

OSH Authorities — Spain

Description scheme for country overviews

SPAIN

Sources:

Update in 2021 by the Spanish National Contact Point

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

- **OSH infrastructure**

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 and Social Economy 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.

Scheme (cancelled until new scheme available)

▪ **OSH authorities and inspection services**

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| Name of authority | Ministry for Labour and Social Economy (<i>Ministerio de Trabajo y Economía Social - MITES</i>) |
| Link | https://www.mites.gob.es/ |
| Short abstract | The Ministry for Labour and Social Economy (Ministerio de Trabajo y Economía Social MITES) is the ministerial department with responsibilities in employment, social economy and corporate social responsibility. |
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| Name of authority | National Labour Inspection Authority (ITSS — <i>Inspección de Trabajo y Seguridad Social</i>) |
| Link | http://www.mites.gob.es/itss/web/index.html |
| Short abstract | The National Labour Inspection Authority (Inspección de Trabajo y Seguridad Social, ITSS) is under the authority of and funded by the MITES. The labour inspectorate of Cataluña and Basque Country are independent in function regarding OSH issues, to the regional authorities. As the name already indicates, ITSS does not only supervise safety and health in the companies, it is also responsible for general labour relations and compliance with social security regulations (including checking for illegal employment). The inspectorate has specialists for OSH, employment, and social security. Despite being a national authority, the labour inspectorate is organised in local branches: Each of the 50 provinces has teams of labour inspectors. They follow action plans that are set up by the governments of the Autonomous Communities. These action plans define priorities as well as inspection goals. In this way, the labour inspectors are able to work with high-risk sectors and companies. Together, the regional plans make up the so-called national programme, which needs the approval of the Sectoral Conference (conferencia sectoral). The labour inspectors also respond to incidents (accidents and diseases) in the workplace and may impose sanctions in the case of any breach of law. Homogenous inspection standards can be set by the MITES. |
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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 | https://www.insst.es/ |
| Short abstract | <p>The National Institute for Safety and Health at Work (Instituto Nacional de Seguridad y Salud en el trabajo, INSST) is the specialised scientific and technical body of the Spanish government administration for OSH matters.</p> <p>It was created in 1978 as an autonomous body in the Ministry of Labour and Social Economy. It focuses on analysing, promoting, supporting and improving OSH issues. Its main tasks are as follows:</p> <p>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 INSST's total resources.</p> <p>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 INSST also promotes and funds research through grants.</p> <p>Training: providing an annual programme of activities. Dissemination of information: the INSST 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.</p> <p>Testing and certification of protective equipment and machinery.</p> <p>Secretariat of the National Commission for Safety and Health at Work: the INSST provides technical support and general assistance to the National Commission for Safety and Health at Work.</p> <p>National focal point for the European Agency for Safety and Health at Work (EU-OSHA) and reference centre for the EU institutions : the INSST ensures the coordination and transmission of information on OSH at a national level.</p> |
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| Name of institute | National Commission for Safety and Health at Work (<i>Comisión Nacional de Seguridad y Salud en el Trabajo, CNSST</i>) |
| Link | https://www.ibv.org/en/ |
| Short abstract | <p>The National Commission for Safety and Health at Work is the OSH advisory body for the Government, Autonomous Communities, and Social Partners, discusses new developments, and guides the implementation and evaluation of the OSH strategy. Four groups of stakeholders are represented in the Commission, representing national authorities, the Autonomous Communities, employers and trade unions. The Commission advises the public administrations on prevention policies, and is the channel for official involvement in OSH.</p> |
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■ Compensation and insurance bodies

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| 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 (see also in OSHWiki: International comparison of occupations accident insurance systems).</p> <p>Occupational accident insurance and compensation and rehabilitation of occupational diseases is usually organised by Social Security Work Accident and Professional Sickness Provident Entities, the 'MATEPSS' (Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social). The legal basis is the Law 35/2014, of December 26, which modifies the consolidated text of the General Law of Social Security (in relation to the legal regime of the Mutual Insurance Companies for Occupational Accidents and Diseases of Social Security).</p> <p>'MATEPSS' are established as private associations of companies and need formal approval from the Ministry of Employment and Social Economy (MITRAES) which is the supervision authority. The MATEPSS are obliged to cooperate with the authorities of the public social security system. Members of the associations are companies who can join voluntarily - otherwise workers' compensation is guaranteed by the public insurance institute INSS (Instituto Nacional de Seguridad Social).</p> <p>Some sectors are excluded from the general regime, like mining, fisheries and agriculture. In those cases the public system again guarantees the worker compensation. As of September 2019, some 1.475.994 companies were members of a Mutua, representing nearly 17.367.813 workers. Employers must bear all costs of the legal requirements for the protection of employees. The insurance system is financed by employer contributions, and can vary between 0.81% and 16.2% of the payroll, depending on the risk class of the company (average contribution is roughly 2% of the payroll).</p> |
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■ Research institutes

