



# Energy and Gas Crisis FAQs

Last revised: 30 November 2022

## 1. How cold is it allowed to be at the workplace and where are the minimum temperatures defined?

**Short answer:** As a general rule, 19°C in offices and meeting rooms

The *Technische Regeln für Arbeitsstätten* - ASR (Technical Regulations for the Workplace), ASR A3.5 Room Temperature, defines provisions for work rooms, break rooms, on-call rooms, sanitary facilities, canteens, and first-aid rooms.

ASR A3.5 determines minimum values that must be provided in rooms at the workplace (No. 4.2(2) and (4-6) ASR A3.5 in combination with table 1).

Up until 28 February 2023, the Ordinance for Securing the Provision of Energy via Short-Term Effective Measures (EnSikuMaV) provides for certain exceptions to these rules and lowers the minimum temperatures by one degree for work rooms in which non-strenuous and moderately strenuous work is performed (§§ 6, 12 EnSikuMaV). If, due to low air temperatures, the health of employees is particularly at risk, exceptions to the maximum temperatures are possible, if other solutions, such as an extension of the working from home regulations are not possible or sufficient for protecting the health of these persons.

As these temperature limits only apply whilst the rooms are in use (No. 4.2(1) ASR A3.5), the temperature can be dropped to save energy, especially at night and at the weekend. However, it must be guaranteed that the corresponding air temperatures are attained in work rooms during office hours.

Lufttemperatur in Arbeitsräumen je nach überwiegender Körperhaltung	Arbeitsschwere (Ziff. 4.2 Tabelle 2 ASR A3.5)		
	leicht	mittel	schwer
Sitzen	+20°C +19°C*	+19°C +18°C*	-
Stehen, Gehen	+19°C +18°C*	+17°C +16°C*	+12°C
Pausen-, Bereitschafts-, Sanitär-, Kantinen- und Erste-Hilfe-Räume (Ziff. 4.2 Abs. 4 ASR A3.5)	+21°C		
Duschräume (Ziff. 4.2 Abs. 6 ASR A3.5)	+24°C		
*Befristete Ausnahme nach §§ 6 Abs. 1, 12 EnSikuMaV			

Overview of permitted temperatures at the workplace

## **2. Can temperatures be reduced below the minimum values to save money?**

**Short answer:** As a general rule of principle, no.

The room temperatures may not be held below the stipulated minimum temperatures due to cost-related reasons.

## **3. What happens if the minimum temperatures can no longer be provided due to an interruption/shortage of the gas supply?**

Other measures can and must be taken only if it is not possible to attain the temperatures with technical means (e.g. loss of gas supply). If the minimum values for work rooms (see question 1) cannot be attained, even using all available technical means, protection against temperatures that are too low must be ensured by further measures in the following order:

- technical measures at the workplace (e.g. radiant heaters, heating mats),
- organisational measures (e.g. times for warming up) or
- measures taken by individuals (e.g. suitable clothing).

## **4. Does warm water have to be provided?**

**Short answer:** As a general rule of principle, no.

Energy used to heat water can and should be saved. Usually, cold water is sufficient for washing hands in WCs. Warm water should only be provided if required. This can be the case, for example, if handling food.

Generally, employers are not obliged to provide sanitary facilities in which employees can wash and/or shower. Therefore, they could be closed to save energy and resources. They must only be provided if required for the type of work or health-related reasons.

## **5. Where is lighting compulsory?**

As a general rule of principle, work rooms must receive sufficient daylight. Artificial lighting is required if the amount of daylight is insufficient (No. 5.1 ASR A3.4). This depends on the individual workstation and the person working there. For example, additional lighting might be required if the employee has poor eyesight. In order to save the required amount of artificial lighting, curtains, shutters etc. should not be used unless they are required for non-reflective work. Access routes (e.g. corridors) must (only) be lit whilst in use.

Minimum values for the respective illumination level and a colour rendering index

apply (No. 5.2(1, 3-7), No. 5.4 ASR A3.4 in combination with Appendix 1). Special regulations apply, for example, for the artificial lighting required for safety purposes for the performance of work tasks, at workstations, in work rooms and areas if the general lighting fails, and for the lighting of emergency escape routes and emergency exits (No. 4(8), No. 8.4(3), No. 9f. ASR A2.3). The provision of this kind of lighting must be possible at all times.

## **6. May I refuse to work if my employer is violating health and safety regulations, or simply work from home without the approval of the employer?**

**Short answer:** As a general rule of principle, no.

Members of staff cannot refuse to perform their work just because the workplace is no longer heated or cooled as previously. You are also not able to work from home without permission from the employer.

