

Regulation on health surveillance at work

(Verordnung über die Gesundheitsüberwachung am Arbeitsplatz, VGÜ 2014)

Important

The Regulation on health surveillance at work (Verordnung über die Gesundheitsüberwachung am Arbeitsplatz, VGÜ 2014), published in Federal Law Gazette II no. 26/2014 on 18 February 2014, entered into force on 1 March 2014. This fact sheet gives an overview of the most important revisions.

Obligatory health examinations

The amendment emphasises that employers are required to identify and assess the risks posed in the working environment / at the workplace or by the work process as a prerequisite for the health examinations; without an identification and assessment of the risks it is impossible to judge whether examinations are obligatory or not. In addition to the period of exposure, the substances' characteristics and the level and type of exposure need to be taken into account (Section 2, Paragraphs 3 to 5, Section 6a, Para. 1 VGÜ 2014).

Employers are obliged to determine whether health examinations are required for health monitoring as defined by the VGÜ 2014 based on the identification and assessment of risks including the results of measurements and evaluations; if Section 49 Para.1 of the Health and Safety at Work Act (ArbeitnehmerInnenschutzgesetz, ASchG) applies, health examinations are required in those cases in which the employees are at risk of developing an occupational disease. (Section 6a VGÜ 2014)

Exceptions from obligatory health examinations

In the following cases, health examinations for suitability (prior to beginning work) and follow-up health examinations are not required if:

1. the identification and assessment of the risks (Sections 4 and 41 ASchG) posed in the working environment / at the workplace or by the work process for which the health examinations for suitability and follow-up health examinations are to be carried out reveal that
 - 1.1. employees carry out work involving exposure to working substances as defined by Section 2 Para. 1 no longer than for one hour per working day on average per working week (this does not apply to exposure to known carcinogens, however); or

- 1.2. the average level of daily exposure (daily mean value) is below half of the maximum occupational limit value (MAK), with a representative measurement as defined by Chapter 5 of the Regulation on limit values 2011 (Grenzwertverordnung, GKV) being required as evidence. This does not apply to hazardous substances labelled “H” in column 12 in Annex I (list of substances) of the GKV 2011 (Section 2, Para. 3 VGÜ 2014).
 - 1.3. the levels of known carcinogenic substances in the organisms of the examined workers show to be below the reference values of the substances for adults (www.arbeitsinspektion.gv.at) in three consecutive examinations; or
 - 1.4. the average daily level of exposure to known carcinogenic substances is below 1/20 of the technical reference concentration (TRK) (daily mean), which has to be documented by a representative measurement as defined by Chapter 5 of the GKV 2011. This does not apply to hazardous substances labelled “H” in column 12 in Annex I (list of substances) of the GKV 2011 (Section 2, Para. 4 VGÜ 2014).
2. if a representative assessment according to the state of the art, taking into account reference data (particularly information provided by manufacturers and marketers, calculations and measurements from similar workplaces) provides evidence that the average daily level of exposure at the specific workplace is below half the MAK value or 1/20 of the TRK value (Section 2 Para. 5 VGÜ 2014).

Measurement or assessment results need to be representative of the exposure of workers at the specific workplace / in the specific working environment and the conditions prevailing there (Section 46 ASchG, Section 28 et seq. GKV 2011). Measurements and assessments (Section 2 Para. 5 VGÜ 2014) are to be carried out according to the state of the art by qualified persons and documented in a clear and comprehensible way (Section 31 GKV).

The following provisions are considered state of the art:

- Austrian Standard ÖNORM EN 482:2012 “Workplace exposure - General requirements for the performance of procedures for the measurement of chemical agents” (information concerning limit value reference measurements, evaluation and measurement inaccuracies),
- Austrian Standard ÖNORM EN 689:1995 “Workplace atmospheres - Guidance for the assessment of exposure by inhalation to chemical agents for comparison with limit values and measurement strategy” (information concerning representative measurements, measurement plans, documentation of measurement conditions, calculation of measurement results),
- Austrian Standard ÖNORM EN 689:1995 “Workplace atmospheres - Guidance for the assessment of exposure by inhalation to chemical agents for comparison with limit values and measurement strategy” (information concerning representative measurements, measurement plans, documentation of measurement conditions, calculation of measurement results),
- Austrian Standard ÖNORM EN 481:1993 “Workplace atmospheres; size fraction definitions for measurement of airborne particles” (information on measuring particulate matter).

Health examinations für suitability

Health Examinations for suitability as defined by this regulation are health examinations concerning exposure to a specific substance carried out before first commencing an activity, independently of the company in which the activity is carried out (Section 6 Para. 1 VGÜ 2014).

Who carries out the health examinations?

Health examinations have to be carried out predominantly by the occupational physicians appointed to attend to the company's employees pursuant to Section 79 ASchG. Employers have to grant the examining physicians access to the workplaces and provide them with the required information (Section 6 Para. 8 VGÜ 2014).

