



**10th PERMANENT CONFERENCE
OF EUROPEAN CAPITALS' TRADE UNIONS
ORGANIZATIONS
16, 17 AND 18 OF SEPTEMBER 2010
ATHENS**

**"OCCUPATIONAL HEALTH AND SAFETY AND
THE ROLE ON
THE EUROPEANS CAPITALS' TRADE UNIONS"**

QUESTIONNAIRE

1. What are OHS conditions in your capital region? Give a brief description.

The occupational risk prevention politics in Madrid, are developed by the Department of Work and Woman of the Regional Government, with the participation of the most important Trade Unions (UGT Madrid and CCOO Madrid) and the employer's organization (CEIM, Managerial federation of Madrid) with whom there has been a negotiation called The Director Plan in Prevention of Occupational Risks.

There are problems with the employer's organization who in many occasions transfer the responsibility of lack of prevention method, to the workers instead of assuming the responsibility themselves, which is against what is stated in the national normative in force.

Another one of the existing problems is the relation with the Work Accident and Occupational Diseases Social Security Assurance. They are completely obliged to manage the contingency of work-related accidents and professional disease. Additionally, in a voluntary way they can also take responsibility for non occupational diseases. It's very frequent that the work-related diseases are many times treated as non occupational diseases; this could have negative consequences for the workers and economic costs for the Spanish State.

With the Prevention Services for the companies, we find ourselves in the situation in which the preventive provision arranged by the employers, are workers according to the legislation. In the case of risk assessments, they are developed following standard models that do not reflect the reality neither of the company nor the daily situation of the worker. In relation with the workers and their representatives, companies don't usually offer them the obligatory participation in the work organization, and they don't give them neither the information nor the training prevention.

We have reached agreements with several City Halls in the province of Madrid, with the goal of counting with the local Police in the investigation of work accidents and in the detection of possible imminent risks for the workers, which makes the fight against accident rate easier.

2. Problems with the implementation of OHS legislation.

Even though there is a law of Prevention of Occupational Risks and many rules that develop it, in general terms, the rules that affect occupational health have a very diverse origin and they are quite scattered. Although apart from the specific law, we also count with laws of social security, of industry, of civil protection, and several national, autonomic and local laws. Additionally to the legal point of view, the law includes social, occupational, penal and civil aspects.

It would be convenient to develop an Integral Law of Occupational Health which establishes the different legal competences, taking into account to always benefit as much as possible the worker and the effective observance of the law itself, demanding the responsibility that corresponds to the employer.

There is lack of control and surveillance in the Administration. Additionally, the regional administration allows procedures to expire, so it is possible to lift sanctions. There is a lack of resources in Social Security and Labour Inspection as well as in the legal field.

We are demanding the necessity of creating specific tribunals for preventive problems, in order to speed up procedures counting with specialized judges in this matter.

3. Inspectorate on OHS and efficiency problems.

There is an important lack of human, administrative and material resources in order for the Social Security and Labour Inspection to do there job in an efficient manner and with the urgency these cases require.

On the other hand, the political aspects interfere in a decisive way.

4. Accidents at workplace and professional diseases.

The evolution of accidents at workplace in Madrid since the Law of Prevention of Labour Risks was approved, in 1995, has been growing, up to the point where the total labour accidents with workers on leave registered has increased a 43,7%, until 2009. This has affected our Community in a way that since 1995, 1.871.836 workers were injured at workplace. 2.372 of these workers lost their lives at work.

In the year 2009, 1.018 professional diseases were declared in Madrid, one per 2.518 workers, while the state average of declared professional diseases is one per 919. Madrid is the third Spanish region with the least professional diseases declared. This translates into a great problem of declaration of professional diseases.

5. Sectoral approach of OHS. Which sectors are more exposed in your capital region?

Given the structure of the working activity in Madrid, where the service sector predominates, it is in this sector where the majority of the labour accidents occur, followed by the construction and industrial sectors.

Nevertheless, if we compare the number of accidents with the number of workers of every sector, it is the sector of Services the one that has the lowest index.

More than 20% of the work-related accidents are "in itinerant" (while going and coming back from work), related with the model of urbanism characterized by the dispersion of the housing of workers in the outskirts and the necessity to commute to their workplace.

In Madrid one worker dies every four days. Every two days three workers suffer severe accidents in their workplace and 302 slight accidents occur each day.

6. Workers most exposed to poor OHS conditions.

A very common working method is the outsourcing (subcontracting) of activities with severe problems, in the necessity to coordinate preventive activities which generate severe risks for workers.

We have tried to solve these problems in the construction sector with the approval of the 32/2006 Law, but it still does not solve the problem in reality.

Respect of other groups, in the Community of Madrid the immigrants suppose 17 % of the population, many of them do not know the language and the regulation, do not have contract or are temporary. This propitiates abuses and lack of safety measures.

Data of February 2010 reveal that women suffer approximately a third of the labour accidents, in the total accidents registered and in the severe accidents. In mortal accidents the proportion reduces to 1/19.

7. How the economic crisis affects OHS.

Unemployment in Madrid in 2009, affects more than 400.000 workers. The great increase of unemployed workers allows the existence of illegal jobs without social protection (submerged economy) and precarious work.

At workplace preventive methods are not demanded and employers reduce investments in security at workplace.

The largest number of work-related accidents is being registered in Madrid with workers in an irregular situation: without contract, in which employers deny that they work for them; increase of workers obliged to work in autonomy (legally they are auto employers); lack of information and training prevention; elimination of protection rules in machines, etc.

Even though the number of work-related accidents has decreased, the labour activity has also decreased in major terms.

CRISIS = PRECARE = PLUNGED EMPLOYMENT = REDUCTION OF
PREVENTIVE MEASURES

8. Initiatives and actions of your organization on OHS issues.

The principal activities that are being developed in UGT-Madrid through these agreements are advice and information activities, company visits, resolving worker's and prevention representative's consultations. Also we divulgate activities with the publishing of material to make workers aware of the risk prevention.

Additionally, we also give informative meetings in schools, especially to young people studying Professional Formation and Basic Education pupils, as a way to send the message to future workers before they begin their labour activity.

At the same time we investigate severe and mortal labour accidents in order to support workers that have suffered from labour accidents and their families. Usually we give notice of appeal against employers in the name of affected workers or as a public accusation from the UGT-Madrid itself.

At an institutional level we have periodic meetings with the Work Inspection, the Public Prosecutor, the IRSST (Regional Institute of Security and Health in the Workplace), to whom we transfer the problems of their activity field, with the goal of finding effective solutions.

9. Perspectives of co-operation of the European Capitals' Trade Unions on OHS, networking, common activities etc.

It would be very interesting for European capitals to exchange their own experience, because given their similar characteristics the studied solutions could be transferred to other territories.

It could also be interesting to unify criteria, definitions, define solutions, and even unify criteria under a legal point of view.