as well as working out recommendations for further measures for guaranteeing the safety and protecting the health of workers and
3. advising the Federal Ministry of Labour and Social Affairs in all matters involving the safety and health of workers in workplaces.

When performing its tasks, the Committee takes into account the general principles of occupational safety and health pursuant to section 4 of the Safety and Health at Work Act. The working programme of the Committee for Workplaces is agreed with the Federal Ministry of Labour and Social Affairs. The Committee works closely with the other committees in the Federal Ministry of Labour and Social Affairs. The meetings of the Committee are not open to the public. The results of the Committee's advice and voting and minutes of the subcommittees must be treated confidentially, unless the performance of tasks that subcommittees or members of the Committee are obliged to carry out does not allow this.

(4) The Federal Ministry of Labour and Social Affairs may publish the rules and knowledge determined by the Committee in accordance with subsection 3 and recommendations in the Joint Ministerial Gazette (Gemeinsames Ministerialblatt).

(5) The Federal Ministries and the competent highest Land (federal states) authorities may send representatives to meetings of the Committee. If requested, these must be given the opportunity to speak during the meeting.

(6) The business of the Committee is conducted by the Federal Institute for Occupational Safety and Health.

Section 8 Transitional Regulations

(1) If this Ordinance stipulates requirements for workplaces

1. that had been set up by 1 May 1976 or their setting up had commenced before this date, or

2. that had been set up by 20 December 1996 or their setting up had commenced before this date and for which the Trade Regulation Code (Gewerbeordnung) did not apply at the time they were set up,

and these requirements necessitate extensive changes to the workplace, installations, working procedures or workflows, as a minimum the corresponding requirements of annex II of Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (OJ EC No L 393 p. 1) apply to these until 31 December 2020. In the event that these workplaces or their installations are extended or converted to a considerable degree or working procedures or workflows are redesigned substantially, the employer must take the necessary measures to ensure that these changes, extensions or redesigns comply with the requirements of this ordinance.

(2) Provisions in the rules for workplaces established by the Committee for Workplaces published by the Federal Ministry of Labour and Social Affairs in the Joint Ministerial Gazette (Gemeinsames Ministerialblatt) that contain requirements for workplaces continue to apply having regard to the definition of a workplace in section 2(2) of the Workplace Ordinance of 12 August 2004 (BGBl. [Federal Law Gazette] I p. 2179), last amended by Article 282 of the Ordinance of 31 August 2015 (BGBl. [Federal Law Gazette] I p. 1474, until they have been reviewed by the Committee for Workplaces and where necessary published again by the Federal Ministry of Labour and Social Affairs in the Joint Ministerial Gazette.

Section 9 **Criminal and Administrative Offences**

(1) A person who intentionally or negligently

1. fails to document a risk assessment correctly, completely or within the time limit, contrary to section 3(3),

2. fails to ensure that a workplace is set up or operated in the manner prescribed therein, contrary to section 3(a)(1) sentence 1,

3. fails to supply a toilet room as referred to therein or a mobile toilet cabin without plumbing connections as referred to therein, or in the manner prescribed, contrary to section 3(a)(1) sentence 2 in conjunction with no. 4.1(1) of the annex,

4. fails to provide a room for breaks as referred to therein or an area for breaks as referred to therein, or in the manner described, contrary to section 3(a)(1) sentence 2 in conjunction with no. 4.2(1) of the annex,

4a. fails to provide accommodation or fails to provide accommodation in due time in the cases mentioned under no. 4.4(1) sentence 3 of the annex contrary to section 3(a)(1) sentence 2 in conjunction with no. 4.4(1) sentence 1 of the annex,

4b. fails to document collective accommodation at all, incorrectly, incompletely or in due time contrary to section 3(a)(1) sentence 2 in conjunction with no. 4.4(4) sentence 1 of the annex,

5. fails to set up or operate a workplace in the manner prescribed, contrary to section 3(a)(1),

6. fails to ensure that endangered workers stop work without delay, contrary to section 4(1) sentence 2,

7. fails to ensure that traffic routes, escape routes and emergency exits are kept free, contrary to section 4(4) sentence 1,

8. fails to provide means or equipment for first aid, contrary to section 4(5),

9. fails to ensure that workers are instructed before the commencement of their duties, contrary to section 6(4) sentence 1,

commits an administrative offence as defined in section 25(1) no. 1 of the Safety and Health at Work Act.