A list of all the physicians duly authorised by the Central Labour Inspectorate as occupational physicians can be found on the Labour Inspectorate's website, https://www.arbeitsinspektion.gv.at/Gesundheit_im_Betrieb/Gesundheitsueberwachung/Ermaechtigte_Aerztinnen_und_Aerzte.html#heading_Liste_der_ermachtigten_Aerztinnen_und_rzte. This list is continuously updated. Authorised occupational physicians have to inform the Federal Ministry of Labour, Social Affairs and Consumer Protection without delay of any changes to their name or address or the circumstances relevant to their authorisation, or any termination of their activity as occupational physicians (Section 6 Para. 9 VGÜ 2014).

What should occupational physicians take into consideration?

The examining physicians have to review the specific working conditions of the employee to be examined by inspecting the specific workplace and/or by obtaining the information on the workplace required for assessment and medical advice (Section 6 Para. 8 VGÜ 2014).

The examining physician has to inform the employer demonstrably of the necessity to review and adapt the process of identifying and assessing risks. Access must be provided to the examining physician to inspect the adapted safety and health document (Section 6a Paragraphs 1 and 3 VGÜ 2014).

At which intervals are health examinations to be carried out?

The intervals for health examinations are listed in Annex 1. These intervals were revised for certain substances and activities to reduce both the administrative effort for the physicians carrying out the health examinations and the companies.

Revised intervals of medical examinations:

Working substance/activity	VGÜ 2008	VGÜ 2014
Lead, lead alloys or compounds	3 months	1 year
Spray painting works		
Manufacturing of glass / rechargeable batteries <i>(Note: this includes processing of glazes containing lead and recycling of rechargeable batteries)</i>	3 months	3 months
Rust protection works (including separating and cutting anti-rust coated parts)	4 weeks	4 weeks

Working substance/activity	VGÜ 2008	VGÜ 2014
Mercury or inorganic mercury compounds	6 months	1 year
Recycling of fluorescent lamps / disposal of amalgam		3 months
Manganese and manganese compounds	6 months	1 year
Benzene	3 months	1 year
Work in coking plants		3 months
Toluene	6 months	1 year
Xylene	6 months	1 year
Trichloromethane (chloroform), trichloroethene (trichloroethylene), tetrachloromethane (carbon tetrachloride), tetrachloroethane, tetrachloroethene (perchloroethylene) or chlorobenzene	6 months	1 year
Carbon disulphide	6 months	1 year
Dimethylformamide	6 months	1 year
Aromatic nitro or amino compounds	6 months	1 year
Phosphoric ester	6 months or end of season	1 year or end of season
Gas accident rescue services, mine rescue services and their local guides, wearing heavy respiratory protective equipment (more than 5 kg)	1 year	2 years
Biological substances of groups 2, 3 or 4	1 year	2 years

Health examinations of one and the same worker should be combined at one examination date; the applicable intervals may be extended up to 1.5 times. Combining health examinations and health examination intervals reduces the time and effort for the employees and the employers, while alleviating the administrative burden for the authorised physicians. (Section 6 Para. 3 VGÜ)

The guidelines for carrying out medical examinations in Annex 2 were slightly amended.

Which biological limit values were revised?

Working substance	VGÜ 2008	VGÜ 2014
Mercury	Urine: 50 µg/l	Urine: 25 µg/g creatinine
Arsenic	Urine: 100 µg/l	Urine: 50 µg/l
Cadmium	Blood: 5 µg/l	Urine: 2,5 µg/g creatinine
Chromium VI	Blut (9 µg/l) + Harn (12 µg/l) bei jeder Untersuchung	Blood: 9 µg/l for employees not exposed to welding fumes Urine: 12 µg/l only for employees exposed to welding fumes
Aluminium	Urine: 200 µg/l	Urine: 60 µg/g Kreatinin
Carbon disulphide	Urine: TTCA 5 mg/g creatinine	Harn: TTCA 2 mg/g creatinine

General provisions

Generally applicable provisions relating to health examinations for suitability and follow-up examinations are summarised at the beginning of Annex 2.

It is described how these health examinations are to be organised. Special emphasis is put on the workplace history, which is indispensable for occupational medical evaluation and targeted advice for workers concerning exposure, the organisation of work and protection measures.

In follow-up health examinations, the general medical history and the workplace history have to be recorded and a medical check has to be performed. In follow-up health examinations which take place earlier than scheduled only the aspect which was the reason for carrying out the follow-up health examination ahead of schedule (e.g. blood, urine, lung function) has to be reviewed.

Health examinations, ergometry and spirometry have to be carried out as specified by the guidelines according to the current state of scientific knowledge.

When are health examinations to be carried out?

Health examinations are to be performed during working hours - particularly after the end of exposure, for example at the end of a working week, a working day or a work shift. Examinations are to be performed during working hours - particularly after the end of exposure, for example at the end of a working week, a working day or a work shift.

When can you find the revised health examination forms?

On the website of the Labour Inspectorate:

www.arbeitsinspektion.gv.at

The competent Labour Inspectorate will be happy to advise you

Impressum

Media owner and publisher: Bundesministerium für Arbeit, Familie und Jugend (BMAFJ), Sektion IV Arbeitsrecht und Zentral-Arbeitsinspektorat, Favoritenstraße 7, 1040 Wien **Verlags- und Herstellungsort:** Wien **Layout & Druck:** BMAFJ **Version:** Juli 2020