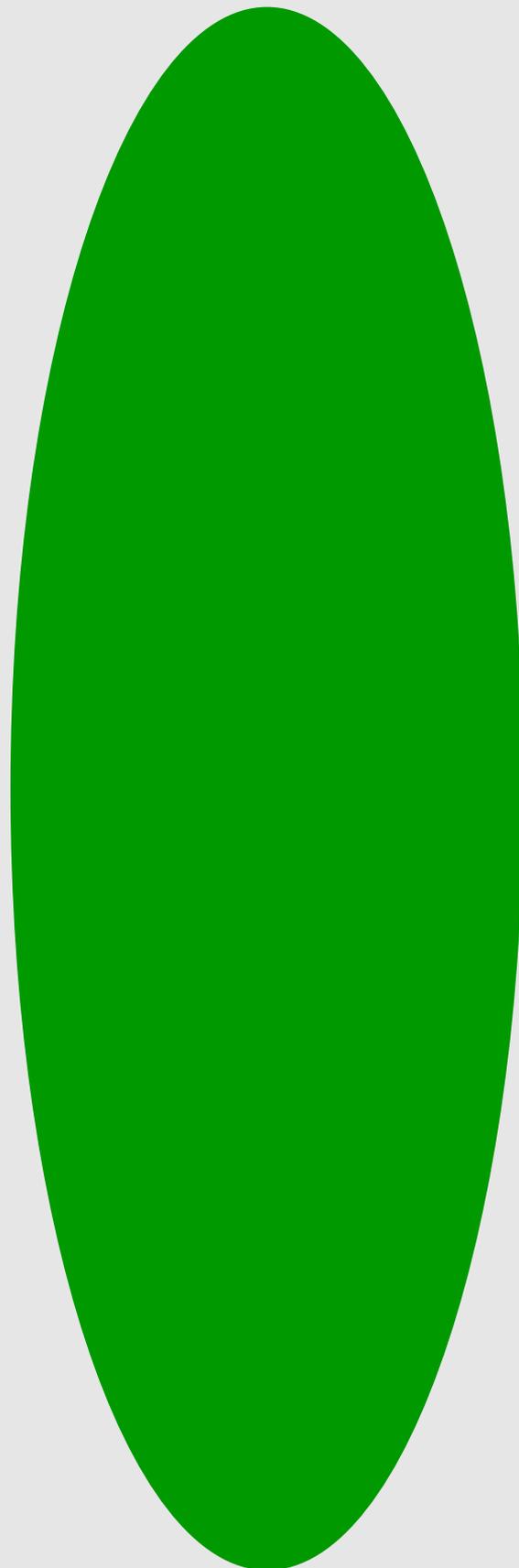


Translation of the
Executive Summary
of the

“Spanish report
on occupational
safety and
health situation”
2008



MINISTERIO
DE EMPLEO
Y SEGURIDAD SOCIAL



INSTITUTO NACIONAL
DE SEGURIDAD E HIGIENE
EN EL TRABAJO

Executive Summary

WORKING CONDITIONS

WORKING conditions have been analysed for three personal characteristics of particular importance (gender, working for a subcontracted company, and foreign national origin) and one sectoral aspect (self-employed workers of the agricultural and fisheries sector).

A *gender analysis* shows that, in Spain, the incidence of accidents at work among women workers is less than half that of their male counterparts (in the year 2008, 2,274 accidents/year/100,000 female workers, compared to 5,211 for men); said incidence gradually decreases with age, but much more in men than in women. Male workers carry a risk of suffering an accident that is six times higher than that for female workers, and a risk of suffering a fatal occupational accident that is over twenty times higher than for their female counterparts.

Accordingly, incidence rate of women is lower than those of men in most sectors of activity. The exceptions to this rule are found in public sanitation activities (women have 70% more accidents than men), financial and insurance institutions (60% more), education (32% more) and computing, research, and development activities (16% more).

By occupation, significant coincidences are evident among the most dangerous occupations for men and women. Female workers most affected by occupational injuries are those in positions of: skilled workers in the mining, metalworking, and machinery manufacturing industries; labourers; skilled workers in construction; and skilled workers in the graphic arts, textiles, and food industries. In the case of

men, those that suffered most occupational injuries worked as: labourers; skilled workers in the graphic arts, textiles, and food industries; operators in industrial and fixed machinery facilities; skilled workers in the mining, metalworking, and machinery manufacturing industries; unskilled services workers; and skilled workers in construction.