(2) A person who endangers the life or health of workers intentionally through an act shown in subsection 1 is liable to prosecution in accordance with section 26 no. 2 of the Safety and Health at Work Act.

Annex

Requirements and measures for workplaces in accordance with section 3(1)

Contents

(Publication reference of the original text: BGBl. [Federal Law Gazette] I 2004, 2182 - 2188; see footnote for individual changes)

1. General requirements

1.1 Requirements for the design and stability of buildings

1.2 Dimensions of rooms and air space in rooms

1.3 Safety and health signs

1.4 Energy distribution installations

1.5 Floors, walls, ceilings and roofs

1.6 Windows and skylights

1.7 Doors and gates

1.8 Traffic routes

1.9 Escalators and travellers

1.10 Loading bays and ramps

1.11 Vertical ladders and manhole steps

2. Measures to safeguard against special dangers

2.1 Preventing falls, safeguarding against falling objects and entering danger zones

2.2 Measures to prevent fires

2.3 Escape routes and emergency exits

3. Working conditions

3.1 Movement area

3.2 Arrangement of workstations

3.3 Equipment

3.4 Lighting and visual communication

3.5 Room temperature

3.6 Ventilation

3.7 Noise

4. Sanitary, break and standby rooms, canteens, first aid rooms and accommodation

- 4.1 Sanitary rooms
- 4.2 Break and standby rooms
- 4.3 First aid rooms
- 4.4 Accommodation

5. Supplementary requirements or measures for special workplaces and workstations

- 5.1 Workstations in workplaces not enclosed on all sides and workstations located outside
- 5.2 Construction sites

6. Measures for the design of DSE workstations

- 6.1 General requirements for DSE workstations
- 6.2 General requirements for display screens and display screen equipment
- 6.3 Requirements for display screen equipment and work equipment for stationary use at workstations
- 6.4 Requirements for portable display screen equipment for mobile use at workstations
- 6.5 Requirements for the user-friendliness of display screen equipment

1. General requirements

1.1 Requirements for the design and stability of buildings

Buildings for workplaces must have a design and stability in accordance with their type of use.

1.2 Dimensions of rooms and air space in rooms

(1) Working rooms, sanitary, break and standby rooms, canteens, first aid rooms and accommodation must have sufficient floor area and an adequate height as a function of the size of the floor area to enable the workers to use the rooms and carry out their work without impairment of their health or their well-being.

(2) The dimensions of the rooms are determined by the nature of their use.

(3) The size of the necessary air space is dimensioned in relation to the nature of the physical strain and the number of workers and other persons present.

1.3 Safety and health signs

(1) Regardless of the following requirements, safety and health signs are to be used if it is not possible to prevent or sufficiently limit hazards to safety and health of workers through technical or organisational measures. The findings of the risk assessment and the measures in accordance with section 3(1) must be taken into account.

(2) Signs must be displayed according to the nature of the hazard permanently or temporarily in accordance with the specifications of Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and /or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ EC No L 245 p. 23). This Directive applies in its current version. If this Directive is amended or adapted to technical progress in accordance with the procedures provided for in this Directive, it must be applied in the amended version published in the Official Journal of the European Communities after the implementation period laid down in the amendment or

adaptation directive has expired. The amended version can be applied as soon as the amendment or adaptation directive has come into force.

(3) (deleted)

1.4 Energy distribution installations

Installations intended for the supply of energy to workplaces must be selected, installed and operated in such a way that workers are protected against direct or indirect contact with live parts and that the installations do not present any danger of fire or explosion. In the design and implementation and in the selection of material and protective devices the nature and intensity of the energy distributed, the external impact conditions and the expertise of the persons with access to parts of the installation must be taken into account.

