

Spain

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		Industry – but new law gives precedence to enterprise agreements					
	Workplace Representation		Works council (and trade union)					
	Board–level Representation		Yes (state–owned enterprises)					
National worker representation	Workplace representation is developed by workers' delegates and workers' committees that are freely set up by employees. Once they have been established, employers are obliged to acknowledge them and respect their areas of competence. In Spanish legislation, workers' representations refers to a dual channel: –workforce representatives, who are elected by all the employees (irrespective of union membership) in an enterprise or workplace to represent their interests as a group (workers' committees and workers' delegates in the private sector, staff councils and workers' delegates in the public service); – trade union representatives, who are elected by and from among the members of a particular trade union within the enterprise or workplace concerned (workplace branch and trade union delegates). There is a great preponderance of enterprise agreements, followed by provincial sectoral agreements and national and regional sectoral agreements.							
Principal legal documents on H&S	Law 31/95 (<i>Ley de Prevención de Riesgos Laborales – LPRL</i>) and its complementary or developing regulations.							
Public authorities on H&S	The Ministry of Labour and Social Security is responsible for devising and implementing labour and social policy. The institution of Work Inspection and Social Security contributes to ensure the enforcement of employees' rights by means of the labour inspectorates.							
Employers' obligations on H&S	The employer needs to implement all reglementations and norms. Under Spanish law, industrial OSH services and enterprise OSH services must be set up in workplaces which have a large number of employees and where the work involves a high risk. The employer can ask the enterprise doctor for verification of illnesses regarding an employee.							
Worker representative bodies on H&S	Employee representation on H&S is ensured by safety representatives in undertakings as from 6 workers; and by a Health and Safety Committee in those as from 50 workers. The law indicates that all matters regarding working conditions and/or health and safety at work need to be consulted and/or negotiated with workers' representative bodies.							
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>		<i>Their role</i>		<i>Scope of influence</i>			
	Quadrupartite body within the National Council on Health & Safety at work.		Composed of government, autonomous communities government, employers' unions (CEOE – CEPYME) and trade unions (CCOO and UGT). They negotiate, consult, inform, codecide and advice the government.		National and sectoral			
	Bargaining Committee (<i>Comision negociadora</i>)		Committee consisting of workers' and employers' representatives, formed to negotiate a collective agreement.		National, sector and enterprise level			
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>		<i>Setup conditions</i>		<i>Composition</i>		<i>Role and functions</i>	
	Technical Offices on Health & Safety prevention		By agreement of the parties on sectorial or regional level		Composed of trade unions (mainly) and employers' organisations		Provide technical assistance to safety representatives and employers	

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>The law states that all issues regarding working conditions and/or health and safety at work are subjected to consultation, participation and/or negotiation with the workers' representative bodies. The mechanisms of supervision and monitoring involving the participation of workers on H&S are two-fold:</p> <ul style="list-style-type: none"> – The health and safety committee. – The safety representatives. <p>In both cases, representatives are usually trade union representatives.</p>
Interaction of H&S representation with the general representation of workers	<p>According to Spanish law, the workers' representatives on H&S are appointed by the general workers' delegates in the Workers' Committee. These committees are employee representative bodies in workplaces with a staff of 50 or more workers. These workers' delegates are responsible for representing workers in establishments and workplaces with between 11 and 49 employees (There may also be a workers' delegate in undertakings with 6 to 10 employees, provided that it is a decision reached by the majority of employees).</p> <p>In the case of enterprises with two or more establishments in the same province or bordering municipalities with fewer than 50 employees in each workplace but with fifty or more employees as a whole, a joint Workers' Committee may be established. The Committee's powers and responsibilities include, amongst others, the responsibility for supervising and monitoring compliance with regulations on health and safety.</p>
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers (regardless trade union membership or not)
<i>Thresholds of implementation</i>	<p>The following minima are established by law, but can be raised through collective bargaining:</p> <ul style="list-style-type: none"> – H&S Committees are compulsory in all workplaces with 50 or more employees. The law defines the number of safety representatives needed within this Committee (from 50 to 100 workers: 2 safety representatives; from 101 to 500 workers: 3 safety representatives, from 501 to 1000: 4 safety representatives; from 1001 to 2000: 5; from 2001 to 3000 travailleurs: 6; from 3001 to 4000 travailleurs: 7; from 4001 and more: 8). – In undertakings up to 30 workers, the role of safety representative is taken up by the shop steward. – In those between 31 and 49 workers, a safety representative will be appointed amongst the shop stewards.
<i>Role of the trade unions</i>	<p>At enterprise level, the trade unions promote elections to appoint shop stewards and safety representatives. They are instruments for developing efficient preventive actions within enterprises.</p> <p>At general level, trade unions encourage workers' participation and collective agreements on territorial, national and sectoral level by taking part in the institutional debate and social dialogue.</p>
<i>Composition, mode of nomination or election of members</i>	<p>Safety representatives are appointed by trade unions amongst the elected shop stewards. They have specific competencies regarding occupational hazards and their prevention.</p> <p>The H&S committee is a joint body for employee participation in decision-making on matters relating to health and safety composed of workforce safety representatives and an equal number of employer representatives. Their functions include, in particular, participation in the preparation, implementation and assessment of risk prevention plans and programs in the enterprise. They possess extensive powers of investigation and information in matters falling within their competence.</p>
<i>Area of competencies</i>	<p>The content of health and safety regulations is very varied: safety at work, industrial hygiene, occupational health and industrial medicine, etc.</p> <p>Safety representatives are competent to:</p> <ul style="list-style-type: none"> a/ collaborate with the employer to improve prevention within the enterprise ; b/promote and foster the cooperation of workers in applying the rules to prevent occupational risks ; c/be consulted by the employer before any implementation ;

