

OSH Authorities — Spain

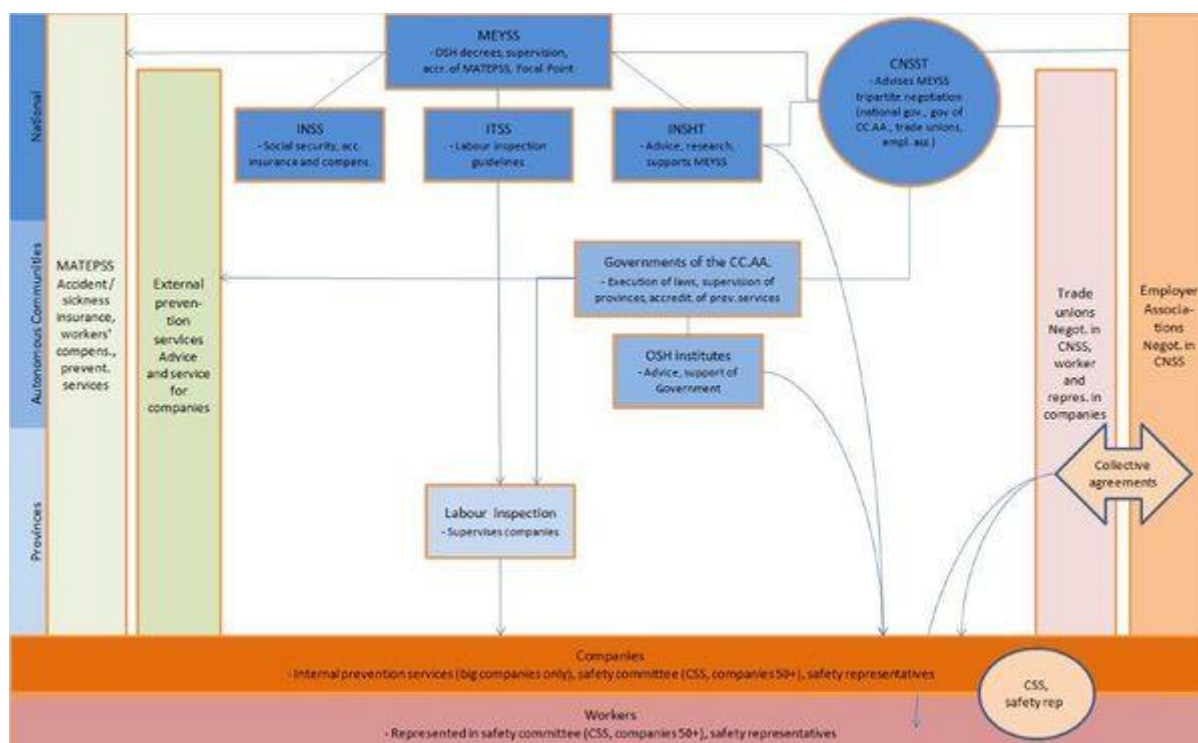
Description scheme for country overviews

SPAIN

Source: https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain

OSH infrastructure

Scheme:



Explanatory text:

The Spanish occupational safety and health (OSH) system is characterised by a number of stakeholders at various levels. While the national parliament has exclusive power to pass OSH legislation, the autonomous communities are responsible for executing these laws. This vertical division of power influences the policy-making process as well as the work of the labour inspectorate. At national level, the Ministry for Labour, Migration and Social Security is generally responsible for safety and health at work. However, the governments of the autonomous communities, which have executive power in this regard, have their own authorities.

The National Institute for Safety and Health at Work — a specialised state administrative technical and scientific body — is responsible for analysing and studying safety and health conditions in workplaces and for promoting improvements. To this end, it cooperates with all the bodies of the regional governments that have authority in this field. The Work and Social Security Inspectorate ensures compliance with legal provisions on the prevention of workplace risks.

The National Commission for Safety and Health at Work — which consists of representatives of the central and regional administrations and employers' organisations and trade unions — advises the public administrations on prevention policies and is the channel for official involvement in OSH.

