

Evaluation of the EU Occupational Safety and Health Directives

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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ABBREVIATIONS USED

CPMs	Common Processes and Mechanisms
EPS	External Prevention Services (<i>Servicio de Prevención Ajeno</i>)
FAQ	Frequently Asked Questions
INSHT	Spanish National Institute of Health and Safety at Work (<i>Instituto Nacional de Seguridad e Higiene en el Trabajo</i>)
IPS	Internal Prevention Service (<i>Servicio de Prevención Propio</i>)
LSSI	Labour and Social Security Inspectorate of Spain (<i>Inspección de Trabajo y Seguridad Social</i>)
MQs	Mapping Questions
OSH	Occupational Safety and Health
OSH Committee	Committee for the Prevention and Protection of Safety and Health at Work
PTN/NTP	Technical Notes on Prevention (<i>Nota Técnica de Prevención</i>)
RD	Royal Decree
SSSHW	Spanish Strategy on Safety and Health at Work (2007-2012) (<i>Estrategia Española de Seguridad y Salud en el Trabajo (2007-2012)</i>)

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Spain. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Summary Reports prepared for each other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question
MQ1: "Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?"
MQ2: "What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?"
MQ3: "What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?"
MQ4: "What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?"
MQ5: "What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?"
MQ6: "What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?"
MQ7: "What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?"

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

The general Occupational Health and Safety legislation in Spain, transposing Directive 89/391/EEC (Framework Directive), is mainly covered by **Law 31/1995 on the Prevention of Work-Related Risks**. It establishes the general principles for health monitoring of all workers (except domestic ones and self-employed). This OSH Law does not apply – in line with European legislation – to those activities whose characteristics do not permit it in the field of public service, e.g. police, security, armed forces and military activities, as well as civil protection. Separate Resolutions and Royal Decrees have been prepared to cover these latter type of workers. The national law is executed by the authorities in the seventeen Autonomous Communities (*Comunidades Autónomas*). The OSH Law is further complemented by various Royal Decrees and some more general laws on e.g. equality and free access to services.

The remaining directives have been transposed through a Royal Decree, transposing each of the OSH individual directives. Some of these Royal Decrees have further been complemented by Technical Instructions (see e.g. the transposition of Council Directive 92/104/EEC (surface and underground mineral-extracting industries)) and Orders (see e.g. the transposition of Council Directive 92/29/EEC (medical treatment on board vessels)). It can also be pointed out that the consolidated versions of the Directives have not involved any need to amend the national legislation transposing the original Directives, bearing in mind that the basis for the latter has not undergone any changes.

Finally, provisions transposing the three directives on specific groups of vulnerable workers (Directives 92/85/EEC (pregnant/breastfeeding workers), 91/383/EEC (temporary workers), and 94/33/EC (young people at work)) are incorporated directly in the OSH Law and their transposition is further complemented by one or more specific Royal Decrees.

A large number of infringement cases have been initiated against Spain in relation to different OSH related directives: Directive 89/391/EEC (Framework Directive), Directive 89/654/EC (workplace), Directive 2002/44/EC (vibrations), Directive 1993/103/EC (work on board fishing vessels), and Directive 1992/85/EEC (pregnant/breastfeeding workers). The vast majority of the infringement cases were linked to the Framework Directive and related to issues of non-conformity and bad application. Some of these cases are still pending.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then

lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1- 1 General Legal Framework

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)	O	S	<p>Main transposing legislation: Law 31/1995 of 8 November 1995 on the Prevention of Work-Related Risks (<i>Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales</i>) (OSH Law)</p> <p>Complemented by: Royal Decree 1561/1995 of 21 September 1995 on special working time (<i>Real Decreto 1561/1995, de 21 de septiembre sobre jornadas especiales de trabajo</i>). <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 285/2002, Royal Decree 294/2004, Royal Decree 902/2007, Royal Decree 1579/2008 and Royal Decree 1635/2011. </p> <p>Instruction of 26 February 1996 implementing the requirements set forth in Law 31/1995 from the Government (<i>Instrucción de 26 de febrero de 1996, de la Secretaría de Estado para la Administración Pública para la aplicación de la Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales en la Administración del Estado</i>)</p> <p>Royal Decree 39/1997 of 17 January 1997 establishing the regulations of Prevention Services (<i>Real Decreto 39/1997 de 17 de enero de 1997, por el que se aprueba el Reglamento de los Servicios de Prevención</i>) (OSH RD) <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 780/1998, Royal Decree 688/2005, Royal Decree 604/2006, Royal Decree 298/2009 and Royal Decree 337/2010 </p> <p>Law 39/1999 of 5 November on making work life compatible with family life (<i>Ley 39/1999, de 5 de noviembre, para promover la conciliación de la vida familiar y Laboral de las personas trabajadoras</i>) (Work/family life Law)</p> <p>Royal Legislative Decree 5/2000 of 4 August 2000 approving the Revised Law on infringements and fines in the social legal order (<i>Real Decreto Legislativo 5/2000, de 4 de agosto, por el que se aprueba el texto refundido de la Ley sobre Infracciones y</i></p>	<p>Y., e.g.</p> <p>Law 8/1980 of 10 March 1980 concerning the Statute of Workers Rights, currently amended. (<i>Ley 8/1980, de 10 de marzo, del Estatuto de los Trabajadores</i>)</p> <p>Order of 16 December 1987 establishing new models for accident reporting as well as instruction for its completion (<i>Orden de 16/12/1987, por la que se establecen nuevos modelos para la notificación de accidentes de trabajo y se dan instrucciones para su cumplimentación y tramitación</i>)</p> <p>General Ordinance of 9 March 1971 of Hygiene and Safety at the workplace (<i>Orden de 9 de marzo de 1971 por la que se aprueba la Ordenanza General de Seguridad e Higiene</i>)</p>	<p>Infringement case 1993/0208 on non-communication – case closed</p> <p>Infringement cases 1997/2120, 1999/4758, 1999/5063, 2000/4680, 2003/4281, 2003/4895, 2003/4896, 2003/4897, 2003/4960, 2003/4961, 2003/4962, 2003/5043, 2003/5044, 2011/4148, 2013/4172 and 2014/4114 on non-conformity – most cases are still pending. A formal notice 258 (ex226) was given in case 2013/4172 and 2014/4114 has just been initiated.</p> <p>Infringement cases 1993/4159, 2000/4589, 2000/5050, 2001/4204, 2007/4533, 2009/4300 and 2012/4126 on bad application of directives –</p>

Directive	O S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
		<p>Sanciones en el Orden Social) (Enforcement RD)</p> <p>Royal Decree 707/2002 of 19 July 2002, establishing the LSSI procedures and the corrective measures on preventing breaches concerning occupational risks in the General State Administration (<i>Real Decreto 707/2002, de 19 de julio, por el que se aprueba el Reglamento sobre el procedimiento administrativo especial de actuación de la Inspección de Trabajo y Seguridad Social y para la imposición de medidas correctoras de incumplimientos en materia de prevención de riesgos laborales en el ámbito de la Administración General del Estado</i>)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 464/2003. <p>Law 54/2003 of 12 December on the reform of the legal framework for the prevention of occupational risks (<i>Ley 54/2003, de 12 de diciembre, de reforma del marco normativo de la prevención de riesgos Laborales</i>) (Reform Risk Prevention Framework Law)</p> <p>Resolution of 17 February 2004, establishing the Occupational Risk Management in the General State Administration (<i>Resolución de 17 de febrero de 2004, de la Secretaría de Estado para la Administración Pública, por la que se aprueba y dispone la publicación del modelo de Sistema de Gestión de Prevención de Riesgos Laborales para la Administración General del Estado</i>)</p> <p>Royal Decree 171/2004 of 30 January 2004, establishing regulations concerning business activities coordination (<i>Real Decreto 171/2004, de 30 de enero, por el que se desarrolla el artículo 24 de la Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales, en materia de coordinación de actividades empresariales</i>)</p> <p>Royal Decree 179/2005 of 18 February 2005 on the prevention of occupational hazards in the Spanish Guardia Civil (<i>Real Decreto 179/2005, de 18 de febrero, sobre prevención de riesgos Laborales en la Guardia Civil</i>) (Guardia Civil RD)</p> <p>Royal Decree 2/2006 of 16 January 2006 on the prevention of occupational hazards in the Spanish National Police (<i>Real Decreto 2/2006, de 16 de enero, por el que se establecen normas sobre prevención de riesgos Laborales en la actividad de los funcionarios del Cuerpo</i>)</p>		<p>some cases are closed but most are still pending</p> <p>Infringement cases 2004/4941 and 2005/4737 are closed</p>

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
		<p><i>Nacional de Policía</i>) (Spanish National Police RD)</p> <p>Law 31/2006 of 18 October 2006, concerning workers in companies and in European co-operatives (<i>Ley 31/2006, de 18 de octubre, sobre implicación de los trabajadores en las sociedades anónimas y cooperativas europeas</i>) (European Co-operatives Law)</p> <p>Royal Decree 1299/2006 of 10 November 2006, which updates the Schedule of occupational disease and sets out the criteria for their notification and registration (<i>Real Decreto 1299/2006, de 10 de noviembre, por el que se aprueba el cuadro de enfermedades profesionales en el sistema de la Seguridad Social y se establecen criterios para su notificación y registro</i>).</p> <ul style="list-style-type: none"> This Royal Decree has been complemented by Order TAS/1/2007 of 2 January 2007. <p>Law 3/2007 of 22 March 2007 on effective equality between men and women (<i>Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres</i>) (Equality Law)</p> <p>Royal Decree 393/2007 of 23 March 2007, adopting the Basic Regulation on Self-Protection in centres, establishments and facilities involved in activities that could give rise to emergency situations (<i>Real Decreto 393/2007, de 23 de marzo, por el que se aprueba la Norma Básica de Autoprotección de los centros, establecimientos y dependencias dedicados a actividades que puedan dar origen a situaciones de emergencia</i>).</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 1468/2008. <p>Law 20/2007 of 11 July 2007, concerning self-employed workers (<i>Ley 20/2007, de 11 de julio, del Estatuto del trabajo autónomo</i>).</p> <ul style="list-style-type: none"> This Law has been amended by Law 27/2009, Law 15/2009, Law 36/2011, Law 27/2011, Law 14/2013 and Law 27/2011. <p>Royal Decree 1755/2007 of 28 December 2007, establishing OSH requirements for military personnel of the Armed Forces, as well as the occupational prevention services organization of the Ministry of Defense (<i>Real Decreto 1755/2007, de 28 de diciembre, de prevención de riesgos laborales del personal militar de las Fuerzas Armadas y de la</i></p>			

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>organización de los servicios de prevención del Ministerio de Defensa)</p> <p>Law 25/2009 of 22 December 2009 on the modification of diverse laws for their adaptation to the Law on the free access to services and their practice (<i>Ley 25/2009, de 22 de diciembre, de modificación de diversas leyes para su adaptación a la Ley sobre el libre acceso a las actividades de servicios y su ejercicio</i>) (Free Access to Services Law)</p> <p>Law 32/2010 of 5 August 2010 concerning cessation of activity of self-employed workers (<i>Ley 32/2010, de 5 de agosto, por la que se establece un sistema específico de protección por cese de actividad de los trabajadores autónomos</i>) (Self-Employed Cessation Law)</p> <p>Royal Decree 67/2010 of 29 January 2010 concerning OSH regulations at the General State Administration (<i>Real Decreto 67/2010, de 29 de enero, de adaptación de la legislación de Prevención de riesgos Laborales a la Administración General del Estado</i>) (General State Administration RD)</p> <p>Royal Decree 843/2011 of 17 June 2011 establishing the criteria for the medical surveillance organization in prevention services (<i>Real Decreto 843/2011, de 17 de junio, por el que se establecen los criterios básicos sobre la organización de recursos para desarrollar la actividad sanitaria de los servicios de prevención</i>)</p> <p>Law 14/2013 of 27 September 2013 concerning support for entrepreneurs and their internationalisation (<i>Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización</i>) (Entrepreneurs Support Law)</p>		
Council Directive 89/654/EEC (workplace)		S	<p>General Ordinance of 9 March 1971 of Hygiene and Safety at the workplace (<i>Orden de 9 de marzo de 1971 por la que se aprueba la Ordenanza General de Seguridad e Higiene</i>)</p> <p>Royal Decree 486/1997 of 14 April 1997, establishing minimum health and safety requirements in the workplace (<i>Real Decreto 486/1997, de 14 de abril, por el que se establecen las disposiciones mínimas de seguridad y salud en los lugares de trabajo</i>) (Workplace RD)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by 	Y. General Ordinance of 9 March 1971 on Hygiene and Safety at the workplace (<i>Orden de 9 de marzo de 1971 por la que se aprueba la Ordenanza General de</i>	Infringement case 2009/4300 on bad application of directives – case closed

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			Royal Decree 2177/2004.	Seguridad e Higiene)	
Directive 2009/104/EC (work equipment)		S	<p>The requirements set forth in Directive 2009/104/EC codified the requirements set forth in Council Directive 89/655/EEC.</p> <p>Main transposing legislation:</p> <p>Royal Decree 1215/1997 of 18 July 1997 establishing minimum safety requirements for use of work equipment by workers incorporates the requirements established in Directive 89/655/ECC into Spanish regulations (<i>Real Decreto 1215/1997, de 18 de julio, por el que se establecen las disposiciones mínimas de seguridad y salud para la utilización por los trabajadores de los equipos de trabajo</i>) (WE RD)</p> <p>Royal Decree 2177/2004 of 12 November 2004 on the use of work equipment for temporary work at heights (<i>Real Decreto 2177/2004, de 12 de noviembre, por el que se modifica el Real Decreto 1215/1997, de 18 de julio, por el que se establecen las disposiciones mínimas de seguridad y salud para la utilización por los trabajadores de los equipos de trabajo, en materia de trabajos temporales en altura</i>) (THWE RD)</p> <p>Complemented by:</p> <p>Royal Decree 1644/2008 of 10 October 2008 establishing requirements for placing on the market and commissioning work equipment (<i>Real Decreto 1644/2008, de 10 de octubre, por el que se establecen las normas para la comercialización y puesta en servicio de las máquinas</i>) (Market Work Equipment RD)</p> <p>Royal Decree 614/2001 of 8 June 2001 establishing minimum safety requirements concerning electrical risks (<i>Real Decreto 614/2001, de 8 de junio, sobre disposiciones mínimas para la protección de la salud y seguridad de los trabajadores frente al riesgo eléctrico</i>)</p>	N.	
Council Directive 89/656/EEC (PPE)	O		Royal Decree 773/1997 of 30 May 1997 providing minimum health and safety requirements relating to the use of personal protective equipment by workers (<i>Real Decreto 773/1997, 30 de mayo, sobre disposiciones mínimas de seguridad y salud relativas a la utilización por los trabajadores de equipos de protección individual</i>) (PPE RD)	N.	
Council Directive 92/58/EEC	O		Royal Decree 485/1997 of 14 April 1997 establishing requirements for health and safety sign posting (<i>Real Decreto 485/1997, 14 de</i>	Y., e.g. Royal Decree	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
(OSH signs)			<i>abril, sobre disposiciones mínimas en materia de señalización de seguridad y salud en el trabajo</i> (OSH signs RD)	1403/1986 of 8 May 1986, establishing signalling requirements in workplaces (<i>Real Decreto 1403/1986, de 9 de mayo, por el que se aprueba la norma sobre señalización de seguridad en los Centros y locales de trabajo</i>)	
Directive 1999/92/EC (ATEX)	○		Royal Decree 681/2003 of 18 June 2003 on protection of workers against risks from explosive atmospheres (<i>Real Decreto 681/2003, de 12 de junio, sobre la protección de la salud y la seguridad de los trabajadores expuestos a los riesgos derivados de atmósferas explosivas en el lugar de trabajo</i>) (ATEX RD)	N.	
Council Directive 90/269/EEC (manual handling of loads)	○		Royal Decree 487/1997 of 14 April 1997 establishing minimum health and safety requirements for manual handling of loads in the workplace (<i>Real Decreto 487/1997, de 14 de abril, sobre disposiciones mínimas de seguridad y de salud relativas a la manipulación manual de cargas que entrañe riesgos, en particular dorsolumbares, para los trabajadores</i>) (MHL RD)	N.	
Council Directive 90/270/EEC (display screen equipment)	○		Royal Decree 488/1997 of 14 April 1997 on minimum safety and health-related requirements for working with display screens equipment (<i>Real Decreto 488/1997, de 14 de abril, sobre disposiciones mínimas de seguridad y de salud relativas al trabajo con equipos que incluyen pantallas de visualización</i>) (DSE RD)	N.	
Directive 2002/44/EC (vibration)	○		Main transposing legislation: Royal Decree 1311/2005 of 4 November 2005 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (<i>Real Decreto 1311/2005, de 4 de noviembre, sobre la protección de la salud y la seguridad de los trabajadores frente a los riesgos derivados o que puedan derivarse de la exposición a vibraciones mecánicas</i>) (Vibrations RD) Complemented by: Royal Decree 330/2009 of 13 March modifying	N.	Infringement No. 05/775/ES for non-communication – case closed: national measures have been adopted and notified following the letter of formal notice.

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			Royal Decree 1311/2005. (<i>Real Decreto 330/2009, de 13 de marzo, por el que se modifica el Real Decreto 1311/2005, de 4 de noviembre, sobre la protección de la salud y la seguridad de los trabajadores frente a los riesgos derivados o que puedan derivarse de la exposición a vibraciones mecánicas</i>)		
Directive 2003/10/EC (noise)			Royal Decree 286/2006 of 10 March 2006 on protection of workers from the risks of exposure to noise (<i>Real Decreto 286/2006, de 10 de marzo, sobre la protección de la salud y la seguridad de los trabajadores contra los riesgos relacionados con la exposición al ruido</i>) (Noise RD)	Y., e.g. Royal Decree 1316/1989 of 27 October 1989, on protection of workers from the risks of exposure to noise (<i>Real Decreto 1316/1989 de 27 de Octubre sobre Protección frente a los riesgos de exposición al ruido</i>)	
Directive 2004/40/EC (electromagnetic fields)			<u>This Directive has not been transposed.</u> Note: The deadline for the transposition of Directive 2004/40/EC was intended for April 2012, but given the technical complexity of its requirements, the deadline for its transposition was extended to October 31, 2013. However, this European Directive has been repealed by Directive 2013/35/EC, on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).	Y. Royal Decree 1066/2001 of 28 September 2001, which approves the Regulation establishing conditions for the protection of public radio, radio emissions restrictions and measures of health protection against radio emissions (based ICNIRP limits). ¹	
Directive 2006/25/EC (artificial optical radiation)			Royal Decree 486/2010 of 23 April 2010 on the protection of health and safety of workers from risks related to exposure to artificial optical radiation (<i>Real Decreto 486/2010, de 23 de abril, sobre la protección de la salud y la seguridad de los trabajadores contra los riesgos relacionados con la exposición a radiaciones ópticas artificiales</i>) (AOR RD)	N.	

¹ *Real Decreto 1066/2001, de 28 de septiembre, por el que se aprueba el Reglamento que establece condiciones de protección del dominio público radioeléctrico, restricciones a las emisiones radioeléctricas y medidas de protección sanitaria frente a emisiones radioeléctricas*

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<p>Directive 2004/37/EC (carcinogens or mutagens)</p>	O	<p>The requirements set forth in Directive 2004/37/EC codified the requirements set forth in Directive 90/394/EEC.</p> <p>Main transposing legislation:</p> <p>Royal Decree 665/1997 of 5 December 1997 on the protection of workers from the risks to exposure to carcinogens at work. This RD incorporates the requirements established in Directive 90/394/ECC into Spanish regulations. (<i>Real Decreto 665/1997, de 12 de mayo, sobre la protección de los trabajadores contra los riesgos relacionados con la exposición a agentes cancerígenos durante el trabajo</i>) (Carcinogens and mutagens RD)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 1124/2000 and Royal Decree 349/2003. <p>Complemented by:</p> <p>Royal Decree 363/1995 of 10 March 1995 pertaining to notification of new dangerous substances and their classification, packaging and labeling (<i>Real Decreto 363/1995, de 10 de marzo, por el que se aprueba el Reglamento sobre clasificación, envasado y etiquetado de sustancias peligrosas</i>) (Dangerous Substances RD)</p>	N.		
<p>Council Directive 98/24/EC (chemical agents at work)</p>	O	<p>Main transposing legislation:</p> <p>Royal Decree 374/2001 of 6 April 2001 on workers' protection against chemical agents (<i>Real Decreto 374/2001, de 6 de abril, sobre la protección de la salud y seguridad de los trabajadores contra los riesgos relacionados con los agentes químicos durante el trabajo</i>) (Chemical Agents RD)</p> <p>Complemented by:</p> <p>Royal Decree 379/2001 of 6 April 2001, regulating storage of chemicals and their complementary technical instructions (<i>Real Decreto 379/2001, de 6 de abril por el que se aprueba el Reglamento de almacenamiento de productos químicos y sus instrucciones técnicas complementarias MIE-APQ-1, MIE-APQ-2, MIE-APQ-3, MIE-APQ-4, MIE-APQ-5, MIE-APQ-6 y MIE-APQ-7</i>) (Chemical Storage RD)</p> <p>Royal Decree 363/1995 of 10 March 1995 pertaining to notification of new dangerous substances and their classification, packaging and labeling (<i>Real Decreto 363/1995, de 10 de marzo, por el que se aprueba el Reglamento sobre clasificación, envasado y etiquetado de sustancias peligrosas</i>) (Dangerous Substances RD)</p>	N.		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 2009/148/EC (asbestos)		○	<p>The requirements set forth in Directive 2009/148/EC codified the requirements set forth in Directive 2003/18/EC.</p> <p>Royal Decree 396/2006 of 31 March 2006 establishing minimum health and safety requirements for the protection of workers from risk of exposure to asbestos, incorporates the requirements established in Directive 2003/18/EC into Spanish regulations (<i>Real Decreto 396/2006, de 31 de marzo, por el que se establecen las disposiciones mínimas de seguridad y salud aplicables a los trabajos con riesgo de exposición al amianto</i>) (Asbestos RD)</p>	<p>Y., e.g.</p> <p>Order of 31 October 1984 amending the Regulation concerning asbestos exposure at the workplace (<i>Orden de 31 de octubre de 1984, por la que se aprueba el Reglamento sobre trabajos con riesgo de amianto</i>)</p>	
Directive 2000/54/EC (biological agents)		○	<p>The requirements set forth in Directive 2000/54/EC codified the requirements set forth in Directive 90/679/EEC.</p> <p>Royal Decree 664/1997 of 12 May 1997 on the protection of workers against risks related to the exposure of biological agents in the workplace. This RD incorporates the requirements established in Directive 90/679/EEC, Directive 93/88/EEC and Directive 95/30/EC. (<i>Real Decreto 664/1997, de 12 de mayo, sobre la protección de los trabajadores contra los riesgos relacionados con la exposición a agentes biológicos durante el trabajo</i>) (Biological Agents RD)</p>	N.	
Council Directive 92/57/EEC (temporary or mobile construction sites)		○	<p>Main transposing legislation:</p> <p>Royal Decree 1627/1997 of 24 October 1997 establishing the minimum requirements for health and safety at construction sites (<i>Real Decreto 1627/1997, de 24 de octubre, por el que se establecen disposiciones mínimas de seguridad y salud en las obras de construcción</i>) (Temporary Construction sites RD)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 2177/2004, Royal Decree 604/2006 and Royal Decree 337/2010. <p>Complemented by:</p> <p>Law 32/2006 of 19 October 2006, regulating subcontracting in the construction sector (<i>Ley ordinaria 32/2006, de 19 de octubre de 2006, reguladora de la subcontratación en el Sector de la Construcción</i>) (Subcontracting Law)</p> <p>Royal Decree 1109/2007 of 24 August 2007, developing Law 32/2006 (<i>Real Decreto 1109/2007, de 24 de agosto, por el que se</i></p>	<p>Y., e.g.</p> <p>Royal Decree 555/1986 of 21 February 1986, establishing the mandatory Occupational Health and Safety study at construction and public works (<i>Real Decreto 555/1986, de 21 de febrero, por el que se implanta la obligatoriedad de la inclusión de un estudio de Seguridad e Higiene en el</i></p>	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>desarrolla la Ley 32/2006, de 18 de octubre, reguladora de la subcontratación en el Sector de la Construcción) (Subcontracting RD)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 327/2009 and Royal Decree 337/2010. 	<p>Trabajo en los proyectos de edificación y obras públicas) (OSHA Study Construction Sites RD)</p>	
<p>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</p>			<p>Royal Decree 1389/1997 of 5 September 1997 establishing health and safety requirements in order to protect workers in mining activities (<i>Real Decreto 1389/1997, de 5 de septiembre de 1997, por el que se aprueban las disposiciones mínimas destinadas a proteger la seguridad y salud de los trabajadores en las actividades mineras</i>) (Surface RD)</p> <p>Complemented by:</p> <p>Order ITC/101/2006, of 23 January 2006, establishing the minimum content of the health and safety document plan for extractive industry works (<i>Orden ITC/101/2006, de 23 de enero, por la que se regula el contenido mínimo y estructura del documento sobre seguridad y salud para la industria extractiva</i>)</p> <p>Order ITC/1316/2008 of 7 May 2008, establishing the Technical Instruction concerning the OSH training required for mining workplaces (<i>Orden ITC/1316/2008, de 7 de mayo, por la que se aprueba la instrucción técnica complementaria 02.1.02 «Formación preventiva para el desempeño del puesto de trabajo»</i>, del Reglamento General de Normas Básicas de Seguridad Minera)</p> <p>Order ITC/1607/2009 of 9 June 2009, establishing the Technical Instruction concerning work equipment commissioning, maintenance and inspection at mining workplaces (<i>Orden ITC/1607/2009, de 9 de junio, por la que se aprueba la Instrucción técnica complementaria 02.2.01 "Puesta en servicio, mantenimiento, reparación e inspección de equipos de trabajo" del Reglamento general de normas básicas de seguridad minera</i>)</p>	<p>Y., e.g.</p> <p>Law 22/1973 of 21 July 1973, of the Mining sector (<i>Ley 22/1973, de 21 de julio, de Minas</i>)</p> <p>This Law has been amended by Law 40/1975, Law 50/1985, Law 54/1980, Law 12/2007, Law 25/2009, Law 40/2010 and Royal-Legislative Decree 8/2014.</p> <p>Royal Decree 3255/1983 of 21 December 1983, approving the Mining Statute (<i>Real Decreto 3255/1983, de 21 de diciembre, por el que se aprueba el Estatuto del Minero</i>)</p> <p>Royal Decree 863/1985 of 2 April establishing the Mining Safety Basic Standards (<i>Real Decreto 863/1985, de 2 de abril, por el que se aprueba el Reglamento General de Normas Básicas de Seguridad Minera</i>) (Safety)</p>	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
				<p>Mining RD) This Royal Decree has been amended by Royal Decree 150/1996, Royal Decree 39/1997 and Royal Decree 249/2010.</p>	
<p>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</p>	O		<p>Main transposing legislation: Royal Decree 150/1996 of 2 February amending the safety mining rules standard (<i>Real Decreto 150/1996, de 2 de febrero, por el que se modifica el artículo 109 de las Normas Básicas de Seguridad Minera</i>) (Drilling RD)</p> <p>Complemented by: Order ITC/2585/2007, of 30 August 2007, approving the Technical Instruction 2.0.02 concerning protection of workers against dust, relative to silicosis, in extractive industries (<i>Orden ITC/2585/2007, de 30 de agosto, por la que se aprueba la Instrucción técnica complementaria 2.0.02 «Protección de los trabajadores contra el polvo, en relación con la silicosis, en las industrias extractivas», del Reglamento General de Normas Básicas de Seguridad Minera</i>) (Silicosis Order)</p> <p>Order ITC/933/2011, of 5 April 2011, approving the Technical Instruction 2.0.03 concerning protection to workers against dust in soluble sodium and potassium salts mining activities (<i>Orden ITC/933/2011, de 5 de abril, por la que se aprueba la Instrucción Técnica Complementaria 2.0.03, "protección de los trabajadores contra el polvo, en las actividades de la minería de las sales solubles sódicas y potásicas" del Reglamento general de normas básicas de seguridad minera</i>) (Dust in sodium and potassium mining Order)</p>	<p>Y., e.g. Law 22/1973 of 21 July 1973, of the Mining sector (<i>Ley 22/1973, de 21 de julio, de Minas</i>) This Law has been amended by Law 40/1975, Law 50/1985, Law 54/1980, Law 12/2007, Law 25/2009, Law 40/2010 and Royal-Legislative Decree 8/2014.</p> <p>Royal Decree 863/1985 of 2 April 1985, establishing the Mining Safety Basic Standards (<i>Real Decreto 863/1985, de 2 de abril, por el que se aprueba el Reglamento General de Normas Básicas de Seguridad Minera</i>) (Safety Mining RD) This Royal Decree has been amended by Royal Decree 150/1996, Royal Decree 39/1997 and Royal Decree</p>	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<p>Council Directive 92/29/EEC (medical treatment on board vessels)</p>	O	S	<p>Main transposing legislation:</p> <p>Royal Decree 258/1999 of 12 February establishing minimum health requirements for sea workers (<i>Real Decreto 258/1999, de 12 de febrero, por el que se establecen condiciones mínimas sobre la protección de la salud y la asistencia médica de los trabajadores del mar</i>) (Vessels RD)</p> <p>Complemented by:</p> <p>Order PRE/930/2002 of 23 April, amending the contents of the first-aid kits to be carried on board vessels as established by Royal Decree 258/1999 (<i>Orden PRE/930/2002, de 23 de abril, por la que se modifica el contenido de los botiquines que deben llevar a bordo los buques según lo establecido por el Real Decreto 258/1999, de 12 de febrero, por el que se establecen condiciones mínimas sobre la protección de la salud y la asistencia médica de los trabajadores del mar</i>) (First Aid Kits Vessels Order)</p> <p>Order PRE/646/2004, of 5 March, establishing minimum requirements concerning health training programs for sea workers (<i>Orden PRE/646/2004, de 5 de marzo, por la que se establecen los contenidos mínimos de los programas de formación sanitaria específica y las condiciones para la expedición y homologación del certificado de formación sanitaria de los trabajadores del mar</i>) (Sea Workers Training Order)</p>	<p>249/2010.</p> <p>Y., e.g.</p> <p>Order of 4 December 1980 on aid kits on board vessels (<i>Orden de 4 de diciembre de 1980 sobre botiquines a bordo de los buques y embarcaciones mercantes nacionales</i>)</p> <p>Order of 17 July 1982, which modifies Order 4 December 1980 concerning aid kits that have to be carried onboard vessels (<i>Orden de 17 de julio de 1982, de la Presidencia del Gobierno por el que se modifica la Orden de 4 de diciembre de 1980 sobre los botiquines de que han de ir provistos los buques</i>)</p>	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Council Directive 93/103/EC (work on board fishing vessels)		O	<p>Royal Decree 1216/1997, of 18 July, establishing minimum health and safety requirements at the workplace on board fishing vessels (<i>Real Decreto 1216/1997, de 18 de julio de 1997, sobre disposiciones mínimas de seguridad y de salud en el trabajo a bordo de los buques de pesca</i>) (Fishing Vessels RD)</p> <ul style="list-style-type: none"> This Royal Decree has been amended by Royal Decree 1696/2012 <p>Order PRE/646/2004, of 5 March 2004, establishing minimum requirements concerning health training programs for sea workers (<i>Orden PRE/646/2004, de 5 de marzo, por la que se establecen los contenidos mínimos de los programas de formación sanitaria específica y las condiciones para la expedición y homologación del certificado de formación sanitaria de los trabajadores del mar</i>) (Sea Workers Training Order)</p>	N.	Infringement case 2009/2037 on non-conformity – case closed
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		S	<p>Main transposing legislation:</p> <p>Law 31/1995 of 8 November 1995, on the Prevention of Work-Related Risks (<i>Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales</i>) (OSH Law)</p> <p>Law 39/1999 of 5 November with regards to making work life compatible with family life (<i>Ley 39/1999, de 5 de noviembre, para promover la conciliación de la vida familiar y Laboral de las personas trabajadoras</i>) (Work/family life Law)</p> <p>Royal Decree 298/2009 of March 6 modifying Royal Decree 39/1997 in order to adapt this regulation to pregnant workers conditions (<i>Real Decreto 298/2009, de 6 de marzo, por el que se modifica el Real Decreto 39/1997, de 17 de enero, por el que se aprueba el Reglamento de los Servicios de Prevención, en relación con la aplicación de medidas para promover la mejora de la seguridad y de la salud en el trabajo de la trabajadora embarazada, que haya dado a luz o en período de lactancia</i>) (Maternity RD)</p> <p>Complemented by:</p> <p>Law 3/2007 of 22 March 2007 on effective equality between men and women (<i>Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres</i>) (Equality Law)</p> <p>Royal Decree 295/2009 of 6 March 2009, regulating the Social Security benefits system concerning maternity, paternity, pregnancy</p>	Y., e.g. Law 3/1989 of 3 March 1989, expanding maternity leave to sixteen weeks and promoting equal treatment of men and women at the workplace (<i>Ley 3/1989, de 3 de marzo, por la que se amplía a dieciséis semanas el permiso por maternidad y se establecen medidas para favorecer la igualdad de trato de la mujer en el trabajo</i>) (Maternity Leave Law)	Infringement case 2004/2063 on non-conformity – case closed