Concerning *occupational hazards among subcontractor's staff*, the first finding is that in one out of ten workplaces there are subcontractors' staff. In general, these workers are subjected to worse working conditions than are the company's own employees. In particular, the risk of accident by excessive strain and physical load hazards (in the Services sector) is significantly more frequent in subcontractors' workers. Damage indicators reveal a greater frequency of muscular-skeletal ailments in both industry and services. The incidence of accidents suffered by this group is significantly higher in industry and services.

In brief, subcontracting is, to some extent, a discriminatory variable, both as regards the exposure to hazards and the occurrence of damages, and even in regard to the preventive activities from which workers benefit.

Male *foreign workers* work mostly in Construction (35%) and Services (41%), while foreign women work in Services (90%) almost exclusively. The most frequent occupations for foreigners are domestic employees (11%), builders (8%), waiters and related services (6%) and cleaning personnel (6%).

The tasks carried out by foreign workers

require, more often than those carried out by Spanish workers, painful or tiring positions (9.9% vs 8.2%), lifting or moving heavy loads (8.8% versus 7.2%), exerting major force (9% vs 6.4%), and foreign workers have more often very little room to work comfortably (6.1% vs 4.7%). In contrast, exposure of foreigners to mental stress is on the whole, lower than Spanish workers'.

Overall, foreigners have more accidents than Spanish; in 2008 the incidence rate of accidents among foreigners was 6,567 accidents/ 100,000 workers, while among the Spanish this rate was of 4,889. The same is true for fatal accidents, for which the respective incidence rates are 7.6 and 4.8. In the construction sector, the accident rate among foreigners is almost the same as among the Spanish, yet it is higher in Industry (73% more) and in Services (36% more). These differences are similar in regard to fatal accidents.

The known difference in the rate of workplace accidents among workers on temporary contracts and those on fixed term contracts is higher in the case of foreigners: foreign temporary workers have 4.4 times more accidents than those on open-ended contracts, while in the case of Spanish workers, this difference is only of 1.6 times.

Among *self-employed workers in agriculture*, it is notable that 7.2% of them carry out other paid work, a percentage that is more than double that of the entire working population. This does not prevent 70% of cases resorting to third-parties help to carry out their work, generally relatives, although in 31% of cases they resort to other workers, the primary difficulties arising from this practice being an excessive turnover, scarce experience or training or, simply, the difficulty of finding them.

Nearly a third of tractors lacks a protective structure or it is not type-approved; in the case of *new* tractors of over 600 kg weight, 26% do not comply with the requirement of having a type-

approved protective structure.

69% of these workers perceived their health as good, 25.7% as fair, and 5.1% as poor. Lack of health (fair and poor) was more notably perceived by women, older people and livestock production workers.

HEALTH DAMAGE

In the year 2008, *the incidence rate of occupational accidents resulting in sick leave* was 5.069 accidents for every 100,000 insured workers, a 12% decrease compared to the previous year; the decrease was most notable in Industry and Services (11.8% and 13.9%, respectively), lower in Services (6.9%) and almost negligible in Agriculture (0.9%). In Industry and Construction, the occurrence of workplace accidents among workers on fixed term contracts was more than double that of workers on open-ended contracts, the difference being lower in Services (55% higher) and rather similar in Agriculture (13% higher).

The occupational accident rate among self-employed workers is approximately one third of that of salaried workers all accidents considered, and slightly less than half in regard to fatal accidents.

50% of accidents occur when there is bodily motion, with or without physical stress, which is related to the fact that most accidents are due to excessive strain (37.5%) followed by crashing on or against a still object (23.7%).

In the year 2008 the incidence rate of fatal accidents during working hours continued its downward trend from 1989, although the decrease was small (0.8%) compared with the cumulative average decrease for the period 1989-2008, which was approximately 5%. The most frequent fatal accidents *during working hours* are of a traumatic nature (48.5%), followed by non-traumatic pathologies (34.2%) and traffic accidents (18.6%).