Work accident insurance is organised through a hybrid system of private, non-profit insurance companies — organised under the umbrella of the Insurance Fund for Accidents at Work and Occupational Disease (MATEPSS — *Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social*) — and two public bodies INSS (*Instituto Nacional de la Seguridad*) and ISM (*Instituto Social de la Marina*) that guarantee worker compensation in companies that are not members of a private scheme.

▪ **OSH authorities and inspection services**

Name of authority	Ministry for Labour, Migration and Social Security (MITRAMISS — <i>Trabajo, Migraciones y Seguridad Social</i>)
Link	http://www.mitramiss.gob.es/
Short abstract	The MITRAMISS is responsible for national OSH policies and the supervision of social security and MATEPSS. The National Commission for Safety and Health at Work (<i>Comisión Nacional de Seguridad y Salud en el Trabajo</i>) advises the MITRAMISS, discusses new developments, and guides the implementation and evaluation of OSH strategy. Four groups of stakeholders are represented in the Commission: national authorities, the autonomous communities, employers and trade unions. The Commission votes and adopts proposals by majority; the national and regional authorities have one common vote, while employer representatives and trade unions have one vote each. Thus, the Commission can be considered a tripartite body.
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Name of authority	National Labour Inspection Authority (ITSS — <i>Inspección de Trabajo y Seguridad Social</i>)
Link	http://www.mitramiss.gob.es/itss/web/index.html
Short abstract	The ITSS is under the authority of and funded by the MITRAMISS. The labour inspectorate of Catalonia is an exceptional case, as it is independent in function and status from the regional authorities. As the name indicates, the ITSS not only supervises safety and health in companies but also is responsible for general labour relations and compliance with social security regulations (including checking for illegal employment). The inspectorate has specialists in OSH, employment and social security. Although it is a national authority, the labour inspectorate is organised in local branches: each of the 50 provinces has a team of labour inspectors. They follow action plans that are set up by the governments of the autonomous communities. These action plans define priorities and inspection goals. In this way, the labour inspectors are able to target high-risk sectors and companies. Together, the regional plans make up the so-called national programme, which has to be approved by the Sectoral Conference (<i>Conferencia Sectorial</i>). The labour inspectors also respond to incidents (accidents and cases of illness) in the workplace and may impose sanctions if there is a breach of the law. Homogeneous inspection standards can be set by the MITRAMISS.
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Name of institute	National Institute for Safety and Health at Work (INSST — <i>Instituto Nacional de Seguridad y Salud en el Trabajo</i>)
Link	http://www.insht.es/
Short abstract	<p>The INSST is the specialised scientific and technical body of the Spanish government administration for OSH matters. It was created in 1978 as an autonomous body in the Ministry of Employment and Social Security. It focuses on analysing, promoting, supporting and improving OSH issues. Its main tasks are as follows:</p> <ul style="list-style-type: none"> • Technical assistance: providing specialised technical assistance to departments within the administration, stakeholders and OSH experts in public institutions and private companies. This activity represents approximately 30 % of the INSHT's total resources. • OSH research: carrying out social research (i.e. working conditions surveys); epidemiological studies based on work accidents; and field and laboratory research on chemicals, biological and physical agents, and ergonomics. The INSHT also promotes and funds research through grants. • Training: providing an annual programme of activities. • Dissemination of information: the INSHT publishes several specialised publications, for example on methods of measuring chemicals, as well as collections of technical notes on prevention, OSH posters and leaflets, etc. • Guidelines and standardisation: providing technical assistance on the development of new OSH-related legislation, regulations and guidelines. • Testing and certification of protective equipment and machinery. • Secretariat of the National Commission for Safety and Health at Work: the INSHT provides technical support and general assistance to the National Commission for Safety and Health at Work. • National focal point for the European Agency for Safety and Health at Work (EU-OSHA) and reference centre for the EU institutions: the INSHT ensures the coordination and transmission of information on OSH at a national level.
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■ Compensation and insurance bodies

