

**Law on the performance of occupational safety and health measures to encourage improvements in the safety and health of workers at work (Article 1 of Law on the implementation of the EC framework Directive to encourage improvements in the safety and health at work and other Directives concerning occupational safety and health)**

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(+++ Status: Last amended by Art. 17 of the law dated 21. 6.2002 I 2167 +++)

## Part One: General provisions

### Section 1: Purpose and scope

- (1) The present Law is designed to maintain and improve the protection of safety and health of workers at work by occupational safety and health measures. It shall apply to all fields of activity.
- (2) The present law shall not be applicable to occupational safety and health of domestic servants in private households. It shall not be applicable to occupational safety and health of workers on seagoing vessels and in establishments that are subject to the Bundesberggesetz (Federal Mining Act) to the extent that equivalent legal provisions are available for these areas.
- (3) The obligations incumbent on the employer to encourage the safety and health of workers at work under other legal provisions shall not be affected hereby. The 1st sentence of this subsection shall apply, *mutatis mutandis*, to the obligations and rights of the workers. The provisions of laws imposing occupational safety and health measures on persons other than employers shall not be affected.
- (4) For religious communities under public law, the personnel representations under church law shall perform the functions of works or staff councils.

### Section 2: Definitions

- (1) For the purposes of this Law, occupational safety and health measures are measures designed to prevent accidents at work and work-related health hazards, including measures designed to tailor jobs to meet human requirements.
- (2) The following shall be considered as workers for the purposes of this Act:
  1. employees (male and female),
  2. persons employed for the purpose of their vocational training,
  3. persons with a similar status as employees covered by section 5 (1) of Arbeitsgerichtsgesetz (Labor Court Law), with the exception of persons engaged in home work and persons with an equivalent status,
  4. civil servants (male and female),
  5. judges (male and female),
  6. soldiers (male and female),
  7. the persons employed in sheltered workshops for the disabled.

(3) For the purposes of this Law, employers are natural persons and legal entities as well as partnerships with a separate legal capacity employing persons covered by subsection 2 hereof.

(4) For the purposes of this Law, other legal provisions include the provisions relating to occupational safety and health measures contained in other laws, ordinances, and accident prevention regulations.

(5) For the purposes of this Law, establishments in the public sector are the respective departments. The departments mean the individual authorities, administrative bodies and establishments of the administration at the federal, state, or local government level, and of other entities, bodies and foundations under public law, the federal and state courts of law and the corresponding entities of the armed forces.

## Part Two: Obligations of employers

### Section 3: Basic obligations of employers

(1) The employer shall take the necessary occupational health and safety measures with regard to the circumstances that affect the safety and health of workers at work. He shall review the measures for their effectiveness and adjust them, if necessary, to changing conditions. In doing so, he shall strive to improve the safety and health protection of the workers.

(2) In planning and performing the measures referred to in subsection 1 hereof, the employer shall, with due regard to the nature of the activities and the number of workers,

1. ensure an appropriate organization and provide the necessary means, and
2. take all steps to ensure that the measures are adhered to, if necessary, in all activities and integrated into the establishment's management structures, and to enable the workers to perform their duties of collaboration.

(3) The employer shall not impose the costs of measures taken under this Law on the workers.

### Section 4: General principles

In occupational safety and health measures, the employer shall duly consider the following general principles:

1. the work shall be so designed as to ensure that hazards for the life and health of the worker are avoided to the largest possible extent, and that remaining hazards are minimized wherever possible;
2. hazards shall be eliminated at their source;
3. the measures shall be determined in compliance with the state of the art, occupational medicine and hygiene and other well-founded industrial science data;
4. measures shall be planned with the aim of linking technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment in an appropriate manner;
5. individual protective measures shall be subordinate to other measures;
6. specific hazards for groups of workers requiring special protection shall be accounted for;
7. the workers shall be given appropriate instructions;
8. regulations with a direct or indirect gender-specific effect shall not be permitted unless they are mandatory for biological reasons.

### Section 5: Assessment of the working conditions

(1) The employer shall determine the necessary occupational health and safety measures by carrying out an assessment of the risks the workers are exposed to at work.

(2) The employer shall perform the assessment individually, depending on the type of activity. In the event of equivalent working conditions, the assessment of a single workplace or activity shall suffice.