The new list of *occupational diseases* is more extensive than the previous one, which could lead to the conclusion that

since its enforcement the number of accident reports would be higher, and this has been the case in all disease groups except the second (physical agents), for which two circumstances have concurred: first, the new list is broader, but is also more precise regarding causal agents and sub-agents as well as regarding activities. Second, this group included too many accident reports with material errors.

Over three quarters of identified diseases (78.45%) are of an osteoarticular nature (epicondylitis, tendinitis, etc.), followed by dermal ailments (6.99%) and those caused by chemical agents (6.82%).

Given the nature of these pathologies, most deaths caused by these occur when the worker has already retired. In the year 2008, 873 pensioners died due to occupational diseases, and although not all those deaths were caused by an occupational disease leading to retirement, the number of deaths that exceed the death rate of their age corresponding to the general population is 328.

Of the 569 *fatal accidents* occurring in workplaces during 2008, 97.2% occurred in males, and almost 40% were caused by non-traumatic pathologies (heart attacks, haemorrhagic strokes, etc.), a type of accident that mainly affects workers aged over 45.

In regard to traumatic accidents, these are primarily produced by falls (30.4%), trapped & crush (20%) and knocks by falling objects (8.5%). Looking at causes, the most common are those related to work organisation (28%), particularly poor work methods, and those linked to prevention management (22%), such as the non-identification of hazards or the lack of training.

Looking at *occupational accidents from a gender perspective*, it appears that the rate of accidents is much higher for men than women in all sectors. In the case of women, most accidents occur in Industry, whereas for men they mostly occur in the Construction sector.

Men are six times more likely than

women to suffer a serious accident, and twenty times more likely to suffer a fatal accident.

This distribution is reversed (women have more accidents than men) in six sectors: public cleaning; financial institutions; education; computing, research, and development activities; health/veterinary/social services and hotel management.

LEGAL AND CONTRACTUAL EMPLOYMENT REGULATIONS AND WORKING CONDITIONS

In 2008, the approved provisions most directly related to preventive activities were Royal Decree 1644/2008 laying down the rules for the placing on the market and bringing into service of machinery, Order DEF/3573/2008 laying down the structure of occupational risk prevention services in the Ministry of Defence, and Royal Decree 2060/2008, regulating pressure equipment and their regulatory technical instructions.

Collective agreements are often limited to generic provisions of low specificity. Yet some specific exceptions can be found in the clear commitment of some of these agreements to self-managed prevention services, and in formulas for the designation of prevention representatives other than those established by law, yet foreseen in it as an alternative.

It is also worth highlighting some contents relating to health monitoring (e.g. the contents of medical tests), or the protection of maternity, together with the frequent omissions relating to important subjects such as serious and imminent risk, coordination of business activities, or the organisation of prevention in the workplace.

CONTROLLING HEALTH AND SAFETY IN BUSINESSES

At the end of 2008, the *Labour and*

Social Security Inspectorate had specialised units for occupational health and safety in 27 provinces. From the point of view of resources, it is worth noting that the Autonomous Communities had already appointed 236 technicians as “técnico habilitado” figure created by Law 54/2003 and regulated by Royal Decree 689/2005.

In 2008, the Inspectorate dedicated 25.9% of its resources to occupational risk prevention activities, most of which (62.4%) were planned, and the rest, requested, that is to say, as a result of external claims (courts, tribunals, labour authorities, workers, and citizens in general). The number of service orders in this area was 122,925, of which 97,789 were carried out through site visits, fulfilling 121,962 requirements and noting 27,882 infractions, totalling 118.4 million Euros in levied penalties. 1,325 works or tasks were halted.

12,528 occupational accidents and 485 occupational diseases were investigated. Regarding the former, 4,218 were minor, yet they were investigated within the framework of the campaign aimed at identifying wrong-qualified accidents. In said investigations, 5,851 infractions were detected, and sanctions amounting to 34.7 million Euros were proposed.

Because of all of the above, the Public Prosecutor’s Office received 1,277 claims, primarily due to accidents (706) and suspension of works (92).