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			risks and breastfeeding risks (<i>Real Decreto 295/2009, de 6 de marzo, por el que se regulan las prestaciones económicas del sistema de la Seguridad Social por maternidad, paternidad, riesgo durante el embarazo y riesgo durante la lactancia natural</i>)		
Council Directive 91/383/EEC (temporary workers)		S	<p><u>Main transposing legislation:</u></p> <p>Law 31/1995 of 8 November 1995 on the Prevention of Work-Related Risks (<i>Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales</i>) (OSH Law)</p> <p><u>Complemented by:</u></p> <p>Law 14/1994 of 1 June regulating temporary work companies (<i>Ley 14/1994, de 1 de junio, por la que se regulan las Empresas de Trabajo Temporal</i>) (Temporary Work Companies Law)</p> <p>Royal Decree 216/1999 of 5 February 1999 on minimum provisions concerning safety and health at work within temporary work companies (<i>Real Decreto 216/1999, de 5 de febrero, sobre disposiciones mínimas de seguridad y salud en el trabajo de los trabajadores en el ámbito de las empresas de trabajo temporal</i>) (Temporary workers RD)</p>	N.	
Council Directive 94/33/EC (young people at work)		S	<p><u>Main transposing legislation:</u></p> <p>Law 31/1995 of 8 November 1995 on the Prevention of Work-Related Risks (<i>Ley 31/1995, de 8 de noviembre, de Prevención de Riesgos Laborales</i>) (OSH Law)</p> <p>Royal Legislative Decree 1/1995, of 24 March 1995 concerning the Statute of Workers' Rights (<i>Real Decreto-Ley 1/1995, de 24 de marzo, texto refundido de la Ley del Estatuto de los Trabajadores</i>) (Workers Statute RLD)</p> <p><u>Complemented by:</u></p> <p>Decree of 26 July 1957, regulating jobs prohibited to women and children (<i>Decreto de 26 de julio de 1957, por el que se regulan los trabajos prohibidos a la mujer y a los menores</i>) (Young workers D)</p>	Y., e.g. Decree of 26 July 1957, regulating jobs prohibited to women and children (<i>Decreto de 26 de julio de 1957, por el que se regulan los trabajos prohibidos a la mujer y a los menores</i>) (Young workers D). Although this Decree was repealed by the OSH Law regarding jobs prohibited to women, the requirements set forth to children are still in force.	

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

Spain has established an overall Strategy on Safety and Health at Work in 2007. This was the first time that a government in Spain has presented a strategy of this scope to tackle the problem of accidents at work and occupational illnesses. The Strategy was agreed with all social partners and autonomous regions after an extended process of social dialogue, and is the instrument for establishing the general policy framework for the prevention of occupational risks – above all in the medium term. Each regional community can, under the common framework of the National Strategy, set different time periods and focus on matters that relate to the specific region. The strategies of the 17 Spanish autonomous communities are laid down in the Regional Strategies for Occupational Safety and Health.

The Spanish 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 powers influences the policy-making process, as well as the work of the labour inspectorate. At national level, the Ministry of Employment and Social Security is generally competent for safety and health at work, whereas the Ministry of Health is competent for health. The governments of the Autonomous Communities, which have the executive power, have their own authorities. The National Institute of Health and Safety at Work, a specialised State administrative technical scientific body, is responsible for analysing and studying the conditions of safety and health at work, and for promoting improvements. To this end, they co-operate with all the regional governments' bodies with authority in the field. The Labour and Social Security Inspectorate ensures compliance with the provisions on the prevention of workplace risks. Finally, the National Commission for Health and Safety at Work, which consists of representatives of the central and regional administrations and of employer organisations and trade unions, advises the public administrations on prevention policies, and is the channel for official involvement in OSH.

The legal basis for the prevention services is the Royal Decree 39/1997. It broadly defines preventive actions to be taken in companies, how to fulfil legal duties, and the qualification and approval of preventive services. In Spain there are three ways to fulfil legal OSH and prevention obligations in companies: by internal services, by external services (which is by far the most popular solution) and by so-called collaborative prevention. Only companies with more than 500 workers (or 250 in certain sectors) are obliged to set up an internal prevention service. In companies that are not obliged to set up an internal prevention service, the employer can also appoint one or more workers to carry out the prevention activities. In companies with less than 10 workers, which undertake activities not included in Annex I of the OSH Law, the employer may also himself take the responsibility to prevent occupational risks, provided that the usual activities are conducted in the workplace, and that he/she has the necessary capacity to do so - depending on the risks to which the workers are exposed and the danger of the activities included in the OSH Law. This is also valid for employers who meet these requirements and employ up to 25 people, provided that the company is based in a single establishment.

1.2.1 Key policy documents

The **Spanish Strategy on Safety and Health at Work (2007-2012)** (SSSHW) has been the instrument for setting the general policy framework for occupational risk prevention in the short, medium and long term. The main objective of the Strategy has been to give a coherent and rational structure to the occupational safety and health measures developed by all the significant actors in

occupational risk prevention. Its two major objectives have been to reduce the number of accidents at work and occupational illnesses and to steadily improve the levels of safety and health at work.

A **Working Group** comprising representatives of the Central Government, regional communities, employer's organizations and trade unions within the National Commission for Health and Safety at Work was constituted. The Working Group monitored the actions included in the Strategy and assessed the compliance with its objectives. To this end, the Working Group will evaluate indicators to assess the degree of achievement of the objectives of the Strategy.

Regional Strategies for Occupational Safety and Health are developed by the 17 Spanish autonomous communities, some of which also involve their regional OSH institutes in collaboration with the social partners. They are made under the common framework of the National Strategy but each regional community can set different time periods and focus on matters that relate to the specific region.

In April 2013, the Spanish National Institute of Health and Safety at Work (*Instituto Nacional de Seguridad e Higiene en el Trabajo, INSHT*) published the final report of the SSSHW (2007-2012)², including an evaluation of its overall objectives. The report states that, even though the safety and health of workers has improved and the number of occupational diseases and accidents has been reduced, the progress made during the past 15 years has not been enough. It therefore calls for continued (policy) actions by all stakeholders concerned, including the development of a new Spanish Strategy on Safety and Health at Work (2014-2020).

The occupational risk management plan of the General State Administration³ and the working procedures concerning occupational risks among the General State Administration, establish the occupational risk management in the General State Administration (Resolution of 17 February 2004).

1.2.2 Main authorities and stakeholders

In Spain, employment and OSH legislation are a competence of the **Ministry of Employment and Social Security** (*Ministerio de Empleo y Seguridad Social*). OSH Laws are enacted at national level by the Parliament and implemented through various mechanisms such as Royal Decrees which are among the most important means of enactment. **Regional authorities** (Autonomous Communities) and local municipalities may establish regional/local departments to deal with OSH issues

The **National Institute of Health and Safety at Work** (*Instituto Nacional de Seguridad e Higiene en el Trabajo, INSHT*) is the scientific and technical body of the national administration. Its mission is to research and analyse OSH conditions and the promotion and support of actions aimed at improving them. Among other functions, INSHT is responsible for providing technical advice in the development of national and international legal documents and technical support to the General Administration of the Labour and Social Security Inspectorate (LSSI). In addition INSHT is responsible for the promotion and dissemination of information on OSH at regional level. INSHT also assists the National Commission on Safety and Health at Work in the preparation of policy documents and strategies on OSH related issues.

The preparation of legislative initiatives and implementing decisions is carried out in close collaboration with the INSHT. The development of employment policies and requirements for health and safety at work has always been conducted in close dialogue with regional authorities and social partners such as trade unions, business associations or health insurance companies.

² The final report of the SSSHW (2007-2012) published by INSHT can be accessed at the following website: <http://www.insht.es/InshtWeb/Contenidos/Instituto/Comision/GruposTrabajo/ficheros/Balance%20FINAL%20EESST.pdf>

³ The occupational risk management plan of the General State Administration and the working procedures concerning occupational risk among the General State Administration can be accessed at the following website: http://legislacion.060.es/435201_MAN_LEG-ides-idweb.html

The task of ensuring compliance with OSH regulations lies with the **Labour and Social Security Inspectorate** (*Inspección de Trabajo y Seguridad Social*, LSSI), under the Ministry of Employment and Social Security. Among other functions, the LSSI is responsible for ensuring compliance with OSH, social security and labour immigration regulations, providing general and technical support and guidance to companies and workers as well as enacting disciplinary procedures. Royal Decree 138/2000 of 4 February 2000, establishes the regulations concerning the organisation and functioning of the LSSI. This Royal Decree has been amended by Royal Decree 1125/2001, Royal Decree 689/2005, Royal Decree 107/2010, Royal Decree 1483/2012 and Law 13/2012.

The mining sector's main authority is the **General Directorate of Mines** under the Ministry of Industry, Energy and Tourism. There is a regional delegation of the General Directorate of Mines in each Autonomous Community, and their Mining Engineers are responsible to carry out the inspections scheduled. Furthermore, the Administration may require technical support and assistance from accredited collaborating entities of the Administration to carry out inspections or to monitor facilities and/or mining projects. However, these collaborating entities do not have legitimacy to issue sanctions or to cease the activity.

The **National Commission for Health and Safety at Work** (*Comisión Nacional de Seguridad y Salud en el Trabajo*, CNSST) is the official body that advises Public Administrations regarding occupational health and safety prevention policies. In this Commission the different Spanish Ministries, the Regional Authorities (*Comunidades Autónomas*) and the main social stakeholders are represented. The social stakeholders are represented by:

- The main employers representative organisations: The Spanish Association of Business Organizations (*Confederación Española de Organizaciones Empresariales*, CEOE) and the Spanish Confederation of the Small- and Medium-Sized Companies (*Confederación Española de Pequeña y Mediana Empresa*, CEPYME).
- The main workers representative associations: CCOO Trade Union (*Comisiones Obreras*), UGT Trade Union (*Unión General de Trabajadores*) representing the two main trade unions at national level. The two main regional trade unions are ELA (*Basque Trade Union*) and CIG (*trade union confederation from Galicia*) are also represented.

Other stakeholders to be considered in the application of OSH regulations in Spain would be:

- External Preventive Services Federation (*Federación de Servicios de Prevención Ajenos*, ASPA)
- Association of Work Accident Mutuals (*Asociación de Mutuas de Accidentes de Trabajo*, AMAT)
- Association of Contractor Companies with Public Administrations (*Asociación de Empresas Contratistas con las Administraciones Públicas*, AESMIDE)
- Foundation of the Prevention of Occupational Risks (*Fundación para la Prevención de Riesgos Laborales*)
- Sectorial Business Associations, such as FEIQUE, the Spanish association of chemical industries (*Federación Empresarial de la Industria Química Española*), AFM, the Spanish association of machinery and tools manufacturers (*Asociación Española de fabricantes de máquinas-herramientas*), ANMOPYC, the Spanish association of construction and mining equipment (*Asociación Española de Fabricantes de maquinaria de construcción, obra pública y minería*) or ANAIP, the Spanish Association of plastic products manufacturers (*Asociación Española de Industriales de Plásticos*)
- Research institutions, such as ISTAS, the Institute of Work, Environment and Health (*Instituto Sindical de Trabajo, Ambiente y Salud*), and CISAL, the Center for research in Occupational Health (*Centro de Investigación en Salud Laboral*).

1.2.3 Coordination

The National Institute for Safety and Health at Work (INSHT), with its 4 offices spread throughout the Spanish territory (CNCT, National Center for Work Conditions in Barcelona; CCNT, National Center for New Technologies in Madrid; CNVM, National Center for Equipment Verification in Bizkaia; and CNMP, National Center for Protection Equipments in Seville) is the body responsible for representing Spain at EU level in the drafting process of OSH legislation. Within this organisation, there are different working groups involved in the development of such Directives. The transposition of EU legislation is a competence of the Ministry of Employment and Seguridad Social, notably of the Employment General Directorate.

All OSH legislation is submitted to the CNSST where relevant stakeholders, including trade unions are represented. In addition, Law 50/1997 provides compulsory prior consultations of social partners.

The General Sub-Directorate for the Coordination of Labour Relations, Occupational Risks Prevention and Equality Measures (*Subdirección General para la Coordinación en Materia de Relaciones Laborales, Prevención de Riesgos Laborales y Medidas de Igualdad*), is responsible for coordinating the inspection and development of plans, programs and protocols for conducting inspection activities with the autonomous regions and the coordination of actions with other organs of the Department and relationships with other agencies of the General State Administration, in particular the action programs to combat workplace accidents.

Results from stakeholder interviews

Consultations with workers' organisations suggest that several EU Directives related to OSH issues have been transposed into Spanish legislation in a literal manner and without consulting all parties involved prior to the process. Furthermore, there have also been amendments in Spanish regulations concerning occupational health and safety Laws and Royal Decrees that have been adopted without consultation of all stakeholders involved.

It should be noted that this is contrary to what is stated in the preamble of every transposed legislation, notably that "the consultation to the most representative social partners has been made".

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

Observed discrepancies cover cases of incorrect transposition i.e. the text of the national transposing legislation is different than the Directive's requirements leading to their incorrect implementation. They are considered for each CPMs, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and

the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

Due to the adoption of the Spanish Health and Safety at Work Strategy for 2007-12, the risk-prevention situation in Spain underwent a diagnostic analysis. Positively, Spain has provided a OSH framework that is comparable to the European Union's common policy on health and safety at work. However, "the speed with which the Community legislation on health and safety at work was transposed into Spanish law, as well as the multitude and complexity of legislation on occupational risk prevention" and the fact that "the prevention legislation has been rather too general and has not given sufficient consideration to other, equally important, variables such as some peculiarities of the different activity sectors" has led to some important compliance problems.⁴ Also, and as a result, the majority of standards that transpose the texts of the Directives include their content in a rather literal way. Only a few technical clarifications or more detailed specifications have been made in some of the transposition regulations.⁵ "There have also been occasions where the additional measures that have been taken above and beyond the provisions of the Directives relate to the sections of the explanatory statements on the Directives which state that their transposition may not be used to reduce the existing level of protection for workers in the Member States, and also to the fact that the provisions of the Directives are minimum requirements."⁶

Hence, Spain has transposed OSH-related EU Directives in a literal way with no cases of observed discrepancies and relatively few cases where the Spanish legislation sets more stringent or broader requirements. With regard to the legislation transposing Directive 89/391/EEC (Framework Directive), additional or more specific requirements are set in relation to risk assessment, preventive and protective services, and the content or form of information related to information for workers and training of workers. More particularly, the term 'occupational risks' is interpreted broadly in Spain and includes all risks which include the possibility that a worker suffers an injury resulting from work, hence including ergonomic and psychosocial risks. The content, methodology and persons in charge of the risk assessment are described in detail in the Royal decree 39/1997. The people designated to the preventive and protective services are also defined more specifically in Spain, and only companies with more than 500 workers (or 250 in certain activities) are obliged to set up an internal prevention service. The number of safety representatives in the establishments depends on the number of workers.

National legislation requires the INSHT to develop and update a technical guide on the evaluation and prevention of risks arising from exposure to the specific Directive's risk.⁷ Also, the national legislation establishes that in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to the Directive's risk at work, the employer shall review the risk assessment carried out as well as the measures aimed at eliminating or reducing the risk. The employer shall also consider the recommendations provided by the health surveillance department and provide continuous monitoring of the health of the concerned worker as well as other workers that may have been similarly exposed.

The arrangements for health surveillance records are further specified in the national legislation transposing Directives 2004/37/EC (carcinogens or mutagens), 2009/148/EC (asbestos), and 2000/54/EC (biological agents). The Chemical and Biological Agents Directives' transposing legislation also includes more detailed requirements on risk assessment, information for workers, and training of workers.

Finally, as the OSH Law is applicable to temporary workers and young people at work, there are hardly any CPMs within the OSH Law which are specifically dedicated to these groups of vulnerable

⁴ National Implementation Report 2013, Part A, Section 1.2, (EN) p. 3.

⁵ National Implementation Report 2013, Part A, Section 1.2, (EN) p. 11.

⁶ National Implementation Report 2013, Part A, Section 1.2, (EN) p. 11.

⁷ For these technical guides, please see: <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=3b4c66eea8531410VgnVCM1000008130110aRCRD&vgnextchannel=75164a7f8a651110VgnVCM100000dc0ca8c0RCRD>

workers. Nevertheless, numerous secondary legislation is dedicated to temporary workers and to young people at work, often including OSH requirements.⁸

⁸ For an overview of secondary legislation on OSH and temporary workers, please see: <http://www.insht.es/portal/site/Insht/menuitem.4ad57ff5e71385ff212d8185060961ca/?vgnextoid=ff3cc6b33a9f1110VgnVCM100000dc0ca8c0RCRD&tipo=1f868d22749f5210VgnVCM1000000d02350aTAXC>. For an overview of secondary legislation on OSH and young people at work, please see: <http://www.insht.es/portal/site/Insht/menuitem.4ad57ff5e71385ff212d8185060961ca/?vgnextoid=ff3cc6b33a9f1110VgnVCM100000dc0ca8c0RCRD&tipo=61968d22749f5210VgnVCM1000000d02350aTAXC>.

Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions (Art.1 and 3)</p>	<p>Art.1 1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.). 2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>No observed discrepancies have been identified in terms of scope and definitions.</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? <p>N. The provisions of the OSH Law on the Prevention of Workplace Risks shall not apply where this is precluded by the type of activities involved in the context of the public functions of:</p> <ul style="list-style-type: none"> - Police, security and customs checks; - Operational civil protection and forensic expertise services in cases of serious risk, disaster and public emergency; - The armed forces and military activities of the Guardia Civil (Spanish Civil Guard). <p>Both the Civil Guard and the National Police are subjected to the scope of the general regulations on prevention of occupational risks as well as the requirements set out in Royal Decree 179/2005 of 18 February, and Royal Decree 2/2006, January 16, respectively for the Guardia Civil and the National Police</p> <ul style="list-style-type: none"> • Does the legislation include domestic servants in its scope? <p>N. The legislation excludes domestic servants and other domestic staff from its scope although proper occupational health and safety conditions shall be ensured.</p> <ul style="list-style-type: none"> • Is the definition of employer broader than the Directive's?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N. Actually, there is no definition of employer in the OSH Spanish Law.
<p>Conducting a risk assessment Art. 6(3), 9(1)(a)</p>	<p>Art.6</p> <ul style="list-style-type: none"> The employer must, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places. <p>Art.9</p> <ul style="list-style-type: none"> The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks. 	<p>No observed discrepancies have been identified in relation to risk assessment.</p>	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Y. The OSH Law defines occupational risks as the possibility that a worker suffers an injury resulting from work, thus ergonomic and psychosocial risks are also included in the definition.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>Y. The OSH Law requires that a risk assessment shall include the following issues: organisational structure of the company, responsibilities, functions, processes and resources needed to prevent occupational health and safety risks. The OSH Law also specifies that the employer must conduct an initial health and safety risk assessment that shall be updated whenever the conditions change. Once the risk assessment has been performed, the employer shall conduct regular checks of the working conditions in order to detect potentially dangerous situations to workers.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>Y. The OSH RD specifies that the initial assessment shall include those measurements, analysis or tests considered necessary taking into account the specific regulations. If the specific regulations do not define the specific tests, analysis or measurements to be applied, then the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>methods or criteria described in the following instruments may be used:</p> <p>a) UNE regulations</p> <p>b) Guidelines of the Spanish National Institute of Health and Safety at Work, the National Institute of Silicosis and protocols and guidelines of the Ministry of Health, as well as competent institutions of the Autonomous Communities.</p> <p>c) International standards.</p> <p>d) In the absence of the above, recommendations from other prestigious institutions in the field or other methods or professional standards documents which may provide an equivalent level of confidence.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>Y. The OSH RD specifies that the risk assessment shall be performed with the intervention of competent personnel. In Chapter 6 of the OSH RD three different levels of qualification are described: basic level, intermediate level and upper level. These three levels differ in the number of hours and the content of the H&S training required.</p>
Ensuring preventive and protective services Art.7(1)	<ul style="list-style-type: none"> • The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment. • Designated workers may not be placed at any disadvantage because of their 	<p>No observed discrepancies have been identified in relation to the preventive and protective services.</p> <p>Every employer is required to appoint one or more workers to carry out preventive</p>	<ul style="list-style-type: none"> • Does the legislation define in more specific terms who shall be designated? <p>Y. The OSH Law specifies that appointed workers must receive the training and qualification for performing OSH activities, as established in Chapter VI of OSH RD. The necessary number of designated workers</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>activities related to the protection and prevention of occupational risks and shall be allowed adequate time to enable them to fulfil their obligations.</p> <ul style="list-style-type: none"> • If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. • He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. • In all cases (internal/external services), they must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number. • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or agency(ies) must work together whenever necessary. • MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility. 	<p>activities, or to establish an internal prevention service (ISP), or contract an external prevention service (EPS). The employer always stays responsible for the preventive activities whether or not he/she has established an internal prevention service (ISP), or contracted an external prevention service (EPS). The ISP/ESP act as a service for conducting prevention activities as well as for advising and supporting the employer in carrying out his prevention activities. (Arts.10, 11, 16 OSH RD)</p>	<p>shall be elected in order to properly perform their duties.</p> <p>The employer may personally implement prevention activities, with the exception of activities relating to workers healthcare, in the following circumstances:</p> <ul style="list-style-type: none"> - If fewer than 10 workers are employed at the facility; - The facility does not perform any of the activities listed in Annex I of OSH RD; - The employer customarily carries out his/her professional activity in the workplace; and - The employer has the qualifications corresponding to preventive duties to be performed. <p>In companies with fewer than ten workers, the employer may himself take the responsibility to prevent occupational risks, provided that the usual activities are conducted in the workplace, and has the necessary capacity to do so depending on the risks to which the workers are exposed and the danger of the activities included in OSH Law. The same opportunity applies to employers that meet these requirements and employ up to 25 people, provided that the company has only one work center or establishment.</p> <p>The facility may establish IPS if the following conditions exist :</p> <ul style="list-style-type: none"> - The company employs more than 500 people; - The company performs any of the activities listed in Annex I of OSH RD and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>employs between 250 and 500 people; and/or</p> <ul style="list-style-type: none"> - It is required by the labour authority, due to the level of risk relating to the activity performed and the company's accident rate. • Are the conditions for resorting to external services more specifically defined in the legislation? <p>Y. The general conditions for resorting to EPS are more specifically defined in the OSH RD. The employer may resort to an EPS if the following conditions exist :</p> <ul style="list-style-type: none"> - The appointment of one or several workers to conduct preventive activities is not sufficient, and the circumstances that require the establishment of an internal prevention service do not apply/exist in the facility, - The company chooses to outsource the service to meet the requirements imposed by the labour authority; or - The company has only assumed a portion of the prevention activities internally. <p>In the case of IPS or the employer acting as the prevention adviser, the health surveillance tasks must be entrusted to an ESP.</p> <p>The facility must consult with the workers' representatives prior to adopting the decision to outsource the prevention activity to one or several independent prevention services.</p> <ul style="list-style-type: none"> • Are the competences required from workers or external services defined in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent legislation?
			<p>legislation?</p> <p>Y. The OSH Law establishes that ISP or ESP personnel must be multidisciplinary. Moreover Chapter 6 of the OSH RD defines three different levels of qualification: basic level, intermediate level and upper level. These three levels differ in the number of hours and the content of the H&S training required.</p> <p>The EPS must be accredited by a competent body.</p> <ul style="list-style-type: none"> • Are criteria to define the resources (number of persons designated) provided in the legislation? <p>N. with regard to the number of persons designated. However, OSH RD articles 14 to 19 define when an EPS is allowed based on the number of employees.</p>
Information for workers Art.10	<ul style="list-style-type: none"> • The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation. • The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information • The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall 	<p>No observed discrepancies have been identified in relation to information for workers.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>Y. The OSH Law establishes that when the facility has workers' representatives, the information shall be conveyed to the workers by these representatives, with the exception of information regarding the risks and preventive measures affecting a specific worker's workplace, which must be directly addressed to the corresponding worker.</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.</p>		N.
Training of workers Art.12	<ul style="list-style-type: none"> • The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary. • The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. • Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment. 	No observed discrepancies have been identified in relation to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>Y. The OSH Law establishes that the employer shall provide each worker with theoretical and practical training in prevention-related matters at the time of hiring and when changes affecting the worker's obligations occur.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Y. Articles 36, 37 and Annex V and VI of OSH RD define the specific competences of trainers.</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p>
Health surveillance Art.14	<ul style="list-style-type: none"> • The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. • These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. • Health surveillance may be provided as 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N. The OSH Law establishes that health surveillance shall be conducted periodically based on medical protocols.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	part of a national health system.		
Consultation of workers Art.11, 6(3)(c)	<ul style="list-style-type: none"> Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger. They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 	No observed discrepancies have been identified with regards to consultation of workers	<ul style="list-style-type: none"> Is balanced⁹ participation reflected in the national legislation? Are specific criteria put in place? N. Are there more detailed requirements relating specifically to one of the individual directives? N.
Limit values	N/A	N/A	N/A
Other issues identified	Eg. List and reports regarding occupational accidents, emergency measures, adequate controls and supervision, other protective and preventive measures	No observed discrepancies have been identified in relation to the other key requirements relating to emergency measures or the list and reports on occupational accidents.	The OSH Law contains more detailed requirements concerning the implementation of the requirements set forth in OSH Law, as well as the functions of the labour authorities and requirements relating to business

⁹ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>coordination.</p> <p>With regards to health and safety at workplaces such as mining, quarrying and tunnelling activities requiring the use of mining technology are excluded of the provisions of the OSH Law, and are supervised by the Corps of Mining Engineers. Manufacturing, transport, storage, handling and use of explosives are also excluded, as are occupational health and safety issues relating to the use of nuclear energy and concerning military and civilian staff of the Armed Forces Administration.</p>

Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions Art. 1 and Art. 2</p>	<ul style="list-style-type: none"> The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings. 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which 	<p>No observed discrepancies have been identified with regards to the scope and definitions.</p>	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes¹⁰? <p>N. The transposing legislation literally reflects Articles 1 and 2 of the workplace Directive.</p> <ul style="list-style-type: none"> Is the definition of 'workplace' in national law broader than the required by the Directive? <p>Y. The Workplace RD specifies that bathrooms, resting rooms, first aid rooms and dining rooms are included in the definition.</p> <p>Moreover, service or facilities related to workplace protection are also considered.</p>

¹⁰ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	the worker has access in the course of his employment.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace Framework Directive applies. 	No observed discrepancies have been identified with regards to information for workers	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Others		No observed discrepancies have been identified.	N.

Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art.	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements N. The transposing legislation literally reflects

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
2(a)	apparatus, tool or installation used at work.		Articles 1 and 2 of the work equipment Directive.
Conducting a risk assessment Art. 3 #	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question. 	No observed discrepancies have been identified related to the risk assessment.	<p>Y. More detailed requirements:</p> <ul style="list-style-type: none"> The employer shall also take into account the specific conditions of the working activity to be developed, and ergonomic risks to workers. If applicable, the necessary adaptations to be used by disabled workers shall be considered too. The OSH risks that can arise as a consequence of the presence of work equipment or its use.
Ensuring preventive and protective services	N/A	N/A	The IPS or EPS are in charge of reviewing and completing the instructions for use of work equipment.
Information for workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Y. The information provided (preferably in writing) must contain the following:</p> <ul style="list-style-type: none"> - The conditions and correct use of work equipment, taking into account the manufacturer's instructions, as well as possible abnormal and dangerous uses;

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> - Other relevant information that can be obtained from the experience of using work equipment; and - Information related to preventive use <p>The transposing legislation includes that the information must be understandable to the workers. The informational documentation provided by the manufacturer must be available to the workers.</p> <p>Workers must also be informed about the need to acknowledge the risks of using specific work equipment or any modifications made on the equipment, even if they do not directly use such equipment. Workers shall moreover be made aware of specific dangers or changes in their immediate surroundings even if these affect work equipment not being directly used by the worker. (WE RD)</p>
Training of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies. • Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail. • Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers <i>Art. 10</i>	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Is balanced¹¹ participation reflected in the national legislation? Are specific criteria put in place? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and 2</i>	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other public order agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover PPE used by emergency and rescue services? N. <ul style="list-style-type: none"> Does the transposing legislation cover any of the other exclusions in the Directive? N. The transposing legislation literally reflects Articles 1 and 2 of the PPE directive.
Conducting a risk assessment	<ul style="list-style-type: none"> Before choosing personal protective equipment, the employer is required to assess whether the personal protective 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> Any additional or more detailed requirements

¹¹ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 5*	<p>equipment he intends to use satisfies certain requirements.</p> <p>This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available.</p> <ul style="list-style-type: none"> • The assessment shall be reviewed if any changes are made to any of its elements 		<p>Y. In Annex II of the PPE RD a scheme is included for the preparation of an inventory of risks with the aim to improve the use PPE. Moreover, Annex III includes a list of activities that may require the use of PPE, and its Annex IV includes a list of indications for conducting the PPE evaluation.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work. 	<p>No observed discrepancies have been identified with regards to information for workers.</p>	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>Y. The PPE RD establishes that the employer shall provide information (preferably written information) regarding the correct use and maintenance of PPE and that information must be understandable for the workers. Moreover, the PPE user guide must be available for workers. In addition, if the simultaneous use of several PPE's is necessary, the employer must provide the worker with special training if required.</p>
Training of workers	<ul style="list-style-type: none"> • The employer shall arrange for training and shall, if appropriate, organize 	<p>No observed discrepancies have been identified with regards to training of workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training on PPE provided in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4(8) and 4 (9)	<p>demonstrations in the wearing of personal protective equipment.</p> <ul style="list-style-type: none"> Personal protective equipment may be used only for the purposes specified, except in specific and exceptional circumstances. It must be used in accordance with instructions. Such instructions must be understandable to the workers. 		<p>legislation?</p> <p>N.</p> <ul style="list-style-type: none"> Are there detailed requirements on demonstrations to be organized in the wearing of PPE? <p>N.</p>
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and 2</i>	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>Y. The OSH signs RD specifies that road, rail, inland waterway, sea or air transport are excluded unless the mentioned types of traffic take place in the workplace, and without prejudice to the provisions of Annex VII. Moreover the OSH signs RD also excludes military ships, aircraft and vehicles.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers <i>Art. 7</i>	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N. Article 7 of the OSH Signs Directive is almost literally transposed. No further detail is provided.</p>
Training of workers <i>Art. 7(2)</i>	<ul style="list-style-type: none"> Framework Directive applies. Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N. Article 7 of the OSH Signs Directive is almost literally transposed. No further detail is provided.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers <i>Art. 8</i>	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N. Article 8 of the OSH Signs Directive is</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			almost literally transposed. No further detail is provided.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation include¹² : <ul style="list-style-type: none"> areas used directly for and during the medical treatment of patients? the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? <p>N.</p>
Conducting a risk assessment	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur

¹² Please note that points (b), (d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4(1)	<p>account at least of:</p> <ul style="list-style-type: none"> — the likelihood that explosive atmospheres will occur and their persistence, — the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, — the installations, substances used, processes, and their possible interactions, — the scale of the anticipated effects. <ul style="list-style-type: none"> • Explosion risks shall be assessed overall. 		<p>in the conditions of the type of work involved?</p> <p>N. The ATEX RD transposes the Directive's requirement in an almost literal manner, thus no further detail is provided. However, as cross-referenced from the OSH Law, the employer has the obligation to conduct and review the risk assessment when changes affecting the conditions of workers occur.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N. Article 4 of the ATEX Directive is almost literally transposed. No further detail is provided.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers	<ul style="list-style-type: none"> • The employer must provide those working in places where explosive atmospheres may 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Annex II, 1.1	occur with sufficient and appropriate training with regard to explosion protection.		N. There are no more specific requirements on the training of workers.
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers. 	No observed discrepancies have been identified with regards to the scope and definitions.	N. Articles 1 and 2 of the Directive on the manual handling of loads have almost been literally transposed. No further details are provided.
Conducting a risk assessment Art. 4(a)	<ul style="list-style-type: none"> Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? <p>N. The RD on the manual handling of loads transposes the Directive's requirement in an almost literal manner, thus no further details are provided. However, as cross-referenced</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	provided for in Annex I to the Directive.		<p>from the OSH Law, the employer has the obligation to conduct and review the risk assessment when changes affecting the conditions of workers occur.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. • Employers must ensure that workers and/or their representatives receive general 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	indications and, where possible, precise information on: <ul style="list-style-type: none"> — the weight of a load, — the centre of gravity of the heaviest side when a package is eccentrically loaded. 		
Training of workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies • Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors? N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 7	Framework Directive applies	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.
Annex I	Reference Factors: <ul style="list-style-type: none"> • The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp; unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision. • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture. • The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of 		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable.</p> <ul style="list-style-type: none"> The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	<p>Individual Risk Factors</p> <p>The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.</p>		

Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. The Directive does not apply to: <ul style="list-style-type: none"> (a) drivers' cabs or control cabs for vehicles or machinery; (b) (computer systems on board a means of transport; (c) computer systems mainly intended for public use; (d) 'portable' systems not in prolonged use at a workstation; (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; (f) typewriters of traditional design, of the type known as 'typewriter with window' 	<p>No observed discrepancies have been identified with regards to the scope and definitions.</p>	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes? <p>N.</p> <ul style="list-style-type: none"> Is the definition of 'display screen equipment' in national law broader than required by the Directive? <p>N. Article 1 and 2 of the display screen equipment Directive are almost literally transposed. No further details are provided.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art.3</p>	<ul style="list-style-type: none"> • Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress. • Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found. 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? N. The display screen equipment RD transposes the Directive's requirement in an almost literal manner, thus no further details are provided. However, as cross-referenced from the OSH Law, the employer has the obligation to conduct and review the risk assessment when changes affecting the conditions of workers occur. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? Y. The DSE RD establishes that the risk assessment shall consider the characteristics of the job and the demands of the task as well as the following: a) The average daily use of computer time. b) The maximum continuous attention to the task required by the usual screen. c) The degree of concentration required by that task. If the results of any risk evaluation of the affected workers indicate the presence or possibility of an occupational health and safety risk, the employer shall adopt the necessary technical and organisational measures to eliminate or reduce the risk as much as possible (i.e. reduction of exposure time to display screen equipment).

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight). 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? N.
Training of workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Is the notion of 'substantially modified' further specified? N.
Health surveillance Art. 9*	<ul style="list-style-type: none"> Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> — before commencing display screen work, at regular intervals thereafter, and — if they experience visual difficulties which 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Are the conditions in which eye and eye sight test is required more specifically described in the legislation? N. Is the periodicity of eye and eye sight test provided in national law?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>may be due to display screen work.</p> <ul style="list-style-type: none"> Workers shall be entitled to an ophthalmological examination if the results such test show that this is necessary. If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. In no circumstances these measure may involve workers in additional financial cost. Protection of workers' eyes and eyesight may be provided as part of a national health system. 		N.
Consultation of workers <i>Art. 8</i>	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 1(2) and Art 2</i>	<ul style="list-style-type: none"> This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work. hand-arm vibration': the mechanical 	No observed discrepancies have been identified with regards to the scope and definitions.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders;</p> <ul style="list-style-type: none"> • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 		
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage. • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration - the extension of exposure to whole-body vibration beyond normal 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N. There is no explicit requirement in the Vibrations RD to submit the risk assessment to the authorities.</p> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>Y. It is only required for INSHT to develop and update a technical guide on the evaluation and prevention of risks arising from exposure to mechanical vibration.</p> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> • Is a more specific methodology for risk assessment provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		<p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: - measures taken to eliminate or reduce to a minimum the risks from mechanical vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; - why and how to detect and report signs of 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>injury;</p> <ul style="list-style-type: none"> - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure. 		
<p>Training of workers Art. 6</p>	<p>Same as above</p>	<p>No observed discrepancies have been identified with regards to training of workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N.
<p>Health surveillance Art. 8</p>	<ul style="list-style-type: none"> • Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. • Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> - workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, - it is probable that the illness or the effects occur in a worker's particular working conditions, and - there are tested techniques for the detection of the illness or the harmful effects on health. • Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance. • Individual health records are required and kept up-to-date. 	<p>No observed discrepancies have been identified with regards to health surveillance.</p>	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to vibration? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. • Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate or reduce risk? N. The Vibration RD establishes that in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to noise at work, the employer shall review the risk assessment carried out, as well as the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure; - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. - Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination. 		<p>measures aimed to eliminate or reduce the risk. The employer shall also consider the recommendations provided by the health surveillance department, and provide continuous monitoring of the health of the concerned worker, as well as other workers that may have been similarly exposed.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N.
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N.
Limit values Art.3	<ul style="list-style-type: none"> • The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. 	No observed discrepancies have been identified with regards to limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. Concerning the exposure to whole-body vibrations, the national legislation opts for the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Hand-arm vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²; - Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². • For whole-body vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; - Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 		daily exposure limit values standardised to an eight-hour reference (rather than to the vibration dose value).
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> • Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. - daily noise exposure level (L_{EX,8h}) (dB(A) re. 20 µPa): time weighted average of the noise exposure levels for a nominal; - weekly noise exposure level (L_{EX,8h}): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 	No observed discrepancies have been identified with regards to the scope and definitions.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives; - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; - appropriate information from health surveillance, including published information, as far as possible; - the availability of hearing protectors with adequate attenuation characteristics. 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N. There is no requirement in the Noise RD to submit the risk assessment documents to the authorities.</p> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>Y. It is only required for INSHT to develop and update a technical guide on the evaluation and prevention of risks arising from exposure to noise.</p> • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> • The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	No observed discrepancies have been identified with regards to ensuring preventive and protective services.	N.
Information for workers Art. 8	<ul style="list-style-type: none"> • Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure action values - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	- safe working practices to minimise exposure to noise		
Training of workers Art. 8	Same as above	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N.
Health surveillance Art. 10	<ul style="list-style-type: none"> Health surveillance of workers where the results of the assessment/measurement show a risk to their health. A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health. The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function. Individual health records are made and kept up to date. Health records shall contain a summary of the results of the health surveillance carried out. They shall be kept in a suitable form to permit consultation, taking into account any confidentiality. Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to noise? N. <ul style="list-style-type: none"> Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. The Noise RD establishes that in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to noise at work, the employer shall review the risk assessment carried out as well as the measures aimed at eliminating or reducing the risk. The employer shall also consider the recommendations provided by the health surveillance department and provide continuous monitoring of the health of the concerned worker as well as other workers that may have been similarly exposed. <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? N. <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and - arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. 		<ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>Y. The Noise RD establishes that health surveillance must be performed every 3 years when upper exposure action values are exceeded and every five years when lower exposure action values are exceeded.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p>
Limit values Art.3	<ul style="list-style-type: none"> For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at: <ul style="list-style-type: none"> (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; (b) upper exposure action values: $L_{EX,8h} 85$ 	No observed discrepancies have been identified with regards to limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>dB(A) and $p_{peak} = 140$ Pa (2) respectively; (c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively.</p> <ul style="list-style-type: none"> When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors. 		
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

NB: Directive 2004/40/EC has not been yet transposed in the Spanish legal order.

Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work. It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin. optical radiation: any electromagnetic radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical 	No observed discrepancies have been identified with regards to the scope and definitions.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>radiation is divided into ultraviolet radiation, visible radiation and infrared radiation:</p> <p>(i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm);</p> <p>(ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm;</p> <p>(iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm);</p>		
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed • The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. • The employer shall give particular attention, when carrying out the risk assessment, to the following: <ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N. There is no requirement in the AOR RD to submit the risk assessment documents to the authorities.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>substances;</p> <ul style="list-style-type: none"> - any indirect effects e.g. temporary blinding, explosion or fire; - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification; 		<p>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p>
Ensuring preventive and protective services Art 4(2)	<ul style="list-style-type: none"> • The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals 	No observed discrepancies have been identified with regards to ensuring preventive and protective services.	N.
Information for workers Art. 6	<ul style="list-style-type: none"> • The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: <ul style="list-style-type: none"> - measures taken to implement this Directive; - the exposure limit values and the associated potential risks; - the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; - how to detect adverse health effects of exposure and how to report them 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N. The information requirements have been transposed in a literal manner (AOR RD).</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure; - proper use of appropriate personal protective equipment 		
Training of workers Art. 6	Same as above	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. The training requirements have been transposed in a literal manner (AOR RD). • Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance Art. 8	<ul style="list-style-type: none"> • Health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. • Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment where such results may be relevant to the 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to artificial optical radiation? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? N. The AOR RD establishes that in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to AOR at work, the employer shall review the risk assessment carried out as well as the measures aimed at eliminating or reducing the risk. The employer shall also consider the recommendations provided by the health surveillance department and provide continuous monitoring of the health of the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>health surveillance.</p> <ul style="list-style-type: none"> • Individual workers shall, at their request, have access to their own personal health records • When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned. • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure; - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; - the employer shall: <ul style="list-style-type: none"> ○ review the risk assessment ○ review the measures taken to eliminate or reduce risks ○ take into account the health professional advice in implementing such measures ○ arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		<p>concerned worker as well as other workers that may have been similarly exposed.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N.
Consultation of	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been	<ul style="list-style-type: none"> • Are there more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers <i>Art. 7</i>		identified with regards to consultation of workers	than in the Framework Directive? N.
Limit values <i>Art.3</i>	<ul style="list-style-type: none"> Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. Exposure limit values for laser radiation are set out in Annex II. 	No observed discrepancies have been identified with regards to limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? N.
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 3(1) read in conjunction with Art 2</i>	<ul style="list-style-type: none"> This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	<p>No observed discrepancies have been identified with regards to the scope and definitions.</p> <ul style="list-style-type: none"> Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008? <p>Y. Royal Decree 363/1995 of 10 March 1995, pertaining to notification of new dangerous substances and their classification, packaging and labelling, applies the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008</p>	<ul style="list-style-type: none"> Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N.
Conducting a risk assessment <i>Art. 3</i>	<ul style="list-style-type: none"> nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>the measures to be taken.</p> <ul style="list-style-type: none"> • The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens. • The employer shall supply the authorities at their request with the information used for making the assessment. • When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin. 		<p>N. The Carcinogens and mutagens RD specifies that an employer is only required to inform the labour authorities without request if a new case of cancer results from occupational exposure to carcinogenic or mutagenic agents at work.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directives? N. • Is the content of the risk assessment more detailed than described in the Directives? N. • Is a more specific methodology for risk assessment provided in the legislation? N. <p>N. The Carcinogens and mutagens RD only specifies that the risk assessment shall be renewed regularly and whenever there is a change in the working conditions that may affect workers exposed to carcinogenic or mutagen agents occurs.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> • Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> ○ the consequences for workers' safety and health of the selection, wearing and use of 	<p>No observed discrepancies have been identified with regards to information for workers.</p>	<ul style="list-style-type: none"> • Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> ○ relevant activities and industrial processes, including reasons why carcinogens mutagens and reprotoxins are used; ○ quantities of substances and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment;</p> <ul style="list-style-type: none"> ○ the measures in case of foreseeable exposure • Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation • The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure • Doctors and/or competent authorities have access to this list. • Each worker has access to the information about him • Workers and/or workers representatives have access to anonymous collective information 		<p>preparations manufactured or used that contain CMR</p> <ul style="list-style-type: none"> ○ numbers of workers exposed ○ replacement by another product ○ negative impacts on fertility <p>N.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>Y. The Carcinogens and mutagens RD specifies that the employer shall inform and provide appropriate training to workers.</p> <p>Art. 6 specifies that workers shall have 10 minutes within their working hours for their personal hygiene before lunch and before leaving the workplace. Furthermore it establishes that employers are responsible for washing and decontamination workers' clothing, therefore workers are strictly forbidden to bring contaminated clothing to their homes.</p>
Training of workers Art.11	<ul style="list-style-type: none"> • Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> ○ Potential risks to health including the additional risks due to tobacco consumption ○ Precautions to be taken to prevent exposure 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p>
Health surveillance Art.14 and Annex II	<ul style="list-style-type: none"> • Health surveillance prior exposure and at regular intervals thereafter • If a workers suffer from an abnormality suspected to be the result of exposure the 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out.</p> <ul style="list-style-type: none"> • Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. • Advice must be given to workers on health surveillance after the end of exposure • Workers have access to the result of health surveillance that concern them • Workers/employers may request a review of the results of the health surveillance 		<p>Y. The Carcinogens and mutagens RD cross-refers to the OSH RD in relation to extending health surveillance of workers beyond the end of the employment relationship with the employer, through the National Health System.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. The Carcinogens and mutagens RD establishes that risk assessment reports, workers exposed and medical records shall be kept for 40 years following the end of exposure.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N. The Carcinogens and mutagens RD establishes that health surveillance shall be carried out periodically based on medical knowledge.</p>
Consultation of workers Art.13	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p>
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> • Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	No observed discrepancies have been identified with regards to limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> • Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres)? <p>N However, Annex I, II and III of the Chemical Agents RD identifies more</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			carcinogens and mutagens. There is a unique list integrating carcinogens or mutagens, even though they come from different sources: EU-indicative, EU-binding, and others, normally from other international lists, such as ACGIH, MAK Commission, etc. After discussion in the Spanish Scientific-Technical working group for setting the OELS, they are finally adopted by the National Commission for Health and Safety at Work and published by INSHT ¹³ . These values are set at national level and are mandatory and thus required by the LSSI.
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	Exposure to carcinogens or mutagens is listed under Annex I of OSH RD, therefore the employer is not allowed to personally implement prevention issues, except issues related to health surveillance.

Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Is the scope broader than the directive's for: <ul style="list-style-type: none"> - Chemical agent? - Hazardous chemical agent? N.

¹³ *Límites de exposición profesional para agentes químicos 2014* (Occupational exposure value limits for chemical agents for 2014). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/LEP%20 VALORES%20LIMITE/Valores%20limite/Limites2014/FINAL%20-%20Web%20v5%20-%20LEP%202014%20-%202029-01-2014.pdf>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market. • Hazardous chemical agent is defined as <ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive. 		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art. 4(1), (2) and (4)</p>	<ul style="list-style-type: none"> • The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance. • In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination. • The risk assessment must be documented. The employer must be in possession of the risk assessment. 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N. The employer is required to adequately document the risk assessment.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Y. The Chemical Agents RD establishes that the risk assessment for exposure to a hazardous chemical agent by inhalation should include measurements of the concentrations of the agent in the air, breathing zone of the worker and the comparison with the corresponding reference values.</p> <p>The risk evaluation also includes activities such as maintenance and repair activities that have the potential to significantly expose the worker to hazardous chemical agents, regardless of the technical methods or precautions that are taken. When activities involve exposure to several hazardous chemical agents, the evaluation must be conducted including the risks presented by a combination of such agents.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N. The employer is overall responsible for conducting and updating the risk assessment.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Data obtained from the risk assessments Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values) Training and information on appropriate precautions and actions to be taken Safety data sheet 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? <p>N.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>Y. The Chemical Agents RD also requires workers to be informed of the results of the measurements comparing exposure to the limit values.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Y. The Chemical Agents RD specifies that all information must be updated and provided in either written or verbal form, depending on the volume, complexity and frequency of use, as well as the nature and level of the risk involved. This information shall be updated whenever a modification in the working conditions occurs.</p> <p>Furthermore, regarding containers and pipes signalling, the employer shall ensure that the signs/labels on the containers and</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			conveyances/piping used for hazardous chemical agents in the workplace comply with the requirements for the posting of safety and health signs in the workplace (OSH signs RD).
Training of workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> o Training and information on appropriate precautions and actions to be taken 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance Art.10	<ul style="list-style-type: none"> The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. Copies must be supplied on request to the authorities 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? N. Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. Are the arrangements for health surveillance records specified in the legislation? N. Are the conditions in which health surveillance is required more specifically described in the legislation? Y. The Chemical Agents RD specifies that health surveillance shall be required whenever it is established in a legal obligation/instrument or whenever such a

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>surveillance is indispensable to evaluate the effect that work conditions have on a worker's health.</p> <p>In the event that health surveillance is required as described above, employers are required to ensure that workers are informed prior to assigning the worker to the task that involves a risk of exposure to the chemical agent.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p>
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> • Exposure limit values and biological limit values 	No observed discrepancies have been identified with regards to limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? <p>N. There is a unique list integrating them, even though they come from different sources: EU-indicative, EU-binding, and others, normally from other international lists, such as ACGIH, MAK Commission, etc. After discussion in the Spanish Scientific-Technical working group for setting the OELS, they are finally adopted by the National Commission for Health and Safety at Work and published by INSHT¹⁴. These values are set at national level and are mandatory and thus required by the LSSI.</p>
Other issues identified		No observed discrepancies have been identified with regards to other requirements	Exposure to toxic or very toxic chemical agents, as well as activities under major

¹⁴ Límites de exposición profesional para agentes químicos 2014 (Occupational exposure value limits for chemical agents for 2014). Published by INSHT. <http://www.insht.es/InshtWeb/Contenidos/Documentacion/LEP%20 VALORES%20LIMITE/Valores%20limite/Limites2014/FINAL%20-%20Web%20v5%20-%20LEP%202014%20-%202029-01-2014.pdf>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		set forth in the Directive.	accidents regulations are listed under Annex I of OSH RD, therefore the employers of these activities are not allowed to personally assume prevention issues, except issues related to health surveillance.

Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	<p>The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates:</p> <ul style="list-style-type: none"> - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1). 	No observed discrepancies have been identified with regards to scope and definitions.	<p>Y. The Asbestos RD applies to activities and operations where workers are exposed (or there are risks of exposure) to asbestos fibers or asbestos-containing materials. In particular:</p> <ul style="list-style-type: none"> - Demolition activities, if there is a presence of asbestos; - Asbestos removal activities, including removal of asbestos containing materials from buildings, structures, units (ships, vehicles, trains), equipment and other installations; - Maintenance and repair work on equipment, units (ships, vehicles, trains), installations, structures and buildings; - Maintenance and repair works that pose a risk because of loose asbestos fibers; - Transport, treatment and disposal/destruction of asbestos-containing wastes; and - Other activities or operations where asbestos containing materials are handled posing a risk of release of asbestos fibers to the work environment.
Conducting a	<ul style="list-style-type: none"> • In the case of activity likely to involve a risk 	No observed discrepancies have been	<ul style="list-style-type: none"> • Are the risks to be taken into account in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
risk assessment Art.3(2)	of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure.	identified with regards to conducting a risk assessment.	the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? Y. The Asbestos RD specifies that the risk assessment shall include the measurement of asbestos fibres in the air of the work areas to compare it to the limit value set forth in Article 4. If the result of the risk assessment requires a modification of the activity, then further assessment will be needed once the modifications are implemented. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? Y. The Asbestos RD requires qualified personnel specialised in Industrial Hygiene to conduct the risk assessment.
Ensuring preventive and protective services Art.7(4)	<ul style="list-style-type: none"> • Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in Laboratories equipped for fibre counting. 	No observed discrepancies have been identified with regards to ensuring preventive and protective services.	Y. The Asbestos RD requires qualified personnel specialised in Industrial Hygiene to conduct the risk assessment. The procedure for sampling (fibre count) is described in Annex I. The samples analysis shall only be carried out by specialized laboratories formally recognised by the Labour Authority.
Information for workers Art.4(4) Art.17	<ul style="list-style-type: none"> • Art.4(4): Workers must have access to the documents used in the documentation system • Art.17: Workers must receive adequate 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? N. • Does the legislation provide for specific

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>information on:</p> <ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials containing asbestos; - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. <ul style="list-style-type: none"> • Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. if the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken. 		<p>conditions (e.g. size of the establishments) in relation to workers information?</p> <p>Y. The Asbestos RD establishes that every worker shall be informed individually of the results of the risk assessment for their work as well as their specific medical reports.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p>
<p>Training of workers Art.14</p>	<ul style="list-style-type: none"> • Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. • The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: 	<p>No observed discrepancies have been identified with regards to training of workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there more detailed requirements on the training of workers than in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - properties of asbestos and its effects on health; - types of products or materials likely to contain asbestos; - operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; - safe work practices, controls and protective equipment; - appropriate role, choice, selection, limitations and proper use of respiratory equipment; - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 		N.
Health surveillance Art.18 and Annex I	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It must include a specific examination of the chest. • A new assessment must be available at least once every 3 years for as long as exposure continues. • Individual health record to be established for each worker • The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos. 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded? <p>Y. Health surveillance requirements are applied to workers exposed to asbestos.</p> <ul style="list-style-type: none"> • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? <p>Y. The Asbestos RD establishes that workers with a medical-occupational history of exposure to asbestos are required to undergo periodic medical examinations, in accordance with the intervals determined by the National Health System.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health The worker concerned or the employer may request a review of the assessments These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) 		<ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? Y. The Asbestos RD establishes that risk assessment reports, workers exposed and medical records shall be kept for 40 years following the end of exposure. Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? Y. The periodicity of health surveillance for workers exposed to asbestos is once a year.
Consultation of workers Art.3(5) and 7(3) and 12	<ul style="list-style-type: none"> Art.3(5): risk assessment is subject to worker consultation Art.7(3): sampling is carried out after worker consultation Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start. 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Does the national legislation set additional worker consultation requirements? N. Are specific criteria put in place? N.
Limit values Art.8	<ul style="list-style-type: none"> Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	No observed discrepancies have been identified with regards to limit values	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N.
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	The asbestos RD also contains detailed requirements concerning organisational measures and personal hygiene and personal protection measures. Furthermore,

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			its Chapter III establishes that facilities performing activities or operating under risk of asbestos fibres release into the work environment shall be registered in the Registry of Companies Subject to Asbestos Risk ("Registro de Empresas con Riesgo de Amianto" or "RERA").

Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive covers risks, arising or likely to arise from exposure to biological agents at work. 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N. The transposing legislation literally reflects Articles 1 and 2 of the workplace Directive.
Conducting a risk assessment Art. 3, 7(1)	<ul style="list-style-type: none"> The nature, degree and duration of workers' exposure must be determined. In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure The employer must supply the CAs, at their request, with the information used for 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities automatically? Y. The employer must notify the labour authority at least 30 days prior to conducting work with Group 2, 3 or 4 of biological agents, with the following information: <ul style="list-style-type: none"> Name and address of the employer; Name and training of the person(s) at the facility responsible for prevention of exposure to biological agents; The results of the risk assessment; The type of biological agent; and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>making the assessment.</p> <ul style="list-style-type: none"> • The assessment is conducted on the basis of all available information: - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; 		<ul style="list-style-type: none"> - The planned prevention and protective measures. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>Y. It is only required for INSHT to develop and update a technical guide on the evaluation and prevention of risks arising from exposure to biological agents.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Y. Biological agents are classified by the risk of infection they pose in four categories, including the following: bacteria and affines, viruses, parasites and fungi.</p> <p>The risk assessment must determine the nature, degree and duration of the exposure to the workers. This evaluation must be repeated periodically as well as any time a change in conditions that could affect the exposure of workers to biological agents, or when an infection or illness detected to a worker is suspected of having been caused by exposure to a biological agent.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Y. If the results of the evaluation indicate that the exposure, or potential exposure, refers to a Group 1 biological agent that does not present a known risk to the health of a worker, no further action is required.</p> <p>If the results of the evaluation indicate a risk to the health and safety of workers caused</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	- an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment.		by exposure to biological agents (Group 2, 3 and 4) then the employer shall avoid the exposure to workers and when the elimination is not possible, the risk of exposure shall be reduced to the lowest possible level. <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? N. <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.10	<ul style="list-style-type: none"> • Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> - a serious accident or incident involving the handling of a biological agent; - handling a group 4 biological agent. • Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. • Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. • Each worker shall have access to the 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the information to be provided to the CAs need to be available to the workers independently of their request? N. <ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? Y. The employer is required to provide appropriate information to workers (in the form of written instructions). Furthermore, the employer shall inform workers and their representatives of any accidents or incidents that would have caused the release of a biological agent capable of causing serious

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>information on the list of exposed workers which relates to him personally.</p> <ul style="list-style-type: none"> Workers or their representatives shall have access to anonymous collective information. Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 		infection or disease to workers.
Training of workers Art.9	<ul style="list-style-type: none"> Workers receive training concerning: <ul style="list-style-type: none"> - potential risks to health; - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. Training shall be: <ul style="list-style-type: none"> - given at the beginning of work involving contact with biological agents, - adapted to new or changed risks, and repeated periodically if necessary 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>Y. The employer shall provide instructional signs indicating the occurrence of a severe accident or incident and if applicable, the handling of a Group 4 biological agent.</p> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p>
Health surveillance Art.14 and Annex IV	<ul style="list-style-type: none"> Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years) <p>Y. The individual medical records must be kept for at least 10 years, following the end of exposure. This period can be extended up to 40 years for exposures that might result in an infection that responds to any of the following characteristics:</p> <ul style="list-style-type: none"> - Caused by biological agents known to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out</p> <ul style="list-style-type: none"> • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure. • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure. • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. • Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. • Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. • All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA 		<p>cause persistent or latent infections.</p> <ul style="list-style-type: none"> – When an infection is not diagnosable with current technologies, to manifestation of the disease many years later. – When the incubation period, prior to the manifestation of the disease, is particularly long. – A disease which despite available treatment, recurs – Having significant long-term sequels. <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. The Biological Agents establishes that risk assessment reports, workers exposed to any Group 3 and Group 4 biological agents (indicating the type of work conducted and the biological agents the workers were exposed), and medical records shall be kept for 10 years following the end of exposure. This period can be extended to 40 years for the cases described above.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>Y. The Biological agents RD establishes that health surveillance is required prior to any exposure at regular successive intervals. Furthermore, health surveillance shall be required if a worker subjected to the specified exposure contracts an infection or illness that could be caused by the exposure to biological agents.</p> <p>If effective vaccines exist for an exposure to a risk to biological agents, they must be</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>made available to affected workers, including information on the advantages and inconveniences caused by such vaccination. The offer of such vaccinations to workers, and their acceptance must be put in writing.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N. The Biological Agents RD establishes that health surveillance shall be carried out periodically based on medical knowledge.</p>
Consultation of workers Art.12	<ul style="list-style-type: none"> Framework Directive applies 	/	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	<p>The Biological Agents RD contains detailed requirements concerning organisational measures and personal hygiene and personal protection measures. Furthermore, its Chapter III establishes requirements regarding health and veterinary care facilities other than diagnostic laboratories, and special measures for industrial processes, laboratories and animal rooms.</p> <p>Annex IV of the Biological Agents RD establishes a list of containment measures and associated containment levels, and Annex V establishes a list on containment measures and associated containment levels for industrial processes. Furthermore, Annex VI lists practical recommendations for vaccination.</p> <p>Exposure to Groups 3 and 4 of biological agents is listed under Annex I of OSH RD, therefore the employers of these activities are not allowed to personally implement</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			prevention issues, except issues related to health surveillance.

Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1, 2 and 10(1) and (2)</i>	<ul style="list-style-type: none"> The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*. 	No observed discrepancies have been identified with regards to the scope and definitions.	N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers <i>Art.11</i>	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site. The information must be comprehensible to 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	the workers concerned.		N. The Temporary construction sites RD only specifies that the information must be comprehensive to all workers concerned.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> • Framework Directive applies. • The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> • Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	No observed discrepancies have been identified with regards to the scope and definitions.	N. The transposing legislation almost literally reflects Articles 1 and 2 of the Directive.
Conducting a risk assessment Art. 3.2	The employer shall ensure that a document concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health	No observed discrepancies have been identified with regards to conducting a risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. The requirements of Directive 92/104/EEC

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.		<p>are transposed literally in the Surface RD.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? Y. The Surface RD establishes that the "Health and Safety document" shall be available to Labour and Health authorities, prevention officers and workers' representatives.
Ensuring internal and/or external preventive and protective services	N/A	N/A	N/A
Information for workers	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 7	<p>be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems).</p> <ul style="list-style-type: none"> The information must be comprehensible to the workers concerned. 		<p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N. The Surface RD only specifies that the information must be comprehensible to all workers concerned.</p>
Training of workers Art. 10 (Annex, Part 1.5 and 1.6)	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. Written instructions specifying rules to be observed to ensure the safety and health of workers and the safe use of equipment must be drawn up for every workplace. These must include information on the use of emergency equipment and action to be taken in the event of an emergency at or near the workplace. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p>
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? <p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>by the Directive and subsequently at regular intervals.</p> <ul style="list-style-type: none"> Health surveillance may be provided as part of a national health system. 		<p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	Surface and underground mineral-extracting industries are listed under Annex I of OSH RD, therefore the employers of these activities are not allowed to personally implement prevention issues, except issues related to health surveillance.

Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted. 	No observed discrepancies have been identified with regards to the scope and definitions.	N.
Conducting a risk assessment	<ul style="list-style-type: none"> A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. 	No observed discrepancies have been identified with regards to conducting a risk assessment.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.3(2)	It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed.		<p>automatically?.</p> <p>N. The requirements of Directive 92/91/EEC are transposed literally in the Drilling RD.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems).</p> <ul style="list-style-type: none"> The information must be comprehensible to the workers concerned. 		<p>workers further specified?</p> <p>N. The Drilling RD only specifies that the information must be comprehensible to all workers concerned.</p>
Training of workers <i>Art. 10 (Annex Part A 2.5)</i>	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance <i>Art. 8</i>	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. Are the arrangements for health surveillance records specified in the legislation? N. Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? N.
Consultation of	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been	<ul style="list-style-type: none"> Are there more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art. 9		identified with regards to consultation of workers,	than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	Construction works, excavation, civil engineerin and tunnel constructions are listed under Annex I of OSH RD, therefore the employers of these activities are not allowed to personally implement prevention issues, except issues related to health surveillance.

Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? Y. While the Directive requires a sick bay for vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in a voyage of more than three days, the Vessels RD requires a sick bay for the same type of vessel but engaged in a voyage of more than 48 hours. Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 		N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters or over (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive? <p>N. The requirements of Directive 93/103/EC</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	respectively.		are almost literally transposed in the Fishing Vessels RD.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The framework Directive applies. The information must be comprehensible to the workers concerned. 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? Y, The Fishing Vessels RD specifies that the information must be comprehensible to all workers concerned. This RD also establishes that, regardless the responsibility of the captain, the owner shall ensure that workers and their representative receive adequate information and training in health and safety issues on board. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N.
Training of workers Art.9 Art.10	<p>Art.9</p> <ul style="list-style-type: none"> Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? Y. The Fishing Vessels RD establishes that the owner shall ensure that any person who can

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals • Such training shall be subject to the necessary updating where this is required by changes in the activities on board Art.10 <ul style="list-style-type: none"> • Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> - the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; - stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; - radio navigation and communication, including procedures. 		command a fishing vessel receives a special training in the following subjects: <ul style="list-style-type: none"> – Prevention of occupational diseases and accidents on board and measures to be taken in case of accident. – Firefighting and use of life-saving and survival equipment – Ship stability and maintenance of the stability under all foreseeable conditions of loading and during fishing operations. – Radio communication and navigation procedures. <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art.11	<ul style="list-style-type: none"> • The framework Directive applies 	No observed discrepancies have been identified with regards to consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> • <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice; • <i>worker who has recently given birth</i> shall mean a worker who has recently given birth within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • <i>worker who is breastfeeding</i> shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice. 	<p>No observed discrepancies have been identified with regards to the scope and definitions.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art. 4	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N. Annex I of Directive is literally transposed</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in Annex I of the Maternity RD, without providing more detail.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.4(2)	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values Art. 6	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> • This Directive shall apply to: <ul style="list-style-type: none"> ○ employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event; ○ temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> • Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	No observed discrepancies have been identified related to ensuring preventive and protective services.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms information to be provided to such services? <p>Y. The Temporary Workers RD requires the employer / user of temporary workers to ensure that the worker has the required qualifications and capabilities to perform the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			job as well as the necessary training, and that he/she has received sufficient information concerning the tasks to be performed. Furthermore, the user of temporary workers shall also inform workers regarding health and safety risks present at his/her workplace and the corresponding measures for their prevention.
Information for workers Art.3 (and 7)	<ul style="list-style-type: none"> In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? Y. The OSH Law and Temporary Workers RD both specify that the user of temporary workers shall inform workers (prior to the beginning of their activity) about the risks to which they will be exposed, the qualifications and skills required, preventive and corrective measures to be applied and special health surveillance required.
Training of workers Art.4	<ul style="list-style-type: none"> In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N.
Health surveillance Art.5(2)	<ul style="list-style-type: none"> Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance. 	No observed discrepancies have been identified with regards to health surveillance.	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? Y. The OSH Law and the Temporary Workers RD establish that temporary workers have the same rights to medical surveillance as regular workers.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<ul style="list-style-type: none"> • The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract or an employment relationship. • It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	No observed discrepancies have been identified with regards to the scope and definitions.	<ul style="list-style-type: none"> • Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking? N. The OSH Law does not apply to work in domestic service (without specifying if it refers to young people or not). Regarding the family undertaking the OSH Law does not determine anything.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art. 6(2)</p>	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p> <p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. The free health assessment and monitoring may form part of a national health system. 	<p>No observed discrepancies have been identified related to the risk assessment.</p>	<ul style="list-style-type: none"> Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major change in working conditions? <p>Y. The OSH Law establishes that the employer shall conduct a risk assessment of the tasks a young worker will be involved in prior to the start of the working relationship and whenever the working conditions change.</p> <p>This risk assessment will take particular account of specific risks regarding young people's immaturity and lack of experience.</p> <ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N. No reference to young people is specified in the requirements for the risk assessment of the OSH Law. The OSH Law defines occupational risks as the possibility that a worker (whether or not young people) suffers an injury resulting from work, thus ergonomic and psychosocial risks are also included in the definition.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N. <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.
Ensuring preventive and protective services Art. 6(4)	<ul style="list-style-type: none"> The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	No observed discrepancies have been identified related to ensuring preventive and protective services.	<ul style="list-style-type: none"> Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people? N.
Information for workers Art. 6(3)	<ul style="list-style-type: none"> The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health. 	No observed discrepancies have been identified with regards to information for workers.	<ul style="list-style-type: none"> Is the content or form of information to young workers/legal representatives of children further specified? N.
Training of workers Art.6 (2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people.*</p>	No observed discrepancies have been identified with regards to training of workers.	<ul style="list-style-type: none"> Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? N. <ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation in relation to young workers? N.
Health	Where the assessment shows that there is a	No observed discrepancies have been	<ul style="list-style-type: none"> Besides night work and cases where an

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
surveillance Art. 6(2) and 9(3)	<p>risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p> <ul style="list-style-type: none"> • Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 	identified with regards to health surveillance.	<p>assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances?</p> <p>N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N. The general requirements for health surveillance apply for young people at work</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p>
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified with regards to other requirements set forth in the Directive.	N.

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Spain has made use of the options provided in Art. 5(1) and Art. 7(2) second indent of Directive 91/383/EEC on temporary workers.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	N	Biological Agents RD, Annex 1. The list of activities where workers are likely to be exposed to biological agents in Annex I of Directive 2000/54/EC figures in Annex 1 of the Biological Agents RD.
Directive 91/383/EEC on temporary workers - Art. 5(1)	Y	Temporary workers RD, Article 8. Article 8 prohibits the use of temporary workers to carry out the following dangerous activities: <ul style="list-style-type: none"> - Construction works listed in Annex II of RD 1627/1997 (Temporary Construction sites RD). - Surface mining works (Surface RD). - Drilling works (Drilling RD). - Offshore platforms works. - Works related to manufacture, handling and use of fireworks and explosives (RD 230/1998, of 16 February 1998). - Works involving exposure to ionising radiation (RD 53/1992, of 24 January 1992). - Works involving exposure to carcinogenic, mutagenic or toxic for reproduction agents. - Works involving exposure to biological agents (Groups 3 and 4) (Biological Agents RD). - Works involving high voltage electrical hazards.
Directive 91/383/EEC on temporary workers - Art. 5(3)	N	OSH Law, Articles 28 and 22. Article 28 establishes that temporary workers shall have the same level of health and safety protection as all remaining workers (including medical surveillance).
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	Y	OSH Law, Article 28 and Temporary workers RD, Article 4. Both pieces of legislation require the employer to ensure that temporary workers, prior to the beginning of their activity, shall be informed about the risks they will be exposed during the work, and in particular, the occupational qualifications and skills required to conduct that work.

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

For each of the key requirements, the OSH Law sets out the general requirements, and these are completed by each of the specific OSH Royal Decrees with regard to the relevant individual Directives' requirements. The OSH RD also specifies additional requirements and obligations with regard to risk assessment and preventive and protective services.

The results of the analysis are presented in table 1-27 below.

Table 1- 27 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	Art. 14-16 OSH Law Art. 4-6 OSH RD	Art. 30-32 bis. OSH Law Art. 10-21 OSH RD	Art. 18 OSH Law	Art. 19 OSH Law	Art. 22 OSH Law	Art. 18 and 33 OSH Law
Council Directive 89/654/EEC (workplace)	/	/	Art. 11 Workplace RD (cross-reference to OSH Law)	/	/	Art. 12 Workplace RD (cross-reference to OSH Law)
Directive 2009/104/EC (work equipment)	Art. 3 WE RD	/	Art. 5 WE RD (cross-reference to OSH Law + specific requirements)	Art. 5 WE RD (cross-reference to OSH Law)	/	Art. 6 WE RD (cross-reference to OSH Law)
Council Directive 89/656/EEC (PPE)	Art. 3-4 PPE RD	/	Art. 8 PPE RD (cross-reference to OSH Law)	Art. 8 PPE RD (cross-reference to OSH Law)	/	Art. 9 PPE RD (cross-reference to OSH Law)
Council Directive 92/58/EEC (OSH signs)	/	/	Art. 5 OSH signs RD (cross-reference to OSH Law)	Art. 5 OSH signs RD (cross-reference to OSH Law)	/	Art. 6 OSH signs RD (cross-reference to OSH Law)
Directive 1999/92/EC (ATEX)	Art. 4 ATEX RD (cross-reference to OSH Law + specific requirements)	Art. 8 ATEX RD (cross-reference to OSH Law)	Annex II A 1.1. ATEX RD	Annex II A 1.1. ATEX RD	/	/
Council Directive 90/269/EEC (manual handling of loads)	Art. 3 MHL RD	/	Art. 4 MHL RD (cross-reference to OSH Law)	Art. 4 MHL RD (cross-reference to OSH Law)	Art. 6 MHL RD (cross-reference to OSH Law)	Art. 5 MHL RD (cross-reference to OSH Law)
Council Directive 90/270/EEC (display screen equipment)	Art. 3 DSE RD (cross-reference to OSH Law +		Art. 5 DSE RD (cross-reference to OSH Law)	Art. 5 DSE RD (cross-reference to OSH Law)	Art. 4 DSE RD	Art. 6 DSE RD (cross-reference to OSH Law)

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	specific requirements)					
Directive 2002/44/EC (vibration)	Art. 3-5 Vibrations RD (cross-reference to OSH Law + specific requirements)	/	Art. 6 Vibrations RD (cross-reference to OSH Law)	Art. 6 Vibrations RD (cross-reference to OSH Law)	Art. 8 Vibrations RD (cross-reference to OSH Law)	Art. 7 Vibrations RD (cross-reference to OSH Law)
Directive 2003/10/EC (noise)	Art. 4-6 Noise RD (cross-reference to OSH Law + specific requirements)	Art. 7-8 Noise RD	Art. 9 Noise RD (cross-reference to OSH Law)	Art. 9 Noise RD (cross-reference to OSH Law)	Art. 11 Noise RD (cross-reference to OSH Law)	Art. 10 Noise RD (cross-reference to OSH Law)
Directive 2004/40/EC (electromagnetic fields)	N/A ¹⁵	N/A	N/A	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	Art. 4-6 AOR RD (cross-reference to OSH Law and OSH signs RD + specific requirements)	Art. 7 AOR RD	Art. 8 AOR RD (cross-reference to OSH Law)	Art. 8 AOR RD (cross-reference to OSH Law)	Art. 10 AOR RD (cross-reference to OSH Law)	Art. 9 AOR RD (cross-reference to OSH Law)
Directive 2004/37/EC (carcinogens or mutagens)	Art. 3-7 Carcinogens and mutagens RD (cross-reference to OSH Law, OSH RD and OSH signs RD + specific requirements)	Art. 9 Carcinogens and mutagens RD	Art. 11 Carcinogens and mutagens RD	Art. 11 Carcinogens and mutagens RD	Art. 8 Carcinogens and mutagens RD (cross-reference to OSH Law + specific requirements)	Art. 12 Carcinogens and mutagens RD (cross-reference to OSH Law)
Council Directive 98/24/EC (chemical agents at work)	Art. 3-5 Chemical Agents RD	Art. 7-8 Chemical Agents RD	Art 9 Chemical Agents RD (cross-	Art 9 Chemical Agents RD (cross-	Art 6 Chemical Agents RD (cross-	Art 10 Chemical Agents RD (cross-

¹⁵ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
			reference to OSH Law and OSH signs RD + specific requirements)	reference to OSH Law and OSH signs RD + specific requirements)	reference to OSH Law + specific requirements)	reference to OSH Law)
Directive 2009/148/EC (asbestos)	Art. 4-6 Asbestos RD	Art. 7-11 Asbestos RD	Art 14 Asbestos RD (cross-reference to OSH Law and OSH RD + specific requirements)	Art 13 Asbestos RD (cross-reference to OSH Law + specific requirements)	Art 16 Asbestos RD (cross-reference to OSH RD + specific requirements)	Art 15 Asbestos RD (cross-reference to OSH RD + specific requirements)
Directive 2000/54/EC (biological agents)	Art. 4-7 Biological Agents RD (cross-reference to OSH Law, OSH RD and OSH signs RD + specific requirements)	Art. 9 Biological Agents RD (cross-reference to OSH RD + specific requirements)	Art. 12 Biological Agents RD (cross-reference to OSH Law + specific requirements)	Art. 12 Biological Agents RD (cross-reference to OSH Law + specific requirements)	Art. 8 Biological Agents RD (cross-reference to OSH RD + specific requirements)	Art. 13 Biological Agents RD (cross-reference to OSH Law)
Council Directive 92/57/EEC (temporary or mobile construction sites)	Art. 4-7 Temporary Construction sites RD	Art. 10-12 Temporary Construction sites RD	Art. 15 Temporary Construction sites RD (cross-reference to OSH Law)	Art- 15 Temporary Construction sites RD	/	Art. 16 Temporary Construction sites RD (cross-reference to OSH Law)
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Art. 3-4 Surface RD (cross-reference to OSH Law)	/	Art. 7 Surface RD (cross-reference to OSH Law)	Annex A 1.5 Surface RD	Art. 8 Surface RD (cross-reference to OSH Law and OSH RD)	Art. 9 Surface RD (cross-reference to OSH Law)
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Paragraph 2.1 Drilling RD	/	Paragraph 2.5 Drilling RD	Annex Part A 2.4 Drilling RD	Paragraph 2.6 Drilling RD	Paragraph 2.7 Drilling RD
Council Directive 92/29/EEC (medical treatment on board vessels)	/	/	Art. 5 Vessels RD	Art. 12-15 Vessels RD	Art. 16 Vessels RD	/

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Council Directive 93/103/EC (work on board fishing vessels)	Art. 3 Fishing Vessels RD (cross-reference to OSH Law)	/	Art. 6 Fishing Vessels RD (cross-reference to OSH Law)	Art. 6-7 Fishing Vessels RD (cross-reference to OSH Law)	/	Art. 8 Fishing Vessels RD (cross-reference to OSH Law)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	Art. 14-16 and 25-26 of OSH Law, Art. 1 Maternity RD	Art. 30-32 bis OSH Law, Art. 1 Maternity RD	Art. 18 OSH Law	Art. 19 OSH Law	Art. 22 OSH Law	Art. 18 and 33 OSH Law
Council Directive 91/383/EEC (temporary workers)	Art. 14-16 and 28 of OSH Law, Art. 2 Temporary workers RD	Art. 30-32 bis. OSH Law, Art. 4 Temporary workers RD	Art. 18 OSH Law	Art. 19 OSH Law, Art. 4 Temporary workers RD	Art. 22 OSH Law, Art. 2 and 3 Temporary workers RD	Art. 18 and 33 OSH Law, Art. 4 Temporary workers RD
Council Directive 94/33/EC (young people at work)	Art. 14-16 and 27 OSH Law	Art. 30-32 bis OSH Law	Art. 18 OSH Law	Art. 19 OSH Law	Art. 22 OSH Law	Art. 18 and 33 OSH Law
Conclusions on interactions between Directives	The risk assessment is a key measure that employers must include in their OSH plan, as required in the OSH Law and OSH RD. It aims to avoid risks where possible and to be comprehensive in its evaluation in order to establish appropriate preventive	The functions of EPS and IPS are detailed in the OSH Law. General obligations and requirements of their services are specified in the OSH RD.	The OSH Law sets out general requirements concerning information for workers in order to inform them about OSH risks they are exposed to and safety measures applied. Special requirements, such as instructions in case of an accident,	The OSH Law sets out general requirements concerning theoretical and practical training of workers, prior to the start of the activity and whenever work conditions change. Special training requirements may be necessary in	The OSH Law establishes that the employer shall ensure health surveillance to workers based on the risk assessment. This regular health monitoring shall be voluntary to workers. ¹⁶ Special health surveillance requirements may be necessary in	The OSH Law sets out that the employer must consult workers with regards to work planification, HS risk prevention measures, information and training of workers. The employer shall consult workers representatives prior to workers. For companies

¹⁶ However, art. 22 Law 39/1995 also establishes that health surveillance might be undertaken, *irrespective of the willingness of the worker*, in cases where checks are the only way to monitor the working and health conditions of workers; or to assess whether the health conditions of a worker might represent a hazard for himself or for other workers; or in any case of compulsory legal provisions aimed at protecting the health and safety of workers from specific risks.

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	measures. This risk assessment shall be updated whenever work conditions change. In addition to the requirements set forth in the OSH Law and OSH RD, specific additional requirements are set out in specific RD, such as specific risks or parameters to assess.		are included in specific RDs for a particular topic.	specific RDs for a particular topic.	specific RDs for a particular topic.	that have 50 or more workers, the OSH Law also requires the involvement of an OSH Committee to discuss important issues relating to OSH requirements.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in nine Directives as listed below. For all these Directives, Spain has set transitional periods, with the exception of Directive 94/33/EC (young people at work). The transitional period set forth in Directive 90/270/EEC (display screen equipment) has not been respected by Spain.

Table 2- 1 Transitional Periods

Directive	Transitional periods applied	Transitional period respected	Date of end of application of the transitional period
Directive 90/270/EEC (display screen equipment)	Yes	No	31 December 1992
Directive 92/91/EC (mineral-extracting industries through drilling)	Yes	Yes	3 February 2001
Directive 92/104/EC (surface and underground mineral extracting industries)	Yes	Yes	5 September 2002
Directive 93/103 (work on board fishing vessels)	Yes	Yes	23 November 2002
Directive 94/33/EC (young people at work)	No	-	-
Directive 1999/92/EC (ATEX)	Yes	Yes	30 June 2003
Directive 2002/44/EC (vibration)	Yes	Yes	6 July 2010 6 July 2012 (for equipment used in agriculture and forestry)
Directive 2003/10/EC (noise)	Yes	Yes	15 February 2008 only for the music and entertainment sector)
Directive 2009/104/EC (work equipment)	Yes	Yes	18 July 1998 18 July 2002 (in certain sectors under prior authorisation from the Labour authority) 18 July 2001 (for mobile work equipment and lifting loads work equipment)

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Spanish transposing legislation reflects a few of the derogations and, as a rule, the conditions attached to them. In particular, children under sixteen years of age could be employed in public entertainment in exceptional cases (Art.5.3 Directive 94/33/EC on the protection of young people at work). Spain has also transposed the derogation from the prohibition of the use of certain chemical agents (Art.9.2 and 9.3 Directive 98/24/EC on chemical agents at work), but specifies that this prohibition shall not be applicable if the chemical agent forms part of another chemical agent. Further, the derogation from the obligation to comply with exposure limit values in the case of sea and air transport and the derogation from the obligation to comply with exposure limit value in certain cases (Art.10.1 and 10.2 Directive 2002/44/EC on vibration) have also been used. Finally, Spain has also included the derogation from the use of individual hearing protectors in certain cases (Art.1.1 and 11.2 Directive 2003/10/EC on noise).

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Spain has not made use of this derogation (PPE RD).	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	Spain has not made use of this derogation.
Directive 92/57/EEC on temporary or mobile construction sites	Art. 3.2	Derogation from the obligation to draw up a health and safety plan	N	Spain has not made use of the derogation to appoint OSH coordinators. The Temporary Construction sites RD always requires to appoint coordinators when writing a health and safety plan. Its content may vary depending on the budget of the project, number of employed workers, type of activity and project duration.	The derogation does not cover work involving particular risks as listed in Annex II.	N	Spain has not made use of this derogation. Risks listed in Annex II of Directive 92/57/EEC are also listed in Annex II of Temporary Construction sites RD.
				Idem.	The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	Spain has not made use of this derogation.
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	Spain has not made use of this derogation (OSH signs RD).	Alternative measures guaranteeing the same level of protection laid down.	N	Spain has not made use of this derogation (OSH signs RD).
		Derogation from the application of Annex IX, section 3	N	Spain has not made use of this derogation (OSH signs RD).	Alternative measures guaranteeing the same level of protection laid down	N	Spain has not made use of this derogation (OSH signs RD).
Directive 92/85/EEC on	Art.11.4	Member States may make entitlement to	N	Spain has not made use of this derogation (OSH Law).	The worker concerned shall fulfil the conditions of	N	Spain has not made use of this derogation (OSH Law).

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
breastfeeding workers		benefits conditional			eligibility for such benefits laid down under national legislation.		
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months immediately prior to the presumed date of confinement.	N	Spain has not made use of this derogation (OSH Law).
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	Y	The OSH Law does not regulate this issue. However, Royal Legislative Decree 1/1995, of 24 March 1995, concerning the Statute of Workers Rights, establishes that children under sixteen years of age could be employed in public entertainment in exceptional cases authorised by the Labour authority, providing there is no danger to their physical health or their professional development.	N/A in the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	Y	Royal Legislative Decree 1/1995, of 24 March 1995, concerning the Statute of Workers Rights, specifies that children under sixteen years of age are prohibited to work. However, under its article 6, children under sixteen years old could be authorized to work in public entertainment under authorization from the Labour authority. As described in Royal Decree 1435/1985, of 1 August 1985, concerning public entertainment employment this authorisation shall be requested by the legal representatives of the children.
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	N	Spain has not made use of this derogation (OSH Law).	Derogations indispensable for their vocational training	N	Spain has not made use of this derogation (OSH Law).
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a	Y	Art 27 of OSH Law effectively reflects the provisions of the Directive.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					competent person within the meaning of Article 7 of Directive 89/391/EEC		
					Protection afforded by Framework Directive is guaranteed	Y	Art 27 of OSH Law effectively reflects the provisions of the Directive.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Spain has not made use of this derogation (OSH Law).	Derogation is justified by way of exception	N	Spain has not made use of this derogation (OSH Law).
					<u>Or</u> Derogation is used because objective grounds are provided	N	Spain has not made use of this derogation (OSH Law).
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.	N	Spain has not made use of this derogation (OSH Law).
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	N	Spain has not made use of this derogation (OSH Law).	Work by adolescents in specific areas of activity	N	Spain has not made use of this derogation. OSH Law and the Statute of Workers Rights (Royal Legislative Decree 1/1995) establishes that children under eighteen years of age cannot work at night or in jobs declared unhealthy, painful, harmful or dangerous by the Ministry of Labour and Social Security. Children under eighteen but older than sixteen years of age may be hired if their parents or their legal guardians authorise it. The employer must conduct a risk assessment before children under eighteen start working,

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
							taking into special account particular risks related to young people such as immaturity or lack of experience.
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	N	Spain has not made use of this derogation.
					Work shall continue to be prohibited between midnight and 4 a.m.	N	Spain has not made use of this derogation.
	Article 9 (2) b second indent Derogation from prohibition of night work for adolescents for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.	N	Spain has not made use of this derogation (OSH Law).	Objective grounds for so doing	N	Spain has not made use of this derogation.	
				and provided that adolescents are allowed suitable compensatory rest time	N	Spain has not made use of this derogation.	
				and that the objectives set out in Article 1 are not called into question:	N	Spain has not made use of this derogation.	
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities	N	Spain has not made use of this derogation (OSH Law). OSH Law and the Statute			

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		involving periods of work that are split up over the day or are of short duration.		of Workers Rights (Royal Legislative Decree 1/1995) establish that children under eighteen years of age cannot work more than eight hours per day, including time spent in training. Furthermore, children under eighteen years of age must rest a minimum of thirty minutes provided that the daily working period exceeds 4,5 hours. Weekly rest periods for children shall be at least two consecutive days per week.			
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar establishments; (d) work performed in agriculture; (e) work performed	N	Spain has not made use of this derogation Statute of Workers Rights (Royal Legislative Decree 1/1995).	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question	N	Spain has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.					
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	N	Spain has not made use of this derogation Statute of Workers Rights (Royal Legislative Decree 1/1995).	Work is of a temporary nature and must be performed immediately	N	Spain has not made use of this derogation.
					Adult workers are not available	N	Spain has not made use of this derogation.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	Spain has not made use of this derogation.
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate chemical agents that are present in the form of by-products or waste products, - for the production	Y	Art. 8 of the Chemical Agents RD transposes the derogations and conditions laid down in art 9.2 and 9.3 of the Directive. However, it also specifies that this prohibition shall not be applicable if the chemical agent forms part of another chemical agent, provided that its individual concentration therein is fewer than the limit established in Annex III of the Chemical Agents RD.	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	Y	Art. 8.3 of the Chemical Agents RD establishes that exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be only removed the minimum amount required to monitor the process or service the system.
					Member States may provide for systems of individual authorisations.	N	Spain has not made use of this derogation.
					The competent authority shall request the employer to submit the information listed in Article 9.3.	Y	Art. 8.3 of the Chemical Agents RD establishes that the employer shall submit the information listed in Article 9.3 of the Directive, as well as the

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use.					documentation concerning the activity's license.
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport,	Y	Art. 5 of the Vibrations RD effectively transposes derogation and conditions laid down in Art. 10.1 of the Directive.	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	Y	Art 5 of the Vibration RD establishes that these exceptions may only be granted under justified circumstances, where the employer must ensure minimisation of the whole-body vibration risks, as well as compliance with the requirements set forth in Art. 8 regarding health surveillance. These exceptions must be previously consulted to workers and their representatives, and shall be included in the occupational risk assessment as well. The employer shall communicate to the labour authority the risk assessment and the justification of the exceptions. Such derogations shall be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. The Ministry of Labour and Social Security shall report to the European Commission the information regarding these exceptions every four years.
					The derogation must be	Y	Idem.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)		
	Art.10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value	Y	Art. 3 of the Vibrations RD effectively transposes derogation and conditions laid down in Art. 10.2 of the Directive.	The exposure value averaged over 40 hours must be less than the exposure limit value and	Y	Art. 3.3 of the Vibrations RD effectively transposes the derogations and conditions laid down in art. 9.3 of the Directive.
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value	Y	Art. 3.3 of the Vibrations RD establishes that these exceptions may only be granted under justified circumstances, where the employer must ensure minimisation of the whole-body vibration risks. These exceptions must be previously consulted to workers and their representatives, and shall be included in the occupational risk assessment as well. The employer shall communicate to the labour authority the risk assessment and the justification of the exceptions. The Ministry of Labour and Social Security shall report to the

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
							European Commission the information regarding these exceptions every four years.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	Y	Idem.
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors	Y	Art. 12 of the Noise RD effectively transposes derogation and conditions laid down in Art. 11.1 of the Directive.	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	Y	Art 12.2 of the Noise RD establishes that these exceptions may only be granted under justified circumstances, where the employer must ensure minimization of noise risks, as well as intensive health monitoring. These exceptions must be previously consulted to workers and their representatives, and shall be included in the occupational risk assessment as well. The employer shall communicate to the Labour authority the risk assessment, the justification of the exceptions and the period of time estimated.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	Y	The Ministry of Labour and Social Security shall report to the European Commission the information regarding these exceptions every four years.
Directive 2004/40/EC on physical agents (electromagnetic fields)	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N/A	<p>Directive 2004/40/EC has not been transposed into Spanish regulations. However, this Directive has been repealed by Directive 2013/35/EC, on the minimum occupational health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).</p> <p>There is no regulation concerning exposure of workers to electromagnetic fields to date in Spain.</p>			

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance :

- (5) very high degree of compliance: indicators above 80%
- (4) high degree of compliance: indicators 60-79%
- (3) medium degree of compliance: indicators 40-59%
- (2) low degree of compliance: indicators 20-39%
- (1) very low degree of compliance: indicators below 20%.