	d/be a watchdog and controlling body regarding the reglementation on the prevention of occupational risks.	
Functions	<p>Functions of the safety representative:</p> <p>a/ To acenterprise technicians during preventive evaluations of the work environment as foreseen by the labour code ; as well as labour & social security inspectors during visits. Ensure that these visits are held at the work place to verify the application of the reglementation on occupational risks. Formulate remarks if deemed necessary.</p> <p>b/To have access –in the frame of their role as a safety rep– to all the information and documentation regarding working conditions.</p> <p>c/To be informed by the employer on any damages caused to the health of workers once they are knowed. Be able to access the work place (also beyond working days) to know the circumstances of these damages.</p> <p>d/ To receive from the employer all the information obtained from persons or bodies in charge of protection and prevention within the enterprise ; as well as from competent bodies on the health & safety of workers.</p> <p>e/Conduct work place visits to monitor and controll the working conditions. In doign so, they may access all work areas and talk with workers during working hours without disrupting the work process.</p> <p>f/Obtain measures from the employer for the prevention and improvement of protection of health & safety of workers ; namely by issuing proposals.</p> <p>...</p>	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	provided by law	
Right to conduct surveys	Yes	
	The right to inspect the workplace is one of the most crucial rights safety representatives have to identify hazards and highlight action to be undertaken by management.	
Right to require external assessments	Yes	
	provided by law	
Right to lodge an appeal	Yes	
	That right lies with the individual worker but may be done with trade union support.	
Right to receive training	Yes	
	N/R	
	Amount of training	"As much as necessary" to conduct its role
	Frequency of training	According to quadripartite conventions and agreements.
	Training providers	Training is paid for through the national insurance contributions. The time spend at training is regarded as working time.
Allocated time during working hours to conduct their role	Yes	
	provided by law	
Protection against sanctions, dismissals in the frame of their mandate	Yes	
	provided by law	
Link and the nature of the relations between the employee representatives and the trade unions	Safety representatives are, in most cases, trade union members (CCOO and UGT).	

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	<i>Objectives of these changes</i>	Spanish national strategy on Health & Safety at

		work (2007–2012)
	<i>Management of these changes</i>	Agreement of the National Commission on H&S; collective agreement on branch level.
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Lowering of occupational accidents thanks to investments in proposed preventive actions
Assessment of the achievements on H&S issues through social dialogue	Improvement	
	<i>Some important milestones</i>	Untill 2012, a lowering of the accident rate. Raise in investments in prevention untill 2011 (namely following government decision to promote financial compensation for injuries instead of prevention)

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Training of employers. Lack of awareness of employers and their representative bodies (they look at prevention as a cost and not as an investment).
Existing key success factors	N/A

PART 4 – APPENDICES

Glossary

LPRL (Ley de Prevención de Riesgos Laborales)	<i>Law on the prevention of occupational risks</i>
SP (Servicio de Prevención), with subclassification into SPA (Servicio de Prevención Ajeno) and SPP (Servicio de Prevención Propio)	<i>Prevention service, with subclassification in external and internal service</i>
CSS (Comité de Seguridad y Salud)	<i>Health & Safety Committee which, since the entry into force of the 1995 Prevention of Occupational Hazards Act, has replaced the former health and safety committee known as the "comité de seguridad e higiene"</i>
DP (Delegado de Prevención)	<i>Safety representative</i>

Interesting links

<i>The National Institute for Safety and Health at Work (http://www.insht.es);</i>
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Sources

Trade union contacts	CCOO	Torres Javier
	UGT-España	Gonzalez Emilio, Martínez Ortiz Silvia
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu – Questionnaire reply – Eurofound – EU OSHA 	