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| 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>The Centre for Research in Occupational Health (Centro de Investigación en Salud Laboral, CISAL) at the University Pompeu Fabra in Barcelona was set up as Observatory for Occupational Health (Observatorio de Salud Laboral, OSL). It is a joint initiative by the university, the accident insurance association Unión de Mutuas, and ISTAS. It conducts research into health risks, vulnerable groups of workers, and OSH policies.</p> |
| Link to OSHwiki | https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain |

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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 | The Biomechanics Institute of Valencia (Instituto de Biomecánica de Valencia, IBV). Founded in 1976 is jointly run by the Polytechnic University of Valencia and the Valencian Institute for Small and Medium Industry (IMPIVA). 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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| Name of institute | Governmental Observatory for Working Conditions (<i>Observatorio Estatal de Condiciones de Trabajo, OECT</i>) |
| Link | https://www.insst.es/el-observatorio |
| Short abstract | <p>The Governmental Observatory for Working Conditions (Observatorio Estatal de Condiciones de Trabajo, OECT) at the INSST carries out technical studies on working conditions in Spain, and is also an information hub for OSH data and studies. OECT periodically publishes a detailed analysis of the occupational accident rate, broken down by sector and by region. It also carries out interannual reports that show the evolution of the accident rate, and other studies, such as the analysis of mortality due to work accidents, those of scientific evidence and risk reports.</p> <p>The OSH institutes at regional level conduct OSH studies and research on OSH, i.e.:</p> <p>The Observatory of Working Conditions of the Principality of Asturias (Observatorio de Condiciones de Trabajo del Principado de Asturias) is an instrument of action of the IAPRL whose mission is to collect, study and disseminate information related to occupational health and safety in the area of Asturias.</p> <p>Galician Observatory of working conditions (Observatorio Gallego de Condiciones de Trabajo) Created as an instrument for managing information and analyzing working conditions and their effects on the occupational health and safety of the Galician working population, it collects and analyzes the most relevant preventive indicators, in order to transform information into knowledge , which supports decision-making in the prevention of occupational hazards and working conditions, both in the technical-scientific and social fields to guide policies on the matter..</p> |

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| Name of institute | National School of Occupational Medicine (<i>Escuela Nacional de Medicina del Trabajo ENMT-ISCIII</i>) |
| Link | https://eng.isciii.es/eng.isciii.es/Paginas/Inicio.html |
| Short abstract | The National School of Occupational Medicine (Escuela Nacional de Medicina del Trabajo ENMT-ISCIII), with more than 70 years of history, is configured as a specialized reference center for Training, Counseling, Scientific Dissemination and research in Occupational Medicine and Nursing, thus contributing , in collaboration with both the General State Administration and with public and private entities, to promote and improve the Occupational Health of workers. It promotes knowledge of the causes of occupational and work-related illness through training of professionals in Occupational Risk Prevention, biomedical and epidemiological research in Occupational Medicine, dissemination of scientific knowledge on occupational health and collaboration with other organizations to strengthen the Preventive System and improve the Health of Workers. |

■ Prevention institutes

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| Name of institute | Foundation for the Prevention of Occupational Risks (FUNPRL — <i>Fundación para la Prevención de Riesgos Laborales</i>) |
| Link | https://prevencion-riesgoslaborales.com/ |
| Short abstract | FUNPRL is a national body under tripartite governance that grants funding for prevention activities. Representatives from the national government, from the Autonomous Communities, from trade unions and employer associations take decisions in the board (patronato) and the bureau (comisión delegada). The Foundation is funded in part by the Prevention and Rehabilitation Fund, drawn on management surpluses of the Social Security Work Accident and Professional Sickness Provident Entities (the 'MATEPSS'). Applications for funding can be presented from national, regional, or sectoral stakeholders, as well as from the authorities or social partners. |
| Link to OSHwiki | https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain |

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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 | The Trade Union Institute for Work, Environment and Health (Instituto Sindical de Trabajo, Ambiente y Salud, ISTAS) was founded in 1996 by the Spanish trade union Comisiones Obreras (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 the Board of Directors, which is responsible for strategic and financial planning. The majority of the members are nominated by the CC.OO trade union |
| Link to OSHwiki | https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain |

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| Name of institute | Construction Labour Foundation (<i>Fundación Laboral de la Construcción</i>) |
| Link | https://www.fundacionlaboral.org/ |
| Short abstract | Construction Labour Foundation (Fundación Laboral de la Construcción), was founded in 1992 to provide companies and employees of the construction sector alike the resources to be more professional, secure, qualified and with a more successful future ahead. The Foundation is an entity in the construction sector working for the future of companies and professionals. This foundation aims to increase the unit and connection of the construction sector with society and the rest of sectors to face the challenges of new times. Its goal is that the prevention of occupational risks, training, innovation, sustainability and new technologies are capable of assisting to continue building this progressing sector. |
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▪ **Standardisation bodies**

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| 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 | The Spanish Association Standardisation and Certification (Asociación Española de Normalización y Certificación, AENOR) was founded in 1986 as a private non-profit organisation. AENOR is a member organisation in the International Standardisation Organisation (ISO) and the European Committee for Standardization (CEN). AENOR offers certification for safety and health management systems in accordance with OHSAS 18001 standard. They also check legal compliance in companies (e.g. carrying out risk assessment, documentation etc.). |
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