1.5 Floors, walls, ceilings, roofs

(1) The surface of floors, walls and ceilings in the rooms must be designed in such a way that they conform to the requirements for safe operations and can be cleansed easily and safely. Working rooms must have suitable insulation against heat and cold and adequate insulation against damp, taking into consideration the nature of the undertaking and the physical strains. Sanitary, break and standby rooms, canteens, first aid rooms and accommodation must also have suitable insulation against heat and cold and adequate insulation against damp.

(2) The floors of the rooms must not have any unevenness, holes, stumbling points or dangerous slopes. They must be fixed to prevent their movement, stable, safe to walk on and non-slip.

(3) Transparent or translucent walls, in particular all-glass partitions in working rooms or in the vicinity of traffic routes must be clearly indicated. They must either be made of shatterproof material or be shielded from workstations in working rooms or traffic routes to prevent workers from coming into contact with walls or being injured should the walls shatter.

(4) Access to roofs made of non-penetration proof material must not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner.

1.6 Windows, skylights

(1) It must be possible for workers to open, close, adjust or secure windows, skylights and ventilators in a safe manner. They must not be positioned in such a way that when they are open they do not constitute a danger to workers.

(2) Windows and skylights must be selected or equipped and installed so that they can be cleaned without risk to the workers carrying out the work or to other persons.

1.7 Doors and gates

(1) The position, number, dimensions and design of doors and gates, in particular with regard to the materials used, are determined by the nature and the use of the rooms or areas.

(2) Transparent doors must be appropriately marked at eye level.

(3) Swing doors and gates must be transparent or have see-through panels.

(4) If transparent and translucent surfaces in doors and gates are not made of shatterproof material and if there is a danger that workers may be injured if a door or gate should shatter, the surfaces must be protected against breakage.

(5) Sliding doors must be fitted with a safety device to prevent them from being derailed and falling over. Doors and gates opening upwards must be secured against falling down.

(6) Clearly marked and permanently unobstructed doors for pedestrians must be provided in the immediate vicinity of any gates intended essentially for vehicle traffic. These doors are not required if it is safe for pedestrians to pass through the gates.

(7) Power-operated doors and gates must be such that they can be used safely. This means

a) that they can be moved or can come to a standstill without any danger to workers,

b) that they are fitted with automatic shut-down devices,

c) that they can also be opened manually, if they fail to open automatically in the event of a power failure.

(8) Special requirements apply with respect to doors along escape routes (no 2.3).

1.8 Traffic routes

(1) Traffic routes, including stairs, fixed vertical ladders and loading bays and ramps, must be located and dimensioned to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger persons employed in the vicinity of these traffic routes.

(2) Traffic routes used for passenger transport, traffic of goods or passenger transport and goods traffic must be dimensioned in accordance with the number of potential users and the type of establishment.

(3) If means of transport are used on traffic routes, a sufficient safety clearance must be provided for pedestrians.

(4) Sufficient clearance must be allowed between vehicle traffic routes and doors, gates, passages, pedestrian walkways, and staircase exits.

(5) Traffic routes must be clearly determined where the use and equipment of rooms requires this for the protection of workers.

(6) Special requirements apply with respect to escape routes (no 2.3).

1.9 Escalators and travellers

Escalators and travellers must be selected and installed in such a way that they function safely and can be used with safety. This means that the emergency control devices must be easily recognisable and accessible and only escalators and travellers are used that are equipped with the necessary safety devices.

1.10 Loading bays and ramps

(1) Loading bays and ramps must be suitable for the dimensions of the means of transport and loads to be transported.

(2) They must have at least one exit point; where technically feasible, long loading bays and ramps must have an exit point at each end.

(3) They must be easy and safe to use. This means that as far as possible they must be fitted with safety devices to prevent workers from falling off; this applies in particular in the vicinity of loading bays and ramps that are not permanent loading and unloading points.

1.11 Vertical ladders and manhole steps

Vertical ladders and manhole steps must be safe to use. This means

a) that they must, where necessary, have safety devices to prevent workers from falling off, preferably in the form of climbing safety devices,

b) that they have holding devices at their exit points,

c) that, where necessary, rest platforms are fitted at appropriate intervals.

