

**BY ORDER OF THE COMMANDER
UNITED STATES AIR FORCES IN
EUROPE AIR FORCES IN AFRICA**

**UNITED STATES AIR FORCES IN EUROPE
INSTRUCTION 91-203**



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Safety

**AIR FORCE SAFETY AND OCCUPATIONAL
HEALTH FOR LOCAL NATIONAL
EMPLOYEES IN GERMANY**

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(Col Michael J. Dean)

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USAFEI91-203 extends the guidance in AFI 91-203. This instruction outlines the provisions for Occupational Safety and Health Protection, defines accident prevention guidelines and applies, based on Article 56, paragraph 1 and 3 of the Supplementary Agreement (SA) to North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA) in conjunction with the Protocol of Signature to Article 56, paragraph 1 and 3 to all units of the United States Air Forces in Europe (USAFE) and Air Forces in Africa (AFAFRICA) which employ personnel covered by the Tariff Agreement (TV AL II). It does not apply to Air Force Reserve (AFRC) or Air National Guard (ANG) units. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in Air Force Records Information Management System (AFRIMS).

SUMMARY OF CHANGES

This instruction takes into account the framework of existing legislation of the European Union (EU) in regards to occupational safety and health. Within the Federal Republic of Germany (FRG) the implementation of such directives, which serve the protection of safety and health of employees, is covered by German Occupational Safety and Health Act and other legal provisions. This instruction refers to and implements those applicable German legislative

provisions, which are not already covered by Air Force instructions and other safety-related and occupational health guidelines of the United States (U.S.) forces.

This instruction was coordinated with the Federal Ministry of the Interior, the Accident Insurance Federal and Rail, the Federal Ministry of Defense, and the Command Works Council.

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Chapter 1

PURPOSE

1.1. This supplement contains provisions for Safety and Occupational Health, which are founded on sets of rules of the FRG and are applicable to all resident employees.

- 1.1.1. Supervisors in detecting, evaluating and mitigating risks.
- 1.1.2. Employees in managing risks, protecting their health and preventing damage.
- 1.1.3. Units and Departments in maintaining operational readiness and fulfill their mission.

1.2. Responsibilities

1.2.1. The HQ USAFE-AFAFRICA Safety Office, Bioenvironmental Engineering Office and Public Health Office will:

1.2.1.1. Transcribe the requirements of German provisions, as required per NATO SOFA, the NATO SOFA SA thereto and the Protocol of Signature into official Air Force Occupational Safety and Health (AFOSH) and Air Force instructions and interpret them on a case by case basis.

1.2.1.2. Support and advise the commanders and the Wing Safety offices on matters regarding Occupational Safety and Health Protection.

1.2.2. The Wing Safety must advise and provide support commanders and supervisors on all questions regarding Occupational Safety and Health Protection matters.

1.2.3. Commanders and Chiefs of the Office are obligated:

1.2.3.1. To ensure compliance with laws, statutory orders and technical rules regarding Occupational Safety and Health Protections, as well as the autonomous laws of the German Occupational Accident Insurance (DGUV), accident prevention and legal regulations, and that they are adhered to and complied with (see [Attachment 2 and 3](#)).

1.2.3.2. To determine and evaluate the health effects of each occupation for each workplace based on the above cited references (Gefährdungsbeurteilung – Risk Assessment).

1.2.3.3. To take appropriate provisions to eliminate or to the greatest extent possible minimize the risk.

1.2.3.4. to properly document the prescribed process.

1.2.3.5. To appoint official company physicians (Betriebsärzte), and Specialists for Occupational Safety (Fachkräfte für Arbeitssicherheit – FASI) based on the standards for public servants within the Federal domain according to §16 of the Occupational Safety Law (Arbeitssicherheitsgesetz – ASiG) where resident employees are employed. The qualifications of the employees, with duties regarding Occupational Protection and Health Safety, must suffice the requirements of both – the national law and the applicable Air Force instructions.

1.2.3.6. To establish an Occupational Health and Safety Committee (Arbeitsschutzausschuss - ASA) according to para 2.7.1.4.2. of this instruction.

1.2.3.7. To actively involve the “works council(s)” in Occupational Safety and Health Accident Prevention.

1.2.3.8. To ensure that any transcripts or memorandums regarding the purview of Occupational Safety and Health Protection, are accessible by the works council (Betriebsvertretung-BV).

1.2.3.9. Distribute a copy of all Accident reports (Unfallanzeige – SGB VII) to the works council.

1.2.3.10. To initiate the elimination of safety and health deficiencies.

1.2.3.11. To appoint Safety Representatives and First Aid Emergency Responders in accordance with **Figure A4.1** & **Figure A4.2** and ensure they receive initial and reoccurring training.

1.2.3.12. To coordinate full compliance of occupational safety and accident prevention regulations with any contractor working for the U.S. forces under their control.

1.2.4. Employees are obligated to:

1.2.4.1. Comply with all occupational safety and health protection provisions.

1.2.4.2. To use and utilize all employer provided equipment, working appliances/tools, working materials and personal protective clothing accordingly.

1.2.4.3. Immediately report any safety deficiencies, accident risks, injuries and/or suspicion of occupational illnesses to their supervisor.

1.2.5. According to the German Federal Personnel Representation Law (FPRL) (Bundespersönlichkeitsvertretungsgesetz § 81 (BPersVG)) the Works Council is obligated to assist the applicable authorities for occupational safety in combating accidents and health hazards by providing recommendations, advice, directory information and support the implementation of occupational health and accident prevention provisions in the respective units.

Chapter 2

APPLICABLE HOST NATION LAWS/INSTRUCTIONS

2.1. NATO Status of Forces Agreement (NATO SOFA and Supplementary Agreement (SA)) and Protocol of Signature. The application of German Labor Protection Act and Accident Prevention Regulations are regulated in Article IX, paragraph 4 of the NATO SOFA and Articles 53 and 56 SA along with the associated protocol of signature (see relevant excerpts in [Attachment 3](#)).

2.2. Instructions of the U. S. Department of Defense and the U.S. Air Force.

2.2.1. The local national workforce is subject to compliance with AFI 91-203, *The Air Force Consolidated Occupational Safety and Health Instruction*, Occupational Safety and Health Act (OSHA), the US Code of Federal Regulations as listed in [Attachment 1](#), and all listed technical instructions (Technical Manuals, Technical Bulletins).

2.3. German Labor Protection and Work Safety Requirements.

2.3.1. The accident prevention and occupational safety instructions of the USAF pertaining to the resident workforce employed by the US Forces within the Federal Republic of Germany, as prescribed in NAFO SOFA and the applicable SA, are supplemented insofar as the US Forces must comply with host nation law.