Name of body	Insurance Fund for Accidents at Work and Occupational Disease (MATEPSS — <i>Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social</i>)
Link	http://www.amat.es/
Short abstract	<p>The Spanish worker compensation system can be characterised as a hybrid private and public system. Occupational accident insurance and compensation and rehabilitation for workers suffering from occupational diseases are usually organised by MATEPSS. The legal basis for this is the Royal Legislative Decree 1/1994 on the General Law on Social Security (see section VI, Article 67 ff).</p> <p>MATEPSS is established as an association of private companies supervised by the MITRAMISS. MATEPSS is obliged to cooperate with the authorities in charge of the public social security system. Companies can choose to join MATEPSS; if they choose not to, worker compensation is guaranteed by the public insurance institute INSS. Companies in some sectors, such as mining, fishing and agriculture, are excluded from joining MATEPSS. In these cases, the public system also guarantees worker compensation. Approximately 1.5 million companies are members of MATEPSS, representing around 13.5 million workers (2015) (http://www.amat.es/cifras_y_datos.3php).</p> <p>Employers must bear all the costs of legal requirements for the protection of employees. The insurance system is financed by employer contributions, and it can vary between 0.81 % and 16.2 % of the payroll, depending on the risk class of the company (the average contribution is roughly 2 % of the payroll).</p> <p>Currently, MATEPSS is formed of 20 private insurance companies. All of them are members of the Association of Work Accident Insurance Companies (AMAT — <i>Asociación de Mutuas de Accidentes de Trabajo</i>; http://www.amat.es/), which is a non-profit organisation that was established in 1986. AMAT is the interest group for insurance bodies. It represents the common positions of the MATEPSS insurance companies and their member companies in negotiations within the social security system.</p>
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■ Research institutes

Name of institute	Centre for Research in Occupational Health (CISAL — <i>Centro de Investigación en Salud Laboral</i>)
Link	https://www.upf.edu/web/cisal
Short abstract	<p>CISAL at Pompeu Fabra University in Barcelona was established as the Observatory for Occupational Health (<i>Observatorio de Salud Laboral</i>). It is a joint initiative set up by the university, the accident insurance association <i>Unión de Mutuas</i> and the Trade Union Institute for Work, Environment and Health (<i>Instituto Sindical de Trabajo, Ambiente y Salud</i>). It conducts research into health risks, vulnerable groups of workers and OSH policies.</p>
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Name of institute	Biomechanics Institute of Valencia (IBV — <i>Instituto de Biomecánica de Valencia</i>)
Link	https://www.ibv.org/en/
Short abstract	Founded in 1976, the IBV is run jointly by the Polytechnic University of Valencia and the Valencian Institute for Small and Medium-sized Businesses. It is a research facility that focuses on interfaces, studying the interaction between the human body and products, environments and services.
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■ Prevention institutes

Name of institute	Foundation for the Prevention of Occupational Risks (FUNPRL — <i>Fundación para la Prevención de Riesgos Laborales</i>)
Link	http://www.funprl.es/
Short abstract	The FUNPRL is a national body under tripartite governance that grants funding for prevention activities. Representatives of the national government, the autonomous communities, the trade unions and employers' associations make decisions on the board (<i>patronato</i>) and the bureau (<i>comisión delegada</i>). The foundation is funded in part by the Prevention and Rehabilitation Fund, which draws on MATEPSS management surpluses. Applications for funding can be presented by national, regional or sectoral stakeholders, as well as OSH authorities and social partners.
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Name of institute	Trade Union Institute for Work, Environment and Health (ISTAS — <i>Instituto Sindical de Trabajo, Ambiente y Salud</i>)
Link	http://www.istas.net/
Short abstract	ISTAS was founded in 1996 by the Spanish trade union <i>Comisiones Obreras</i> (CC.OO), which still supports its work. This non-profit, independent research and education institute was set up as a foundation. The work is supervised by a board of directors, which is responsible for strategic and financial planning. The majority of the members are nominated by the CC.OO.
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■ Standardisation bodies

Name of body	Spanish Association of Standardisation and Certification (AENOR — <i>Asociación Española de Normalización y Certificación</i>)
Link	http://www.aenor.es/aenor/inicio/home/home.asp
Short abstract	AENOR was founded in 1986 as a private, non-profit organisation. AENOR is a member organisation of the International Standardisation Organisation and the European Committee for Standardisation. AENOR offers certification for safety and health management systems in accordance with the Occupational Health and Safety Assessment Series 18001 standard. It also monitors legal compliance in companies (e.g. carrying out risk assessments, checking documentation, etc.).
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