The percentages are intended as approximate guides and not as exact values.

In the case of Spain, there seems to be plenty of data available that can be used to make a deliberate judgement on the degree of compliance with the CPMs across all 24 OSH Directives. Both the deskstudy nor the interviews resulted in any data or information on this. The most important data source are the Labour and Social Security Inspectorate Annual Reports. The percentages noted down in the tables below can be considered to be accurate and valid as they have been confirmed during the stakeholder interviews and in other relevant reports or publications. However, the desk study and the interviews could not provide much data on the degree of compliance with the CPMs at the level of individual Directives, nor with the key requirements.

On average, Spanish companies offer a very high degree of compliance with the CPMs. However, SMEs have major shortcomings in complying with basic OSH requirements established in Laws and Royal Decrees, in particular regarding risk assessment, workers participation in training, and specifically in primary sectors such as agriculture, livestock and construction. An exception here may be Council Directive 89/656/EEC (PPE). Spanish legislation has recently been adapted to ensure better compliance of SMEs with the OSH requirements. This is important because approximately 95% of the companies in Spain employ less than 10 workers.

The main sources of information that have been used for completing this chapter are listed below. These are official sources of information published by the authorities; other sources of information from e.g. social partners or research bodies are listed in Sections 4 and 6. Moreover, the degree of

compliance with the Directives has been discussed with the various stakeholders interviewed, who all quoted the same sources of information used to complete the tables. Therefore, the results can be considered valid and representative.

- **Annual Reports on Occupational Health and Safety in Spain**¹⁷, INSHT. These reports are a summary of the most important activities conducted the previous year by the public institutions that define the National Prevention System of Spain, such as the Labour and Social Security Inspectorate (LSSI), the Specialized Prosecutor Office, the Autonomous Communities, the Foundation for the Prevention of Occupational Risks, the National Commission for Health and Safety at Work and the Spanish National Institute of Health and Safety at Work (INSHT). Furthermore, the most important OSH legislative developments are detailed.
- **Labour and Social Security Inspectorate Annual Reports**¹⁸, drafted by LSSI and published by the Ministry of Employment and Social Security. These reports aim to provide an overview of the LSSI activity in Spain. They are divided in three main parts: the first part is mainly introductory where the organization and the functions of the LSSI are reviewed; the second part is focused on the resources available to LSSI; and the third part addresses the LSSI activity throughout the previous year. Concerning control related to matters prescribed by individual-directives, the inspection reports categorise inspection conclusions per Autonomous Community, per sector of the activity (e.g. construction, trade, professional services, food industry...), per risk (e.g. chemical agents, elevated work, electricity...) or type of problems encountered (e.g. violence, sexual harassment...). Information regarding the type of obligations that is not respected by the undertaking or establishment is not specified in the reports.
- **National Survey of Safety and Health Enterprises Management (ENGE 2009)**¹⁹, INSHT. These surveys are conducted by the Spanish National Institute of Health and Safety at Work (INSHT) and intended to obtain reliable information concerning working conditions in Spain from the employers, such as how companies organize their activity with regards to OSH requirements, the frequency of the OSH actions carried out and the opinion of employers concerning risks in their companies.
- **National Survey of Working Conditions (2011)**²⁰, INSHT. These surveys are conducted by the Spanish National Institute of Health and Safety at Work (INSHT) and intended to obtain reliable information concerning working conditions in Spain from different groups of workers. These National Surveys are carried out periodically in order to provide statistical information with regards to OSH requirements and the OSH actions carried out at the companies where they work.
- **Regional Surveys of Working Conditions (Catalonia, Andalucia, Murcia, Castilla La Mancha)**. These regional surveys are aimed to obtain reliable information concerning working conditions from the employers and the workers perspective, with regards to OSH requirements.
- **ESENER Survey results for Spain (2009)**²¹. This is a European survey of enterprises by EU-OSHA on new and emerging risks which explores the views of managers and worker's representatives on how health and safety risks are managed at their workplace.

¹⁷ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at:

<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

¹⁸ Annual Report of the LSSI, available online at:

http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/.

¹⁹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp>.

²⁰ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

²¹ The ESENER Survey for Spain (Enterprise survey on new and emerging risks) can be found available at the following website: <https://osha.europa.eu/sub/esener/en/front-page>

The percentages included in the following tables are based on non-conformity reports specified in the Labour and Social Security Inspectorate Annual Reports. It should however be noted that the LSSI activities are mainly planned around campaigns dedicated to several sectors, risks, size of enterprise etc. As a result, the data in the Labour and Social Security Inspectorate Annual Reports is biased towards those companies highlighted in the campaigns. The data in the following tables can thus not be considered as a general indicator. Nevertheless, they have been used as in the present report to give an indication of the level of compliance with the OSH requirements in comparison with other criteria/indicators (such as accidents at work and occupational illnesses statistics or national surveys).

Further, it has to be considered that the data are based on a certain distribution of typology of enterprises that does not correspond to the percentage of this typology from the total of the Spanish productive sector. Approximately 95% of the companies in Spain have less than 10 workers, and it is known that the level of compliance of this type of companies is not so high as it is in bigger companies.

SMEs have major shortcomings in complying with basic OSH requirements established in Laws and Royal Decrees, in particular regarding risk assessment, workers participation in training, and specifically in primary sectors such as agriculture, livestock and construction. These shortcomings arise mainly from:

- the lack of information and specific (targeted information distributed locally) and comprehensible guidelines;
- poor capacity and skills in terms of occupational health and safety;
- lack of resources to ensure appropriate basic training of workforce and managers;
- poor access to effective, specific and specialised technical assistance.

In Spain the rates of occupational accidents are higher in SMEs than in larger companies²². Therefore, improvements have been made in the integration of prevention in SMEs by means of legislative changes and accompanying actions as described in Sections 4 and 6. Thus, Law 25/2009, amending various laws, has amended several articles of the Law 31/1995 on the Prevention of Occupational Risks (OSH Law) to introduce specific rules adapted to the characteristics of these companies. Another change was introduced by the Royal Decree 337/2010 which aimed to facilitate the companies' compliance with the regulations on prevention, particularly small and medium companies as well as improve the quality and effectiveness of occupational risk prevention systems.

²² Large companies (>1000 employees) have the lowest incidence rate, but companies with up to nine employees only rank second.

Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	<p>% of establishments which perform regular risk assessment</p> <p>% of establishments that carry out risk management activities resulting from the risk assessment</p>	<p>5</p> <p>88.57% (it includes risk assessment as well as preventive actions planning).</p>	<p>Assessment was made on the basis of the annual reports on Occupational Health and Safety in Spain, from INSHT²³, of 2012. The percentage is based on the number of non-conformities detected on inspection visits in comparison to the total number of inspections visits performed related to well-being and dynamic risk assessment policy.</p> <p>Non-conformities cover verbal warnings, written warnings, measures, elements for cessation of activities, elements for infraction reports and establish measures and settlements.</p> <p>The percentage based on non-conformity reports is an indication of the level of compliance in comparison to other criteria/indicators (such as accidents at work and occupational illnesses statistics or national surveys), but it has to be considered that the statistics are based on a certain distribution of the typology of businesses that probably does not correspond to the percentage of this typology from the total of the Spanish productive sector. Based on these annual reports, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.</p>	<p>No data or information was available through the annual reports from INSHT on the differences according to enterprise size or sector, nor did the interviews result in additional information or details.</p>
		<p>4</p>	<p>Assessment was made on the basis of National surveys</p>	<p>The industrial sector has the</p>

²³ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at: <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		76.9%	<p>to employers concerning working conditions and OSH management (INSHT), of 2009²⁴. The percentage is based on the number of businesses that have conducted a risk assessment in comparison to the total number of business surveyed. No work construction has been included in this assessment.</p> <p>Other additional data derived from these surveys:</p> <ul style="list-style-type: none"> - 74% of the business surveyed have conducted a OSH prevention Plan; - 44.2% of the business surveyed have established preventive activities effectiveness controls; - 35.2% of the businesses surveyed have conducted accident investigations. <p>Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly and in any event or only when any changes occur in the conditions which may affect workers exposure.</p>	<p>highest (85%) and the agricultural sector has the lowest (72%). The retail and tourism sectors have approximately 80% and the Public Administration and Education sector have 75%</p> <p>Within the Industrial sector, the metal industry has the highest percentage (87%). The chemical industry has 86% and the manufacturing sector 82%.</p>
		3 35% have performed a risk assessment in the last year	<p>Assessment was made on the basis of National surveys to workers concerning working conditions and OSH management (INSHT), of 2011²⁵.</p> <p>Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or only when changes occur in the work conditions which may affect workers exposure.</p>	<p>The industrial sector has a higher percentage (50%) than the agricultural sector which is the lowest (20%). The construction sector has approximately 42% and the public administration and education sectors have 32%.</p>

²⁴ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp>

²⁵ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalizeIndex2.jsp>.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
			Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Within the industrial sectors, the chemical industry has the highest percentage (60%). The metal industry has 58% and the manufacturing sector has 50%.																														
		5 95%	The ESENER survey also suggests that a high percentage of workplaces is regularly checked for health and safety as part of a risk assessment or similar measures (95%). ²⁶	The ESENER survey ²⁷ shows the following differences according to enterprise size and sectors: <table border="1" data-bbox="1697 695 2056 879"> <thead> <tr> <th>Company size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>93.4%</td> <td>5.1%</td> </tr> <tr> <td>20-49</td> <td>97.1%</td> <td>2.9%</td> </tr> <tr> <td>50-249</td> <td>97.1%</td> <td>2.3%</td> </tr> <tr> <td>250-499</td> <td>99.7%</td> <td>0.3%</td> </tr> <tr> <td>500+</td> <td>100%</td> <td>0%</td> </tr> </tbody> </table> <table border="1" data-bbox="1697 908 2056 1029"> <thead> <tr> <th>Sector type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>97.6%</td> <td>2.4%</td> </tr> <tr> <td>Private</td> <td>95.1%</td> <td>4.1%</td> </tr> <tr> <td>Public</td> <td>91.1%</td> <td>6.1%</td> </tr> </tbody> </table>	Company size	Yes	No	10-19	93.4%	5.1%	20-49	97.1%	2.9%	50-249	97.1%	2.3%	250-499	99.7%	0.3%	500+	100%	0%	Sector type	Yes	No	Production	97.6%	2.4%	Private	95.1%	4.1%	Public	91.1%	6.1%
Company size	Yes	No																																
10-19	93.4%	5.1%																																
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250-499	99.7%	0.3%																																
500+	100%	0%																																
Sector type	Yes	No																																
Production	97.6%	2.4%																																
Private	95.1%	4.1%																																
Public	91.1%	6.1%																																
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	5 94.3%	Assessment was made on the basis of the annual reports Occupational Health and Safety in Spain, from INSHT, of 2012. The percentage is based on the number of non-conformities detected on inspection visits in comparison to the total number of inspections visits performed related to well-being and dynamic risk assessment policy.	No data or information was available through the annual report (2012) from INSHT on the differences according to enterprise size or sector, nor did the interviews result in additional information or details.																														

²⁶ ESENER1, question MM161

²⁷ ESENER1, question MM161

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			Non- conformities cover verbal warnings, written warnings, measures, elements for cessation of activities, element for infraction report and establishing measures and settlements.	
		4 65%	Assessment was made on the basis of ESENER 2009 ²⁸ concerning the establishment of a health and safety representative.	The 73.06% of the production sector interviewed indicated that a health and safety representative was established at their workplace. whereas in the private sector and the public services is considered to be as 69.75% and 65.46% respectively. With regards to the company size, 91.27% of companies with 250 to 499 workers indicated that they had health and safety representative. On the other hand, only 63.69% of companies with 10 to 19 workers indicated that they had health and safety representative at their workplace.
		5 89.9%	Assessment was made on the basis of National surveys to employers concerning working conditions and OSH management (INSHT), of 2009 ²⁹ . The percentage is based on the number of businesses that have an OSH	Most of the industrial sectors have an external prevention service (eg. 69% of chemical industries, 72.2% of trade

²⁸ The ESENER Survey for Spain (Enterprise survey on new and emerging risks), can be found available at the following website: <https://osha.europa.eu/sub/esener/en/front-page>.

²⁹ *Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención*. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp> .

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			<p>prevention service in comparison to the total number of businesses surveyed.</p> <p>Other additional data derived from these surveys:</p> <ul style="list-style-type: none"> - 9.9% of the businesses surveyed, the employer has personally assumed prevention issues; - 85% of the businesses surveyed, the employer has designated a worker to conduct prevention issues; - 4.9% of the businesses surveyed have an internal prevention service; - 4.2% of the businesses surveyed have a joint prevention service; - 72.8% of the business surveyed have an external prevention service; - 10.1% of the businesses surveyed do not have a responsible person or resources implemented for OSH issues; - 43.4% of the businesses surveyed with more than 6 workers have a prevention delegate; - 81.0% of the businesses surveyed with more than 50 workers have a Health and Safety Committee. <p>Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.</p>	<p>industries, 78.9 % of metal industries). The extractive industry sector has the highest percentage (14.7%), of employers personally assuming prevention issues and the public administration sector has the highest percentage (13.1%) of internal prevention services conducting OSH issues.</p>
Information and training for workers	% of establishment which provide information to workers	5 91.8% (it includes information and training of workers)	Assessment was made on the basis of the annual reports Occupational Health and Safety in Spain, from INSHT, of 2012. The percentage is based on the number of non-conformities detected on inspection visits in comparison to the total number of inspections visits performed related to well-being and dynamic risk assessment policy.	No data or information was available through the annual report (2012) from INSHT on the differences according to enterprise size or sector, nor did the interviews result in additional information or details.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			Non-conformities cover verbal warnings, written warnings, measures, elements for cessation of activities, element for infraction report and establishing measures and settlements.	
		5 84.4% (it includes information and training of workers)	<p>Assessment was made on the basis of National surveys to employers concerning working conditions and OSH management (INSHT), of 2009³⁰. The percentage is based on the number of businesses that provide information and training to workers in comparison to the total number of businesses surveyed.</p> <p>Other additional data derived from these surveys:</p> <ul style="list-style-type: none"> - 61.3% of the businesses surveyed have conducted training activities in the past two years; - 59.1% of the businesses surveyed have trained workers concerning OSH issues. <p>Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.</p>	The construction sector has the highest % among all sectors (80.9%), whereas the financial and real estate sectors have the lowest % (50.7%). Regarding OSH training, the construction sector has the highest percentage (76.0%), whereas the trade and commerce sectors have the lowest (52.5%).
Making available health surveillance	% of establishments which provide health surveillance to workers	5 96.24%	<p>Assessment was made on the basis of the annual reports of 2012 on Occupational Health and Safety in Spain by the INSHT. The percentage is based on the number of non-conformities detected on inspection visits in comparison to the total number of inspections visits performed related to well-being and dynamic risk assessment policy.</p> <p>Non-conformities reports cover verbal warnings, written warnings, measures, elements for cessation of</p>	No data or information was available through the annual report (2012) from INSHT on the differences according to enterprise size or sector, nor did the interviews result in additional information or details.

³⁰ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp>

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			activities, elements for infraction reports and establish measures and settlements.	
		5 81.1%	Assessment was made on the basis of National surveys to employers concerning working conditions and OSH management (INSHT), of 2009 ³¹ . The percentage is based on the number of businesses that have provided health surveillance to workers in comparison to the total number of businesses surveyed. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	The metal industry has the highest % among all sectors (71.5%), whereas the financial and real estate sectors have the lowest % (56.6%).
		4 65.3%	Assessment was made on the basis of National surveys to workers concerning working conditions and OSH management (INSHT), of 2011 ³² . The percentage is based on the number of businesses that have provided health surveillance to workers in comparison to the total number of businesses surveyed. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	The chemical industry has the highest % among all sectors (89.2%), whereas the cultural sector has the lowest % (45.3%) followed by the agricultural sector.
		5 98.2%	The ESENER1 survey ³³ suggests that most of the workplaces (98.2%) are monitored through regular medical examinations	The ESENER survey ³⁴ shows the following differences according to enterprise size and sectors:

³¹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp>.

³² Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

³³ ESENER1, question MM154

³⁴ ESENER1, question MM154

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
				<table border="1"> <thead> <tr> <th>Company size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>97.8%</td> <td>2.2%</td> </tr> <tr> <td>20-49</td> <td>98.3%</td> <td>1.7%</td> </tr> <tr> <td>50-249</td> <td>99.5%</td> <td>0.5%</td> </tr> <tr> <td>250-499</td> <td>100%</td> <td>0%</td> </tr> <tr> <td>500+</td> <td>99.3%</td> <td>0.7%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>99.8%</td> <td>0.2%</td> </tr> <tr> <td>Private</td> <td>98.7%</td> <td>1.3%</td> </tr> <tr> <td>Public</td> <td>94.2%</td> <td>5.8%</td> </tr> </tbody> </table>	Company size	Yes	No	10-19	97.8%	2.2%	20-49	98.3%	1.7%	50-249	99.5%	0.5%	250-499	100%	0%	500+	99.3%	0.7%	Sector type	Yes	No	Production	99.8%	0.2%	Private	98.7%	1.3%	Public	94.2%	5.8%
Company size	Yes	No																																
10-19	97.8%	2.2%																																
20-49	98.3%	1.7%																																
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Sector type	Yes	No																																
Production	99.8%	0.2%																																
Private	98.7%	1.3%																																
Public	94.2%	5.8%																																
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	-	No data was available for review on the basis of the annual reports on Occupational Health and Safety in Spain (INSHT).	No data or information was available through the annual reports from INSHT on the differences according to enterprise size or sector, nor did the interviews result in additional information or details.																														

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	<p>% of establishments which perform regular risk assessment</p> <p>% of establishments that carry out risk management activities resulting from the risk assessment</p>	Directive 2009/104/EC (work equipment)	4 78.9%	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009³⁵.</p> <p>Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.</p>	Both the deskstudy nor the interviews resulted in any data or information on this.
		Council Directive 90/269/EEC (manual handling of loads)	4 77.6%	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009³⁶.</p> <p>Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.</p>	Both the deskstudy nor the interviews resulted in any data or information on this.
		Directive 2002/44/EC (vibration)	4	Assessment was made on the basis of National surveys	Both the deskstudy nor the interviews resulted in any data or

³⁵ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

³⁶ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			71%	on employers concerning working conditions and OSH management (INSHT), of 2009 ³⁷ . Data relates to all physical factors covering both noise and vibrations. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	information on this.
		Directive 2003/10/EC (noise)	4 71%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ³⁸ . Data relates to all physical factors covering both noise and vibrations. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Directive 2006/25/EC (artificial optical)	4 71%	Assessment was made on the basis of National surveys	Both the deskstudy nor the interviews resulted in any data or

³⁷ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

³⁸ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		radiation)		on employers concerning working conditions and OSH management (INSHT), of 2009 ³⁹ . Data relates to all physical factors covering both noise and vibrations. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	information on this.
		Directive 2004/37/EC (carcinogens or mutagens)	4 69.7%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁰ . Data relates to all chemical, carcinogens and mutagens agents. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Council Directive 98/24/EC (chemical	4 69.7%	Assessment was made on the basis of National surveys	Both the deskstudy nor the interviews resulted in any data or

³⁹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴⁰ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		agents at work)		on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴¹ . Data relates to all chemical, carcinogens and mutagens agents. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	information on this.
		Directive 2000/54/EC (biological agents)	4 66.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴² . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Council Directive 92/57/EEC (temporary or mobile construction sites)	4 77.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH	Both the deskstudy nor the interviews resulted in any data or information on this.

⁴¹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴² Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				management (INSHT), of 2009 ⁴³ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	
		Council Directive 92/85/EEC (pregnant/breastfeeding workers)	4 77.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁴ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Council Directive 91/383/EEC (temporary workers)	4 77.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁵ .	Both the deskstudy nor the interviews resulted in any data or information on this.

⁴³ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴⁴ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴⁵ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	
		Council Directive 94/33/EC (young people at work)	4 77.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁶ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	Directive 2004/37/EC (carcinogens or mutagens)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁷ . Data relates to all chemical, carcinogens and mutagens agents. Conclusions based on	Both the deskstudy nor the interviews resulted in any data or information on this.

⁴⁶ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴⁷ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				consultation with the stakeholders interviewed confirmed these percentages.	
		Council Directive 98/24/EC (chemical agents at work)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁸ . Data relates to all chemical, carcinogens and mutagens agents.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Directive 2000/54/EC (biological agents)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁴⁹ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Council Directive 92/57/EEC (temporary or mobile construction sites)	5 95.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH	Both the deskstudy nor the interviews resulted in any data or information on this.

⁴⁸ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁴⁹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				management (INSHT), of 2009 ⁵⁰ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	
Training and Information for workers	% of establishment which provide information to workers	Council Directive 89/654/EEC (workplace)	3 59.9%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵¹ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Directive 2004/37/EC (carcinogens or mutagens)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵² . Data relates to all	

⁵⁰ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁵¹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁵² Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				chemical, carcinogens and mutagens agents. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	
		Council Directive 98/24/EC (chemical agents at work)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵³ . Data relates to all chemical, carcinogens and mutagens agents. Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.
		Directive 2000/54/EC (biological agents)	5 81.5%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵⁴ .	Both the deskstudy nor the interviews resulted in any data or information on this.

⁵³ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁵⁴ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	
		Council Directive 92/57/EEC (temporary or mobile construction sites)	4 78.6%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵⁵ . Conclusions based on consultation with the stakeholders interviewed confirmed these percentages.	Both the deskstudy nor the interviews resulted in any data or information on this.

Table 3- 3 Degree of compliance: Key requirements

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
Directive 89/391/EEC (Framework Directive)	All	5 81.1%	Assessment was made on the basis of the annual reports of the Labour Inspectorate ⁵⁶ . The percentage is based on the number of non-conformities detected in	Both the deskstudy nor the interviews resulted in any data or information on this.

⁵⁵ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁵⁶ Annual Report of the LSSI, available online at: http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			inspection visits in comparison to the total number of inspection visits performed related to directive specific requirements.	
		2 35.7%	Assessment was made on the basis of National surveys on workers concerning working conditions and OSH management (INSHT), of 2011 ⁵⁷ . The percentage is based on the number of businesses that have conducted a risk assessment in comparison to the total number of businesses surveyed. Based on these annual reports, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.	The chemical sector has the highest % among all sectors (61.0%), whereas the agricultural sector has the lowest % (20.7%).
Council Directive 89/654/EEC (workplace)	All	4 25.6% (no additional measures have been needed) 3.4% (additional measures have been studied) 42.2% additional measures have been carried out)	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁵⁸ . The percentage is based on the number of businesses that have conducted a risk assessment regarding the workplace and have adopted preventive measures. Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.	The chemical sector has the highest % among all sectors (79.4%), whereas the agricultural sector has the lowest % (65.3%).

⁵⁷ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalizeIndex2.jsp>.

⁵⁸ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalizeIndex.jsp>.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
Directive 2009/104/EC (work equipment)	All	5 90.04%	Assessment was made on the basis of the annual reports on Occupational Health and Safety in Spain ⁵⁹ . The percentage is based on the number of non-conformities detected on inspection visits in comparison to the total number of inspections visits performed related to directive specific requirements.	Both the deskstudy nor the interviews resulted in any data or information on this.
		4 29.% (no additional measures have been needed) 2.6% (additional measures have been studied) 43.9% additional measures have been carried out)	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁶⁰ . The percentage is based on the number of businesses that have conducted a risk assessment concerning the work equipment and have adopted preventive measures. Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.	The financial and rental sectors have the highest % among all sectors (69.4%), whereas the metal sector has the lowest % (11.1%).
Council Directive 89/656/EEC (PPE)	All	5 94.29%	Assessment was made on the basis of the annual reports on Occupational Health and Safety in Spain ⁶¹ . The percentage is based on the number of non-conformities detected on inspection visits in	Based on the conclusions from the National survey on Health and Safety business management in Spain of 2009 ⁶² , it is worth mentioning that only

⁵⁹ Annual Reports on Occupational Health and Safety in Spain

<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=05e51e6078b3e310VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD> .

⁶⁰ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁶¹ Annual Reports on Occupational Health and Safety in Spain

<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=05e51e6078b3e310VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD> .

⁶² Conclusions from National survey on Safety and Health enterprises management (ENGE 2009)

<http://www.insht.es/Observatorio/Contenidos/InformesPropios/Desarrollados/Ficheros/Conclusions%20from%20ENGE.pdf>

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			comparison to the total number of inspections visits performed related to directive specific requirements.	34.9% of the businesses surveyed are required to use PPEs.
Directive 2002/44/EC (vibration)	All	<p>4</p> <p>33.8% (no additional measures have been needed)</p> <p>3.3% (additional measures have been studied)</p> <p>28.7% additional measures have been carried out)</p>	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2011⁶³. The percentage is based on the number of businesses that have conducted a risk assessment regarding chemical agents at work and have adopted preventive measures.</p> <p>Data relates to all physical factors covering both noise and vibrations.</p> <p>Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.</p>	The metal sector has the highest % among all sectors (73.8%), whereas the public administration sector has the lowest % (61.6%).
Directive 2003/10/EC (noise)	All	<p>4</p> <p>33.8% (no additional measures have been needed)</p> <p>3.3% (additional measures have been studied)</p> <p>28.7% additional measures have been carried</p>	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2011⁶⁴. The percentage is based on the number of businesses that have conducted a risk assessment regarding chemical agents at work and have adopted preventive measures.</p> <p>Data relates to all physical factors covering both noise and vibrations.</p> <p>Based on these National surveys, it cannot be determined whether risk assessment is reviewed</p>	The metal sector has the highest % among all sectors (73.8%), whereas the public administration sector has the lowest % (61.6%).

⁶³ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

⁶⁴ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
		out)	regularly or when changes occur in the work conditions which may affect workers exposure.	
Directive 2004/37/EC (carcinogens or mutagens)	All	<p>4 48.0% (no additional measures have been needed)</p> <p>1.3% (additional measures have been studied)</p> <p>15.1% additional measures have been carried out)</p>	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009⁶⁵. The percentage is based on the number of businesses that have conducted a risk assessment regarding chemical agents at work and have adopted preventive measures.</p> <p>Data relates to all chemical, carcinogens and mutagens.</p> <p>Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.</p>	The chemical sector has the highest % among all sectors (75.7%), whereas the financial and rental sector has the lowest % (57.3%).
Council Directive 98/24/EC (chemical agents at work)	All	<p>4 48.0% (no additional measures have been needed)</p> <p>1.3% (additional measures have been studied)</p> <p>15.1% additional measures have</p>	<p>Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009⁶⁶. The percentage is based on the number of businesses that have conducted a risk assessment regarding chemical agents at work and have adopted preventive measures.</p> <p>Data relates to all chemical, carcinogens and mutagens.</p> <p>Based on these National surveys, it cannot be</p>	The chemical sector has the highest % among all sectors (75.7%), whereas the financial and rental sectors have the lowest % (57.3%).

⁶⁵ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

⁶⁶ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex.jsp>.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
		been carried out)	determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.	
Directive 2000/54/EC (biological agents)	All	4 48.3% (no additional measures have been needed) 1.6% (additional measures have been studied) 10.9% additional measures have been carried out)	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2011 ⁶⁷ . The percentage is based on the number of businesses that have conducted a risk assessment regarding biological agents at work and have adopted preventive measures. Based on these National surveys, it cannot be determined whether risk assessment is reviewed regularly or when changes occur in the work conditions which may affect workers exposure.	The chemical sector has the highest % among all sectors (63.9%), whereas the agricultural sector has the lowest % (58.5%).
Council Directive 92/57/EEC (temporary or mobile construction sites)	All	5 87%	Assessment was made on the basis of National surveys on employers concerning working conditions and OSH management (INSHT), of 2009 ⁶⁸ . The percentage is based on the number of business that have informed and trained workers concerning risk assessment in construction sites in comparison to the total number of businesses surveyed.	Both the deskstudy nor the interviews resulted in any data or information on this.
Council Directive 91/383/EEC (temporary workers)	All	-	No data was available for review on the basis of National surveys on employers concerning working conditions and OSH management (INSHT).	It is worth mentioning that only 20.2% of workers are contracted as temporary workers ⁶⁹ . The sectors that most use

⁶⁷ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

⁶⁸ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/EngeAnalisis.jsp>.