2.3.2. Ensure that the differences of the distinct provisions yield in the highest level of protection.

2.3.3. Discrepancies between the US Air Force instructions and the German provisions must be brought to the attention of HQ USAFE/AFAFRICA-SEG, in order for this office to possibly eliminate them by implementing adequate measures.

2.3.4. The written instructions for occupational and health protection in Germany derive from a dual system of governmental- and autonomic legal norms of the Accident Insurance Carriers.

2.3.5. Sources of law in Germany are in particular statutes and decrees. They are implemented by technical rules and guidelines, which reflect current technical standards, however do not have a statutory character.

2.3.6. Employees who work in Occupational Safety and Health Protection, as defined by the Occupational Safety Act must satisfy the requirements of the respective regulations of the USAF and German laws. Specialized personnel for occupational safety, or official company physicians in units which are in charge of local national employees and their workplace, must be formally trained according to the requirements of the German Federal Ministry of Labor and Social Affairs and respectively possess qualifications/certifications or obtain them through continued education.

2.3.7. The appointment, functions and responsibilities of specialized personnel for occupational safety are defined in paragraphs 5-7 in conjunction with provisions of the Ministry of Interior of the Occupational Safety Act are defined in the standards for civil service in the area of federal administration and must be applied accordingly.

2.4. GERMAN ACCIDENT PREVENTION REGULATIONS

2.4.1. Accident Prevention Regulations (Unfallverhütungsvorschriften – UVV) (see [Attachment 2](#)) are published by the Accident Insurance Carriers in the form of autonomic norms. They are approved by the Federal Ministry for Labor and Social Affairs and are also adopted by the German military.

2.4.2. Specific rules regarding accident prevention are explicitly required for USAFE when the for trade, industry and the German military created accident prevention guidelines do not satisfy specific features and special task requirements of the U.S. Forces. When necessary they can be established by USAFE-AFAFRICA after coordination with the appropriate German authorities.

2.4.3. Compliance with the Accident Prevention provisions listed in [Attachment 2](#) is binding.

2.5. ANNOUNCEMENT OF OCCUPATION SAFETY REGULATIONS

2.5.1. Occupational safety regulations and standards must be made available and accessible to the work force.

2.5.2. The Occupational Safety Offices and the associated occupational medical facilities maintain and make available the newest, complete editions of the OSHA Standards, US Air Force regulations, as well as all statutory guidelines according to paragraph 1.2.3.1. Any required assistance and explanation must be provided when these standards, regulations and guidelines are viewed by local national employees. If necessary a translation of the relevant passages must be presented.

2.5.3. The applicable Air Force Instructions (AFI's), miscellaneous safety related and occupational health guidance pertaining to the tasks at the specific worksite must be made available. The Occupational Safety offices and the Occupational Health offices will provide counseling on the applicable guidance.

2.5.4. Occupational Safety Regulations pertaining to specific tasks must be displayed in the work center or be made readily accessible. These guidelines must be made available in the language or languages which can be read and understood by the employees. When necessary, the material must be thoroughly explained or demonstrated. These cases must then be documented and maintained on file.

2.5.5. Occupational Safety rules prescribed within the scope of this instruction's occupational safety-, fire prevention- and health protection guidance must be explained to the workforce.

2.5.6. Additional announcements to the workforce. The Air Forces *Visual Aid* (AFVA 91-209, *Air Force Occupational Safety and Health*) is a poster which explains the Air Force Program to local national employees. All work centers, where this supplement is applicable and which employs a local national workforce must display the AFVA 91-209, the Air Force OSH Program and the German language version (USAFE-AFAFRICAVA 91-209).

2.5.7. The employees must be instructed in Safety and Health Protection at the workplace, with emphasis on related work hazards and the associated preventive measures. As a basic principle these instructions must be presented in a comprehensive way prior to the initial start on the job and, if needed conducted at least annually. The Supervisors must ensure all

employees understand the material and if necessary on site demonstrations can improve the comprehension of the material. Training sessions must be documented and contain a reference to the specific topic(s) covered.

2.6. MONITORING BY THE GERMAN AUTHORITIES

2.6.1. The following federal authorities and their subordinate agencies are responsible for Occupational Safety, Health Protection, Accident Prevention and Radiation Protection. Based on the NATO SOFA and NATO SOFA SA this authority also extends to the U.S. Forces.

2.6.1.1. Unfallversicherung Bund und Bahn (UVB) (*Accident Insurance Federal and Rail*)

2.6.1.2. Public-sector Administration of the German Armed Forces of Occupational Safety and Environmental Engineering and the Visiting Forces (Öffentlich-rechtliche Aufsicht der Bundeswehr (Bw) für Arbeitssicherheit und Technischen Umweltschutz bei den Gaststreitkräften (ÖrA BW)).

2.6.1.3. Supervisor Board for Tasks under Public Law of Medical Service of the German Armed Forces, Section II Occupational Health (Überwachungsstelle Öffentlich-rechtliche Aufgaben im Sanitätsdienst der Bundeswehr (Bw), Abteilung II Arbeitsmedizin (ÖrASanDStBw)).

2.6.2. Unfallversicherung bund und bahn (uvb) (*ACCIDENT INSURANCE FEDERAL AND RAIL*).

2.6.2.1. By statute all local nationals employed by the US Forces in Germany are accident insured. The Federal Republic of Germany is the insurance carrier (ZA NTS, article 56, paragraph 3). The Accident Insurance Federal and Rail act on their behalf. **Note:** Resident employees of American and non-American Contractors are not considered employees of the US Forces for the purpose of this regulation. When a company falls under German law, the responsibility for the compliance surveillance lays with the proper regulating authorities of the local state (host nation) which means the administrative bodies for Occupational Safety and/or the Trade Control and the applicable Accident Insurance Carriers.

2.6.2.2. Provisions for the statutory Accident Insurance are regulated in SGB VII (Social Law Code VII - statutory Accident Insurance).

2.6.2.3. The responsibility of the Accident Insurance Federal and Rail is:

2.6.2.3.1. The prevention of occupational accidents, health risks and occupational diseases.

2.6.2.3.2. Rehabilitation of injured and sick employees, as well as the compensation of insured employees, family members and surviving dependents, as may be necessary.

2.6.2.3.3. Compilation, verification and processing of accident reports.

2.6.2.3.4. When required, conducting further investigations within the context of claims regarding entitlement to benefits.

2.6.2.3.5. Decision on claims and benefits.

2.6.2.3.6. The training and continued education of personnel involved with occupational safety, i.e. safety representatives, first aid responders, office chiefs, commanders and safety specialists (SGB VII § 23).