(3) A hazard may result from, in particular:

1. the design and the equipment of the workplace and the workstation,
2. physical, chemical and biological influences,
3. the design, selection and use of work equipment,  
in particular of working substances, machinery, equipment and installations, as well as their handling,
4. the design of working and manufacturing processes, working sequences and working hours and the interaction between them,
5. insufficient qualification of and instructions to the workers.

#### Section 6: Documentation

(1) The employer shall be in possession of the documents necessary for the nature of the activities and the number of workers which show the result of the hazard assessment, the occupational safety and health measures adopted by him, and the result of their review. In the event of equivalent hazard situations, documents containing summarized information shall suffice. Unless provided otherwise in other legal provisions, the 1st sentence hereof shall not be applicable to employers with ten or fewer workers; the competent authority may direct, if special hazard situations are present, that the documents must be available. When determining the number of workers for the purposes of the 3rd sentence hereof, part-time workers with a regular weekly working time of not more than 20 hours shall be calculated at a rate of 0.5, and part-time workers with a maximum of 30 weekly working hours at a rate of 0.75.

(2) The employer shall record all accidents in his establishment in which a worker is killed or severely injured leading to death or disability, in whole or in part, for more than three days.

#### Section 7: Assignment of tasks

When assigning tasks to workers, the employer shall give due consideration to the nature of the activities and to the question as to whether the workers are capable of complying with the provisions and measures to be observed with regard to the protection of safety and health in carrying out their tasks.

#### Section 8: Cooperation between several employers

(1) Where the workers of several employers are working in the same workplace, the employers shall cooperate in the performance of the safety and health protection measures. In particular, the employers shall inform each other and their workers of the safety and health hazards to which the workers may be exposed at work and coordinate the measures designed to prevent these hazards, taking into account the activities involved, to the extent that this is necessary to ensure the protection of safety and health of the workers at work.

(2) The employer shall ensure, depending on the nature of the activities, that workers from outside employers engaged in work in his establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his establishment.

#### Section 9: Special hazards

(1) The employer shall take measures to ensure that only those workers who have received appropriate instructions beforehand have access to particularly hazardous working areas .

(2) The employer shall take measures to ensure that all workers who are, or may be, exposed to serious and imminent danger are informed as soon as possible of the risk involved and of the steps taken or to be taken as regards protection. All workers shall be able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger. Their actions shall not place them at any disadvantage, unless inappropriate measures were taken intentionally or grossly negligently.

(3) The employer shall take measures to enable workers to immediately leave the workplace and proceed to a place of safety in the event of serious, imminent danger. Their actions shall not place the workers at any disadvantage. Where the serious, imminent danger persists, the employer shall instruct the workers to resume their activity in specially justified exceptional cases only. The legal obligations of the workers to

avoid dangers to public safety as well as sections 7 and 11 of Soldatengesetz (Military Personnel Law) shall not be affected.

#### Section 10: First aid and other emergency assistance

(1) The employer shall take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the workplace and the activities and taking into account the number of workers. He shall also take the presence of other persons into account. Furthermore, he shall arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting for cases of emergency.

(2) The employer shall, for first aid, fire-fighting and the evacuation of workers, designate the workers responsible for implementing such measures. The number of such workers as referred to in the 1st sentence, their training and the equipment available to them shall be adequate, taking account of the number of workers and the specific hazards present. The works or staff council shall be consulted by the employer before making such designations. Other rights of participation shall not be affected. The employer may also perform the tasks referred to in the 1st sentence himself, provided that he has the necessary training and equipment provided for in the 2nd sentence hereof.

#### Section 11: Prevention of occupational diseases

At their request, and notwithstanding any obligations he may have under other legal provisions, the employer shall give the workers the opportunity of receiving a regular checkup by an occupational physician, depending on the hazards for their safety and health at work, unless no health damages are to be expected in view of the assessment of the working conditions and the protective measures taken.

#### Section 12: Instructions

(1) The employer shall provide sufficient and adequate training, to take place during working hours, to the workers concerning the protection of safety and health at work. This training shall comprise instructions and explanations with specific relevance to the workplace or the tasks of the workers concerned. The instructions shall be given prior to the beginning of work by the worker upon his recruitment, after any changes in task, upon the introduction of new work equipment or a new technology. The training shall be matched to the hazard development and shall be repeated, if necessary, at regular intervals.