2. Measures to safeguard against special dangers

2.1 Preventing falls and protection from falling objects, entering danger zones

(1) Where there is a danger that workers may fall off or a risk of falling objects, workstations and traffic routes must be equipped with safety devices that prevent workers from falling off or from being injured by falling objects. If safety devices to prevent falling are not suitable because of the special nature of the workstation or the work that is to be carried out there, the employer must guarantee the safety of workers through other effective measures. A danger of falling exists with a drop of more than 1 metre.

(2) Workstations and traffic routes that are adjacent to danger zones must be provided with safety devices that prevent workers from entering the danger zones.

(3) Workstations and traffic routes according to subsections 1 and 2 must be secured to prevent unauthorised entry and must be identified as a danger zone in a clearly visible way. Appropriate measures must be taken to protect those who have to enter these zones.

2.2 Measures to prevent fires

(1) Workplaces must be equipped with a sufficient number of appropriate fire-fighting equipment and, where necessary, with fire detectors and alarm systems depending on

- a) their dimension and use,
- b) the fire hazard presented by existing equipment and materials,
- c) the maximum potential number of people present.

(2) Non-automatic fire-fighting equipment must be permanently identified as such, easily accessible and simple to use.

(3) Automatic fire-fighting equipment must be equipped with warning devices if its use may present a danger for workers.

2.3 Escape routes and emergency exits

(1) Escape routes and emergency exits must

- a) be geared in terms of their number, distribution and dimension to the use, equipment and dimensions of the workplace and the maximum number of persons that may be present,
- b) lead as directly as possible into the open or, if this is not possible, to a safe area,
- c) be permanently identified in an appropriate form.

They must be fitted with safety lighting if it cannot be guaranteed that workers can leave the workplace safely, in particular if there is a failure of the general lighting.

(2) Doors along escape routes or doors of emergency exits must

- a) be easy to open from the inside without any special tools as long as workers are present in the workplace,
- b) be permanently identified in an appropriate form.

Doors of emergency exits must open outwards. Revolving or sliding doors must not be used in emergency exits that are designed exclusively for emergencies and are used exclusively in emergencies.

3. Working conditions

3.1 Movement area

(1) The free, uncluttered area at the workstation must be dimensioned in such a way that workers can move without hindrance as they perform their work.

(2) If this is not possible, another, sufficiently large movement area must be placed at the workers' disposal in the vicinity of their workstation.

3.2 Arrangement of workstations

Workstations must be arranged at the workplace in such a way that workers

- a) can reach and leave them safely,
- b) can go quickly to safety if there is any danger,
- c) are not put at risk by neighbouring workstations, transport operations or external effects.

3.3 Equipment

(1) If there are no changing rooms, every worker must have at least one storage space for clothes.

(2) If the work can be performed wholly or in part when seated or if the working sequence permits occasional sitting, workers must be provided with seating facilities at the workstation. If it is not possible for operational reasons to provide seating facilities directly at the

workstation, even though the working sequence permits occasional sitting, workers must be provided with seating facilities near the workstations.

3.4 Lighting and visual communication

(1) The employer may only operate rooms as working rooms that receive a sufficient amount of natural light and permit visual contact to the outside.

This does not apply to

1. rooms in which natural light or visual contact to the outside is not possible for operational, production or constructional reasons,
2. rooms in which workers do not carry out their work regularly over a longer period or in which they only have to remain for a short period in the course of their daily work, in particular archives, stores, machine and ancillary rooms, tea rooms,
3. rooms that are completely underground, if these involve underground car parks or similar facilities, cultural institutions, sales rooms or taprooms and dining rooms,
4. rooms in railway station concourses or airport terminals, passages or within department stores and shopping malls,
5. rooms with an area of at least 2000 square metres, if there are skylights or other structural elements that divert the natural light into the working room.

(2) Break and standby rooms and accommodation must be illuminated as sufficiently as possible with daylight and have visual contact to the outside. Canteens should have sufficient daylight and have visual contact to the outside.