2.6.2.3.7. Occasion driven surveillance of compliance with occupational safety provisions during the above listed responsibilities. **Note:** The systematic surveillance of the compliance with laws and regulations is the responsibility of the Öffentlich-rechtlichen Aufsicht der Bundeswehr für Arbeitssicherheit und Technischen Umweltschutz (ÖrA Bw). This includes the right to visit and screen worksites and notify leadership on the deficiencies identified.

2.6.2.4. AFI 91-204, *Safety Investigations and Reports* regulates the reporting procedures for occupational accidents and occupational illnesses of local national employees.

2.6.2.4.1. According to these procedures, employees report as soon as possible after occurrence:

2.6.2.4.2. any injury resulting from a work accident including all injuries requiring First Aid assistance.

2.6.2.4.3. every injury which occurred on the way to and from work (Wegeunfall - Commuting accident).

2.6.2.4.4. any suspected occupational illness.

2.6.2.4.5. The unit commander or chief of the office of the injured employee must initiate a factual investigation of the accident. The investigation must be conducted by the immediate supervisor or his/her deputy. The responsible safety representative and a member of the works council must participate in the investigation. For commuting accidents, the investigation is limited to documenting the testimony of the injured person and utilizes all other information which can be provided by public authorities, whom have conducted the investigation at the accident site. The Air Base Public Health Office (PH) support with contributions to the investigation and determining potential causes for occupational illnesses.

2.6.2.4.5.1. Base safety offices notify Accident Insurance Federal and Rail and the Öffentlich-rechtliche Aufsicht der Bundeswehr für Arbeitssicherheit und Technischen Umweltschutz (ÖrA Bw) within 24 hours, by telephone or fax, of the following occurrences:

2.6.2.4.5.2. Mishaps resulting in disabling injury to two or more non-US citizen employees.

2.6.2.4.5.3. Mishaps resulting in the death of one or more non-US civilian employees.

2.6.2.4.6. Report all injuries listed in paragraphs 2.6.2.4.2. and 2.6.2.4.3. to Accident Insurance Federal and Rail on AE Form 385-40A, Nov 12, Unfallanzeige (LN Accident Report). Occupational illnesses according to paragraph 2.6.1.3.2.4. are reported on Anzeige des Unternehmers über eine Berufskrankheit (Employer's Report)

of Occupational Illness). AE Form 385-40A, Nov 12, is available through the local civilian personnel office.

2.6.2.4.7. Prepare these forms with the following distribution: original and one copy to Accident Insurance Federal and Rail; one copy each for the wing or base safety office, serving Civilian Personnel Flight (CPF), Aufsichts- und Dienstleistungsdirektion Verteidigungslastenverwaltung (ADD), works council, Öffentlich-rechtliche Aufsicht der Bundeswehr (Bw) für Arbeitssicherheit und Technischen Umweltschutz (ÖrA Bw) and the employing unit or activity. If the employing unit or activity is not assigned to USAFE-AFAFRICA, prepare an additional copy for the parent unit safety office. Forward one copy of the occupational illness report to the base medical facility.

2.6.2.4.8. Before forwarding the injury/illness report to Accident Insurance Federal and Rail, the servicing CPF and wing or base safety office review the form for accuracy of the entries and to ensure the following items have been included:

2.6.2.4.8.1. Address of the originating unit or activity in the upper left corner.

2.6.2.4.8.2. Activity Identification Code.

2.6.2.4.8.3. All copies signed by the injured employee's operating official or designated representative, and a works council member.

2.6.2.4.8.4. Servicing CPF's make distribution to agencies listed in paragraph 2.6.2.4.7.

2.6.2.4.8.5. Activity Identification Code. This is an eight digit number used to identify the reporting agency, and to distinguish between appropriated and non-appropriated fund employees. Because these numbers are used by Accident Insurance Federal and Rail in billing the US Forces and assist in establishing audit trails for all cost items, it is essential that the correct code be entered on all reports. Furthermore.

2.6.2.4.8.6. Instruct all non-US civilian employees to provide the following information to the attending physician when seeking treatment of a work injury, an injury incurred during travel to and from work, or an occupational illness:

2.6.2.4.8.6.1. Complete address of the employing unit/activity.

2.6.2.4.8.6.2. Activity identification code.

2.6.2.5. The activity identification code is shown on USAFE-AFAFRICAVA 91-203, *What To Do in Case of Accident*, which is displayed in all major work areas. Servicing CPF's ensure this poster is available to activities as needed, and enter the proper activity identification code in the space provided. Additionally, CPFs issue cards containing this data and other pertinent information (USAFE Form 15, **Accident Insurance Data**) to employees. Employees should carry this card with them and present it to the attending physician when seeking medical treatment.

2.6.2.6. The Unit is required, within their capabilities, to point out that local nationals in case of an injury:

2.6.2.6.1. Must be presented to an official company physicians, unless, that the first responding doctor determined that the injury will not lead to absence beyond the day of the mishap or that the treatment of the injury does not extend for more than one week.

2.6.2.6.2. For severe injuries the treatment must be conducted in a hospital referred to by the Accident Insurance Carrier.

2.6.2.6.3. In case of an Eye or Ears, Nose and Throat injury the closest medical specialist for that specific field must be consulted, unless it is determined that there is no further need for medical aid.

2.6.2.7. A list of approved insurance physicians (Durchgangsärzte) and referred hospitals within the close facility are displayed on USAFE-AFAFRICAVA 91-203 or on the web page of the national association of Accident Insurance Carriers. The web page address is: <http://www.dguv.de/landesverbaende/de/datenbanken/index.jsp>

2.6.2.8. The Accident Insurance Federal and Rail usually requires additional information regarding accidents, which are reported by transition physicians and no accident report was transmitted to the Accident Insurance Federal and Rail. These inquiries usually aim to determine if the person concerned is employed by the US Forces, if they will get paid by budget resources or special funds under public law, in which unit he/she is employed and the circumstances of the accident. The appropriate Safety Officer, Bioenvironmental Engineering - and Public Health Officer must immediately respond to additional requests for information from the Accident Insurance Federal and Rail utilizing AE Form 385-40A, respectively route the request for information to the applicable employing unit for processing which may include completing the accident report.

2.6.2.9. If required the Accident Insurance Federal and Rail will conduct, according to their responsibilities (see paragraph 2.6.2.3.) further investigations through the supervisor in the unit, in order to determine the work environment conditions in the case of suspicion of occupational disease, the cause of the work accident, or the cause of work related illness to ensure proper remedies. The responsible personnel will be given advice.

2.6.2.9.1. Should, during these investigations, deficiencies be detected, they will request in writing that the chief of the office eliminates these deficiencies.

2.6.2.9.2. Even though this request for elimination of the deficiencies cannot be enforced by means of coercion, compliance of US Air Force in Europe organizations is expected, unless they are contrary to the military mission of the US Air Force or any of their military functions.

