

# The challenges of the Spanish system of Safety and Health at Work:

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# Summary:

- 1. A NEW INSTITUTIONAL PREVENTION MODEL**
- 2. PECULIARITIES OF THE INDUSTRIAL RELATIONS SYSTEM**
- 3. EVALUATION OF THE MODEL**
- 4. PROTECTION MECHANISMS FOR DAMAGE**

# **A NEW INSTITUTIONAL PREVENTION MODEL**

## **TRANSITION FROM A REGULATION- SANCTION TO A PLANNED- SYSTEM:**

**TARGET: A NEW WAY OF PREVENTION  
ONE PLAN FOR**

- EACH COMPANY**
- EACH WORKPLACE**
- EACH RISK**

**CHALLENGES: (CCC)**

- COST**
- CULTURE**
- CONTROL**

# A NEW INSTITUTIONAL PREVENTION MODEL

## INSTRUMENTAL MEANS

### 1. SUPPORT FOR THE INSTITUTIONAL FRAMEWORK:

1. - Education
2. - Health
3. - Justice

INTEGRAL PROTECTION OF OCCUPATIONAL HEALTH

### 2. SOCIAL DIALOGUE: Trade Union-Company-Government

# **A NEW INSTITUTIONAL PREVENTION MODEL**

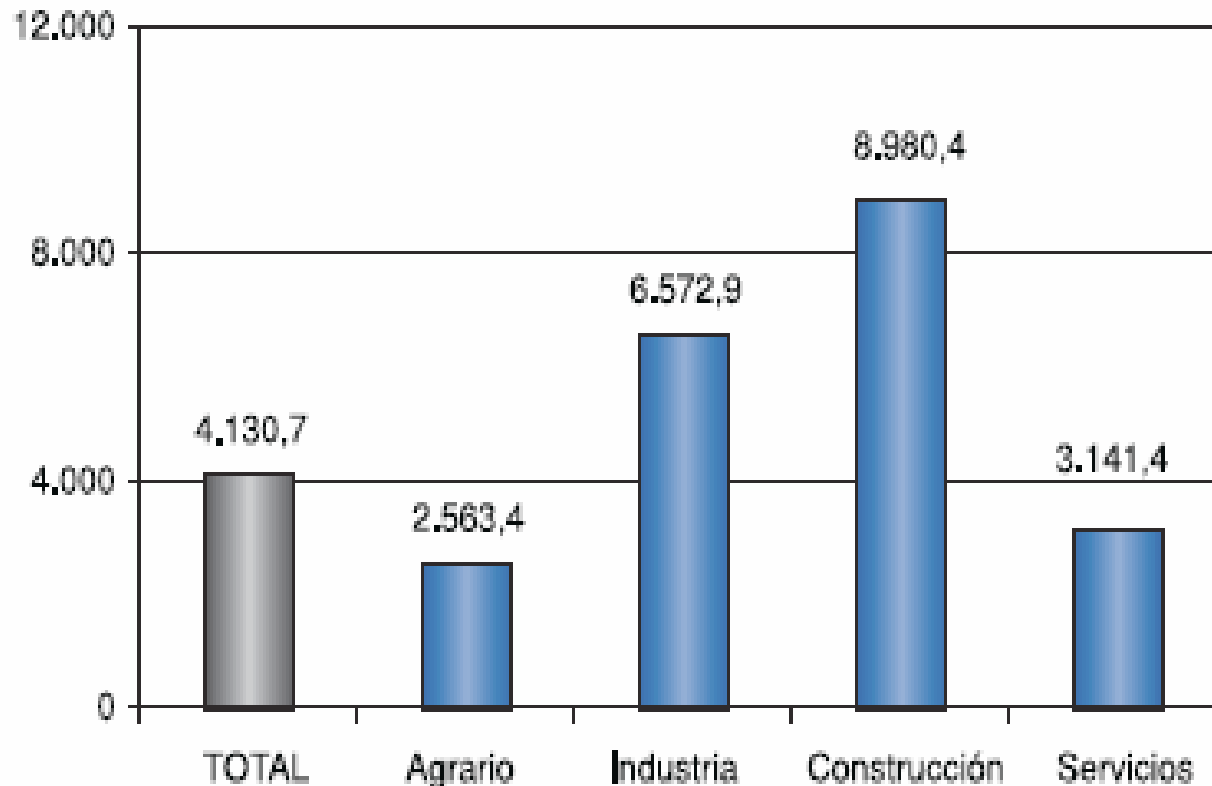
## **NEW EMPLOYMENT RELATIONS**

- 1. Integration of prevention in the activity of the company.**
- 2. Specialized management structures.**
- 3. Participation of workers.**
- 4. Prevention: Rights deriving from labor contract.**
- 5. Failure of integral protection for the victim.**