⁶⁹ Encuestas Nacionales de Condiciones de Trabajo y de Gestión de la Prevención. National surveys concerning working conditions and OSH management (INSHT). <http://encuestasnacionales.oect.es/enge/AnalyzeIndex2.jsp>.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
				temporary workers are the agricultural sector (59.1%), followed by the construction sector (35.9%). The sector that has the lowest rate of temporary workers is the metal industry (13.8%).

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

In Spain, the approach to compliance with OSH legislation has been laid down in the 2007 Strategy on Safety and Health at Work 2007-2012. The Strategy focuses on 8 operational objectives that address various areas which greatly impact the safety and health of workers. Each of these objectives are performed through bi-yearly Action Plans. Special attention is given to SMEs, given that they represent 95% of Spanish enterprises. No other differences on compliance could be observed between the private and public sector, or between different sectors of economic activity.

The Strategy, which was agreed upon with all social partners and autonomous regions after an extended process of social dialogue, wants to reduce both the number of accidents at work and occupational illnesses, and to steadily improve general levels of safety and health at work.

Table 3- 4 Approaches to compliance

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
<p>What approach has been adopted? Is it systematic?</p>	<p>On June 29, 2007, the Spanish Strategy on Safety and Health at Work 2007-2012 (SSSHW) was approved, which sets the general framework for prevention of occupational risks in the short, medium and long term. A midterm review was performed in 2010 and in April 2013 its final report was published.</p> <p>It is planned to continue with this instrument once the forthcoming Spanish Strategy on Safety and Health at Work 2014-2020, which is currently being drafted, has been approved.</p> <p>The authorities, during a meeting held on March 13, 2013, agreed to establish a working group for the development as well as the assessment of compliance of the Spanish Strategy on Safety and Health at Work 2014-2020. The Group was established in May 2013 (for more information see chapter 1.2).</p>	<p>Since the vast majority of the bussines network in Spain are micro and SMEs companies, the SSSHW has set one objective concerning these types of businesses in order to improve their OSH management.</p> <p>No differences have been appreciated concerning sectors of economic activities.</p>
<p>What are the key characteristics of the approach?</p>	<p>The SSSHW establishes 8 operational objectives that address the following areas that impact the safety and health of workers: education policy, organization of prevention issues, monitoring and compliance with the regulations and R&D policies, consultation and participation of workers, etc.</p> <p>The eight objectives are as follows:</p> <ul style="list-style-type: none"> - Objective 1: Achieve a better and effective compliance with particular attention to small and medium enterprises. - Objective 2: Improve the effectiveness and quality of the prevention system, with special emphasis on entities specialized in prevention. - Objective 3: Strengthen the role of the social partners and the involvement of employers and workers in improving safety and health at work. - Objective 4: Develop and strengthen a preventive safety and health culture in the Spanish society. 	<p>To facilitate the enforcement of occupational risk prevention by small and medium enterprises and micro-enterprises, the following measures were taken:</p> <ul style="list-style-type: none"> - The documentation to be completed by small and medium enterprises, to which public assistance for the organization of preventive activities is simplified. So plan risk prevention, risk assessment and prevention planning work activities shall be performed in a simplified manner for those companies up to 50 workers who do not engage with special risks. - Prevention documents shall be made more easily understandable and applicable for the employer. - The prevention plan, risk assessment and planning of preventive activities shall be established in a small size document, fully adapted to the activity and the size of the company.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<ul style="list-style-type: none"> - Objective 5: Improve information systems and research on safety and health at work. - Objective 6: Enhance training on the prevention of occupational hazards. - Objective 7: Strengthen the institutions involved in the prevention of occupational hazards. - Objective 8: Improve the institutional involvement and coordination of government policies on prevention of occupational hazards. <p>The development and control of each of these objectives was performed through three Action Plans (2007-2008, 2008-2010 and 2010-2012) allocating agencies responsible for developing the lines of action.</p>	<ul style="list-style-type: none"> - Companies up to 50 workers that manage their own prevention systems and resources shall be exempt from the obligation to undergo an audit. - The employer may personally develop prevention activities in companies up to 10 workers (currently expanded to 25 workers). - Companies with up to 10 workers shall be provided with public advice to the employer on the management of preventive activities. - The Labour Inspectorate shall offer support and advice to companies up to 50 workers that adhere to this program, making it possible for these companies to avoid the penalties, provided that they comply with the established planning. - Development of a Guideline on implementing prevention regulations for SMEs and micro-enterprises by the INSHT. - A system of bonuses or reduction of social security contributions will be established for those companies with lower accident ratios. - There will be specific programs for control and monitoring of companies and activities with high accident rates. - A certificate for construction companies accrediting compliance with the minimum requirements for the employer to carry out his/her profession is to be provided. - There will also be specific programs to ensure effective risk prevention among self-employed workers. - It will be launched a renewal plan to replace work obsolete equipment in those sectors where accident rate data advises the modernization of machinery.
What are the criteria upon which priorities for compliance measures	The SSSHW defines two general objectives: - First, obtaining a consistent and significant reduction of	Besides the first objective of the SSSHW cited above which was mainly focused to micro/SMEs companies,

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
are set?	<p>accidents in the workplace as well as nearing the average values of the European Union, regarding both accidents at work and occupational diseases.</p> <ul style="list-style-type: none"> - Second, the continuous and progressive improvement of the conditions of safety and health at work. <p>The need for their establishment is justified as follows:</p> <ul style="list-style-type: none"> - The occupational accident rates were placing Spain at very high levels. - Examining in depth the successes and correct the errors of eleven years since the entry into force of the Law on Prevention of Occupational Risks. - Articulate the European Security Strategy and Health at Work for the period 2007-2012 in an appropriate and respectful manner regarding the constitutional division of competences. 	no differences have been appreciated concerning sectors of economic activities.
Are stakeholders (employees and their representatives) involved in the forming of the compliance approach and its further development?	<p>The strategy was agreed with the social partners after a discussion process developed since 2005 and was presented to the Committee on Safety and Health during the meeting held on June 28, 2007.</p> <p>From the diagnosis of the current status of the prevention of occupational risks, SSSHW identifies the objectives described above, and in order to accomplish them, the lines of action are to be developed in the coming years by all parties involved. Based on the consensus of all stakeholders, it is to be designed a common shared framework of actions on the prevention of occupational risks to be later developed by the Government, the Autonomous Communities and the social partners.</p>	Besides the first objective of the SSSHW cited above which was mainly focused to micro/SMEs companies, no differences have been appreciated concerning sectors of economic activities.

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

Spain knows many accompanying actions, ranging from brochures, magazines and awareness videos, to online supporting software tools. They all strive to support companies in implementing OSH requirements in an efficient manner. Among those, the following two are of most importance⁷⁰:

- 1 the Technical Guides for each Royal Decree (transposing legislation) and Technical Notes on Prevention, or NTPs produced by the National Institute of Safety and Hygiene at Work (INSHT), are intended to provide the necessary technical information to assist the employer in complying with the legislation; and
- 2 the Prevención10 on-line platform, supported by the Social Security and implemented by INSHT in collaboration with the Autonomous Communities, assesses risk assessment and control by SMEs and microenterprises with sector-specific tools (for more information about Prevención10 see chapter 7 on SMEs and micro enterprises).

It is worth mentioning that, although all NTPs, technical guides, disclosure sheets and guidance documents described below are not mandatory (they do not have legal value), they constitute a very useful tool for employers, employees and safety officers to better understand and fulfil OSH requirements. Some of these accompanying actions are also mentioned in the text of the specific OSH acts. Nevertheless, some of the stakeholders that were interviewed believe that most employers and workers are not aware of the existence of these accompanying actions, thus their use is not having the expected impact.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

Directive 89/391/EEC (Framework Directive)

- *Estadística de accidentes de trabajo y enfermedades profesionales* (Statistics on work accidents and professional illness). Online platform of the Ministry of Employment and Social Security, which contains statistics and information regarding accidents occurred at workplace. <http://www.empleo.gob.es/estadisticas/eat/welcome.htm>
- *Estadísticas UGT sobre accidentes de trabajo y enfermedades profesionales* (UGT Trade Union Statistics on work accidents and professional illness). Online platform of the UGT Trade Union, which contains statistics and information regarding accidents occurred at workplace.

⁷⁰ For more information see National Implementation Report Spain, Part A, Section I, 2.0

- http://www.ugt.es/saludLaboral/siniestralidad/informes_siniestralidad.html
- *Observatorio de las contingencias profesionales de la Seguridad Social-Estadísticas sobre enfermedades profesionales (CEPROSS) y Patologías no traumáticas (PANOTRATSS)* (Observatory for professional illness-Statistics). Published by the Ministry of Employment and Social Security, 2013.
http://www.seg-social.es/Internet_1/Estadistica/Est/Observatorio_de_las_Enfermedades_Profesionales/index.htm
- *Videos de Salud Laboral* (Video awareness campaigns on labor risk prevention), 2013. These videos are used as a social awareness online platform. Published by CCOO Trade Union
http://www.ccoo.es/cscceo/Areas:Salud_laboral:Videos_Salud_Laboral
- *Erga Bibliografico*. Online monthly scientific publication intended for specialised audience, including abstracts, courses and conferences. Published by INSHT.
<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnnextoid=184cb1eae3065110VgnVCM10000dc0ca8c0RCRD&vgnnextchannel=9f164a7f8a651110VgnVCM10000dc0ca8c0RCRD>
- *Erga @nline*. Online monthly publication intended for experts publishing the latest news concerning health and safety issues. Published by INSHT.
<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnnextoid=29e9de578fe36110VgnVCM10000dc0ca8c0RCRD&vgnnextchannel=9f164a7f8a651110VgnVCM10000dc0ca8c0RCRD>
- *Boletín para la PRL* (Monthly Magazine on health and safety issues). Online manuals, studies, leaflets, brochures, posters and guides aimed to raise awareness concerning OSH issues among workers. Published by UGT Trade Union.
http://www.ugt.es/saludlaboral/publicaciones/saludlaboral_publicac.htm
- *Ergonomía en los sistemas de trabajo* (Ergonomics in working systems), 2011. Published by UGT Trade Union. Online ergonomic manual aimed to provide awareness concerning ergonomic hazards in workplaces.
http://www.ugt.es/saludlaboral/publicaciones/saludlaboral_publicac.htm
- *Fichas de Prevención de Riesgos Psicosociales* (Guidelines for psychosocial risk prevention), 2011. Published by UGT Trade Union. Online psychosocial risks guidelines aimed to provide awareness concerning psychosocial hazards on workplaces.
<http://www.ugt.es/saludlaboral/observatorio/fichas/fichas.htm>
- *Prevención10*. Online platform of the INSHT, which contains information regarding risk prevention at the workplace. There are also risk assessment software tools to help SMEs with less than 25 workers and self-employers with OSH issues.
<https://www.prevencion10.es/site-web/home.seam>
- *Evalua-T tu Riesgo Laboral*. Online supporting software tool to help SME and self-employers to perform OSH risk assessments. Published by INSHT.
<https://www.prevencion10.es/site-web/evalprocessinfo.seam;jsessionid=96AA8F64925FC0B476B775C2B7A31E73.profront1?conversationId=1008673>
- *Autopreven-T Tu Riesgo Laboral*. Online supporting software tool aimed to provide training to SME and self-employers with OSH issues. Published by INSHT.
<https://www.prevencion10.es/site-web/autopreventLogin.seam;jsessionid=96AA8F64925FC0B476B775C2B7A31E73.profront1?actionMethod=home.xhtml%3Aauthenticator.setNotRegisteredUser%28false%29&conversationId=1008673>
- *T-formas en Riesgos Laborales*. Online supporting software tool to help training SMEs and self-employers with OSH issues. Published by INSHT.
<https://www.prevencion10.es/site-web/tformas/home.seam>
- *PCAE30*. Online supporting software tool to help employers to fulfill their obligations in regards to business coordination in OSH issues. Published by CEOE.

- <https://programa.pcae.es/login.xhtml>
- *Amat.es*. Online videos concerning OSH issues aimed to provide useful information and training regarding OSH issues. Published by Mutual Association.
<http://www.mtuas.tv/index.php>
- *Revista Seguridad y Salud en el Trabajo*. Bimonthly magazine aimed to provide useful information regarding health and safety among all professionals and stakeholders of risk prevention in Spain. Published by INSHT.
<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnnextoid=f2d5cf0a42e36110VgnVCM100000dc0ca8c0RCRD&vgnnextchannel=9f164a7f8a651110VgnVCM100000dc0ca8c0RCRD>
- *Portal de Ergonomía*. Online platform gathering and making available all information related to ergonomic and psychosocial occupational risks. The platform contains links to legislation, guidance documents, annual reports and training activities.
<http://www.insht.es/portal/site/Ergonomia2/>
- *Guía técnica para la integración de la prevención de riesgos Laborales* (Technical Guide on the integration of risk prevention), February 2008. Guidance document providing requirements towards the implementation and monitoring of the occupational risk prevention plan, particularly in SME. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/gu%C3%ADa_t%C3%A9cnica_integraci%C3%B3n.pdf
- *Criterios de Calidad del Servicio de los Servicios Prevención Ajeno* (Service Quality Criteria for External Prevention Services), March 2012. Guidance document to promote actions to be taken by EPS as well as criteria to analyse those actions. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/GuiaCriteriosCalidad.pdf>
- *Estrategia Española de Seguridad y Salud en el trabajo 2007-2012* (Spanish Strategy on Safety and Health at Work for 2007-2012), June 2007. The purpose of this document is to provide guidance for combating workplace accidents. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Instituto/Estrategia_Seguridad_Salud/Doc.Estrategia_a%20actualizado%202011%20ultima%20modificacion.pdf
- *Simplificación Documental* (Documentary Simplification), February 2012. Published by INSHT. Guidance document to provide guidelines for the elaboration of the risk prevention plan documentation.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/GuiaSimplificacionDocumental.pdf>
- *Directrices básicas para el desarrollo de la prevención de los riesgos Laborales en la empresa*. (Guidelines for the prevention of occupational work-related risks), September 2013. Guidance document aimed to facilitate OSH risk prevention and their integration at workplaces. It is mostly focused on the fulfilment of the OSH legislation. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FICHAS%20DE%20PUBLICACIONES/EN%20CATALOGO/GESTION%20DE%20LA%20PREVENCION/prueba%20directrices.pdf>
- *Manual para la evaluación y prevención de riesgos ergonómicos y psicosociales en la PYME* (Manual for the prevention and assessment of ergonomic and psychosocial risks in SMEs), 2002. This manual is aimed to analyse the legal framework concerning ergonomic and psychosocial risks in SMEs, as well as to establish the procedure to identify, assess and prevent ergonomic and psychosocial risks in SMEs. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Guias/Guias_Ev_Riesgos/Manual_Eval_Riesgos_Pyme/evaluacionriesgospyme.pdf
- *NTP 565: Sistema de gestión preventiva: organización y definición de funciones preventivas* (PTN 565: Prevention management system: organisation and definition of preventive

functions). This PTN provides information regarding the different legal prevention organizations available in the Spanish regulations. Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/565w.pdf>

- *NTP 484: Documentación del sistema de prevención de riesgos Laborales (I)* ((PTN 484: Occupational risk prevention documentation system (I)). This PTN provides information regarding the minimum OSH documentation needed to fulfill the regulations. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_484.pdf
- *NTP 485: Documentación del sistema de prevención de riesgos Laborales (II)* (PTN 485: Occupational risk prevention documentation system (II)). This PTN provides information regarding the minimum OSH documentation needed to fulfill the regulations. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_485.pdf
- *Guía de las V Jornadas de Salud Laboral, Riesgos Psicosociales* (Guidelines of the 5th OSH conferences on Psychosocial Risks), 2010. These conferences were aimed to discuss the most important issues concerning occupational health in Spain, such as occupational diseases, musculoskeletal disorders and psychosocial risks at workplace. Published by Trade Union UGT <http://www.ugt.es/saludlaboral/Guia%20FES.pdf>
- *Guía del Delegado y la Delegada de Prevención* (Delegate prevention officer guideline), 2012. This guideline is aimed to provide a practical usage concerning the rights and obligations of the delegate prevention officer. Published by CCOO Trade Union.
[http://www.ccoo.es/comunes/recursos/1/pub13510_Guia_del_Delegado_y_la_Delegada_de_Prevencion_\(nueva_edicion_2012\).pdf](http://www.ccoo.es/comunes/recursos/1/pub13510_Guia_del_Delegado_y_la_Delegada_de_Prevencion_(nueva_edicion_2012).pdf)
- *Guía técnica sobre protección de trabajadores especialmente sensibles* (Guidance on protection of sensitive workers), 2010. The objectives of this guidance document are to define what a sensitive worker is, to provide awareness of the regulations applicable and to provide means to identify sensitive workers as well as provide the necessary tools to adapt their workplaces. Published by CEPYME.
<http://www.conectapyme.com/documentacion/2010trabajadoressensibles.pdf>
- *Guía de actuaciones de la Inspección de Trabajo y Seguridad Social sobre Riesgos Psicosociales* (LSSI Guidelines on Psychosocial Risks), 2012. This guideline establishes the inspection criteria from LSSI concerning psychosocial risks, as well as control measures to monitor them and comply with regulations. Furthermore, this guideline describes the inspection activities to be carried out on this matter. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/normativa_y_documentacion/Documentacion/Documentacion_ITSS/001/Guia_psicosociales.pdf
- *Guía de Actuación Inspectoral en factores Psicosociales* (LSSI Guidelines on Psychosocial Risks). This guidelines provides methods for assessing psychosocial risks such as mental workload, stress, shift work, night work and workplace harassment or mobbing. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/007/001/columna1/7.1_GUIA_DE_ACTUACION_Factores_Psicosociales.pdf
- *Guía de Actuación Inspectoral en factores Ergonómicos* (LSSI Guidelines on Ergonomic Risks). This guidelines sets out methods for assessing ergonomic risks such as manual handling goods, display screen equipment works, twisting, abnormal postures, and repetitive movements. Published by Ministry of Employment and Social Security.

http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/007/002/columna1/7.2_GUIA_DE_ACTUACION_Factores_Ergonomicos.pdf

- *Guía de Actuación Inspectora respeto de Servicios de Prevención Ajenos* (LSSI Guidelines on External Prevention Services). This guideline sets out the conditions for external prevention services accreditation, as well as the control measures of the EPS's activity by the LSSI. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/004/001/columna1/4.1_GUIA_Servicios_Prevencion_Ajenos.pdf
- *Guía de Actuación Inspectora respeto de Servicios de Prevención Propios* (LSSI Guidelines on Internal Prevention Services). This guideline sets out the conditions for internal prevention services accreditation, as well as the control measures of the IPS's activity by the LSSI. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/004/002/columna1/4.2_GUIA_Servicios_Prevencion_Propios.pdf
- *Guía de Actuación Inspectora de Control de la Gestión de la Prevención de Riesgos Laborales en las Empresas* (LSSI Guidelines on OSH Management in business). This guideline establishes the inspection criteria concerning occupational risk assessment, preventive actions to be carried out, OSH organization, consultation and participation of workers, and business activities coordination. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/001/001/columna1/1.1_GUIA_Gestion_de_la_Prevencion.pdf
- *Guía de Actuación Inspectora en la coordinación de Actividades Empresariales* (LSSI Guidelines on business activities coordination). This guideline establishes the LSSI criteria with the provisions relating to business activities coordination, as well as the employers obligations concerning this matter. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/001/002/columna1/1.2_GUIA_Cordinacion_Actividades_Empresariales.pdf
- *Guía de Actuación Inspectora para la integración de la actividad preventiva* (LSSI Guidelines on the integration of preventive activities). This guidelines provides the LSSI criteria regarding the occupational risk prevention plan, its implementation and its management. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/001/003/columna1/1.3_GUIA_Integracion_de_la_Actividad_Preventiva.pdf
- *Guía de Actuación Inspectora relativa a las Revisiones de la Evaluación de Riesgos* (LSSI Guidelines on OSH risk assessment performance). This guideline provides the LSSI criteria concerning revisions of the risk assessment. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/001/004/columna1/1.4_GUIA_Revisiones_de_la_Evaluacion_de_Riesgos.pdf
- *Guía Procedimental para la Investigación de los Accidentes de Trabajo* (LSSI Guidelines on accidents at work investigation) This guideline provides the LSSI criteria concerning accident at work investigation, specifically in determining the accidents causes, conducting interviews with the parties involved, and establishing actions arising from the accident investigation. Published by Ministry of Employment and Social Security.

http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/001/005/columna1/1.5GUIA_Procedimientos_Investigacion_Accidentes_de_Trabajo.pdf

Council Directive 89/654/EEC (workplace)

- *Guía técnica para la evaluación y prevención de los riesgos relativos a la utilización de los lugares de trabajo* (Technical Guide for the assessment and risk prevention in workplaces), April 1999. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 486/1997. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/lugares.pdf>
- *NTP 434: Superficies de trabajo seguras (I)* (PTN 434: Safety at working surfaces (I)). This PTN is aimed to identify the occupational risks at working surfaces, as well as their causes and preventive measures. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_434.pdf
- *NTP 435: Superficies de trabajo seguras (II)* (PTN 435: Safety at working surfaces (II)). This PTN is aimed to identify the occupational risks at working surfaces, as well as their causes and preventive measures. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_435.pdf
- *NTP 481: Orden y limpieza de lugares de trabajo* (PTN 481: Housekeeping at the workplace), 1997. This PTN is aimed to identify the occupational risks at working surfaces, concerning good housekeeping habits. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_481.pdf

Directive 2009/104/EC (work equipment)

- *Guía técnica para la evaluación y prevención de los riesgos relativos a la utilización de equipos de trabajo* (Technical Guide on the assessment and risk prevention related to the use of work equipment), April 2000. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 1215/1997. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/equipo1.pdf>
- *Ficha de divulgación informativa FDN-18: Comercialización de Máquinas* (Informative disclosure sheet FDN-18: Machine marketing), 1997. This sheet is aimed to facilitate the understanding of aspects related to the marketing of machinery covered by Directive 2006/42/EC within the European Union. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_18.pdf
- *NTP 631: Riesgos en la utilización de equipos y herramientas portátiles, accionados por aire comprimido* (PTN 631: Hazards in the use of portable pneumatic equipment and tools). This PTN is intended to provide awareness concerning risks that may arise from the use of portable pneumatic equipment, as well as their preventive measures. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_631.pdf
- *NTP 577: Sistema de gestión preventiva: revisiones de seguridad y mantenimiento de equipos* (PTN 577: Preventive management system: safety controls and equipment maintenance). This PTN establishes the preventive maintenance procedures and revisions to be carried out at

work equipment. Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/ntp_577.pdf

- *NTP 460: Mantenimiento preventivo de las instalaciones peligrosas* (PTN 460: Preventive maintenance of hazardous installations). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_460.pdf
- *Guía de Actuación Inspectoral respecto de la Evaluación de Equipos* (LSSI Guidelines on Work Equipment Risk Assessment). This guideline provides the LSSI criteria regarding preventive maintenance and work equipment risk assessment. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/009/001/columna1/9.1_Guia_Equipos.pdf

Council Directive 89/656/EEC (PPE)

- *Trabajadores que usan obligatoriamente algún tipo de EPI. Estadísticas. Observatorio Estatal de Condiciones de Trabajo.* (PPE Usage Statistics. The National Observatory for the workplace conditions), July 2012. Published by INSHT.
<http://www.oect.es/portal/site/Observatorio/menuitem.02f24b227be1a22f7ac3d63062c08a0c/?vgnextoid=c3bbe63fd5428310VgnVCM1000008130110aRCRD&vgnnextchannel=6ff05c9847273110VgnVCM100000dc0ca8c0RCRD>
- *Portal online de Equipos de Protección Individual, Ministerio de Empleo y Seguridad Social.* (Online Portal on the Personal Protective Equipment, Ministry of Employment and Social Security).
<http://www.insht.es/portal/site/Epi/>
- *Guía técnica para la evaluación y prevención de los riesgos para la utilización por los trabajadores en el trabajo de equipos de protección individual* (Technical Guide on the use of personal protective equipment by workers), July 1999. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 773/1997. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/epi.pdf>
- *Ficha de divulgación informativa FDN-4: Comercialización de los Equipos de Protección Individual* (Informative disclosure sheet FDN-4: Marketing of personal protective equipments), 1996. This sheet is aimed to provide awareness regarding the marketing of PPEs within the European Union. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_4.pdf
- *Ficha de divulgación informativa FDN-7: Selección y uso de los Equipos de Protección Individual* (Informative disclosure sheet FDN-7: PPE's use and selection), 1996. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_7.pdf
- *Ficha de divulgación informativa FDN-13: Comercialización de los protectores auditivos tipo orejeras* (Informative disclosure sheet FDN-13: Marketing of hearing protection, earmuff type), 1997. This sheet is aimed to describe the requirements set forth in the UNE-EN-352-1 standards concerning hearing protection earmuff type certification. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_13.pdf
- *Ficha de divulgación informativa FDN-14: Comercialización de los protectores auditivos tipo orejeras* (Informative disclosure sheet FDN-14: Marketing of hearing protection, earplug type), 1996. This sheet is aimed to describe the requirements set forth in the UNE-EN-352-2

standards concerning hearing protection earplug type certification. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_14.pdf

- *Ficha de divulgación informativa FDN-17: Selección de pantallas faciales y gafas de protección* (Informative disclosure sheet FDN-17: Face shields), 1997. This sheet is aimed to provide guidelines for choosing the most suitable PPEs concerning face and eye protection. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_17.pdf
- *NTP 813: Calzado para protección individual: especificaciones, clasificación y marcado* (PTN 813: Safety Footwear: Specifications, classification and marking). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_631.pdf
- *NTP 773: Equipos de protección individual de pies y piernas. Calzado. Generalidades* (PTN 773: Personal protective equipment for foot and leg. Footwear. General). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/752a783/773%20.pdf>
- *NTP 787: Equipos de protección respiratoria: identificación de los filtros según sus tipos y clases* (PTN 787: Respiratory filters: Identification marks according to their types and classes). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/787%20web.pdf>
- *NTP 769: Equipos de protección respiratoria: identificación de los filtros según sus tipos y clases* (PTN 769: Protective clothing: General requirements). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/752a783/769%20.pdf>
- *NTP 747: Guantes de protección: requisitos generales* (PTN 747: Protective gloves: General requirements). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_747.pdf

Council Directive 92/58/EEC (OSH signs)

- *Guía técnica sobre señalización de seguridad y salud en el trabajo* (Technical Guide for health and safety signalling at workplace), March 2000. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 485/1997. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/senal.pdf>
- *NTP 888: Señalización de emergencia en los centros de trabajo (I)* (PTN 888: Emergency signage in the workplace (I)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/888w.pdf>
- *NTP 889: Señalización de emergencia en los centros de trabajo (II)* (PTN 889: Emergency signage in the workplace (II)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/889w.pdf>
- *NTP 566: Señalización de recipientes y tuberías: aplicaciones prácticas* (PTN 566: Containers and piping signalling system. Practical applications). This PTN is aimed to facilitate the identification of substances in containers and pipelines by means of using labels or color codes, as established in Royal Decree 485/1997, Annex VII. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501>

Directive 1999/92/EC (ATEX)

- *Guía técnica para la evaluación y prevención de los riesgos derivados de atmósferas explosivas en el lugar de trabajo* (Technical Guide on the assessment and risk prevention of explosive atmospheres at the workplace), August 2008. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 681/2003. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/ATM%C3%93SFERAS%20EXPLOSIVAS.pdf>
- *NTP 876: Evaluación de los riesgos específicos derivados de las atmósferas explosivas (ATEX)* (PTN 876: Risk assessment in explosive atmospheres). This PTN is aimed to provide awareness concerning explosive atmospheres, as well as the necessary tools to perform risk assessment and measures to eliminate or reduce ATEX risks. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/876w.pdf>
- *NTP 630: Riesgo de incendio y explosión en atmósferas sobreoxigenadas* (PTN 630: Fire and explosion hazards in oxygen enriched atmospheres). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_630.pdf
- *NTP 826: El documento de protección contra explosiones (DPCE)* (PTN 826: Protection against Explosions Document). This PTN sets forth the necessary tools to elaborate the protection against explosions document, DPCE. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/826%20web.pdf>

Council Directive 90/269/EEC (manual handling of loads)

- *Guía técnica para la evaluación y prevención de los riesgos relativos a la manipulación manual de cargas* (Technical Guide on the assessment and manual handling risk prevention), October 1998. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 487/1997. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/cargas.pdf>
- *NTP 477: Levantamiento manual de cargas: ecuación del NIOSH* (PTN 477: Manual lifting tasks: NIOSH equation). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_477.pdf
- *Portal de Ergonomía del INSHT* (Manual handling of loads Website from INSHT).
<http://www.insht.es/portal/site/Ergonomia2/menuitem.8b2d6abdbe4a374bc6144a3a180311a0/?vgnextoid=a5b7d95bb23d2310VgnVCM1000008130110aRCRD>
- *Portal sobre los trastornos musculoesqueléticos INSHT* (Musculoskeletal Injuries Website from INSHT).
<http://www.insht.es/portal/site/MusculoEsqueleticos/menuitem.9a7a83ac23436173b2e03030e00311a0/?vgnextoid=f401802f1bfc210VgnVCM1000008130110aRCRD>

Council Directive 90/270/EEC (display screen equipment)

- *Guía técnica para la evaluación y prevención de los riesgos relativos a la utilización de equipos con Pantallas de visualización* (Technical Guide on the assessment and prevention of

risks related to display screen equipment), June 1998. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 488/1997. Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/pantallas.pdf>

- *NTP 139: El trabajo con pantallas de visualización* (PTN 139: Work at visual display terminals). This PTN is intended to define the display screen equipment ergonomic risks, as well as the pathologies that workers may suffer as a result of using this equipment. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/101a200/ntp_139.pdf
- *NTP 251: Pantallas de visualización: medida de distancias y ángulos visuales* (PTN 251: Display data screens: visual angles and distances measurements). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/201a300/ntp_251.pdf
- *NTP 252: Pantallas de Visualización de Datos: condiciones de iluminación* (PTN 252: Display data screens: lighting conditions). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/201a300/ntp_252.pdf
- *NTP 602: El diseño ergonómico del puesto de trabajo con pantallas de visualización: el equipo de trabajo* (PTN 602: Visual display workstations: Equipment ergonomic design). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_602.pdf
- *Instrucción básica para el trabajador usuario de pantallas de visualización de datos* (Data display screen user instruction). This instruction is intended to provide further awareness concerning occupational risks of using display screen equipment; especially regarding training and preventive actions aimed to eliminate or reduce those risks. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Guias_Ev_Riesgos/Instruccion_Pantallas/Instruccion_basica.pdf

Directive 2002/44/EC (vibration)

- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con las vibraciones mecánicas* (Technical Guide on the evaluation and prevention of mechanical vibration risks), February 2008. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 1311/2005. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/Vibraciones.pdf>
- *NTP 839: Exposición a vibraciones mecánicas. Evaluación del riesgo* (PTN 839: Vibrations exposure. Risk assessment). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/839%20web.pdf>
- *NTP 784: Evaluación de las vibraciones de cuerpo completo sobre el confort, percepción y mareo producido por el movimiento* (PTN 784: Evaluation of human comfort, perception and motion sickness exposure to whole body vibration). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/751a785/784%20.pdf>
- *NTP 792: Evaluación de la exposición a la vibración mano-brazo. Evaluación por estimación* (PTN 792: Assessment of exposure to hand-arm vibration. The estimation of the daily vibration exposure). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/792%20web.pdf>

- *NTP 963: Vibraciones: vigilancia de la salud en trabajadores expuestos* (PTN 963: Vibrations: health surveillance in exposed workers). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/961a972/ntp-963w.pdf>

Directive 2003/10/EC (noise)

- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con la exposición de los trabajadores al ruido* (Technical Guide on the evaluation and prevention of risks related to noise exposure of workers), May 2008. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 286/2006. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/gu%C3%ADaT%C3%A9cnica_ruido.pdf
- *Código de conducta de orientaciones prácticas para el cumplimiento del RD 286/2006 en los sectores de la música y el ocio* (Guidelines on the implementation of the requirements set forth in RD 286/2006 in the entertainment and music sector). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Instituto/Noticias/Noticias_INSHT/2011/ficheros/Ruido%20Sect%20Mus%20y%20ocio.pdf
- *Ficha de divulgación informativa FDN-9 Ruidos emitidos por las máquinas* (Informative disclosure sheet FDN-9:Noise emitted by equipments), 1996. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Divulgacion_Normativa/Ficheros/FDN_9.pdf
- *NTP 638: Estimación de la atenuación efectiva de los protectores auditivos* (PTN 638: Estimation of effective attenuation of hearing protectors). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_638.pdf
- *NTP 960: Ruido: control de la exposición (I). Programa de medidas técnicas o de organización* (PTN 960: Noise: exposure control (I). Programme of technical or organisational measures). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/960w.pdf>
- *NTP 950: Estrategias de medición y valoración de la exposición a ruido (I): incertidumbre de la medición* (PTN 950: Strategies for measuring and assessing noise exposure (I): Measurement uncertainty). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/950w.pdf>
- *NTP 951: Estrategias de medición y valoración de la exposición a ruido (II): tipos de estrategias* (PTN 951: Strategies for measuring and assessing noise exposure (II): Types of strategies). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/951w.pdf>
- *NTP 952: Estrategias de medición y valoración de la exposición a ruido (III): ejemplos de aplicación* (PTN 952: Strategies for measuring and assessing noise exposure (III): Examples of application). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/952w.pdf>

Directive 2004/40/EC (electromagnetic fields)

- *NTP 894: Campos electromagnéticos: evaluación de la exposición Laboral* (PTN 894: electromagnetic fields. a procedure for the assessment of the occupational exposure).

Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/894w.pdf>

- *NTP 698: Campos electromagnéticos entre 0 Hz y 300 GHz: criterios ICNIRP para valorar la exposición Laboral* (PTN 698: Electromagnetic fields between 0 Hz and 300 GHz: ICNIRP regulations to evaluate the occupational exposure). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_698.pdf

Directive 2006/25/EC (artificial optical radiation)

- *NTP 755: Radiaciones ópticas: metodología de evaluación de la exposición Laboral* (PTN 755: Optical Radiations. Methodology to assess the occupational exposure). Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/752a783/755.pdf>

- *NTP 903: Radiaciones ópticas artificiales: criterios de evaluación* (PTN 903: Artificial optical radiations: guidelines on limits of exposure). Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/903w.pdf>

Directive 2004/37/EC (carcinogens or mutagens)

- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con la exposición durante el trabajo a agentes cancerígenos o mutágenos* (Technical Guide on the evaluation and prevention of risks related to occupational exposure to carcinogens or mutagens), July 2005. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 665/1997. Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/Agentes_cancerigenos.pdf

- *Listado de compuestos cancerígenos y mutágenos categorías 1A y 1B* (List of carcinogenic and mutagenic compounds, category 1A and 1B), February 2012. Published by INSHT.

<http://www.insht.es/InshtWeb/Contenidos/Documentacion/LEP%20VALORES%20LIMITE/Valores%20limite/Listado%20de%20compu.Can.%20y%20Mut.1A1B.pdf>

- *NTP 465: Sustancias carcinogénicas: criterios para su clasificación* (PTN 465: Carcinogenic substances: Criteria for their classification). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_465.pdf

- *NTP 441: Tóxicos para la reproducción masculina* (PTN 441: Toxics for male reproduction). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_441.pdf

- *NTP 542: Tóxicos para la reproducción femenina* (PTN 542: Toxics for female reproduction). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/ntp_542.pdf

Council Directive 98/24/EC (chemical agents at work)

- *Portal de Riesgo Químico*. Chemical Risk Platform where relevant information concerning chemical risk is available.

<http://www.insht.es/portal/site/RiesgosQuimicos/menuitem.530a7d6cf820e12d4a14445a180311a0/?vgnextoid=ead72cc61c4a2310VgnVCM1000008130110aRCRD>

- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con agentes químicos* (Technical Guide on the evaluation and prevention of risks related to chemical agents), October 2013. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 374/2001. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/g_AQ.pdf
- *Límites de exposición profesional para agentes químicos 2014* (Occupational exposure value limits for chemical agents for 2014). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/LEP%20_VALORES%20LIMITE/Valores%20limite/Limites2014/FINAL%20-%20Web%20v5%20-%20LEP%202014%20-%2029-01-2014.pdf
- *NTP 663: Propiedades fisicoquímicas relevantes en la prevención del riesgo químico* (PTN 663: Relevant physical and chemical properties in chemical risk). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_663.pdf
- *NTP 697: Exposición a contaminantes químicos por vía dérmica* (PTN 697: Dermal exposure to chemicals). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_697.pdf
- *NTP 895: Exposición dérmica a sustancias químicas: métodos de medida* (PTN 895: Dermal exposure to chemicals: methods of measurement). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/895w.pdf>
- *NTP 897: Exposición dérmica a sustancias químicas: evaluación y gestión del riesgo* (PTN 897: Dermal exposure to chemicals: risk assesment and management). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/897w.pdf>
- *NTP 407: Contaminantes químicos: evaluación de la exposición Laboral (II)* (PTN 407: Chemical agents: Occupational exposure assesment). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_407.pdf
- *NTP 406: Contaminantes químicos: evaluación de la exposición Laboral (I)* (PTN 406: Chemical agents: Occupational exposure assesment). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_406.pdf
- *NTP 108: Criterios toxicológicos generales para los contaminantes químicos* (PTN 108: Toxicological criteria for chemical pollutants). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/101a200/ntp_108.pdf
- *NTP 553: Agentes químicos: estrategias de muestreo y valoración (I)* (PTN 553: Chemical Agents. Sampling and assessing strategies (I)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/ntp_553.pdf
- *NTP 554: Agentes químicos: estrategias de muestreo y valoración (II)* (PTN 554: Chemical Agents. Sampling and assessing strategies (II)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/ntp_554.pdf
- *NTP 555: Agentes químicos: estrategias de muestreo y valoración (III)* (PTN 555: Chemical Agents. Sampling and assessing strategies (III)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/501a600/ntp_555.pdf
- *NTP 673: La sustitución de agentes químicos peligrosos: aspectos generales* (PTN 673: Substitution of hazardous chemical agents: general issues). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_673.pdf

- *NTP 768: Trasvase de agentes químicos: medidas básicas de seguridad* (PTN 768: Transfer of chemical agents: basic measurements of safety). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/752a783/ntp-768%20.pdf>
- *NTP 934: Agentes químicos: metodología cualitativa y simplificada de evaluación del riesgo de accidente* (PTN 934: Chemical agents: a qualitative and simplified methodology for accident risk assessment). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/926a937/934%20w.pdf>

Directive 2009/148/EC (asbestos)

- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con la exposición al amianto* (Technical Guide on the evaluation and prevention of risks related to asbestos exposure), November 2008. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 396/2006. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/Gu%C3%ADa%20T%C3%A9cnica%20Exposici%C3%B3n%20al%20Amianto.pdf>
- *NTP 707: Diagnóstico de amianto en edificios (I): situación en España y actividades vinculadas a diagnóstico en Francia* (PTN 707: Asbestos surveying in buildings (I): situation in Spain and activities related to diagnosis in France). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_707.pdf
- *NTP 708: Diagnóstico de amianto en edificios (II): Norma NF X46-020 (AFNOR)* (PTN 708: Asbestos surveying in buildings (II): Norm NF X46-020 (AFNOR)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_708.pdf
- *NTP 815: Planes de trabajo con amianto: orientaciones prácticas para su realización* (PTN 815: Practical guidance on working plans with asbestos). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/815%20web.pdf>
- *NTP 862: Operaciones de demolición, retirada o mantenimiento con amianto: ejemplos prácticos* (PTN 862: Demolition, elimination and maintenance operations with materials containing asbestos: practical examples). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/856a890/862w.pdf>
- *NTP 953: Trabajos con amianto friable: diseño y montaje de un confinamiento dinámico (I)* (PTN 953: Work with friable asbestos: Design and assembling a dynamic containment (I)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/953w.pdf>
- *NTP 954: Trabajos con amianto friable: diseño y montaje de un confinamiento dinámico (II)* (PTN 954: Work with friable asbestos: Design and assembling a dynamic containment (II)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/926a937/954w.pdf>
- *NTP 463: Exposición a fibras de amianto en ambientes interiores* (PTN 463: Exposure to asbest fibers in indoor air). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/401a500/ntp_463.pdf
- *NTP 632: Detección de amianto en edificios (I): aspectos básicos* (PTN 632: Asbestos

detection in buildings (I): Basic aspects). Published by INSHT.

http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_632.pdf

- *NTP 633: Detección de amianto en edificios (II): identificación y metodología de análisis* (PTN 633: Asbestos detection in buildings (II). Identification and methodology of analysis). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_633.pdf
- *NTP 796: Amianto: planes de trabajo para operaciones de retirada o mantenimiento* (PTN 796: Working plan for removing or maintenance of asbestos materials). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/796%20web.pdf>
- *Protocolos de vigilancia sanitaria específica Amianto* (Protocol for health survey related to asbestos exposition), 2013. Published by Ministry of Health, Social Services and Equality.
<http://www.msssi.gob.es/ciudadanos/saludAmbLaboral/docs/ProtoVigiAmianto1.pdf>
- *Guía de Actuación Inspectoral para control del Cumplimiento de la Normativa sobre Riesgo de Amianto* (LSSI Guidelines on Asbestos risk regulations compliance). This guidelines provides the LSSI criteria regarding asbestos risk management compliance with Spanish regulations. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/003/001/columna1/3.1_GUIA_Amianto.pdf

Directive 2004/54/EC (biological agents)

- *Portal de riesgos biológicos del INSHT* (Biological Risk Webpage from the INSHT)
<http://www.insht.es/portal/site/RiesgosBiologicos/>
- *Guía Técnica para la evaluación y prevención de los riesgos relacionados con la exposición a agentes biológicos* (Technical Guide on the evaluation and prevention of risks related to biological agents exposure), April 2001. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 664/1997. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/agen_bio.pdf
- *NTP 802: Agentes biológicos no infecciosos: enfermedades respiratorias* (PTN 802: Non-infectious biological agents. Respiratory diseases). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/802%20web.pdf>
- *NTP 807: Agentes biológicos: glosario* (PTN 807: Biological agents: glossary). Published by INSHT
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/807%20web.pdf>
- *NTP 833: Agentes biológicos. Evaluación simplificada* (PTN 833: Biological agents. Simplified assessment). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/821a921/833%20web.pdf>
- *NTP 233: Cabinas de seguridad biológica* (PTN 233: Biological Safety Cabinets). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/201a300/ntp_233.pdf
- *NTP 772: Ropa de protección contra agentes biológicos* (PTN 772: Protective clothing against biological agents). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/752a783/NTP%20772.pdf>

- *NTP 609: Agentes biológicos: equipos de muestreo (I)* (PTN 609: Biological Agents: Bioaerosols Samplers (I)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_609.pdf
- *NTP 610: Agentes biológicos: equipos de muestreo (II)* (PTN 610: Biological Agents. Bioaerosols Samplers (II)). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_610.pdf
- *NTP 608: Agentes biológicos: planificación de la medición* (PTN 608: Biological Agents. Developing a Sampling Plan). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_608.pdf
- *NTP 611: Agentes biológicos: análisis de las muestras* (PTN 611: Biological Agents. Sample analysis). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_611.pdf
- *NTP 902: Riesgo biológico: evaluación y prevención en trabajos con cultivos celulares* (PTN 902: Biological risk: Assessment and prevention in tasks with cell cultures). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/902w.pdf>

Council Directive 92/57/EEC (temporary or mobile construction sites)

- *Guía Técnica para la evaluación y prevención de los riesgos relativos a las obras de construcción* (Technical Guide on the evaluation and prevention of risks related to construction works), November 2003. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 1627/1997. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/g_obras.pdf
- *NTP 820: Ergonomía y construcción: trabajo en zanjas* (PTN 820: Ergonomics and building industry/construction: Work in trench excavation). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/786a820/820%20web.pdf>
- *NTP 77: BATEAS - Paletas y plataformas para cargas unitarias* (PTN 77: Pallets and stillages for unit loading units). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/001a100/ntp_077.pdf
- *NTP 734: Torres de acceso (I): normas constructivas* (PTN 734: Stairway type building site access towers (I). Construction standards.). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_734.pdf
- *NTP 735: Torres de acceso (II): montaje y utilización* (PTN 735: Stairway type building site access towers (II). Assembly and utilisation). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_735.pdf
- *Guía de Actuación Inspectoral sobre Gestión Preventiva en Obras de Construcción* (LSSI Guidelines on Preventive Management in Construction works). This guidelines provides the LSSI criteria regarding occupational risk prevention management in the construction sector. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/its/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/006/001/columna1/6.1_GUIA_Gestion_Preventiva_Obras

[Construccion.pdf](#)

- *Guía de Actuación Inspectoral en Andamios Colgados Móviles* (LSSI Guidelines on Mobile Scaffolds). This guidelines provides the LSSI criteria regarding mobile scaffolds works in the construction sector. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/006/002/columna1/6.2_GUIA_Andamios_colgados_moviles.pdf
- *Guía de Actuación Inspectoral en Trabajos Verticales (Andamios de sillín)* (LSSI Guidelines on Vertical works). This guidelines provides the LSSI criteria regarding vertical works in the construction sector. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/006/003/columna1/6.3_GUIA_Trabajos_Verticales.pdf

Council Directive 92/104/EEC (surface and underground mineral-extracting industries)

- *NTP 733: Criterios de selección de equipos de protección individual (EPI) en minería a cielo abierto* (PTN 733: Criteria for selection of PPEs in open pit mining). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/701a750/ntp_733.pdf

Council Directive 92/91/EEC (mineral-extracting industries through drilling)

- *NTP 257: Perforación de rocas: eliminación de polvo* (PTN 257: Rock drilling: Dust Control). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/201a300/ntp_257.pdf
- *NTP 905: Seguridad en trabajos con tuneladoras (I)* (PTN 905 Safety works in tunnel boring machines (tbm) (I)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/905w.pdf>
- *NTP 906: Seguridad en trabajos con tuneladoras (II)* (PTN 906 Safety works in tunnel boring machines (tbm) (II)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/906w.pdf>

Council Directive 92/29/EEC (medical treatment on board vessels)

- *Guía Sanitaria a bordo* (Sanitary Guidelines onboard), 2013. Published by The Ministry of Employment and Social Security.
http://www.seg-social.es/Internet_1/Lanzadera/index.htm?URL=70

Council Directive 93/103/EC (work on board fishing vessels)

- *Portal del Sector Marítimo Pesquero del INSHT* (Marine and Fishing Vessel sector website from INSHT)
<http://www.insht.es/portal/site/SectorPesquero/>
- *Guía Técnica para la evaluación y prevención de los riesgos en el trabajo a bordo de los buques de pesca* (Technical Guide on the evaluation and prevention of risks at workplace on board fishing vessels), November 2004. This Technical Guide is aimed to set forth technical standards and recommendations to help companies and preventive officers to better understand and implement the requirements established in Royal Decree 1216/1997. Published by INSHT.

- http://www.insht.es/InshtWeb/Contenidos/Normativa/GuiasTecnicas/Ficheros/g_buques.pdf
- *Ficha de divulgación informativa FDN-26: Buques de Pesca: Normativa nacional de seguridad y salud* (Informative disclosure sheet FDN-26: Fishing vessels: national regulations concerning health and safety), 2011. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/Publicaciones%20y%20documentacion/Divulgacion_Normativa/fdn_26.pdf
- *Ficha de divulgación informativa FDN-27: Buques de Pesca: Normativa Internacional de Seguridad y Salud* (Informative disclosure sheet FDN-27: Fishing vessels: international regulations concerning health and safety), 2013. Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/TEXTOS%20LEGALES/FDN/Ficheros/FDN%2027.pdf>
- *NTP 625: Riesgos biológicos en la pesca marítima* (PTN 625: Biological hazards in maritime fishery). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_625.pdf
- *NTP 968: Pesca: cuestionario de seguridad para buques pesqueros de eslora inferior a 15 metros* (PTN 968: Fishing: safety survey for fishing vessels under 15 meters in length). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/961a972/ntp-968w.pdf>
- *Guía de Visita de Inspección a un Buque de Pesca* (LSSI Guidelines on Fishing Vessels Inspection visits). This guidelines provides the LSSI criteria concerning fishing vessels inspection visits. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/008/004/columna1/8.2_GUIA_VISITA_a_Buques_de_Pesca.pdf
- *Guía de Actuación Inspectoral en el Sector Marítimo Pesquero* (LSSI Guidelines on Board Fishing Vessels). This guidelines provides the LSSI criteria concerning board fishing vessels. Published by Ministry of Employment and Social Security
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/008/001/columna1/8.1_GUIA_DE_ACTUACION_Sector_Maritimo_Pesquero.pdf

Council Directive 92/85/EEC (pregnant/breastfeeding workers)

- Evidence synthesis related to occupational risks in pregnant workers (period 2000-2010) (pdf, 791 Kbytes) Department of Research and Information. INSHT.
http://www.oect.es/Observatorio/Contenidos/InformesPropios/Desarrollados/Ficheros/Sintesis_evidencia_cientif_trab_embarazadas_EN.pdf
- *Directrices para la evaluación de riesgos y protección de la maternidad en el trabajo* (Guidelines on risk evaluation and maternity protection at workplaces), 2012. This guidelines are aimed to provide awareness on a safe and healthy maternity by establishing a proper risk assessment and their preventive measures regarding this vulnerable group. Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Instituto/Noticias/Noticias_INSHT/2011/ficheros/2011_11_23_DIR_MATER.pdf
- *NTP 664: Lactancia materna y vuelta al trabajo* (PTN 664: Breastfeeding and returning to work). Published by INSHT.
http://www.insht.es/InshtWeb/Contenidos/Documentacion/FichasTecnicas/NTP/Ficheros/601a700/ntp_664.pdf
- *NTP 914: Embarazo, lactancia y trabajo: promoción de la salud* (PTN 914: Pregnancy, breastfeeding and work: health promotion). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/914w.pdf>

- [pdf](#)
- *NTP 915: Embarazo, lactancia y trabajo: vigilancia de la salud* (PTN 915: Pregnancy, breastfeeding and work: medical surveillance). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/915w.pdf>
- *Guía Sindical: Mujeres, Trabajo y Salud* (Trade Union Guideline: Women, Work and Health). This guideline is focused on women rights concerning working conditions, occupational risk, maternity and trade union representation. Published by CCOO.
http://www.ccoo.es/comunes/recursos/1/1632638-Guia_sindical_Mujeres_trabajos_y_salud.pdf

Council Directive 91/383/EEC (temporary workers)

- *NTP 919: Coordinación de actividades empresariales (II)* (PTN 919: Business activity coordination (II)). Published by INSHT.
<http://www.insht.es/InshtWeb/Contenidos/Documentacion/NTP/NTP/Ficheros/891a925/919w.pdf>
- *Guía de Actuación Inspectoral en Empresas de Trabajo Temporal* (LSSI Guidelines on Temporary employment agencies). This guidelines provides the LSSI criteria concerning Temporary employment agencies. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/005/002/columna1/5.2_GUIA_Empresas_de_Trabajo_Temporal.pdf
- *Guía de Actuación Inspectoral en Empresas Usuaris de Empresas de Trabajo Temporal* (LSSI Guidelines on Temporary Employment Agencies users). This guidelines provides the LSSI criteria concerning temporary employment agencies users. Published by Ministry of Employment and Social Security.
http://www.empleo.gob.es/itss/web/atencion_al_ciudadano/Normativa_y_Documentacion/Documentacion_Riesgos_Laborales/005/001/columna1/5.1_GUIA_Empresas_Usuaris.pdf
- *IV Plan Director de Prevención de Riesgos Laborales de la Comunidad de Madrid (2013-2016)* (Fourth Master Plan for the Prevention of Occupational Risks in the Autonomous Community of Madrid, 2013-2016). This is a general action plan for the prevention of OSH risks, which however includes some specific actions in a number of sectors. Notably, the Regional Institute for Health and Safety at Work of the Community of Madrid (IRSST) is carrying out an advisory campaign on occupational risk prevention, which was launched in 2012, analysing the factors involved in the execution of the assignment contract, mainly with regard to the coordination that must exist between temporary employment agencies (TEAs) and user undertakings.

<http://www.madrid.org/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadernam e1=Content->

[Disposition&blobheadervalue1=filename%3DplanDIRECTOR_electronico_def.pdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1352859271255&ssbinary=true](http://www.madrid.org/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadervalue1=filename%3DplanDIRECTOR_electronico_def.pdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1352859271255&ssbinary=true)

Council Directive 94/33/EC (young people at work)

- *Revista Jóvenes y riesgos laborales* (Young people at work and risk prevention magazine), 2007. Published by Instituto de la Juventud., INJUVE
<http://www.injuve.es/observatorio/salud-y-sexualidad/n%C2%BA-79-jovenes-y-riesgos-laborales>

For each identified document/action, the following table indicates:

- The name of the action

- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
Online platform of the Ministry of Employment and Social Security, which contains statistics and information regarding accidents occurred at workplace.	AR	A	Public, in particular employers, workers, prevention services, reasarches, authorities
Online platform of the UGT Trade Union, which contains statistics and information regarding accidents occurred at workplace.	AR	SP	Public, workers, employers
Erga Bibliografico	IT	A	Employers and prevention advisers
Erga @nline	IT	A	Employers and prevention advisers
Bimonthly magazine <i>Seguridad y Salud</i>	IT	A	Public, employers, workers, prevention advisers
Online platform gathering and making available all information related to ergonomic and psychosocial occupational risks	IT	A	Employers, prevention advisers and workers at risk of ergonomic and psychosocial risks at work
Technical Guide for the integration of risk prevention	G	A (2008)	Employers, prevention advisers, EPS and SMEs
Service Quality Criteria for External Prevention Services	G	A (2012)	Employers, prevention advisers and EPS.
Spanish Strategy on Safety and Health at Work for 2007-2012	AR	A (2007)	Public, employers, workers, prevention advisers
Documentary Simplification	G	A (2012)	Employers, prevention advisers, EPS and SMEs
Guidelines on the prevention of occupational work-related risks	G	A (2013)	Employers, prevention advisers, workers, EPS and SMEs
Manual on the prevention and assessment of ergonomic and psychosocial risks in SMEs	G	A (2013)	Employers, prevention advisers, workers, EPS and SMEs
Prevencion10	IT, G	A	SME, workers, self-employed workers.
Evalua-T Tu Riesgo Laboral	IT,G	A	SME, workers, self-employed workers.
Autopreven-T Tu Riesgo Laboral	IT,G	A	SME, workers, self-employed workers.
T-formas en Riesgos Laborales	IT,T	A	SME, workers, self-employed workers.
PCAE30	IT,G	SP	SME, workers, self-employed workers.
Amat.es	IT,G	SP	SME, workers, self-employed workers.
PTN 565: Prevention management system: organization and definition of preventive functions	G	A	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
PTN 484: Occupational risk prevention documentation system (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 485: Occupational risk prevention documentation system (II)	G	A	Public, in particular employers, workers, prevention services, SME
Guidelines of the 5th OSH conferences on Psychosocial Risks	G	SP (2010)	Public, in particular employers, workers, prevention services, SME
Delegate prevention officer guideline	G	SP (2012)	Public, in particular employers, workers, prevention services, SME
Guidance on protection of sensitive workers	G	SP (2010)	employers, workers, SME
Observatory for professional illness-Statistics	AR, IT	A (2013)	Public, in particular employers, workers, prevention services, SME
Video awareness campaigns on labour risk prevention	ET, AR	SP (2013)	Public, in particular employers, workers, prevention services, SME
Monthly Magazin on health and safety issues	AR	SP	Public, in particular employers, workers, prevention services, SME
Ergonomy in working systems	G, AR	SP (2011)	Public, in particular employers, workers, prevention services, SME
Guidelines for psychosocial risk prevention	G	SP (2011)	Public, in particular employers, workers, prevention services, SME
LSSI Guidelines on Psychosocial Risks	G, IT	A (2012)	Employers, prevention LSSI, SME, services,
LSSI Guidelines on Ergonomic Risks	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on External Prevention Services	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on Internal Prevention Services	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on OSH Management in business	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on business activities coordination	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on the integration of preventive activities	G, IT	A	Employers, prevention LSSI, SME, services,