2.6.2.9.3. If that is the case, then this matter must be reported to HQ USAFE AFAFRICA/SEG. USAFE/AFAFRICA/SEG will then find a mutual solution, in accordance with SA NTS in a team effort with German authorities.

2.6.2.9.4. The unit commander must ensure that these deficiencies are corrected and provide an appropriate report to the Accident Insurance Federal and Rail.

2.6.2.9.5. Therefore the units appoint for every works council area a competent Point of Contact (POC), who ensures a smooth and binding communication between the units and the insurance carrier.

2.6.2.9.6. The Accident Insurance Federal and Rail notifies HQ USAFE/AFAFRICA/SEG and the POC of the applicable facility about the date of the on-site inspection and the occasion.

2.6.2.9.7. The cognizant POC must then notify the appropriate Safety Office and the applicable sections Occupational Protection and Health Protection - HQ USAFE/SGPB (Bioenvironmental Engineer) and HQ USAFE/SGPM (Military Public Health), Fire Prevention, and works council about this inspection and to coordinate this date with other concerned units, respectively their department head (i.e. chief of the office, in which the on-site will be conducted) and then also confirm it.

2.6.2.9.8. Prior to the on-site, the Safety Office should verify the information received from the Accident Insurance Federal and Rail. In case the applicant is no longer employed by the unit, then the Aufsichts- und Dienstleistungsdirektion (A.D.D.) - (Foreign Forces Payroll Office) or the servicing Civilian Personnel Office may have further records regarding the employment. The on-site investigating technical representative of the Accident Insurance Federal and Rail must be informed if the work conditions have changed since the accident. The appointed POC of the unit, Representatives of the Safety Officer, the appropriate medical institutions (Bioenvironmental Engineering and Public Health Offices) and the works council must escort the representative of the Accident Insurance Federal and Rail during their visit.

2.6.2.9.9. The Safety Office of the facility must document any visit by the representative of the Accident Insurance Federal and Rail and furthermore notify HQ USAFE AFAFRICA/SEG and the applicable works council of any deficiency(-ies) which were detected during the visit, but could not be immediately resolved on site.

2.6.3. PUBLIC- SECTOR ADMINISTRATION OF THE GERMAN ARMED FORCES FOR OCCUPATIONAL SAFETY AND ENVIRONMENTAL ENGINEERING (ÖrA Bw).

2.6.3.1. Monitoring and compliance with the German regulations of the federal industrial safety legislation with regard to local national employees is the responsibility of the Bundesministerium der Verteidigung (German Ministry of Defense). The German Ministry of Defense delegated this responsibility to the ÖrA Bw, which is also responsible for this task regarding the German Forces. With regard to the local national work force, the ÖrA Bw – i.e. their local representative - is the cognizant authority in matters relating to Occupation-, Health-, Radiation protection within units of the US Forces in Germany. *Note:* Resident employees of American and non-American Contractors are not considered employees of the US Forces for the purpose of this regulation. When a company falls under German law, the responsibility for the compliance surveillance lays with the proper regulating authorities of the state (host nation), the jurisdiction for compliance surveillance of the federal Industrial Safety Legislation lays with the appropriate regulating authority of the federal states.

2.6.3.1.1. The representatives of the ÖrA Bw access properties, request information and conduct inspections and investigations. During their visits, the ÖrA Bw requires the full support and cooperation of the units and the employees.

2.6.3.1.2. Department Chiefs/Commanders and supervisors of local national employees must ensure compliance with German Occupational Safety Protection regulations (including all Occupational Safety regulations) and cooperate with the applicable Öra Bw office. Decision making authorities must participate in the inspection process.

2.6.3.1.2.1. The Öra Bw is authorized:

2.6.3.1.2.1.1. To inspect and verify Occupational- and Health Protection Programs, operations, properties, work appliances, equipment and facilities.

2.6.3.1.2.1.2. To request information in correlation to Occupational- and Health Protection.

2.6.3.1.2.1.3. To set policy concerning Occupational- and Health Protection.

2.6.3.1.2.2. The Öra Bw conducts the following Occupational- and Health precautionary measures:

2.6.3.1.2.2.1. Advice to units.

2.6.3.1.2.2.2. Inspections (walkthrough).

2.6.3.1.2.2.3. Inspections of facilities and operations.

2.6.3.1.2.2.4. Accident investigations.

2.6.3.1.2.2.5. Verification of records within the scope of the construction planning.

2.6.3.1.2.2.6. Conduct various administrative procedures (announcements and approvals).

2.6.3.1.3. Representatives of the Öra Bw can, in the course of the above measures, establish deficiency reports, set(s) of rules or retroactive set(s) of rules. Even though these rules cannot be enforced with coercive action, they should be followed by the US Forces in Europe, except when they are contrary to US Air Force military mission, rules or requirements. In these circumstances USAFE-AFAFRICA/SEG must be notified. USAFE-AFAFRICA/SEG in collaboration with German authorities, will try to find a mutually agreeable solution.

2.6.3.1.4. The monitoring of occupational safety in contractor's firms of the US Department of Defense (DoD), which according to Article 71 & 71 SOFA SA are affiliated with the forces (i.e. Banks and Monetary Institutions) is not the responsibility of the Öra Bw but remains the responsibility of the trade control of the local state (host nation).

2.7. Local Works Council, – Severely Handicapped Employee Representative, Safety Representative and Emergency Responder, establishment of An Occupational Protection Committee (Arbeitsschutzausschuss (ASA)).

2.7.1. Representatives of the Works Council and Severely Handicapped Employees.

2.7.1.1. Works council play a significant role in accident prevention. The statutory basis for their involvement is found in articles 75(3) number 11 and 81 Federal Personnel

Representation Law (FPRL), as modified by the article 56(9) of the Protocol of Signature to the NATO SOFA SA.

2.7.1.2. The works council has, where appropriate and as long as no statutory or tariff provisions exists, the right to conclude work agreements with regard to the prevention of duty- and work accidents and other health damages (SOFA SA, article 75 paragraph 3 number 11).

2.7.1.3. Furthermore according to the FPRL, article 81, paragraph 1 the following standards are also applicable:

2.7.1.3.1. The works council shall, with regard to preventing hazards that may cause accidents or damage to health, assist the authorities responsible for safety measures - the Accident Insurance Federal and Rail and other appropriate authorities - by making suggestions, giving advice and information, and promoting the implementation of the provisions for safety measures and accident prevention in the agency.

2.7.1.3.2. The commander and organizations and offices mentioned in the in FPRL, article 81, paragraph 1 are obligated to include the works council or their unit representative, in the units in which the inspection or investigation is conducted, in all matters regarding occupational protection and accident prevention. The commander must immediately notify the works council on occupational protection and accident prevention requirements and policy released by organizations and offices referenced in the FPRL.