# **PECULIARITIES OF THE INDUSTRIAL RELATIONS SYSTEM**

- 1. SMALL COMPANIES WITH SMALL CAPITAL.**
- 2. HIGH RATES OF UNEMPLOYMENT.**
- 3. PRECARIOUS EMPLOYMENT.**
- 4. IMPORTANT DANGEROUS ACTIVITY: CONSTRUCTION.**

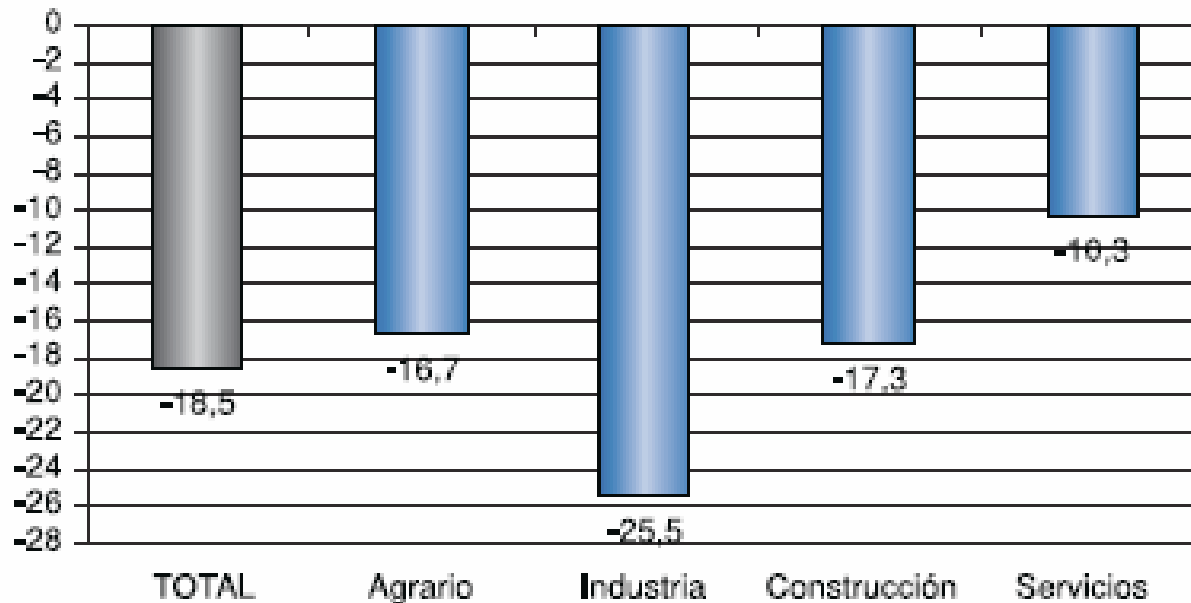
# TOTAL OCCUPATIONAL ACCIDENTS INCIDENCE RATE 2009



Fuente: Anuario de Estadísticas Laborales y de Asuntos Sociales 2009. MTIN.

