

Joint Ministerial Gazette, Monday, June 28, 2021

**Federal Ministry of  
Labour and Social Affairs**

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

Version 25.06.2021

On the basis of Section 18 (3) of the German Safety and Health at Work Act, inserted in the form of Article 1 (1) (b) of the Act of December 22, 2020 (Federal Law Gazette I p. 3334), the Federal Ministry of Labour and Social Affairs hereby decrees:

**§1**

**Scope of application**

(1) The purpose of this regulation is to minimize the risk of infection with SARS-CoV-2 in the workplace and to safeguard the health and safety of employees effectively during the SARS-CoV-2 epidemic.

(2) The occupational health and safety regulations pursuant to Section 18 (1) and (2) of the German Safety and Health at Work Act and the different legal provisions of the federal states (*Länder*) governing protection against infection, in particular in connection with the care of children, as well as further-reaching regulations of the *Länder* and the SARS-CoV-2 Occupational Health and Safety Regulation remain unaffected.

**§2**

**Risk assessment and protective measures for workplaces**

(1) In light of the epidemic and the publication of the BMAS SARS-CoV-2 occupational health and safety standard, Sections 5 and 6 ArbSchG require the employer to review and, where necessary, update the existing risk assessment and occupational health and safety measures defined to include any additional measures required for protection against infection at work. Based on the risk assessment, the employer must define and implement the necessary measures for workplace infection control in an occupational health and safety plan. The defined measures must also be implemented in break areas and during break times. For further guidance on suitable measures in accordance with sentences 1 and 2, employers are advised to refer to the detailed sector-specific provisions set out by the statutory occupational accident insurance schemes for protecting against SARS-CoV-2.

(2) If the risk assessment concludes that technical and organizational protective measures cannot minimize the risk of infection at work, individual protective measures must be taken. These may include the use of mouth and nose protection (MNP) or protective respiratory masks defined in the Annex. These must be made available in sufficient quantities by the employer and must be worn by employees.

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(3) Each company must make its workplace health and safety plan available to its employees in a suitable manner.

### **§3**

#### **Reducing workplace contacts**

Employers must implement all appropriate technical and organizational measures to reduce workplace contacts. This includes reducing the multiple occupancy and simultaneous use of rooms to the absolute minimum.

### **§4**

#### **Tests for the detection of the SARS-CoV-2 pathogen**

(1) In order to reduce the risk of SARS-CoV-2 infection in the workplace, employers shall offer all employees who do not work from home two free weekly tests approved by the Federal Institute for Drugs and Medical Devices for the detection of the SARS-CoV-2 pathogen.

(2) The twice weekly offer of tests in accordance with Section 4 (1) above shall not be required insofar as an employer is able to guarantee the equivalent protection of their employees through other suitable protective measures or can demonstrate the provision of equivalent protection.

(3) Employers shall retain evidence of the procurement of tests and agreements with third parties on the testing of employees until the end of September 10, 2021. The retention period in accordance with sentence 1 shall also apply to evidence of tests procured up to and including June 30, 2021 and to evidence of agreements concluded with third parties on the testing of employees up to and including June 30, 2021 in accordance with Section 5 (1) of the SARS-CoV-2 Occupational Health and Safety Regulation (version January 21, 2021, (Joint Ministerial Gazette January 22, 2021 V1), which was last amended by Article 1 of the Ordinance of April 21, 2021 (Joint Ministerial Gazette April 22, 2021).

### **§5**

#### **Effective date, expiry**

This Regulation shall come into force on July 1, 2021. It shall cease to have effect on the date the German Bundestag declares and end to the epidemic situation of national importance in accordance with Section 5 (1) sentence 2 of the German Protection Against Infection Act (IfSG), but no later than the end of September 10, 2021.

Berlin, June 25, 2021

Federal Minister for Labour and Social Affairs

Hubertus Heil

## Annex: Protective respiratory masks approved for use

The following types of masks can be selected and used:

Mask type	Standard (part of label)	Other ID characteristics	Target countries
FFP2 or comparable <sup>1</sup>	Regulation (EU) 2016/425 DIN EN 149:2001+A1:2009 or comparable	CE label with subsequent ID of the notified body e.g. protection class FFP2 Length of use Manufacturer information EU declaration of conformity Instructions and information	EU
Full-face masks, powered masks, hoods or helmets with replaceable particle filter <sup>2</sup>	Regulation (EU) 2016/425 Full-face masks: EN 12942 or comparable; Powered hoods: EN 12941 or comparable EN 136 or comparable particle filter: EN 143 or comparable	CE label with subsequent ID of the notified body Manufacturer information EU declaration of conformity Instructions and information	EU
N95 <sup>1</sup>	NIOSH-42CFR84	Model number Batch number Mask type Manufacturer information TC approval number	USA and Canada
P2 <sup>1</sup>	AS/NZS 1716-2012	ID number or logo of the conformity assessment bodies	Australia and New Zealand
DS2 <sup>1</sup>		<a href="https://www.baua.de/DE/T/hemen/ArbeitsgestaltungimBetrieb/Coronavirus/pdf/Kennzeichnung-Masken.pdf?__blob=publicationFile&amp;v=10">https://www.baua.de/DE/T/hemen/ArbeitsgestaltungimBetrieb/Coronavirus/pdf/Kennzeichnung-Masken.pdf?__blob=publicationFile&amp;v=10</a> <a href="https://www.jaish.gr.jp/horiei/hor1-y/hor1-y-13-11-3_1.pdf">https://www.jaish.gr.jp/horiei/hor1-y/hor1-y-13-11-3_1.pdf</a> <a href="https://www.jaish.gr.jp/horiei/hor1-y/hor1-y-13-11-3_2.pdf">https://www.jaish.gr.jp/horiei/hor1-y/hor1-y-13-11-3_2.pdf</a>	Japan
CPP <sup>1</sup>	Testing principles for corona SARS-CoV-2 pandemic protective respiratory masks (CPP)	Certificate from the market surveillance authority as per Section 9(3) MedBVS issued prior to October 1, 2020.	Germany

<sup>1</sup> Without exhalation valve; masks with an exhalation valve are only allowed to be worn if all contact persons are also wearing a protective respiratory mask. Corona SARS-CoV-2 pandemic protective respiratory masks (CPP) may be e.g. certified KN95-masks tested in accordance with the testing principles of the Central Authority of the Länder for Safety (ZLS).

<sup>2</sup> These systems provide no protection to persons other than the wearer. They are therefore only allowed to be used if all contact persons are wearing a protective respiratory mask.

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