It is also worth highlighting the campaign of priority actions for serious accidents in the supra-autonomous sphere, and the SEGUMAR campaign for safe working conditions on fishing vessels, which led to 288 inspection visits, 950 injunctions and 13 infractions.

Among the key qualitative advances related to inspection actions is the incipient shifting of focus towards traffic accidents involving workers “on mission”, which has led to inspecting how these types of accidents are approached in companies’ prevention systems.

The recent reforms in the *Public Prosecutor’s Office* relating to occupational

accidents (creation of a Chief Prosecutor Delegate of the General Prosecutor in 2005 and of Specialised Sections in Territorial Jurisdictions in 2007) have had a significant quantitative impact on its actions in the field of occupational accidents.

Thus, in 2008, the Public Prosecutor’s Office held 785 arraignments compared to 350 in 2006 and 650 in 2007. In addition, the number of rulings in the Criminal Courts increased (405 in 2008, 337 in 2007, and 249 in 2006) as well as rulings in the High Court (117 in 2008, 86 in 2007 and 47 in 2006).

The percentage of convictions is noteworthy (70%), half of which were approved by the defendants, which shows that there is a growing recognition by defendants of the illegality of their behaviour and guilt.

Investigation proceedings show a similar trend, rising from 1,093 in 2007 to 1,730 in 2008, with an increase of 58%. At the same time, in 2008, 452 claims or lawsuits were filed (an increase of 63% compared to the previous year), which reflects the effectiveness of the cooperation of the Labour and Social Security Inspectorate with the Public Prosecutor’s Office.

POLICIES ON THE PROMOTION OF PREVENTION. INSTITUTIONAL ACTIONS

Regarding actions of the *National Institute for Safety and Hygiene at Work* (INSHT), it should be mentioned that together with the INSHT’s traditional activity, in 2008 the following aspects are worthy of mention:

- In July, the new *Integrated Information System* started with three websites: one for citizens, another for employees, and the website of the National Observatory on Working Conditions. This initiative aims to comply with the objective of improving information and investigation systems in health and safety at work under the terms of the Spanish Strategy on Health and Safety at Work, 2007-

2012, while achieving the development of the Information Society in line with the European i2010 initiative.

- With a view to achieving greater *development of the preventive culture*, the Secretary of State for Social Security commissioned the INSHT to conduct a national awareness campaign for the prevention of occupational risks. To this end, the campaign “*la prevención, nuestra mejor empresa*” (“*prevention, our best business*”) was designed, primarily addressed to micro-businesses and the self-employed, and secondarily to the general public, with particular attention to immigrants.
- With the approval of the first Plan of Action for the promotion and implementation of the Spanish Strategy on Health and Safety at Work 2007-2012, four major areas of study and dialogue were opened during this period, in which INSHT has participated, coordinated and even led some of these major debates. In this sense, the central role of the INSHT in defining the operational model for the new public advisory service for employers, whose aim is to achieve a better and more effective compliance rate with the occupational risk prevention rules in Spanish micro-businesses. The INSHT has participated, since its inception, in the study of problems related to training in occupational risk prevention, and coordinates the necessary work for the preparation of the National Plan for Occupational Risk Prevention Training. The INSHT participates actively in the open debate on the quality and effectiveness of prevention and provides technical support in the definition of the new requirements applicable to both external and joint prevention services, as well as to training and auditing entities, with a view to improving the efficiency and quality of the Spanish occupational risk prevention system.

In regard to the *actions of the Autonomous Communities*, the different

Statutes of Autonomy establish that the implementation of State labour legislation corresponds to the Autonomous Communities. To this end, the autonomous technical bodies carry out administrative, surveillance, inspection, improvement, and knowledge dissemination actions, often in collaboration with university research and prevention promotion groups. The latter can be generically classified as:

- actions promoting the culture of prevention: programmes and actions aimed at prioritising prevention;
- incentive programs and grants, mainly for small and medium enterprises;
- programmes to reduce occupational accidents, advising businesses with the highest occupational accident rates;
- cooperation activities with the citizenry, making information and communication media available to interested parties and receiving notifications of risks and “non-prevention” situations;
- joint actions of social and economic agents, based on the consultation with the agents of each territory and sector and often including visits to workplaces;
- actions in collaboration with other departments, especially with those responsible for health and education.