2.7.1.3.3. Works council members designated by the council shall participate in meetings between the chief of the agency and the safety representatives or safety committee.

2.7.1.3.4. The works council shall receive the minutes of the investigations, inspections and discussions in which it is to be consulted under paragraph 2.7.1.3.2. and 2.7.1.3.3.

2.7.1.3.5. The chief of the agency shall submit to the works council a copy of AE Form 385-40A to be signed by the works council. In the exercise of their duties, a works council, as needed, can be given access to security areas. Access shall be granted under the same conditions under which the civilian labor is allowed access.

2.7.1.4. US Air Force regulations, as well as the statutory regulations in Germany, provide for the cooperation and involvement of the work council in occupational safety-, fire- and health protection programs.

2.7.1.4.1. Promotion and continuation of the cooperation between the units and other involved groups, on matters concerning occupational- and health protection, require continuous beneficial dialog (i.e. health and safety committee (Arbeitsschutzausschusses - ASA)).

2.7.1.4.2. Establish an ASA according to ASiG § 11, respectively additional guidelines for Federal Administrations and Departments in every unit with an independent works council, at least established as a sub-organization of the Environment, Safety, and Occupational Health Council (ESOHC) and must convene at least quarterly. Overall objectives questions are only discussed in these sub-

organizations and then presented to the ESOHC for further discussion and then final decision-making. If required, further ASA's can be established. An established ASA is manned with the following members:

2.7.1.4.2.1. Commander or his/her delegated suitable representative.

2.7.1.4.2.2. Two, by the works council designated, representatives.

2.7.1.4.2.3. Company physician (external under obligation company physician), Bioenvironmental and Public Health representatives.

2.7.1.4.2.4. Occupational Safety professional and other safety specialists (i.e. safety manager or safety specialist).

2.7.1.4.2.5. Unit Safety Representative.

2.7.1.4.2.6. For each ASA written rules must be established, they will determine how topics for the meetings, the invitation of the participants, the chairmanship, handling, processing and monitoring of the topics, the meeting minutes and its distribution will be handled.

2.7.2. The Severely Handicapped Representation is:

2.7.2.1. Encouraged to participate and provide consultation during the ASA meetings. Furthermore they can request that matters regarding a single person or the severely handicapped people as a group to be placed on the agenda of the next ASA meeting.

2.7.2.2. Must immediately and comprehensively provide information on all matters regarding an individual person or severely handicapped people as a group.

2.7.2.3. Must be heard prior to any final decision and promptly provided with the decision that has been made.

2.7.3. Safety Representatives.

2.7.3.1. Units with more than 20 employees must appoint one or two safety representatives. This appointment must be conducted with the cooperation and participation of the work council. This appointment and must be in writing ([Table 2.1](#)).

2.7.3.1.1. A safety representative appointment is an additional duty and does not entitle the appointee to extra pay.

2.7.3.1.2. Section chiefs, supervisors and shop foremen should not be charged with the duties of a safety representative, due to the fact that they already bear the responsibility within their work place for occupational safety and accident prevention.

2.7.3.1.3. The safety representatives must be able to perform their duties during their regular working time.

2.7.3.1.4. Safety representatives are to be appointed for all activities on the installation, that is, assigned and tenant units, appropriated and non-appropriated fund activities, AAFES, Star & Stripes, etc.

2.7.3.1.5. For purpose of this supplement, "activities" are the major functional areas of a wing or base organization. For example on an Air Base are civil engineering, supply, and transportation. Under special circumstances, different activities with

fewer than 20 non US civilian employees may be combined under one safety representative. This applies especially to headquarters staffs with predominantly administrative functions.

2.7.3.1.6. **Table 2 1.** provides a guide on the minimum number of appointed safety representatives based on the number of employees. The number can be increased when continuous special circumstances in units with more than 20 employees exist (i.e. based on high risk areas, geographically separated areas of operation and shift work). Under these circumstances a safety representative must be appointed regardless of whether the number of employees is lower than 20.

2.7.3.2. Safety Representatives have:

2.7.3.2.1. Only a counseling function and do not possess the power to direct.

2.7.3.2.2. To support the commander in the implementation and conduct of accident prevention measures, immediately report any safety hazards and suggest measures for their elimination.

Table 2.1. Numerical Relation: Safety Representatives and Employees.

Number of Employees	Number of Safety Representatives
Pure Administrative (in which mainly clerical activities are performed)	
20 - 150	1
151 - 500	2
501 - 1000	3
Additional for another 500 employees:	1
Operating Divisions (in which mainly technical activities are performed)	
20 - 50	1
51 - 150	2
151 - 300	3
Additional for another 150 employees	2

2.7.3.2.3. To promote safety consciousness among the colleagues.

2.7.3.2.4. To encourage colleagues to be safety conscious in the compliance/application of safety regulations/guidelines.

2.7.3.3. The initial training of the safety representatives will be conducted by the Accident Insurance Federal and Rail and will be supported by continued education of the responsible safety professionals. The training will be funded by the Accident Insurance Federal and Rail.

2.7.3.4. Commanders must maintain a listing with all appointed and trained safety representatives, this listing must contain the following information:

2.7.3.4.1. Name of the safety representatives.

2.7.3.4.2. Working area and phone number.

2.7.3.4.3. Date of appointment, the dates and types of any other training.

2.7.3.5. Professionals for Occupational Safety and Safety Representatives should meet as often as possible for an active exchange of opinions. This can be achieved during visitations at the work site by the Safety Professional and through regular joint on-site walkthroughs and it fosters the opportunity for an active dialog and continued education.

2.7.4. **First Aid.**

2.7.4.1. Labor Protection Act (ArbSchG), Para 10 i.V.m., Accident Prevention Regulation “Grundsätze der Prävention (DGUVA 1) the regulation of the Employers” Liability Insurance Association (Berufsgenossenschaft (BGV)) A1 para 24 and 26 require, that employers appoint one or more first aid responder(s) in writing, (Employees, which are trained and proficient in the application of first aid).

2.7.4.2. The appointment as first aid responder is an additional duty without additional pay and the local works council must be notified.

2.7.4.3. The minimum number of appointed first aid responder is based on the size and type of the activity. There should be at least one first aid responder, when the employee strength is up to 20. If there are more than 20 employees, then in administrative functions 5% of the employees should be available as first aid responders and 10 % of the employees in all other functions.