# TOTAL WORK ACCIDENTS

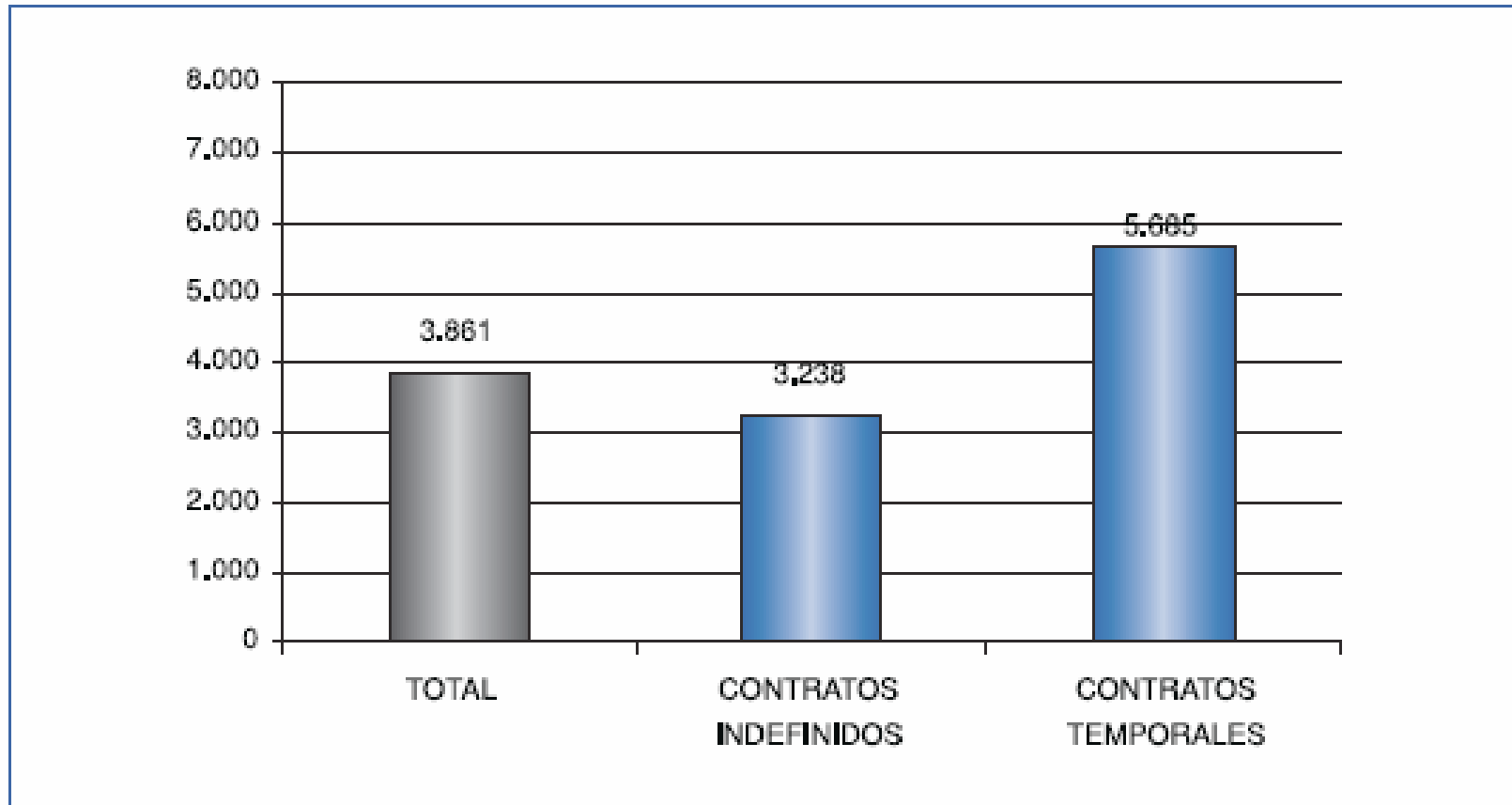
## DEVIATION INCIDENCE RATE FROM 2008 TO 2009



Fuente: Anuario de Estadísticas Laborales y de Asuntos Sociales 2009. MTIN.