Among the *actions of the National Commission on Health and Safety at Work*, it is worth highlighting the approval of the second Government Action Plan for the promotion and implementation of the Spanish Strategy on Safety and Health at Work, from October 2008 to June 2010, within the framework of the agreements of the Plenary and the Permanent Commission, as well as information on proposed amendments to the following Royal Decrees:

- Royal Decree 39/1997, of 17 January, approving the Regulation of Preventive Services in relation to the application of measures aimed at furthering the improvement of health and safety at work for pregnant workers.

- Royal Decree 1311/2005, of 4 November, on the protection of workers from risks to their health and safety arising or likely to arise from exposure to mechanical vibrations.
- Royal Decree 1109/2007, of 24 August, which implements Law 32/2006 of 18 October, regulating subcontracting in the Construction sector.

In regard to Working Groups, the following were on-going in 2008: Asbestos, Construction, Limit values, Agricultural Sector, Self-Employed Workers, Follow-Up on the Spanish Strategy, Temporary Employment Agencies, Reform of the National Commission on Health and Safety at Work, Development of the Prevea Plan and Education and Training. The focus will fall upon the actions of the "Follow-Up on the Spanish Strategy" Working Group, in whose meetings the following issues have been discussed and debated:

- The study by the DG of the Labour and Social Security Inspectorate on the implementation of the selection criteria of companies in the "Priority Action Plan for the Reduction of Occupational Accidents, 20082009," of the Labour and Social Security Inspectorate.
- The Action Plan for the promotion and implementation of the Strategy from July 2007 to September 2008, presenting the balance of this same and the actions yet to be developed by the following bodies: the National Institute for Health and Safety at Work, the DG for Labour, the Labour and Social Security Inspectorate, the Ministry of Health and Consumer Protection, and the Secretary of State for Social Security.
- The Second Plan of Action for the promotion and implementation of the Strategy from October 2008 to June 2010.

In the call for grant proposals for the year 2008 by the *Foundation for Occupational Risk Prevention*, 332 applications for financing were submitted, for an amount of 39,651,042.29 Euros, representing a 16.9% increase in the number of proposals and an increase of 3.44% of the amount requested, compared to the previous year.

Applications were mainly submitted by employers organisations (111), unions (58) and by both jointly (117). By scope, they were mainly territorial (159) and sectoral (160), very few being direct applications

(13). By type of action, most of them were related to technical support, followed by training activities.

A total of 219 action proposals were approved, of which 159 were territorial, 47 sectoral and 13 direct proposals, representing an 11.16% increase from 2007. These actions were approved in the meeting of the Board of the Foundation on 11 December 2008. The approved and confirmed action proposals represent an overall 65.96% of submitted proposals compared to 69.37% from the previous year, taking into account that, in this call for proposals, which represents 16.90% more applications than in the previous year.

Within the framework of the 2008 Call for Proposals, 219 action proposals were approved, amounting to a total of 27,352,359.51 Euros, which represents a 1.21% decrease compared with the 2007 Call for Proposals.

SPANISH STRATEGY ON HEALTH AND SAFETY AT WORK

The Spanish Strategy on Health and Safety at Work 2007-2012, approved by the National Commission on Health and Safety at Work on 27 June 2007, with the consensus agreement of employers organisations, unions, and the Autonomous Communities, serves to establish the overall policy framework for the prevention of occupational risks in the short, medium, and long-term, and attempts to give coherence and rationality to occupational health and safety actions developed by all stakeholders in the prevention of occupational hazards.

The First Plan of Action was implemented from June 2007 to April 2008, and the balance of the First Plan, as well as the Second Plan of Action -whose period of implementation ran from that date to June 2010-, were adopted in the Plenary Meeting of the National Commission on Health and Safety at Work of 15 October 2008.

The main actions developed in 2008 in compliance with the aforementioned plans of action are as follows, broken down by each of the eight objectives of the Strategy:

1. *Achieve better and more effective compliance rate with legislation, particularly focusing on small and medium enterprises.* Among the key legislative measures are those directed towards facilitating compliance with legislation for small and medium enterprises that were included in Law 25/2009, of 22 December, modifying several laws for its adaptation to the Law on the free access to service activities, together with others that will be included in the proposed reform of the Regulation of Preventive Services. Among the key advisory measures are the User Help Centre, already in place, as well as the implementation of the PREVEA plan.