2.7.5. **First Aid Responder.**

2.7.5.1. Must be trained and receive continued education with above cited DGUV A1. The initial training includes at least 16 lessons, each with minimum of 45 minutes of duration. This training must be conducted by Accident Insurance Federal and Rail approved special departments (i.e. Worker-Samaritan Association (Arbeiter-Samariter-Bund (ASB), Germany; German Red Cross; or the Malteser Aid Agency (Malteser Hilfsdienst) qualified personnel.

2.7.5.2. Manage organizations on-site emergencies and they have to be familiar with the storage locations of the First Aid Kit(s), blankets and stretchers, which should be in plain view and labeled with the appropriate emergency signs. Particular medical knowledge is not a requirement.

2.7.5.3. Provide first aid, within their area of responsibility, in the case of an accident or any sudden illness of a colleague.

2.7.5.4. The sample document ([Figure A4.2](#)) can be used to inform the employee of their appointment.

2.7.5.5. The units must maintain a register of the appointed first aid responders and capture the following information for each first aid responder:

2.7.5.5.1. Name of the first aid responder.

2.7.5.5.2. Working area and phone number.

2.7.5.5.3. Date of the training(s).

2.7.5.6. Each first aid kit must be linked to an accident book. A completely filled accident book must be retained for 5 years after the last entry. The format should be similar to the one shown in **Table 2.2** below.

Table 2.2. Verbandbucheintrag (Muster)/ Accident Book Sample.

INCIDENT					
	First and Last Name (Injured/Ill Employee)	Date/Time	Type of Injury/Illness	Location of Injury/Illness	Cause (if known)
1					
2					
3					
4					
5					
HELP PROVIDED					
	Date	Time	Type of Help	First and Last Name (First Aid Responder)	First and Last Name (Witnesses)
1					
2					
3					
4					
5					
NOTES:					

MICHAEL J. DEAN, Colonel, USAF Director of Safety

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

- DODI 6055.1, Safety and Occupational Health (SOH) Program
- North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA), (*Abkommen zwischen den Parteien des Nordatlantikvertrages (NATO-Truppenstatut-NTS)*)
- Supplementary Agreement to the NATO SOFA (SOFA SA) (*Zusatzabkommen zum NATO-Truppenstatut (SOFA ZA)*)
- NATO Standard Agreement (STANAG) 2908 (MED), Preventive Measures for Accident Prevention Programs (*Vorbeugende Maßnahmen für Unfallverhütungsprogramme*)
- Title 29, Code of Federal Regulations, Part 1910 and 1926
- AFI 48-101, *Aerospace Medicine Enterprise* 19 October 2011
- AFI 90-801, Environmental, Safety, and Occupational Health Councils, 25 March 2005
- AFI 90-803, Environment, Safety, and Occupational Health Compliance Assessment and Management Program, 24 March 2010
- AFI 91-202, The Air Force Mishap Preventions Program, 5 August 2011
- AFI 91-203, Air Force Consolidated Occupational Safety Instruction, 15 June 2012
- AFI 91-204, Safety Investigations and Reports, 24 September 2008
- AFI 91-207, The U.S. Air Force Traffic Safety Program, 12 September 2013
- AFMAN 91-224, Ground Safety Investigation and Reports, 1 August 2004
- DoDD 4715.1E, Environment, Safety, and Occupational Health (ESOH), 19 March 2005
- DoDI 6050.05, DoD Hazard Communication (HAZCOM) Program, 15 August 2006
- DoDI 6055.4, DoD Traffic Safety Program, 20 April 2009
- DoDI 6055.07, Mishap Notification, Investigation, Reporting, and Record Keeping, 6 June 2011

Forms Prescribed

- AE Form 385-40A, *Unfallanzeige* (LN Accident Report)
- USAFE-AFAFRICAVA 91-203, *Bei Arbeits- und Wegeunfällen ist folgendes zu beachten!*
- USAFE-AFAFRICAVA 91-209, *Das Arbeitsschutzprogramm der US-Luftstreitkräfte*

Forms Adopted

- AF Form 847, *Recommendation for Change of Publication*
- AFVA 91-209, *Air Force Occupational Safety and Health Program*
- FORM CA-10, *What A Federal Employee Should Do When Injured At Work*

Abbreviations and Acronyms

AAFES—Army Air Force Exchange Service

ADD—Aufsichts- und Dienstleistungsdirektion (Rhineland-Palatinate Controlling and Service Directorate)

AFPUBS—Air Force Publications System

AFRC—Air Force Reserve Command

AFRIMS—Air Force Records Information Management System

AG—Employer

AFVA—Air Force Visual Aid

ANG—Air National Guard

ASA—Arbeitsschutzausschuss (Occupational Protection Committee)

ASiG—Arbeitssicherheitsgesetz (Work Safety Law)

ArbSchG—Arbeitsschutzgesetz (Occupational Safety and Health Act)

BetrSichV—Betriebssicherheitsverordnung (Ordinance on Industrial Safety)

BGBl 1—Bundesgesetzblatt (Federal Law Gazette)

BGV—Berufsgenossenschaftliche Vorschrift (Trade Association Regulation)

BMV—Bundesministerium der Veteidigung (Federal Ministry of Defense)

BPersVG—Bundespersönalvertretungsgesetz (Federal Law on Staff Committees in the public sector)

BV—Betriebsvertretung (Works Council)

Bw—Bundeswehr (German Military)

CPF—Civilian Personnel Flight

CWC—Hauptbetriebsvertretung (Command Works Council)

DeCA—Defense Commissary Agency

DGUV—V – Deutsche Gesetzliche Unfallversicherung - Vorschrift (German Social Accident Insurance – Legal Requirement)

DLA—Defense Logistics Agency

EU—Europäische Union (European Union)

FASI—Fachkräfte für Arbeitssicherheit (Specialist for Occupational Safety)

FPRL—Federal Personnel Representation Law

JArbSchG—Jugendarbeitsschutzgesetz (Youth Employment Law)

LN— Local National

MuSchG—Mutterschutzgesetz (Maternity Protection Act)

NATO—North Atlantic Treaty Organization

NTS—NATO-Truppenstatut

ÖrABw—Öffentlich-rechtliche Aufsicht der Bundeswehr (Bw) für Arbeitssicherheit und Technischen Umweltschutz (Public-sector Administration of the German Armed Forces of Occupational Safety and Environmental Engineering)

ÖrASanDStBw—Überwachungsstelle Öffentlich-rechtliche Aufgaben im Sanitätsdienst der Bundeswehr, Abteilung II Arbeitsmedizin (Supervisor Board for Tasks under Public Law of Medical Service of the German Armed Forces, Section II Occupational Health)

OSHA—Arbeits- und Gesundheitsschutzbehörde (Occupational Safety and Health Administration)

PH—Public Health

POS—Unterzeichnungsprotokoll (Protocol of Signature)