(2) In the case of temporary workers, the hirer shall be responsible for providing the training referred to in subsection 1. He shall perform the training with due regard to the qualification and experience of the persons assigned to him for performing work. All other obligations of the hirer-out regarding occupational safety and health shall not be affected.

#### Section 13: Responsible persons

(1) Responsibility for the performance of the obligations resulting from this Part lies with the employer and

1. his legal representative,
2. the organ that is legally empowered to represent a legal entity,
3. a shareholder of a partnership who is entitled to represent the partnership,
4. persons who have been given the task of managing a company or an establishment subject to the tasks and rights assigned to them,
5. other persons designated pursuant to subsection 2 hereof or an ordinance adopted under the present Law or an accident prevention regulation, subject to the tasks and rights assigned to them.

(2) The employer may give reliable and skilled persons the task, in writing, to perform any obligations incumbent on him pursuant to this Law on their own responsibility.

#### Section 14: Information of and consultations with the workers in the public sector

(1) The workers in the public sector shall be informed about the hazards to safety and health to which they may be exposed at work as well as about the measures and facilities provided to prevent these hazards and the measures taken pursuant to section 10 (2) hereof prior to their employment and whenever changes have been made to their workplaces.

(2) Where there is no personnel representation in establishments of the public sector, the employer shall consult the workers on all measures that might affect the safety and health of workers.

## Part Three: Obligations and rights of the workers

### Section 15: Obligations of workers

(1) It shall be the responsibility of the workers to take care of their own safety and health at work as far as possible in accordance with their training and the instructions given to them by the employer. By analogous application of the 1st sentence, the workers shall also take care of the safety and health of other persons affected by their acts or omissions at work.

(2) For the purposes of subsection 1, workers shall, in particular, use machinery, equipment, tools, substances, means of transport and other work equipment as well as protective devices and the personal protective equipment made available to them in accordance with their intended purpose.

### Section 16: Special obligations to cooperate

(1) The workers shall immediately inform the employer or their respective superior of any work situation for which they have reasonable grounds for considering a serious and immediate danger to the safety and health of employees and of any shortcomings in the protection arrangements.

(2) In cooperation with the occupational physician and the occupational safety and health officer, the workers shall support the employer in ensuring the safety and health protection of workers at work in compliance with the regulatory requirements. Notwithstanding their obligations under subsection 1, the workers shall also notify the occupational safety and health officer, the occupational physician, or the safety delegates pursuant to section 22 of the Seventh Book of the Sozialgesetzbuch (Social Code) of all hazards to safety and health and any shortcomings in the protection arrangements they may have determined.

### Section 17: Rights of workers

(1) The workers are entitled to submit proposals concerning all matters relating to the protection of safety and health of workers at work to the employer. Section 171 of the Bundesbeamtengesetz (Federal Civil Service Act) shall be applicable to civil servants employed by the Federal government. Section 60 of Beamtenrechtsrahmengesetz (Skeleton Law on Public Service Law) and the corresponding provisions under state law shall not be affected.

(2) Workers are entitled to appeal to the authority responsible for safety and health protection at work if they have concrete reason to consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work and if the employer does not respond to workers' complaints relating to such facts. Their actions shall not place the workers at any disadvantage. The provisions contained in the 2nd and 3rd sentence of subsection 1 as well as the provisions of the Wehrbeschwerdeordnung (regulations for complaints by members of the armed forces) or the law concerning the defense commissioner of the German parliament shall not be affected.

## Part Four: Authority to adopt ordinances

### Section 18: Authority to adopt ordinances

(1) The Federal Government is hereby authorized to issue ordinances with the approval of the Bundesrat (Federal Council) regulating the measures to be taken by the employer and the other responsible persons, and the required behavior of the workers in order to meet their respective obligations resulting from the present Law. These ordinances may also stipulate that certain provisions of the Law shall be applicable to protect persons other than those referred to in section 2 (2).