(3) Rooms that were set up or whose setting up commenced before 3 December 2016 and that do not conform to the requirements of subsection 1 sentence 1 or subsection 2, may be operated without visual contact to the outside until they have been significantly extended or converted.

(4) In working rooms it must be possible to regulate the intensity of the incidence of daylight at the workstation in dependence on the type of work.

(5) Workplaces must be fitted with equipment that enables suitable artificial lighting so that the safety and protection of the health of the workers are guaranteed.

(6) Lighting installations must be selected and arranged in such a way that they do not endanger the safety and the health of workers.

(7) Workplaces in which workers are particularly exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity.

3.5 Room temperature

(1) Working rooms in which specific requirements for the room temperature are not stipulated from an operational aspect, must have a room temperature during the period of use that is conducive to health, taking account of the working procedures and the physical strains on workers.

(2) Sanitary, break and standby rooms, canteens, first aid rooms and accommodation must have a room temperature during the period of use that is conducive to health taking account of the specific use.

(3) Windows, skylights and glass partitions must shield the workplace against excessive solar radiation, depending on the nature of the work and the workplace.

3.6 Ventilation

(1) Sufficient free air conducive to health must be available in working rooms, sanitary, break and standby rooms, canteens, first aid rooms and accommodation during the period of use taking account of the specific purpose, the working procedures, the physical strains and the number of workers and other persons who are present.

(2) If a ventilation and air-conditioning system is necessary to operate workplaces, it must be in working order at all times and comply with the requirements set out in subsection 1.

Breakdowns of the ventilation and air-conditioning system must be indicated by an automatic

warning system. Precautions must be taken to ensure that workers are safeguarded against health hazards in the event of a breakdown.

(3) If ventilation and air-conditioning systems are used, it must be ensured that workers are not exposed to draughts that cause discomfort.

(4) Deposits and impurities in ventilation and air conditioning systems that can lead to a direct hazard to health through the ambient air must be removed without delay.

3.7 Noise

The sound pressure level in workplaces must be kept as low as possible given the nature of the undertaking. The sound pressure level at the workstation in working rooms must be reduced in dependence on the use and the work to be performed to the extent that ensures there is no impairment of workers' health.

4. Sanitary, break and standby rooms, canteens, first-aid rooms and accommodation

4.1 Sanitary rooms

(1) The employer must make toilets available. Toilets must be set up separately for men and women, or separate use must be enabled. Toilets must be provided with lockable access, a sufficient number of toilet bowls and hand washing facilities. They must be located both in the vicinity of working rooms and in the vicinity of canteens, break and standby rooms, washing and changing rooms. In the case of work in the open and on construction sites with only a few workers, mobile toilet cabins without plumbing connections in the vicinity of the places where the work is performed are sufficient.

(2) The employer must make washrooms available where the nature of the work or health reasons require this. These must be set up separately for men and women, or separate use must be enabled. Washing facilities are sufficient in the case of work in the open and on construction sites. Washrooms

- a) must be set up in the vicinity of working rooms and be concealed from view,
- b) must be dimensioned in such a way that the workers can clean themselves in accordance with hygienic requirements and without hindrance; for this purpose there must be hot and cold running water, a cleaning agent and where necessary disinfectants and a means of drying hands,
- c) must be provided with an adequate number of suitable showers if the nature of the activity performed or health concerns demand.

If washrooms are not required, sufficient and appropriate washing facilities with running water (if necessary with hot water), a cleaning agent and means of drying hands must be available in the vicinity of the workstation and changing rooms.

(3) The employer must make suitable changing rooms available if workers must wear special work clothes during their work and it is unreasonable for them to change in another room. Separate changing rooms must be provided for men and women or separate use must be made possible. Changing rooms

- a) must be easily accessible, of adequate size and concealed from general view; there must be sufficient clear floor space available to facilitate unhindered changing in accordance with the number of people who will use the facilities at the same time,
- b) must be fitted with seating facilities and with lockers in which workers can keep their clothes.

If the circumstances demand, clothes lockers for working clothes and protective clothing must be separate from lockers for personal clothing and objects.

(4) Washrooms and changing rooms that are spatially separated must be easy to reach from one another.

