

SARS-CoV-2 Occupational Health and Safety Ordinance (Corona-ArbSchV)

Date of issue: 17.03.2022

Full quote

"SARS-CoV-2 Occupational Health and Safety Ordinance of 17 March 2022 (BAntz AT 18.03.2022 V1)."

Version rescinded by § 5 of this Version with expiration date of 25 May 2022

Entry formula

On the basis of § 18, section 3, sentence 2 of the Occupational Health and Safety Ordinance, as amended by Article 12 of the Act of 22 November 2021 (BGBl. I p. 4906), the Federal Ministry of Labor and Social Affairs decrees:

§ 1 Objective and Area of Application

1. The purpose of this Ordinance is to minimize the risk of infection with the SARS-CoV-2 coronavirus at work and to protect the safety and health of employees.
2. The occupational health and safety regulations pursuant to § 18, sections 1 and 2 of the Occupational Health and Safety Ordinance and any deviating regulations of the Federal States on the protection against infection, in particular in connection with the care of children, as well as further-reaching regulations of the Federal States and regulations subject to the Biological Substances Ordinance shall remain unaffected.
3. When implementing the requirements of this Ordinance, the SARS-CoV-2 Occupational Health and Safety Rule of 10. August 2020 (GMBI 2020, p. 484), as amended from time to time, shall be taken into account. For further guidance on suitable measures, recommendations for action by the German Federal Institute for Occupational Safety and Occupational Medicine as well as the industry-specific guidelines of the accident insurance institutions can be consulted for further guidance on suitable measures.

§ 2 Basic Protective Measures for Infectious Disease Protection in the Workplace

1. On the basis of the risk assessment in accordance with § 5 and § 6 of the Occupational Health and Safety Ordinance, **the employer must define and implement the measures still required** for occupational infection control in an occupational and implement them in a company hygiene concept. The measures to be defined must also be implemented in the also be implemented in the break areas and during break times.
2. The company hygiene concept must be made available to employees in the workplace in a convenient manner.
3. Within the framework of the risk assessment, the employer must in particular consider whether and which of the following measures are required to ensure the safety and health of the employees. measures listed below are necessary to ensure the safety and health of employees at work. at work.

In particular, the regional incidence of infections and special specific infection hazards must be taken into account:

- a. the offer to employees, insofar as they do not work exclusively in their homes, weekly free of charge an antigen-self-test by in-vitro diagnostic devices, which are intended for the direct SARS-CoV-2 coronavirus and which, on the basis of their CE marking or on the basis of a special approval granted in accordance with § 11 Section 1 of the Medical Devices Act,
- b. the reduction of operationally related personal contacts, particularly by avoiding or reducing the simultaneous use of indoor spaces by more than one person; especially, it must be checked whether the office work or comparable activities can be carried out in their own homes,
- c. the provision of medical face masks (mouth-nose protection) or other type of protective masks as designated in the appendix.

§ 3 Protective vaccinations

1. The employer shall enable employees to be vaccinated against the SARS-CoV-2 coronavirus during working hours. The employer shall (if applicable) provide organizational and personnel support to the company physicians and the inter-company services of company physicians who carry out protective vaccinations in the company for reasons of population protection, organizational and personnel support.
2. As part of the instruction, employees are to be informed about the health hazards of contracting coronavirus disease-2019 (COVID-19) and about the possibilities of a protective vaccination.

§ 4 Consultation given by the Federal Department of Labor and Social Affairs and concretization of the requirements of this regulation

The Federal Department of Labor and Social Affairs may instruct the advisory occupational health and safety committees pursuant to § 18 Section 2 No. 5 and § 24a of the Occupational Health and Safety Ordinance, to determine rules and findings on how the requirements set out in this Ordinance can be met. Recommendations in this regard may be made. The Federal Department of Labor and Social Affairs may publish these rules, findings and recommendations in the Joint Ministerial Gazette.

§ 5 Effective Date, Expiration Date

This Ordinance shall enter into force on Sunday, March 20, 2022 and shall expire at the end of the day on Wednesday, May 25, 2022.

Attachment

Applicable/Authorized Protective Face Coverings

(Reference: BAnz AT 18.03.2022 V1)

The following protective face coverings can be selected and used according to § 2 c, above:

Type of mask	Standard (part of the labeling)	Other marking characteristics	Target countries
FFP2 or comparable¹	Regulation (EU) 2016/425 DIN EN 149:2001+A1:2009 or comparable	CE marking with trailing identification number of the notified body Equipment class (for example FFP2) Service life Manufacturer's data EU declaration of conformity Instructions and information	EU
Full face masks, fan assisted masks, hoods or helmets with replaceable particle filter²	Regulation (EU) 2016/425 Full-face masks: EN 12942 or comparable; fan-filtering hoods: EN 12941 or comparable EN 136 or comparable Particle filters: EN 143 or comparable	CE marking with trailing identification number of the notified body Manufacturer's data EU declaration of conformity Instructions and information	EU
N95¹	NIOSH-42CFR84	Model number Lot number Mask Type Manufacturer information TC approval number	USA and Canada
P2¹	AS/NZS 1716-2012	Identification number or logo of the Conformity assessment bodies	Australia and New Zealand
DS2¹	JMHLW-Notification 214, 2018	https://www.baua.de/DE/Themen/Work-design-at-work/coronavirus/pdf/Labeling-Masks.pdf?__blob=publicationFile&v=10 https://www.jaish.gr.jp/horei/hor1-y/hor1-y-13-11-3_1.pdf https://www.jaish.gr.jp/horei/hor1-y/hor1-y-13-11-3_2.pdf	Japan
CPA¹	Test principle for Corona SARSCoV-2 pandemic Protective Face Coverings (CPA)	Certificate of the market surveillance authority according to § 9 paragraph 3 of the Medical Supply Assurance Ordinance, which was issued before 1. October 2020 was issued.	Germany

¹ Without exhalation valve; masks with exhalation valve may only be worn if all contact persons also wear a respirator. Corona SARS-CoV-2 Pandemic Respirators (CPA) may be, for example, verified KN95 masks that have been tested according to the test principle for CPA by the Central Office of the Federal States for Safety Engineering.

² There is no external protection for these systems. They can therefore only be used if all contact persons wear a protective face covering.