(2) The following may be determined by ordinances covered by subsection 1, in particular,

1. any limitation of the duration or position of employment or the number of workers, and the manner of such limitation, to avoid certain hazards;

2. that the use of certain working equipment or processes exposing workers to special risks is illegal or has to be notified to the competent authority or has to be approved by it, or that particularly endangered persons may not be employed under these circumstances;
3. that certain, particularly hazardous installations including their working and manufacturing processes shall be inspected by competent persons prior to being put into service, at regular intervals, or as per the instruction of the regulatory authority;
4. that workers shall be examined by an occupational physician before taking up or continuing or after having terminated a specific hazardous activity, as well as the special obligations to be observed by the physician;
5. that committees shall be set up which shall be given the task of providing advice to the Federal Government or the Federal ministry in charge concerning the application of the ordinances, determining rules in compliance with the state of the art, occupational medicine and hygiene and other well-founded industrial science data and to determine rules as to how the requirements made in the ordinances can be complied with. The Federal Ministry of Labor and Social Affairs may officially publish the rules and data.

#### Section 19: Acts adopted by the European Communities and intergovernmental agreements

Ordinances covered by section 18 may also be adopted where this is necessary for the implementation of acts of the Council or the Commission of the European Communities or resolutions of international organizations or of intergovernmental agreements relating to the subject matter hereof, in particular, in order to define the occupational safety and health obligations concerning persons other than those specified in section 2 (3).

#### Section 20: Provisions concerning the public sector

(1) The applicability of the ordinances adopted under section 18 to civil servants employed by the state or local governments, or by other entities, bodies and foundations under public law shall be subject to state legislation.

(2) With respect to certain activities in the public sector of the Federal Government, in particular, the armed forces, the police, the civil defense and disaster protection forces, customs and intelligence services, an ordinance may be adopted by the Chancellor's office, the Federal Ministry of the Interior, the Federal Ministry of Traffic, Building and Housing Affairs, the Federal Ministry of Defense or the Federal Ministry of Finance, to the extent that they are responsible in this context, which shall not be subject to the approval of the Federal Council, determining that provisions of this act shall not be applicable, in whole or in part, if warranted by public interests, especially in order to maintain or restore public security.

Ordinances as referred to in the 1st sentence shall be adopted by mutual consent with the Federal Ministry of Labor and Social affairs and, unless the Federal Ministry of the Interior itself is authorized, by mutual consent with the latter. The ordinances shall also state in which way the safety and health at work, taking into account the objectives of the present Law, will be ensured by other means. Activities performed in the public sector of the state or local governments, or by other entities, bodies and foundations under public law directly related to the state may be covered by provisions under state law which correspond to the 1st and 3rd sentences hereof.

## Part Five: Final provisions

#### Section 21: Competent authorities, cooperation with the statutory accident insurance funds

(1) Monitoring of occupational safety and health under this Law shall be the responsibility of the government. The competent authorities shall monitor compliance with this Law and the ordinances adopted hereunder and shall provide guidance to employers on how to meet their obligations.

(2) Unless stipulated otherwise, the tasks and rights of the statutory accident insurance funds shall be governed by the provisions of the Social Code. To the extent that the statutory accident insurance funds also perform tasks of encouraging safety and health protection of workers in the scope of their preventive obligations under the Social Code, they will act exclusively as independent bodies.

(3) The competent state authorities and the statutory accident insurance funds shall cooperate closely in the monitoring and shall promote the exchange of experience. They shall inform each other of company visits and their significant results.

(4) The highest state authority responsible for occupational safety and health may agree with the statutory health insurance funds that the latter monitor compliance with this Law, certain provisions of this Law, or the ordinances adopted hereunder in fields of activity to be defined in detail. This agreement shall state the type and scope of monitoring as well as cooperation with the public occupational safety and health authorities.