4.2 Break and standby rooms

(1) A break room or an appropriate break area must be provided for workers if more than ten workers are employed or if safety and protection of health so require. This does not apply if workers are employed in offices or comparable working rooms and equivalent conditions for recuperation during breaks exist there. If standby periods or interruptions to work occur regularly and frequently during working hours and there are no break rooms, rooms for standby periods must be set up for the workers. It must be possible for pregnant women and nursing mothers to lie down and rest under suitable conditions during breaks and, to the extent this is necessary, during working hours as well.

(2) Break rooms or appropriate break areas

- a) must be provided at a safe location that is easily accessible for workers and must be of adequate size,
- b) must be fitted with easy to clean tables and seating with backs in accordance with the number of people who will use them at the same time,
- c) must be designed as separate rooms if an assessment of the working conditions and the workplace so demands.

(3) Standby rooms and break rooms that are used as standby rooms must be equipped to suit their purpose.

4.3 First aid rooms

(1) First aid rooms or comparable areas must be available in accordance with the nature of the hazards in the workplace or the number of workers, the nature of the work to be carried out and the physical size of the undertakings.

(2) First aid rooms must be marked as such at their entrances and must be easily accessible for persons carrying rescue transport equipment.

(3) They must be furnished with the necessary equipment and facilities for first aid. The address and telephone number of the local rescue services must be displayed at a clearly marked point.

(4) In addition, first aid equipment and facilities must be kept wherever working conditions dictate. It must be easily accessible ready for use. The places where it is kept must be identified as such and must be easily accessible.

4.4 Accommodation

(1) The employer must make suitable accommodation available for workers, where applicable outside the site of an establishment or outside of a construction site as well, if this is necessary for reasons of safety and for the protection of health or for reasons of a humane organisation of work. The provision of suitable accommodation can be necessary in particular because of the remoteness of the workplace, the nature of the work to be carried out or the number of persons employed in the undertaking. It is always necessary if, in connection with the recruitment or posting of workers to provide a contractually owed work for a limited period of time, workers are offered accommodation or placement in collective accommodation and if it can be expected that workers would otherwise not undertake the obligation to provide work. If the employer is unable to make the necessary accommodation available on the site of an establishment or on a construction site, he must arrange for other suitable accommodation for the workers outside the site of the establishment or construction site. If accommodation is provided by the employer as collective accommodation outside the site of an establishment or a construction site or by third parties at the employer's request, the employer must ensure that the accommodation is adequate in this case, too.

(2) Accommodation must be equipped with the following in accordance with the number of occupants and the length of stay:

1. living and sleeping area (beds, cupboards, tables and chairs),
2. eating area,
3. sanitary facilities.

(3) If accommodation is used both by male and female workers, this must be taken into account when allocating rooms.

(4) The employer must document the accommodation of workers in collective accommodation on or outside the site of an establishment or a construction site in accordance with sentences 2 and 3. The documentation must indicate:

1. the address of collective accommodation,
2. the accommodation capacity of collective accommodation,
3. the allocation of workers to collective accommodation and
4. the corresponding period of accommodation of the respective workers.

The documentation must be available at the place where the service is provided from the start of the provision of collective accommodation. The documentation must be kept for four weeks after the accommodation has ended.

5. Supplementary requirements and measures for special workplaces and workstations

5.1 Workstations in workplaces not enclosed on all sides and workstations in the open

Workstations in workplaces that are not enclosed on all sides and outdoor workstations must be designed and operated in such a way that they can be reached, used and left again safely by the workers in all weather conditions and without any hazard to their health. This also means that workstations must be protected against inclement weather conditions or that the workers must be provided with suitable personal protective equipment.

If workers are employed at outdoor workstations, the workstations must be set up as far as possible in such a way that the workers are not exposed to effects from outside that endanger health.

5.2 Construction sites

(1) Workers

- a) must be able to change their clothes, wash and warm themselves while protected against inclement weather conditions,
- b) must have facilities to enable them to take their meals and, where necessary, also to prepare meals as well,
- c) must have at their disposal drinking water or another non-alcoholic beverage in the vicinity of the workstations.