RDS—Records Disposition Schedule

SA—Supplementary Agreement (to the NATO SOFA)

SEG—Arbeitssicherheitsbüro (Ground Safety Office)

SGB—Sozialgesetzbuch (Social Law Code)

SGPB—Bioenvironmental Engineering

SGPM—Military Public Health

SOFA—Status of Forces Agreement (Truppenstatut)

TVAL II—Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungstreitkräften im Gebiet der Bundesrepublik Deutschland (Collective Tariff Agreement)

USAFE—AFAFRICA – United States Air Forces in Europe and Air Force in Africa

UVB—Unfallversicherung Bund und Bahn (Accident Insurance Federal and Rail)

UVV—Unfallverhütungsvorschrift (Safety Regulation of the Accident Carriers)

ZA—Zusatzabkommen (Supplementary Agreement (SA))

ZA—NTS – Zusatzabkommen zum NATO-Truppenstatut (Supplementary Agreement to NATO Status of Forces Agreement)

Attachment 2

GERMAN ACCIDENT PREVENTION REGULATIONS

A2.1. The respective German Labor and Accident Prevention provisions, referenced in the Attachment of the most recent version of the Federal Accident Report are obligatory for all areas of responsibility of the U.S. Air Force.

Available at: <http://www.arbeitssicherheit.de/de/html/library/overview> .

GERMAN LEGISLATION AND REGULATIONS

A2.2. Below listed are important statutory German Labor and Health Protection Safeguard provisions, which must be applied to the resident workforce in Germany.

A2.2.1. Law on the implementation of protective measures to improve safety and health of the employees at work (*Work Protection Law - ArbSchG*).

A2.2.2. Law on Company Doctors, Safety Engineers, and other Industrial Safety Advisers (*Industrial Safety Act – ASiG*), dated 12 December 1973, Federal Law Gazette (BGBl) 1, I S 1885 and the hereto established provisions within the administration and departments of the Federation.

A2.2.3. Law to protect the employed mother (*Mother Protection Law (MuSchG)*).

A2.2.4. Law to protect the employed youth (*Youth Work Protection Law (JArbSchG)*).

A2.2.5. Law on the protection from hazardous substances (*Chemical Law (ChemG)*).

A2.2.6. Law on the peaceful use of nuclear power and the protection against its hazards (Atom Law).

A2.2.7. Law on the regulation of safety requirements for products and to protect the CE-marking (*Product Safety Law (ProdSG)*).

A2.2.8. Law on work hours (*ArbZG*).

A2.2.9. Mandatory Accident Insurance (*SGB VII*).

A2.2.10. The ninth book of social security statute (SGB IX) on the rehabilitation and integration of handicapped people applies only in relation to the individual severely handicapped employee and the employer. For all issues of collective nature, such as the participation of the Severely Handicapped Representatives, the Severely Handicapped Law, referred to by the FPRL, applies.

A2.3. The references statutory orders are further explained in the decree examples below.

A2.3.1. Ordinance on Work Places – Work Place Regulations (*ArbStättV*)

A2.3.2. Ordinance on safety and health protection at provision of personal protective equipment while using work, concerning safety when operating installations subject to monitoring and concerning the organisation - industrial safety regulation (*BetrSichV*)

A2.3.3. Ordinance on the protection from hazardous substances - Ordinance on Hazardous Substances (*GefStoffV*)

- A2.3.4. Ordinance on safety and health protection when working with biological agents – Biological Working Agents (BioStoffV)
- A2.3.5. Ordinance on preventive occupational medicine – Occupational Health Care Regulation (ArbMedVV)
- A2.3.6. Ordinance to protect employees from noise vibration hazards - – Noise Vibration OSH Regulation (LärmVibrationsArbSchV)
- A2.3.7. Ordinance to product safety act - 1. bis 14. Product Safety Regulation (ProdSV)
- A2.3.8. Ordinance on the protection of workers to risks arising from artificial optical radiation – Regulation on artificial optical radiation (OstrV)
- A2.3.9. Ordinance on occupational safety and health protection at work with display screen equipment – Work on Video Display Terminals (BildscharbV)
- A2.3.10. Ordinance on safety and health protection at work while moving loads manually - Load Handling Ordinance (LasthandhabV)
- A2.3.11. Ordinance on safety and health protection at work while using personal protective equipment (PPE-Use Ordinance – PSA-BV)
- A2.3.12. Ordinance on safety and health protection on construction sites – Construction Site Ordinance (BaustellV)
- A2.3.13. Ordinance on the protection from ionizing radiation - Radiation Protection Ordinance (StrlSchV)
- A2.3.14. Ordinance on the protection from xray radiation (xray Ordinance – RöV)
- A2.3.15. Ordinance on the Installation, Operating and Use of Medical Products – Medical Device Operator Ordinance (MPBetreibV)
- A2.3.16. Ordinance on the protection of Mothers at the work place - Maternity Protection Regulation (MuSchuV)

Attachment 3**EXCERPTS FROM NATO SOFA AND NATO SOFA SA AND THE ASSOCIATED
PROTOCOL OF SIGNATURE****Article IX(4) NATO SOFA**

The conditions of employment and work, in particular wages, supplementary payments, and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State.

Article 53 (1, 3 und 4) SOFA SA

1. Within accommodation made available for its exclusive use, a force or civilian component may take all the measures necessary for the satisfactory fulfillment of its defense responsibilities. German law shall apply to the use of such accommodation except as provided in the present agreement and other international agreements, and as regards the organization, internal functioning and management of the force and its civilian component, the members thereof and their dependents, and other internal matters which have no foreseeable effect on the rights of third parties or on adjoining communities or the general public. The competent German authorities and the authorities of a force shall consult and cooperate to reconcile any differences that may arise.

3. In carrying out the measures in paragraph 1 of this article, the force or the civilian component shall ensure that the German authorities are able to take, within the accommodation, necessary measures to safeguard German interests.

4. The German authorities and the authorities of the force or of the civilian component shall cooperate to ensure the smooth implementation of the measures in paragraphs 1, 2, and 3 of this article. The details on such cooperation are set forth in paragraphs 5 through 7 of the Section of the Protocol of Signature referring to this article.

Article 53 (4bis), (5c), (6a und b) of the Protocol of Signature

4bis.

(a) The authorities of a force shall give the competent German authorities at Federal, State, and local levels all reasonable assistance necessary to safeguard German interests, including access to accommodation after prior notification, so that they can fulfill their official duties. The German Federal authorities responsible for the accommodation shall assist the authorities of the force on request. In emergencies and where there is danger in delay, the authorities of the force shall make immediate access possible without prior notification. The authorities of the force shall decide in each case whether they will accompany the German authorities.