(5) Unless stipulated otherwise below, the competent authority for the implementation of this Law and the ordinances adopted hereunder in the Federal establishments and administrations shall be the central occupational safety and health administration with the Federal Ministry of the Interior. Unless stipulated otherwise, the Federal accident insurance fund, which is subject to the supervision of the Federal Ministry of the Interior in this respect, shall act on behalf of the central administration; expenses shall not be refunded. For the public sector within the portfolio of the Federal Ministry of Traffic, Building and Housing Affairs, the railroad accident fund shall implement this Law to the extent that it is the responsible accident insurance fund. For establishments and administrations belonging to the portfolio of the Federal Ministry of Defense or the Federal Ministry of the Exterior with regard to its diplomatic representations, the respective Federal Ministry, if competent, or the authority appointed by it shall implement this Law. Within the portfolio of the Federal Ministry of Finance, the post and telecommunications accident fund shall implement this Law to the extent that the portfolio of the former Federal Ministry of Post and Telecommunications is affected. The 1st to 4th sentences hereof shall also be applicable to establishments and administrations belonging to the Federal administration, although a Berufsgenossenschaft (employers' third party liability insurance association) is the responsible accident insurance fund. The competent Federal ministries may agree with the Berufsgenossenschaften for these establishments and administrations that the Law will be implemented by the Berufsgenossenschaft; expenses shall not be refunded.

#### Section 22: Powers of the competent authorities

(1) The competent authority may demand that the employer or the responsible persons provide the information and suitable documents necessary for the performance of its monitoring tasks. The person liable to provide information may refuse to provide information or submit documents, if this information or these documents bear a risk for themselves or one of their family members specified in section 383 (1) nos. 1 to 3 of Zivilprozessordnung (Federal Rules of Civil Procedure) of being prosecuted for a criminal or administrative offense. The person liable to provide information shall be informed of this exemption.

(2) The persons who have been given the task of monitoring shall be entitled to access, inspect and review the establishments, business and production rooms during operating and working hours and to review the business documents of the person liable to provide information provided that this is necessary for the due performance of their tasks. Furthermore, they shall be entitled to inspect operating facilities, work equipment and personal protective equipment, to review working processes and operating methods, to perform measurements and, in particular, to determine job-related health hazards, and to investigate the causes of an accident at work, a job-related illness or damage done. They shall be entitled to demand being accompanied by the employer or a person assigned by him. The employer or the responsible persons shall support the persons given the task of monitoring in the exercise of their powers as stipulated in the 1st and 2nd sentences hereof. Outside the times indicated in the 1st sentence, or if the workplace is located within a residential home, the persons given the tasks of monitoring shall not take the measures described in the 1st and 2nd sentences hereof without the consent of the employer unless they are necessary to avoid imminent dangers for the public safety and order. The person liable to provide information shall tolerate the measures taken pursuant to the 1st, 2nd and 5th sentences hereof. The 1st and 5th sentences shall apply, *mutatis mutandis*, if it has not been established whether or not persons are employed at the workplace, but if there are sufficient facts that justify this assumption. The basic right of inviolability of the home (Article 13 of the Basic Law) is limited to this extent.

(3) In individual cases, the competent authority may order,

1. measures to be taken by the employer and the responsible persons or the workers in order to meet their respective obligations resulting from the present Law and the ordinances adopted hereunder,

2. measures to be taken by the employer and the responsible persons to avoid a special hazard for the life and health of the workers.

Unless danger is imminent, the competent authority shall specify an adequate period of time for the performance of this order. Where an order covered by the 1st sentence is not performed within the time limit given, or an immediately executable order is not executed immediately, the competent authority may prohibit the work affected by the order, or the use or operation of the work equipment affected by the order. The measures of the competent authority concerning the public sector, to the extent that they have significant effects on official functions, shall be taken by mutual consent in cooperation with the supreme Federal or state authority or the supreme administration officer of the local government concerned.

Section 23: Operational data, cooperation with other authorities, annual report

(1) The employer shall inform the competent authority, when so required by it, on

1. the number of workers and of those given the task of working at home, categorized according to gender, age, and nationality,
2. the name or designation of the establishment in which he employs them,
3. his own name, company name and his address, and
4. the branch of industry his establishment belongs to.

The Federal Ministry of Labor and Social Affairs is hereby authorized to determine an ordinance to be approved by the Federal Council that those offices of the Federal administration to which the employer already provided the information specified in the 1st sentence on the basis of an ordinance, shall forward this information to the state authorities competent for the authorities referred to in the 1st sentence by way of letters or on machine-readable data media or by means of data transmission. This ordinance may contain further details concerning the form of the information to be forwarded, as well as any time limits for forwarding. The forwarded information shall only be used and/or saved or processed in data processing systems to comply with the occupational safety and health tasks incumbent on the authorities pursuant to section 21 (1).