You are only entitled to refuse the performance of your tasks if violations of health and safety regulations have reached a certain level of severity. Slight deviations in the observance of minimum temperatures for work rooms might not be a sufficient reason.

## **7. Is it possible for my employer to make me work from home against my will?**

**Short answer:** In general, yes.

If required for reasons related to the gas crisis, employers can force their employees to work from home.

If there is an interruption in the gas supply, it is possible that the employer will no longer be able to provide employees with a suitable workplace pursuant to § 3a I (1) & (2) ArbStättV in combination with ASR A3.5 No. 4.2. The employee is then obliged in accordance with §§ 241 II, 242 BGB to consent to a working from home agreement drawn up by the employer - at least for the heating period.

Even if the employer is only taking this measure to save gas (and thus costs), as a general rule of principle, in accordance with §§ 241 II, 242 BGB, the employer is obliged to consent to a working from home agreement.

**Irrespective of these underlying legal regulations, the University of Greifswald is not planning to make employees work from home solely due to cost-related reasons!**

## **8. Do employees then have to fulfil the full scope of their work tasks when working from home?**

Yes, when working from home, employees must fulfil the full scope of their tasks as long as it is possible depending on the type of work and the available infrastructure at home. The obligation to perform work tasks only ceases to apply to those parts that the employee is unable to fulfil from home, or in full if the tasks cannot be performed at all. Please refer to question 10 with regard to the 'risk of impairment to perform work tasks'.

## **9. What happens if there is a power cut or loss of the supply of gas at home and it is therefore impossible to perform work tasks, even from home?**

As a general rule of principle, if there is a state-wide blackout, the employer carries the 'risk of impairment to perform work tasks'. If, for example, work (even from home) is impossible due to a power cut, the employer is obliged to continue the payment of salaries. The employer is also obliged to carry on paying salaries in cases of 'force majeure', such as natural disasters, extreme weather, or other disasters.

In return, however, employees are obliged, wherever possible, to perform their duties at other times, in order to reduce the consequences of the employer's adoption of risk to a minimum.

Even if a state-wide power cut occurs, employees must first clarify whether their work can be performed by other means (without the use of energy). A general non-performance of work tasks is not permitted.

## **10. Can employees only be sent home if they can actually work from home?**

The employer can send employees home, if it is no longer possible for them to provide a workplace that corresponds to the health and safety regulations due to an interruption in the gas or electricity supply. Please refer to question 8 with regard to the scope of work tasks required from those working from home.

## **11. Who has to pay my heating costs if my employer has sent me home to work (against my will)?**

A difference has to be made between employees who have chosen to work from home based mainly on their own interests, for example, if working from home was only one voluntary option provided by the employer, or if working from home was only agreed for a few days per month, or whether working from home was introduced as a

result of the gas crisis and in order to move the largest possible amount of work normally performed at the workplace to employees' homes.

If the latter applies, the employer must bear the economic risk of the heating costs. However, employees are responsible for pursuing their own interests. They must therefore approach the employer and demand an adjustment to the contract (this does not occur by operation of law) or assert a claim for reimbursement of expenses and, if necessary, sue the employer for payment.

## **12. Will the existing normal work times/core working hours continue or will they be cut back due to the limitation of the heating periods?**

Currently, there are no plans to change the existing normal work times/core working hours. Due to the valid *Arbeitszeitverordnung* - AZVO M-V (Work Hours Ordinance) that applies to the university's civil servants, in particular § 9(3), changes to the core working hours would not be possible without further ado and therefore these changes are not being considered for the other employees either. Changes to the normal work times are imaginable, but not planned.

## **13. Can the University regulate/ban the use of electronic devices (e.g. fridges, dishwashers, kettles) it provides?**

As owner of the devices, the University is entitled to ban the use of individual devices, unless specific legal provisions state otherwise for certain circumstances. For example, the Technical Regulations for the Workplace (ASR 4.2) define the required equipment in break rooms.

## **14. Can the University forbid the use of privately owned devices (e.g. radiators)?**

As defined by health and safety regulations, the use of privately owned (heating) devices that have been brought to the workplace is illicit without a preceding technical check and approval, irrespective of the current situation. In accordance with § 14 BetrSichV ([Betriebssicherheitsverordnung \(Safety at the Workplace Ordinance\)](#) [\[de\]](#) and the DGUV Regulation 3 (*Deutsche Gesetzliche Unfallversicherung* (German statutory accident insurance)), before a privately owned electronic device is used for the first time, it has to be checked by, or in the presence of an electrician.