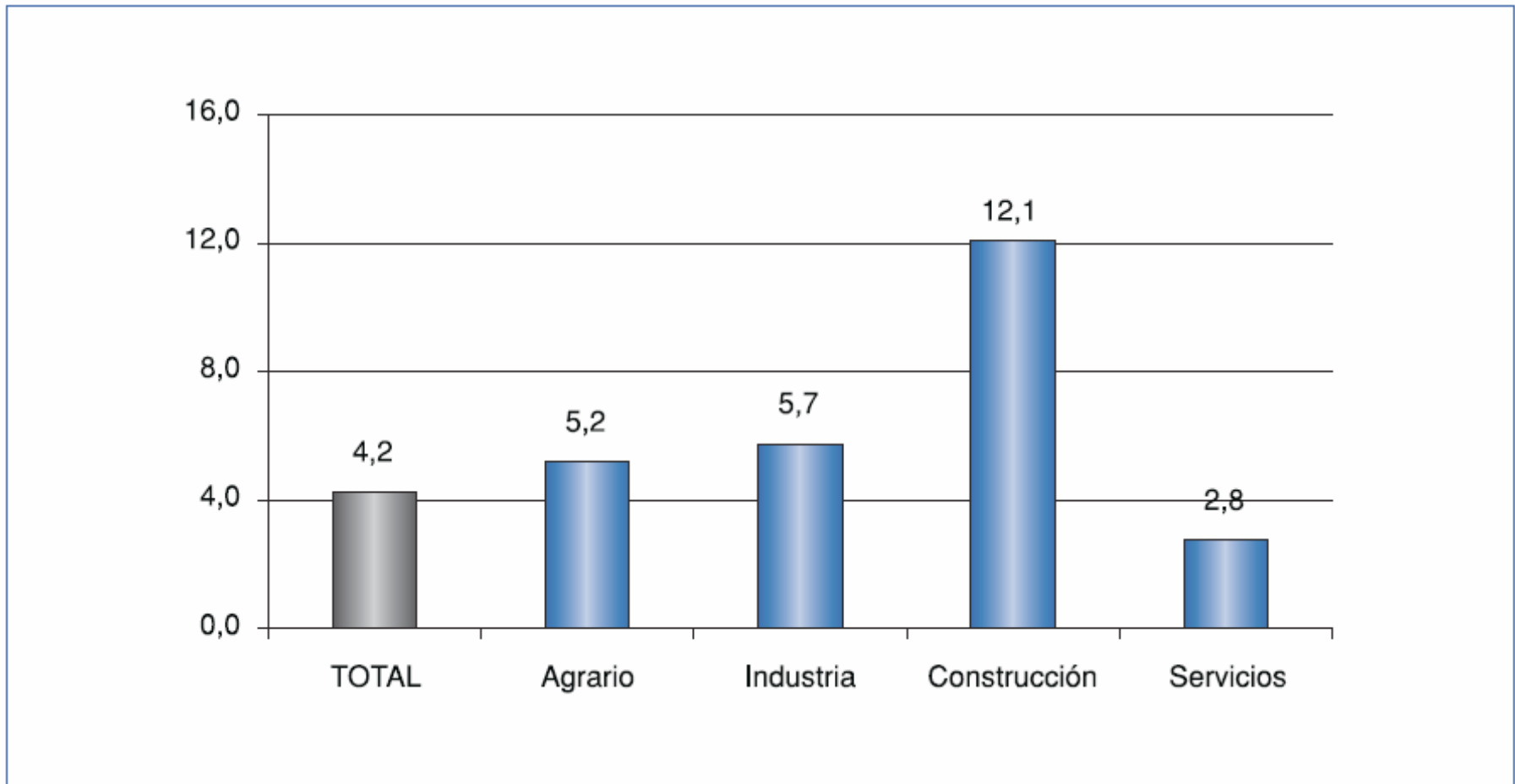


# OCCUPATIONAL ACCIDENTS INCIDENCE RATE 2009 MODALITY OF CONTRACT



Fuente: Base informatizada de partes de declaración de accidentes de trabajo 2009. MTIN.

# FATAL OCCUPATIONAL ACCIDENTS INCIDENCE RATE 2009



Fuente: Anuario de Estadísticas Laborales y de Asuntos Sociales 2009. MTIN.

# EVALUATION MODEL

## INCIDENCE RATE (PER 100,000 WORKERS)

### FATAL INCIDENCE RATE

	1990	2009
<b>FATAL INCIDENCE RATE</b>	14.8	4.2

VERY SUBSTANTIAL REDUCTION IN FATALITIES

# PROTECTION MECHANISMS FOR DAMAGE

- **LEGAL SYSTEM:**
  1. NO LEGAL ACTIONS FOR SAFETY. ADMINISTRATIVE CONTROL ONLY.
  2. DO NOT REGULATE ACCIDENT DAMAGES.
  3. EXCLUSIVE PROTECTION AND MUTUAL SOCIAL SECURITY FEATURES AND RECOVERY.
  4. PRIVATE INSURANCE FRINGE BENEFITS.
- **REAL SYSTEM: JUDICIAL CREATION**
  - LEGAL ACTION FOR SECURITY MEASURES.
  - ALL ACTION TO REPAIR DAMAGE TO THE VICTIM.

# CHALLENGES FOR THE PROTECTION OF VICTIMS

- AMOUNT OF DAMAGES:
  - TEST
  - SCALE
- PRINCIPLES OF LIABILITY:
  - NEGLIGENCE
  - STRICT LIABILITY
- RESPONSIBLE SUBJECT:  
COMPANY AND PARTNERSHIP
- COMPETENT COURT: SOCIAL ORDER

# CONCLUSIONS

- INCORPORATION OF SYSTEMS PLANNED FOR PREVENTION HAS HIGH COSTS AND PRODUCES NO SHORT-TERM RESULTS.
- BUT IT IS THE GUARANTEE OF THE INCORPORATION OF SAFER WORK SYSTEMS.
- THE STATUS OF VICTIMS NEEDS JUDICIAL SYSTEMS TREATMENT, SO ACCIDENT PREVENTION COSTS ARE EXTERNALIZED.