(2) The persons given the task of monitoring shall not disclose the business or trade secrets of which they become aware in the course of their monitoring activity to the statutory accident insurance fund unless such disclosure has been provided for by law, or unless they prosecute illegal activities or perform obligations for the protection of the insured or to the competent authorities for the protection of the environment. Where the business or trade secrets comprise environmental information covered by the Umweltinformationsgesetz (Environmental Information Act), the right to disclose such secrets shall be governed by the Environmental Information Act.

(3) Where in individual cases the competent authorities obtain concrete evidence of

1. the employment or activities of foreigners without the necessary permit pursuant to section 284 (1) sentence 1 of the Third Book of the Social Code,
2. an offense against the duty to collaborate, as stipulated in section 60 (1) sentence 1 no. 2 of the First Book of the Social Code, with an office of the Federal Labor Agency, a statutory health, long-term care, accident or pension insurance fund or a social assistance fund or against the obligation to register pursuant to section 8a of Asylbewerberleistungsgesetz (Act on benefits for asylum seekers),
3. an offense against the Gesetz zur Bekämpfung der Schwarzarbeit (Illicit Work Act),
4. an offense against the Arbeitnehmerüberlassungsgesetz (Assignment of Workers Act),
5. an offense against the provisions of the Fourth and Seventh Book of the Social Code concerning the obligation to pay social security contributions,
6. an offense against the Ausländergesetz (Aliens Act),
7. an offense against the tax laws,

they shall inform the authorities in charge of the prosecution and avengement of the offenses listed in numbers 1 to 7, the social assistance funds and the authorities specified in section 63 of the Aliens Act. If the conditions specified in the 1st sentence are met, the competent authorities shall, in particular,



cooperate with the Federal Labor Agency, the health insurance funds collecting the social security contributions, the statutory accident insurance funds, the authorities in charge of the prosecution and avengement of offenses against the law on fighting illicit work pursuant to state law, the authorities specified in section 63 of the Aliens Act and the tax authorities. If the conditions specified in the 1st sentence are met, the competent authorities shall, in particular, cooperate with the labor offices, the principal customs offices, the pension insurance funds, the health insurance funds collecting the social security contributions, the statutory accident insurance funds, the authorities in charge of the prosecution and avengement of offenses against the law on fighting illicit work pursuant to state law, the authorities specified in section 63 of the Aliens Act and the tax authorities.

(4) The competent supreme state authorities shall publish an annual report on the monitoring activities of the authorities reporting to them. This annual report shall also comprise data concerning the fulfillment of information duties resulting from international agreements or acts of the European Communities to the extent that they relate to occupational safety and health.

#### Section 24: Authority to adopt general administrative rules

The Federal Ministry of Labor and Social Affairs may adopt general administrative rules subject to the approval of the Federal Council

1. for the implementation of this Law and the ordinances adopted hereunder, to the extent that the Federal Government is entitled to adopt them,
2. concerning the design of the annual reports pursuant to section 23 (4) and
3. concerning the information to be communicated by the competent supreme state authorities to the Federal Ministry of Labor and Social Affairs on or before a certain date for inclusion in the accident prevention report covered by section 25 (2) of the Seventh Book of the Social Code.

The ordinances that are also applicable to areas of the public sector shall be adopted by mutual consent with the Federal Ministry of the Interior.

#### Section 25: Provisions relating to fines

(1) An administrative offense is committed by any person who, intentionally or negligently

1. violates an ordinance covered by section 18 (1) or section 19, provided that it refers to this provision relating to fines on connection with certain facts, or
2. a) as an employer or responsible person violates an enforceable order pursuant to section 22 (3), or  
b) as a worker violates an enforceable order pursuant to section 22 (3) sentence 1 no. 1.

(2) The administrative offense may be punished by an administrative fine of up to five thousand Euros if the conditions of subsection 1 nos. 1 and 2 letter b are met, or by a fine of up to twenty-five thousand Euros if the conditions of subsection 1 no. 2 letter a are met.

#### Section 26: Provisions on criminal prosecution

(1) Any person who:

1. persistently repeats an activity of the type described in section 25 (1) no. 2 letter a, or
2. jeopardizes the life or health of a worker through an intentional activity of the type described in section 25 (1) no. 1 or no. 2 letter a

shall be liable to a term of imprisonment not exceeding one year or to a fine.