(b) In all cases access shall be subject to military security considerations, particularly the inviolability of classified areas, equipment, and documents.

(c) The authorities of the force and the German authorities shall arrange access in such a way that safeguarding German interests and military exercises that are in progress or about to start are not unreasonably prejudicial.

(d) Should there be no agreement in the cases of subparagraphs (a) through (c) above, the competent higher authorities on both sides shall be informed of the issue.

5. Cooperation between the authorities of a force and the German authorities in accordance with Article 53 and, if appropriate, in conjunction with Article 53A, shall extend in particular to the following fields:

(c) Public safety and order, including fire precautions (fire protection and assistance); disaster control; industrial safety (*Arbeitsschutz*); prevention of accidents; and safety measures such as those pertaining to rifle ranges, ammunition depots, fuel depots, and dangerous plants.

6. Cooperation between the authorities of a force and the Federal authorities responsible for the administration of accommodation shall be carried out in accordance with the following procedures:

(a) The authorities of the force and the German authorities shall each designate representatives for a unit or units of accommodation. These representatives shall cooperate in the administration of accommodation to ensure that due consideration is given to the interests of the force and to German interests. The competencies of German technical authorities, particularly under paragraph 4bis of this section, shall remain unaffected.

(b) The military commander responsible for the accommodation or other appropriate authority of the force shall give, in accordance with paragraph 4bis of this section, all reasonable assistance to German representatives.

Article 53A

1. Where German law applies in connection with the use of accommodation covered by Article 53 of the present agreement, and German law requires that a special permit, license, or other form of official permission be obtained, the German authorities, in cooperation with the authorities of a force and after consulting with them, shall submit the necessary applications and undertake the relevant administrative and legal procedures for the force.

2. The provisions of paragraph 1 of this article shall also apply when the decision is contested by a third party, when measures or facilities are noticeable, and in cases where the proceedings are instituted ex officio, in particular to safeguard public safety and order, or at the recommendation of a third party. In these instances German Federal authorities acting for the force shall defend the interests of the force. If a permission applied for under paragraph 1 of this article is denied or is subsequently modified or rendered invalid in accordance with German law, the authorities of the force and the German authorities shall consult to develop alternative means of meeting the needs of the force according to the requirements of German law.

3. The authorities of the force shall act in strict conformity with the terms and requirements of a legally effective decision taken in accordance with paragraphs 1 and 2 of this article. They shall cooperate closely with German authorities to ensure that this obligation is fulfilled. Such a decision shall not be subject to enforcement.

Article 56 (1a und 3 SOFA SA)

1. (a) German labor law, including the industrial safety law (*Arbeitsschutzrecht*), as applicable to civilian employees working with the German Armed Forces, with the exception of decrees regulating working conditions (*Dienstordnungen*), shop agreements (*Dienstvereinbarungen*), and tariff regulations, shall apply to employment of civilian labor with a force or a civilian

component except as otherwise provided in this article and the Section of the Protocol of Signature referring to this article.

3. The provisions of German law concerning social insurance, including accident insurance, unemployment insurance, and children's allowance shall apply to employees working with a force or a civilian component. The Federal Republic shall be the accident-insurance carrier.

Article 56 (1) of the Protocol of Signature

1. The application of industrial safety provisions by the force and the civilian component shall be governed by –

(a) Paragraphs 3 and 4 of Article 53 as well as paragraphs 5 and 6 of the Section of the Protocol of Signature referring to Article 53, particularly in matters of cooperation.

(b) Paragraph 4bis of the Section of the Protocol of Signature referring to Article 53, particularly in matters of support, including access to accommodation.

(c) Article 53A, particularly with respect to administrative decisions.

2. To the extent that agencies designated by the Federal Minister of Defense perform the functions of industrial inspection agencies (*Gewerbeaufsichtsämter*) with regard to the German Armed Forces, those agencies, in cooperation with the authorities of the force and of the civilian component in accordance with paragraph 1 of this Section, shall also be competent for civilian labor with a force or a civilian component.

3. Exemptions applicable to facilities of the German Armed Forces shall also apply to facilities of a force or of a civilian component.

4. Facilities built or installed before the Agreement of 18 March 1993 to amend the present Agreement went into effect shall remain subject to the provisions applicable hitherto regarding technical requirements. This shall not apply where facilities undergo substantial modification, or where their use is changed significantly, or where, because of the nature of their operation, avoidable risks to the life or health of third parties, especially civilian labor, are to be anticipated.

Article 56 (3) of the Protocol of Signature

Accident-prevention regulations under German law shall be taken into account only to the extent that a force or civilian component has not issued corresponding accident-prevention directives. When promulgating accident-prevention directives, and with respect to other questions regarding accident prevention, the force or civilian component shall seek the advice of the competent German authorities. Where these authorities find that accident-prevention directives appear to be inadequate, consultations in accordance with the third sentence of paragraph 1 of Article 53 shall take place.

Attachment 4

APPOINTMENT SAMPLE LETTERS

Figure A4.1. shows a sample letter for the appointment of the safety representative, and Figure A4.2. shows a sample letter for the appointment of the First Aid Responder. Each USAFE-AFAFRICA subordinate and/or affiliated organization must document the appointment of the Safety Representative (para 2.7.3.) and the First Aid Responder (para 2.7.5.) and maintain a file copy. This appointment must be signed by the commander.

Figure A4.1. SAFETY REPRESENTATIVE APPOINTMENT LETTER (SAMPLE)

MEMORANDUM FOR

FROM:

SUBJECT: Local National (LN) Safety Representative Appointment
(Bestellung zum Sicherheitsbeauftragten)

Dienststelle (Organization): _____

Datum (Date): _____

Herr/Frau (Mr./Mrs./Ms.)

(Name in Druckbuchstaben) / (Printed Name)

Wird für den folgenden Arbeitsbereich zum Sicherheitsbeauftragten bestellt (Is appointed as safety representative for this operational area):

Unterschrift Sicherheitsbeauftragter / (Signature of Safety Representative)

Unterschrift Kommandeur der Einheit / (Signature of Unit Commander)

Figure A4.2. FIRST AID RESPONDER APPOINTMENT LETTER (SAMPLE)

MEMORANDUM FOR

FROM:

SUBJECT: Local National (LN) First Aid Responder Appointment
(Benennung zum Ersthelfer)

Dienststelle (Organization): _____

Datum (Date): _____

Herr/Frau (Mr./Mrs./Ms.)

(Name in Druckbuchstaben)/ (Printed Name)

Wird für den folgenden Arbeitsbereich zum Ersthelfer benannt (Is appointed as a First Aid Responder for this operational area):

(Signature of First Aid Responder) / Unterschrift Ersthelfer

Unterschrift Dienststellenleiter / (Signature of Commander)