In addition, the following requirements must be implemented on construction sites:

- d) If changing rooms are not required, a clothes locker and a lockable compartment must be available for every worker regularly employed on the construction site to enable them to keep personal items securely locked up.
- e) Taking working procedures and physical strain on the workers into account, it must be ensured that sufficient fresh air that is conducive to health is present.
- f) Workers must have the possibility of airing and drying working clothes and protective clothing outside working hours.
- g) Suitable tests and drills must be conducted on fire-fighting equipment and fire detection and alarm systems at regular intervals.

(2) Safety devices must be present that prevent workers at workstations and traffic routes on construction sites from falling:

1. regardless of the fall height for

- a) workstations by and above water or by and above solid or liquid substances in which it is possible to sink,
 - b) traffic routes above water or other solid or liquid substances in which it is possible to sink,
2. with fall heights above 1 metre at wall openings, at exposed stairways and landings, and
3. at all other workstations with a fall height over 2 metres.

With a fall height of up to 3 metres a safety device is not necessary for workstations and traffic routes on roofs and ceilings of structural installations with inclinations of up to 22.5 degrees and an area not exceeding 50 square metres, if the work is carried out by workers who are technically qualified and physically suitable for it and who have been specially instructed. The leading edge must be clearly recognisable for the workers.

(3) Spatial limitations of workstations, materials, equipment and in general all elements that may adversely affect workers' safety and health by being moved must be stabilised in a suitable fashion. This also includes measures to prevent vehicles, earth-digging equipment and material handling equipment from falling, toppling over, slipping or collapsing.

(4) If means of transport are used on traffic routes, a sufficient safety clearance or suitable protective devices must be provided to protect other persons using the transport route. The routes must be regularly inspected and maintained.

(5) Suitable safety precautions must be taken where work is being performed that may give rise to hazards for workers to a particular high degree. This applies in particular to demolition work and the erection or dismantling work. To satisfy the requirements regarding protective measures in sentence 1, the following conditions must be fulfilled:

- a) in the case of work carried out at elevated or low-lying locations, the structural integrity and stability of workstations and their access points must be ensured and inspected in a suitable way, especially after any change in the height or depth of the workstation's location,
- b) in the case of excavations, well digging work, underground work or tunnelling, earth or rock faces must be inclined, timbered or secured in another way, so that they are stable during the individual building phases; before commencement of excavations, suitable measures must be taken to identify any hazard due to underground cables and other supply lines and to reduce such hazards to a minimum,
- c) in the case of work during which oxygen deficiency may occur, suitable measures must be taken to prevent any danger and to facilitate effective and immediate assistance; individual workstations in areas where there is an increased danger of oxygen deficiency are only permissible if they are constantly monitored from outside and all suitable precautions have been taken to facilitate effective and immediate assistance,
- d) where sheet piling and caissons are erected, moved or dismantled, appropriate devices must be provided to ensure that workers can save themselves on ingress of water and material,
- e) in the case of loading bays and ramps, anti-fall safeguards must be provided,
- f) suitable measures must be taken in the case of work during which hazards arising from land vehicles, vessels or aircraft can be expected.

Demolition work, erecting or dismantling work, in particular erecting and dismantling steel and concrete structures and assembling and disassembling sheet piling for securing earth or rock faces or caissons, must be professionally planned and may only be carried out under the supervision of authorised persons and in accordance with written instructions for the demolition, erecting or dismantling work; instructions for demolition, erecting or dismantling

work must contain the necessary safety data; the written form can be waived if special safety data is not required for the particular demolition, erecting or dismantling work.

(6) Existing overhead electrical power cables must, as far as possible, be laid or connected outside the construction site. If this is not possible, suitable barriers, shields or signs must be installed to keep vehicles and equipment away from such cables.

6. Measures for the design of DSE workstations

6.1 General requirements for DSE workstations

(1) DSE workstations must be set up and operated in such a way that the safety and the protection of health and workers is guaranteed. The principles of ergonomics must be applied accordingly to DSE workstations and the required work equipment and for display screen equipment required for information processing by workers.