2. *Improve the efficiency and quality of the prevention system, with special emphasis on entities specialising in prevention.* The measures contained in this objective have led to extensive work both on social dialogue and territorial cooperation, which should crystallise into the reform of the Prevention Service Regulation planned for the first half of 2010.

3. *Strengthen the role of social partners and the involvement of employers and employees in the improvement of health and safety at work.* The Board of the Foundation for the Prevention of Occupational Hazards approved in July 2009 the call for proposals for the implementation, at the sectoral level, of actions aimed at strengthening the involvement of employers and employees in the improvement of health and safety at work.

4. *Develop and consolidate the preventive culture in Spanish society.* To promote the preventive culture, it is also necessary to develop awareness and sensitization campaigns to reduce occupational accidents and diseases and improve health and safety conditions at work. Since the adoption of the Strategy, the INSHT has carried out two general campaigns, and a campaign specifically aimed at small businesses is planned for 2010.

5. *Improve information and investigation systems in health and safety at work* In July 2008 the INSHT launched the National Observatory on Working Conditions, a platform created to collect, analyse, and disseminate the state of working conditions in Spain and its impact on the health of workers. On April 28, 2008 the first of a planned series of annual reports on the situation and developments in health and safety at work was presented, for the purpose of article 7 of ILO Agreement 155.

6. *Enhance training in occupational risk prevention.* The Education and Training Working Group created by the National Commission following the adoption of the Strategy produced a first draft of the national training plan, which includes all lines of action set out in the sixth objective of the Strategy, that is, measures aimed at promoting training in occupational risk prevention in all phases of the education system, as well as in professional training, training for employment, university training, and specialised training in occupational risk prevention.
7. *Strengthen institutions involved in occupational risk prevention.* The regulation through which the National Institute for Safety and Hygiene at Work will be reformed is being drafted.

The DG of Social Security has designed a claims office and a telephone information service to ensure that the protection provided by insurance companies to workers in the field of occupational accidents and diseases is carried out with maximum guarantees. The staff of the Labour and Social Security Inspectorate has been increased through a Public Offer for Employment: 70 positions for inspectors and 50 for deputy inspectors. The Autonomous Communities have appointed technicians to monitor and control the application of the occupational risk prevention rules.

8. *Improve institutional participation and coordination of public administrations in occupational risk prevention policies.* The Working Group for the reform and strengthening of the National Commission on Health and Safety at Work agreed on a text for said reform, through which the Strategy's mandate for the improvement and reform of this Commission will be fulfilled.

motto *Healthy Workplaces: Good for you. Good for all*, which was specifically aimed at small and medium enterprises.

EUROPEAN POLICY ON HEALTH AND SAFETY

In the regulatory field, the adoption of several provisions should be highlighted, of which it is worth mentioning the Regulation (EC) No. 1338/2008 of the European Parliament and of the Council, of 16 December 2008, on Community statistics on public health and health and safety at work, which when fully operational, will really make available comparable statistics on occupational accidents and diseases at the European level, as it will require member States to collect information on occupational accidents and diseases consistently.

Regarding the priorities of the rotating presidencies, the issues discussed during the *Slovenian Presidency* were as follows: “Electromagnetic fields”; “Integration of women in the workplace”; “Aging of the work force”; “Disability and cooperation”; “Quality employment for youth” and “Conference on youth and hope for all”. The *French Presidency* focused its activities on four specific issues:

Health and safety at work, with the holding of an International Forum on Health at Work (FITS) in Paris on 3 and 4 November 2008, in which risk assessment in small and medium enterprises, as well as the role of occupational health and safety worker representatives, was discussed.

Worker mobility, both geographic and professional, including flexibility policies and the fight against illegal labour.

Discrimination, primarily gender-based, and salary equality for men and women.

Review of the European Social Agenda, first at the Commission level, then to be discussed with Member States.

In turn, the European Agency for Health Safety at Work focused its *2008/2009 Campaign on Risk Assessment*, under the