(2) The employer ensures that workers' activities using display screen equipment in particular are broken up by other activities or regular recovery periods.

(3) Sufficient space must be provided for workers for changes to working posture and movements.

(4) The display screen equipment must be set up and operated in such a way that the surfaces are free of interfering reflections and glare.

(5) Desks or work surfaces must have low-reflecting surfaces and be set up in such a way that the surfaces are free of interfering reflections and glare during work.

(6) Work surfaces are to be dimensioned in accordance with the task in such a way that all input means can be arranged variably on the work surface and a flexible arrangement of the screen, the documents and the other work equipment is possible. The work surface in front of the keyboard must enable the wrists to be rested on it.

(7) On request by workers, the employer must provide a footrest and a document holder, if an ergonomically beneficial working position cannot be achieved in any other way.

(8) The lighting must correspond to the nature of the work and be adjusted to workers' vision; a suitable contrast between the screen and the work environment must be guaranteed. Interfering glare, reflections or mirroring on the screen and the other work equipment are to be prevented through the configuration of the DSE workstation and the design and the arrangement of the lighting.

(9) If several display screen units or display screens are operated at one workstation, these must be arranged ergonomically. Input devices must be clearly assignable to the respective display screen unit.

(10) The work equipment must not lead to an increase in the thermal load at the workplace that is detrimental to health.

6.2 General requirements for display screens and display screen equipment

(1) Text and graphics displays on the screen must be focused and clear in accordance with the task as well as sufficiently large. The character and line spacing must be adequate. It must be possible to set the character and line spacing individually on the screen.

(2) The image shown on the screen must not flicker. The image must not have any distortions.

(3) Workers must be able to adjust the brightness of the screen display and the contrast of the text and graphics displays on the screen easily. It must be possible to adjust them individually to the circumstances of the work environment.

(4) The size and shape of the screen must be adequate for the task.

(5) Electromagnetic radiation emanating from the display screen equipment must be kept as low as possible, so that the safety and the health of the workers are not endangered.

6.3 Requirements for display screen equipment and work equipment for stationary use at workstations

(1) Screens must swivel and tilt freely and easily and have low reflection surfaces. Screens that have reflecting surfaces may only be used if this is necessary for urgent task-based reasons.

(2) Keyboards must have the following properties.

1. they must be units separate from the screen,
2. they must be tiltable,
3. they must have low reflection surfaces,
4. the shape and the touch of the keys must be suitable for the tasks and enable ergonomic operation,
5. the characters on the keys must be clearly differentiated from the background and be readable in a normal working position.

(3) Alternative means of input (for example, input via screen, voice input, scanners) may only be employed if they make tasks easier to carry out and do not lead to additional strains for workers.

6.4 Requirements for portable display screen equipment for mobile use at workstations

(1) The size, shape and weight of portable display screen equipment must be appropriate for the task.

(2) Portable display screen equipment must

1. have screens with low reflection surfaces and
2. be used in such a way that the screen is free of interfering reflections and glare.

(3) Portable display screen equipment with no separation between the screen and external means of input (in particular devices without a keyboard) may only be operated at workstations at which devices are used for a short period only or at which the tasks cannot be carried out with any other display screen equipment.

(4) Portable display screen equipment with alternative means of input must be operated in accordance with the tasks and with the objective of optimum relief for workers.

(5) The requirements in accordance with subsection 6.1 apply in addition if portable display screen equipment is used at a fixed location at workstations.

6.5 Requirements for the user-friendliness of display screen equipment

(1) Where DSE workstations are operated, the employer must ensure that the workstation is adequately organised for the task. He must particularly make suitable software systems available.

(2) It must be possible to adapt the display screen equipment and the software appropriately to the knowledge and experience of the workers with regard to the particular task.

(3) The software system must provide workers with information on the respective dialogue sequences.

(4) The display screen equipment and the software must enable the workers to influence the dialogue sequences. They must describe any handling faults and permit error correction with minimum effort.

(5) Checks of work with regard to qualitative or quantitative results may not be carried out without the knowledge of the workers.