Name	Type	Initiated by (and date)	Target groups
LSSI Guidelines on OSH risk assessment performance	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on accidents at work investigation	G, IT	A	Employers, prevention LSSI, SME, services,
Council Directive 89/654/EEC (workplace)			
Technical Guide on the assessment and risk prevention in workplaces	G	A (1999)	Public, in particular employers, workers, prevention services, SME
PTN 434: Safety at working surfaces (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 435: Safety at working surfaces (II)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 481: Housekeeping at the workplace	G	A (1997)	Public, in particular employers, workers, prevention services, SME
Directive 2009/104/EC (work equipment)			
Technical Guide on the assessment and risk prevention related to the use of work equipment	G	A (2000)	Employers, prevention advisers, EPS and SMEs
Informative disclosure sheet FDN-18: Machine marketing	G	A (1997)	Public, in particular employers, workers, prevention services, SME
PTN 631: Hazards in the use of portable pneumatic equipment and tools	G	A	Public, in particular employers, workers, prevention services, SME
PTN 577: Preventive management system: safety controls and equipment maintenance	G	A	Public, in particular employers, workers, prevention services, SME
PTN 460: Preventive maintenance of hazardous installations	G	A	Public, in particular employers, workers, prevention services, SME
LSSI Guidelines on Work Equipment Risk Assessment	G, IT	A	Employers, prevention LSSI, SME, services,
Council Directive 89/656/EEC (PPE)			
PPE Usage Statistics. The National Working Conditions Observatory	IT	A (2012)	Employers, prevention advisers and workers at risk of ergonomic and psychosocial risks at work
Online Portal on the Personal Protective Equipment	IT	A	Public
Technical Guide on the use of personal protective equipment by workers	G	A (1999)	Employers, prevention advisers, EPS and SMEs
Informative disclosure sheet FDN-4: Marketing of personal protective equipments	G	A (1996)	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
Informative disclosure sheet FDN-7: PPE's use and selection	G	A (1996)	Public, in particular employers, workers, prevention services, SME
Informative disclosure sheet FDN-13: Marketing of hearing protection, earmuff type	G	A (1997)	Public, in particular employers, workers, prevention services, SME
Informative disclosure sheet FDN-14: Marketing of hearing protection, earplug type	G	A (1996)	Public, in particular employers, workers, prevention services, SME
Informative disclosure sheet FDN-17: Face shields	G	A (1997)	Public, in particular employers, workers, prevention services, SME
PTN 813: Safety Footwear: Specifications, classification and marking	G	A	Public, in particular employers, workers, prevention services, SME
PTN 773: Personal protective equipment for foot and leg. Footwear. General	G	A	Public, in particular employers, workers, prevention services, SME
PTN 787: Respiratory filters: Identification marks according to their types and classes	G	A	Public, in particular employers, workers, prevention services, SME
PTN 769: Protective clothing: General requirements	G	A	Public, in particular employers, workers, prevention services, SME
PTN 747: Protective gloves: General requirements	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 92/58/EEC (OSH signs)			
Technical Guide on health and safety signalling at the workplace	G	A (2000)	Employers, prevention advisers, EPS and SMEs
PTN 888: Emergency signage in the workplace (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 889: Emergency signage in the workplace (II)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 566: Containers and piping signalling system. Practical applications	G	A	Public, in particular employers, workers, prevention services, SME
Directive 1999/92/EC (ATEX)			
Technical Guide on the assessment and risk prevention of explosive atmospheres at the workplace	G	A (2008)	Employers, prevention advisers, EPS and SMEs
PTN 876: Risk assessment in explosive atmospheres	G	A	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
PTN 630: Fire and explosion hazards in oxygen enriched atmospheres	G	A	Public, in particular employers, workers, prevention services, SME
PTN 826: Protection against Explosions Document	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 90/269/EEC (manual handling of loads)			
Technical Guide on the assessment and manual handling risk prevention	G	A (1998)	Employers, prevention advisers, EPS and SMEs
PTN 477: Manual lifting tasks: NIOSH equation	G	A	Public, in particular employers, workers, prevention services, SME
Manual handling of loads Website from INSHT	IT	A	Public
Musculoskeletal Injuries Website from INSHT	IT	A	Public
Council Directive 90/270/EEC (display screen equipment)			
Technical Guide on the assessment and prevention of risks related to display screen equipment	G	A (1998)	Employers, prevention advisers, EPS and SMEs
PTN 139: Work at visual display terminals	G	A	Public, in particular employers, workers, prevention services, SME
PTN 251: Display data screens: visual angles and distances measurements	G	A	Public, in particular employers, workers, prevention services, SME
PTN 252: Display data screens: lighting conditions	G	A	Public, in particular employers, workers, prevention services, SME
PTN 602: Visual display workstations: Equipment ergonomic design	G	A	Public, in particular employers, workers, prevention services, SME
Data display screen user instruction	G	A	Public, in particular employers, workers, prevention services, SME
Directive 2002/44/EC (vibration)			
Technical Guide on the evaluation and prevention of mechanical vibration risks	G	A (2008)	Employers, prevention advisers, EPS and SMEs
PTN 839: Vibrations exposure. Risk assessment	G	A	Public, in particular employers, workers, prevention services, SME
PTN 784: Evaluation of human comfort, perception and motion sickness exposure to whole body vibration	G	A	Public, in particular employers, workers, prevention services, SME
PTN 792: Assessment of exposure to hand-arm vibration. The estimation of the daily vibration exposure	G	A	Public, in particular employers, workers, prevention services, SME
PTN 963: Vibrations: health surveillance in exposed workers	G	A	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
			SME
Directive 2003/10/EC (noise)			
Technical Guide on the evaluation and prevention of risks related to noise exposure of workers	G	A (2008)	Employers, prevention advisers, EPS and SMEs
Guidelines on the implementation of the requirements set forth in RD 286/2006 in the entertainment and music sector	G	A	Employers and SMEs from the entertainment and the music sector
Informative disclosure sheet FDN-9:Noise emitted by equipments	G	A (1996)	Public, in particular employers, workers, prevention services, SME
PTN 638: Estimation of effective attenuation of hearing protectors	G	A	Public, in particular employers, workers, prevention services, SME
PTN 960: Noise: exposure control (I). Programme of technical or organisational measures	G	A	Public, in particular employers, workers, prevention services, SME
PTN 950: Strategies for measuring and assessing noise exposure (I): Measurement uncertainty	G	A	Public, in particular employers, workers, prevention services, SME
PTN 951: Strategies for measuring and assessing noise exposure (II): Types of strategies	G	A	Public, in particular employers, workers, prevention services, SME
PTN 952: Strategies for measuring and assessing noise exposure (III): Examples of application	G	A	Public, in particular employers, workers, prevention services, SME
Directive 2004/40/EC (electromagnetic fields)			
PTN 894: electromagnetic fields. a procedure for the assessment of the occupational exposure	G	A	Public, in particular employers, workers, prevention services, SME
PTN 698: Electromagnetic fields between 0 Hz and 300 GHz: ICNIRP regulations to evaluate the occupational exposure	G	A	Public, in particular employers, workers, prevention services, SME
Directive 2006/25/EC (artificial optical radiation)			
PTN 755: Optical Radiations. Methodology to assess the occupational exposure	G	A	Public, in particular employers, workers, prevention services, SME
PTN 903: Artificial optical radiations: guidelines on limits of exposure	G	A	Public, in particular employers, workers, prevention services, SME
Directive 2004/37/EC (carcinogens or mutagens)			
Technical Guide on the evaluation and prevention of risks related to occupational exposure to carcinogens or mutagens	G	A (2005)	Employers, prevention advisers, EPS and SMEs
List of carcinogenic and mutagenic compounds, category 1A and 1B	AR	A (2012)	Employers, prevention advisers, EPS and SMEs
PTN 465: Carcinogenic substances: Criteria for their classification	G	A	Public, in particular employers, workers, prevention services,

Name	Type	Initiated by (and date)	Target groups
			SME
PTN 441: Toxicants for male reproduction	G	A	Public, in particular employers, workers, prevention services, SME
PTN 542: Toxicants for female reproduction	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 98/24/EC (chemical agents at work)			
Portal de Riesgo Químico	IT	SP	Public, workers, employers, prevention services
Technical Guide on the evaluation and prevention of risks related to chemical agents	G	A (2013)	Employers, prevention advisers, EPS and SMEs
Occupational exposure value limits for chemical agents for 2014	AR	A	Employers, prevention advisers, EPS and SMEs
PTN 663: Relevant physical and chemical properties in chemical risk	G	A	Public, in particular employers, workers, prevention services, SME
PTN 697: Dermal exposure to chemicals	G	A	Public, in particular employers, workers, prevention services, SME
PTN 895: Dermal exposure to chemicals: methods of measurement	G	A	Public, in particular employers, workers, prevention services, SME
PTN 897: Dermal exposure to chemicals: risk assesment and management	G	A	Public, in particular employers, workers, prevention services, SME
PTN 407: Chemical agents: Occupational exposure assessment (II)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 406: Chemical agents: Occupational exposure assessment (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 108: Toxicological criteria for chemical pollutants	G	A	Public, in particular employers, workers, prevention services, SME
PTN 553: Chemical Agents. Sampling and assessing strategies (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 554: Chemical Acents. Sampling and assessing strategies (II)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 555: Chemical Acents. Sampling and assessing strategies (III)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 673: Substitution of hazardous chemical agents: general issues	G	A	Public, in particular employers, workers,

Name	Type	Initiated by (and date)	Target groups
			prevention services, SME
PTN 768: Transfer of chemical agents: basic measurements of safety	G	A	Public, in particular employers, workers, prevention services, SME
PTN 934: Chemical agents: a qualitative and simplified methodology for accident risk assesment	G	A	Public, in particular employers, workers, prevention services, SME
Directive 2009/148/EC (asbestos)			
Technical Guide on the evaluation and prevention of risks related to asbestos exposure	G	A (2008)	Employers, prevention advisers, EPS and SMEs
PTN 707: Asbestos surveying in buildings (I): situation in Spain and activities related to diagnosis in France	G	A	Public, in particular employers, workers, prevention services, SME
PTN 708: Asbestos surveying in buildings (II): Norm NF X46-020 (AFNOR)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 815: Practical guidance on working plans with asbestos	G	A	Public, in particular employers, workers, prevention services, SME
PTN 862: Demolition, elimination and maintenance operations with materials containing asbestos: practical examples	G	A	Public, in particular employers, workers, prevention services, SME
PTN 953: Work with friable asbestos: Design and assembling a dynamic containment (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 954: Work with friable asbestos: Design and assembling a dynamic containment (II)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 463: Exposure to asbest fibers in indoor air	G	A	Public, in particular employers, workers, prevention services, SME
PTN 632: Asbestos detection in buildings (I): Basic aspects	G	A	Public, in particular employers, workers, prevention services, SME
PTN 633: Asbestos detection in buildings (II). Identification and methodology of analysis	G	A	Public, in particular employers, workers, prevention services, SME
PTN 796: Working plan for removing or maintenance of asbestos materials	G	A	Public, in particular employers, workers, prevention services, SME
Protocol for health survey related to asbestos exposition	IT	A	Health surveillance, SME, employers, prevention services
LSSI Guidelines on Asbestos risk regulations compliance	G, IT	A	Employers, SME, prevention services, LSSI

Name	Type	Initiated by (and date)	Target groups
Directive 2000/54/EC (biological agents)			
Biological Risk Webpage from the INSHT	IT	A	Public
Technical Guide on the evaluation and prevention of risks related to biological agents exposure	G	A (2001)	Employers, prevention advisers, EPS and SMEs
PTN 802: Non-infectious biological agents. Respiratory diseases	G	A	Public, in particular employers, workers, prevention services, SME
PTN 807: Biological agents: glossary	G	A	Public, in particular employers, workers, prevention services, SME
PTN 833: Biological agents. Simplified assessment	G	A	Public, in particular employers, workers, prevention services, SME
PTN 233: Biological Safety Cabinets	G	A	Public, in particular employers, workers, prevention services, SME
PTN 772: Protective clothing against biological agents	G	A	Public, in particular employers, workers, prevention services, SME
PTN 609: Biological Agents: Bioaerosols Samplers (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 610: Biological Agents. Bioaerosols Samplers (II)	G	A	Public, in particular employers, workers, prevention services, SME
(PTN 608: Biological Agents. Developing a Sampling Plan	G	A	Public, in particular employers, workers, prevention services, SME
PTN 611: Biological Agents. Sample analysis	G	A	Public, in particular employers, workers, prevention services, SME
PTN 902: Biological risk: Assessment and prevention in tasks with cell cultures	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Technical Guide on the evaluation and prevention of risks related to construction works	G	A (2003)	Employers, prevention advisers, EPS and SMEs
PTN 820: Ergonomics and building industry/construction: Work in trench excavation	G	A	Public, in particular employers, workers, prevention services, SME
PTN 77: Pallets and stillages for unit loading units	G	A	Public, in particular employers, workers, prevention services, SME
PTN 734: Stairway type building site access towers (I). Construction standards	G	A	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
			SME
PTN 735: Stairway type building site access towers (II). Assembly and utilization	G	A	Public, in particular employers, workers, prevention services, SME
LSSI Guidelines on Preventive Management in Construction works	G, IT	A	Employers, prevention services, LSSI, SME
LSSI Guidelines on Mobile Scaffolds	G, IT	A	Employers, prevention services, LSSI, SME
LSSI Guidelines on Vertical works	G, IT	A	Employers, prevention services, LSSI, SME
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
PTN 733: Criteria for selection of PPEs in open pit mining	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
PTN 257: Rock drilling: Dust Control	G	A	Public, in particular employers, workers, prevention services, SME
PTN 905 Safety works in tunnel boring machines (tbm) (I)	G	A	Public, in particular employers, workers, prevention services, SME
PTN 906 Safety works in tunnel boring machines (tbm) (II)	G	A	Public, in particular employers, workers, prevention services, SME
Council Directive 92/29/EEC (medical treatment on board vessels)			
Sanitary Guidelines onboard	G, IT	A (2013)	Public, in particular employers, workers, prevention services, SME
Council Directive 93/103/EC (work on board fishing vessels)			
Marine and Fishing Vessel sector website from INSHT	IT	A	Public
Technical Guide on the evaluation and prevention of risks at the workplace on board fishing vessels	G	A (2004)	Employers, prevention advisers, EPS and SMEs
Informative disclosure sheet FDN-26: Fishing vessels: national regulations concerning health and safety	G	A (2011)	Public, in particular employers, workers, prevention services, SME
Informative disclosure sheet FDN-27: Fishing vessels: international regulations concerning health and safety	G	A (2013)	Public, in particular employers, workers, prevention services, SME
PTN 625: Biological hazards in maritime fishery	G	A	Public, in particular employers, workers, prevention services, SME
PTN 968: Fishing: safety survey for fishing vessels under 15 meters in length	G	A	Public, in particular employers, workers, prevention services, SME

Name	Type	Initiated by (and date)	Target groups
LSSI Guidelines on Fishing Vessels Inspection visits	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on Board Fishing Vessels	G, IT	A	Employers, prevention LSSI, SME, services,
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
Evidence synthesis related to occupational risks in pregnant workers	G	A (2011)	Public, in particular employers, workers, prevention services, SME
Guidelines on risk evaluation and maternity protection at workplaces	G	A (2012)	Employers, prevention advisers, EPS and SMEs
PTN 664: Breastfeeding and returning to work	G	A	Public, in particular employers, workers, prevention services, SME
PTN 914: Pregnancy, breastfeeding and work: health promotion	G	A	Public, in particular employers, workers, prevention services, SME
PTN 915: Pregnancy, breastfeeding and work: medical surveillance	G	A	Public, in particular employers, workers, prevention services, SME
Trade Union Guideline: Women, Work and Health	G	SP (2012)	Public, in particular employers, workers, prevention services, SME
Council Directive 91/383/EEC (temporary workers)			
PTN 919: Business activity coordination (II)	G	A	Public, in particular employers, workers, prevention services, SME
LSSI Guidelines on Temporary Employment Agencies	G, IT	A	Employers, prevention LSSI, SME, services,
LSSI Guidelines on Temporary Employment Agencies users	G, IT	A	Employers, prevention LSSI, SME, services,
Fourth Master Plan for the Prevention of Occupational Risks in the Autonomous Community of Madrid, 2013-2016	G, AR	2012	Public
Council Directive 94/33/EC (young people at work)			
Young people at work and risk prevention magazine	G, IT	A (2007)	Workers, prevention services,

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assesses to what extent the accompanying actions are actually used by establishments

to pursue the objective of protecting health and safety of workers.

Results from stakeholder interviews

Conclusion based on consultation with national and regional authorities, representative of employers and workers, social partners and business associations indicates that, although the accompanying actions elaborated by the national and regional authorities (such as guidance documents, prevention technical notes, support tools, etc.) are very useful, most employers and workers are not aware of their existence, thus their use is not having the expected impact.

4.3 GAPS

This sub-section aims at determining whether there are any information needs that are not met.

Results from the stakeholder interviews

The gap encountered during the assessment of the Directives evaluated in addition to the stakeholders interviewed is that no further information sources are available to assess the degree of compliance with the Directives evaluated and the national legislation implementing them, besides the ones cited through this desk study (national surveys, Labour and Social Security Inspectorate Annual Reports and Annual Reports on Occupational Health and Safety in Spain elaborated by INSHT).

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement.

In Spain, the main authority in charge of OSH legislation enforcement is the Ministry of Employment and Social Security. Under the responsibility of this Ministry, the Labour and Social Security Inspectorate LSSI (*Inspección de Trabajo y Seguridad Social, ITSS*) is responsible for general labour relations and compliance with social security regulations and also observes and controls risk prevention regulations.⁷¹ In the field of OSH, the Inspectorate's most important functions are to monitor the implementation of the occupational health and safety regulations and to inform about work accidents/occupational diseases. It also assesses working conditions and guide workers and companies accordingly, through the most effective ways to meet the requirements of the occupational health and safety regulations. 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.⁷²

In addition, the Ministry of Health, Social Services and Equality is responsible for proposing and implementing government policy in health, planning and health care.

With regard to Council Directive 92/104/EEC (surface and underground mineral-extracting industries) and Council Directive 92/91/EEC (mineral-extracting industries through drilling), the General Directorate of Mines (MINETUR), under responsibility of the Ministry of Industry, Energy and Tourism, is responsible for improving safety in mining workplaces, as well as promoting technological development and competitiveness of the mining sector. Therefore, it is also responsible for monitoring and developing policies regarding the rational use of energy and energy efficiency, mining, oil, electricity, nuclear energy and renewable energy.

The Spanish Strategy on Safety and Health at Work defines three objectives for preventing occupational risks in companies: 1) Achieve better and more effective compliance with the risk prevention legislation, particularly among small and medium-sized enterprises; 2) Improve the effectiveness and quality of the prevention system, incl. all in entities specialised in the field; and 3) Strengthen the role of the social partners and the involvement of workers and employers in the improvement of safety and health at work. The objectives of the LSSI are based upon this Strategy.

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
Ministry of Employment and Social Security. LSSI, Labour	The LSSI is the responsible body of the Ministry

⁷¹ The labour inspectorates of Cataluña and Basque Country are an exceptional case, as these Autonomous Communities have signed agreements with the National Administration regarding the transfer of functions and services on labour inspection, within the competency framework provided by the Spanish Constitution

⁷² http://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain

Name	Type of authority
<p>and Social Security Inspectorate (ITSS, Inspección de Trabajo y Seguridad Social)</p>	<p>of Employment and Social Security in Spain in charge of ensuring compliance with the OSH regulations established. Their main functions are:</p> <ul style="list-style-type: none"> - Ensuring compliance with OSH regulations, as well as with legal and technical standards. - Inform and provide advice to companies and workers concerning the most effective way to comply with OSH regulations. - Elaborate the required reports concerning occupational accidents and diseases. - Promote and ascertain compliance with the obligations of prevention services. - Order immediate termination of work in case serious and imminent danger to the health or safety of workers is detected. <p>As stated in the National Implementation Report of the LSSI of 2012⁷³ sent to the European Commission, the Spanish Labour and Social Security Inspectorate has enforcement competences in the following topics:</p> <ul style="list-style-type: none"> - Regulation of labour and trade union relations. - Occupational Risk Prevention. - The Social Security System: application, enrolment, affiliation, registration and deregistration of workers, contributions and collection of contributions. - Rules on obtaining and using the benefits of the Social Security System, as well as the systems for voluntary improvement of the system protective action. - Recruitment, employment and unemployment protection. - Emigration, migratory movements and work by foreigners. - Occupational and continuous professional training (with regard to Autonomous Regions legislation on the matter). - Temporary employment agencies, job placement firms and plans for integrated employment services. - Cooperative societies and other forms of social economy, forming of worker-owned companies (regarding Autonomous Regions' legislations on the matter). - Facilitate technical information to companies and workers when exercising the inspection function. - Providing technical assistance to entities and bodies in the Social Security System, upon request. - Inform, assist and collaborate with other public authorities with respect to the application of rules on labour matters, or

⁷³ SLIC Annual Reports of the LSSI 2012

Name	Type of authority
	<p>the supervision and control of public aids and subsidies.</p> <ul style="list-style-type: none"> - Issue reports as requested by the competent legal bodies within the scope of its inspection functions and competences when so determined by law. - Conciliation and mediation in conflicts and strikes when accepted by the parties, without prejudice to the provisions of the Law on Labour Proceedings. - Arbitration in labour conflicts and strikes, or others expressly requested, at the request of the parties. <p>The General Direction for the Labour and Social Security Inspectorate, which coordinates the overall organisation, management and coordination of the LSSI, is split up in six General Divisions: Industrial relations, HS measures and equality; Social security, irregular economy and immigration; Institutional relations and Technical Assistance; Management support; Special Inspection attached to the Central Authority and the LSSI school.</p>
Ministry of Health, Social Services and Equality (MSSI)	<p>The Ministry of Health, Social Services and Equality is responsible for proposing and implementing government policy in health, planning and health care. It is also responsible for proposing and implementing government policy on cohesion and social inclusion, family, child protection and care for dependents.</p> <p>The MSSI has the following functions regarding occupational health issues:</p> <ul style="list-style-type: none"> - Establishing appropriate means for the Prevention Services to assess and monitor those health related actions carried out by the companies. - The implementation of appropriate information systems that permit the production of occupational risks maps as well as epidemiological studies for the identification and prevention of diseases that may affect the health of workers. - Monitoring of the training in prevention and promotion of health at work that Prevention Services health personnel shall receive. - The development and dissemination of studies, research and statistics related to the health of workers. - Promoting comprehensive workers health. - Monitor occupational risks in relation to pregnancy and breastfeeding for working women. - Identify and prevent labour risks microclimate.

Name	Type of authority
	<ul style="list-style-type: none"> - Monitor the health of workers in order to detect the early deterioration of it. - Develop occupational hazard maps with the competent labour authorities. - Promote information, training and participation of workers and employers.
Ministry of Justice	<p>The Ministry of Justice is responsible for preparing, managing and executing government policy on Justice. Regarding Social Affairs, the Public Prosecutor (part of the Ministry of Justice) is involved in the following processes among other functions:</p> <ul style="list-style-type: none"> - In the process of challenging collective agreements. - In the process of contesting the Statutes of Unions and employers' associations. - In the process in which fundamental rights and liberties and freedom of association are breached or discriminated. <p>The Public Prosecutor comprises several divisions being the specialized prosecutors' office for work-related accidents the most relevant regarding PRL issues. This specialized prosecutor performs the following functions:</p> <ul style="list-style-type: none"> - Coordinate the Specialized Prosecutors' Territorial Sections. - Control (monitoring) of open proceedings on these crimes. - Promote the active involvement of the Public Prosecutor in these proceedings. - Development of harmonized criteria for work-related specialized prosecutors. - Promote measures for statistical improvement. - Promote annual meetings for specialized prosecutors to coordinate action in organizational, procedural and substantive matters. <p>It is worth mentioning that there are also Public Prosecutors specialised in violence against women, road safety, disabled citizens and underage children</p>
Council Directive 89/654/EEC (workplace)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2009/104/EC (work equipment)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 89/656/EEC (PPE)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive

Name	Type of authority
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/58/EEC (OSH signs)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 1999/92/EC (ATEX)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 90/269/EEC (manual handling of loads)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2002/44/EC (vibration)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2003/10/EC (noise)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2006/25/EC (artificial optical radiation)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 98/24/EC (chemical agents at work)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2009/148/EC (asbestos)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Directive 2000/54/EC (biological agents)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (ITSS, <i>Inspección de</i>	See Framework Directive

Name	Type of authority
<i>Trabajo y Seguridad Social)</i>	
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
Ministry of Industry, Energy and Tourism. MINETUR, General Directorate of Mines (<i>Ministerio de Industria, Energía y Turismo, Subdirección General de Minas</i>)	The General Directorate of Mines is responsible for improving safety in mining workplaces, as well as promoting technological development and competitiveness of the mining sector. Therefore, it is also responsible for monitoring and developing policies regarding the rational use of energy and energy efficiency, mining, oil, electricity, nuclear energy and renewable energy.
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
Ministry of Industry, Energy and Tourism. MINETUR, General Directorate of Mines (<i>Ministerio de Industria, Energía y Turismo, Subdirección General de Minas</i>)	See Directive 92/104/EEC (surface and underground mineral-extracting industries)
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/29/EEC (medical treatment on board vessels)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 93/103/EC (work on board fishing vessels)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 91/383/EEC (temporary workers)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive
Council Directive 94/33/EC (young people at work)	
Ministry of Employment and Social Security. LSSI, Labour and Social Security Inspectorate (<i>ITSS, Inspección de Trabajo y Seguridad Social</i>)	See Framework Directive
Ministry of Health, Social Services and Equality (MSSI)	See Framework Directive

In addition, information is provided on any interactions between the enforcement bodies listed above.

The public institutions that define the National Prevention System of Spain, such as the Labour and Social Security Inspectorate (LSSI) and the Spanish National Institute of Health and Safety at Work (INSHT) are part of the Ministry of Employment and Social Security.

Regarding the LSSI, the Autonomous Communities of Catalonia (since 2010) and the Basque Country (since 2011) have their own specific inspections body, which can exercise the inspection tasks in accordance with the agreements signed with the State Administration regarding the transfer of functions and services on labour inspection, within the competency framework provided by the Spanish Constitution. In the other Autonomous Communities, the Provincial Labour Inspectorates are hierarchically subordinated to the national LSSI

Inspections

Statistical Information

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

Table 5- 2 Inspections statistical data

	Number of labour inspectors ⁷⁴	Number of workers per labour inspector ⁷⁵	Number of inspections per 100.000 workers ⁷⁶	Frequency of inspections ⁷⁷	Comments																				
2007	1729 (854 Inspectors and 875 Subinspectors)	25,007	1,089	45,25% of undertakings participating in ESENER ⁷⁸ were subject to an inspection once in the past 3 years. <table border="1"> <thead> <tr> <th>workers</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>41.2</td> </tr> <tr> <td>20-49</td> <td>47.66</td> </tr> <tr> <td>50-249</td> <td>52.7</td> </tr> <tr> <td>250-499</td> <td>67.25</td> </tr> <tr> <td>+500</td> <td>76.58</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Productive industry</td> <td>55.56</td> </tr> <tr> <td>Private services</td> <td>42.26</td> </tr> <tr> <td>Public services</td> <td>34.99</td> </tr> </tbody> </table>	workers	%	10-19	41.2	20-49	47.66	50-249	52.7	250-499	67.25	+500	76.58	Sector	%	Productive industry	55.56	Private services	42.26	Public services	34.99	From the inspection actions, 6% have been for working relations, 35% on labour risk prevention, 2% on employment, 5% for immigration and 48% on social security. From the visit inspections 33.31% have been in the construction sector, 16.26% in retail, 12.35% in the hotel and restaurant sectors and 9.97% in professional
workers	%																								
10-19	41.2																								
20-49	47.66																								
50-249	52.7																								
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⁷⁴ Annual Report of the LSSI, available online at: http://www.empleo.gob.es/its/web/que_hacemos/Estadisticas/.

⁷⁵ Data only available in the Spanish report of practical application of Directive 89/391/EEC, Directive 2009/148/EC, Directive 91/383/EEC, Directive 92/29/EEC and Directive 94/33/EC. Data here exclude subinspectors, who currently don't have competence in OSH matters.

⁷⁶ Data only available in the Spanish report of practical application of Directive 89/391/EEC, Directive 2009/148/EC, Directive 91/383/EEC, Directive 92/29/EEC and Directive 94/33/EC.

⁷⁷ Data only available for the period covered by the ESENER Survey 2009, covering the three-year period of the survey.

⁷⁸ ESENER1 survey, MM170

	Number of labour inspectors ⁷⁴	Number of workers per labour inspector ⁷⁵	Number of inspections per 100.000 workers ⁷⁶	Frequency of inspections ⁷⁷	Comments
					services. The data in these reports exclude Subinspectors, who currently don't have competence in OSH matters
2008	1746 Inspectors and 910 Subinspectors) (836)	23,889	1,125		From the inspection actions, 9% have been for working relations, 35% on labour risk prevention, 1% on employment, 5% for immigration and 47% on social security. From the visit inspections 31.58% have been in the construction sector, 16,75% in retail, 12.85% in the hotel and restaurant sectors and 9.86% in professional services
2009	1854 Inspectors and 920 Subinspectors) (934)	21,199	1,395		From the inspection actions, 11.5% have been for working relations, 35% on labour risk prevention, 1.5% on employment, 6% for immigration and 50% on social security. From the visit inspections 27.72% have been in the construction sector, 16,30% in retail, 15.72% in the hotel and restaurant sectors and 9.31% in professional

	Number of labour inspectors ⁷⁴	Number of workers per labour inspector ⁷⁵	Number of inspections per 100.000 workers ⁷⁶	Frequency of inspections ⁷⁷	Comments
					services
2010	1854 (934 Inspectors and 920 Subinspectors)	19,635	1,416		From the inspection actions, 12% have been for working relations, 37% on labour risk prevention, 1.5% on employment, 7% for immigration and 54% on social security. From the visit inspections 22.6% have been in the construction sector, 16.87% in retail, 16.11% in the hotel and restaurant sectors and 8.91% in professional services
2011	1865 (958 Inspectors and 907 Subinspectors)	19,219	1,408		From the inspection actions, 12% have been for working relations, 36% on labour risk prevention, 1.5% on employment, 6% for immigration and 56% on social security. From the visit inspections 24.74% have been in the construction sector, 18.29% in retail, 16.29% in the hotel and restaurant sectors and 8.94% in professional services
2012	1871 (959 Inspectors and 912 Subinspectors)	18,021	1,558		From the inspection actions, 13% have been for working relations, 36% on labour risk prevention,

	Number of labour inspectors ⁷⁴	Number of workers per labour inspector ⁷⁵	Number of inspections per 100.000 workers ⁷⁶	Frequency of inspections ⁷⁷	Comments
					2% on employment, 5% for immigration and 60% on social security. From the visit inspections 22.41% have been in the construction sector, 18.22% in retail, 19.12% in the hotel and restaurant sectors and 9.76% in professional services

Table 5- 3 Number of inspection visits per sector in Spain

Sector/Year in number of TEU inspected ⁷⁹	2007	2008	2009	2010	2011	2012
Construction ⁸⁰	116,536	111,442	100,360	81,416	88,213	81,596
Trade ⁸¹	56,906	59,112	56,932	58,025	65,203	66,344
Hotel and catering services ⁸²	43,202	45,359	59,006	60,783	58,084	69,641
Professional services ⁸³	34,896	34,806	33,707	32,110	31,858	35,540
Iron and steel industry	17,437	18,307	18,588	18,521	19,400	18,627
Tranports ⁸⁴	11,857	11,691	12,914	22,186	13,656	14,416
Agriculture and livestock	7,821	8,440	8,211	9,805	9,848	9,893
Repairs ⁸⁵	5,746	5,790	7,449	14,193	7,971	8,738
Public Administration ⁸⁶	5,289	4,980	5,009	4,289	4,918	4,582
Food industry	5,289	4,662	5,597	5,275	6,593	6,957
Wood industry	3,261	2,574	2,696	1,874	2,726	2,792
Other activities	41,677	45,759	51,589	51,775	48,065	45,008

Table 5- 4 OSH Inspections conducted in the Autonomous Communities

Autonomous Community ⁸⁷	2007	2008	2009	2010	2011	2012

⁷⁹ Annual Report of the LSSI, available online at: http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/.

⁸⁰ Including construction works, hydraulic works, demolition, drilling and boring.

⁸¹ Including wholesale and retail.

⁸² Including hotels, camping areas, restaurants and drinking establishments.

⁸³ Including business consulting, engineering services, marketing and photography services, hairdressers and beauty centers, cleaning and gardening services, temporary agencies and private security.

⁸⁴ Including removal services, goods handling and transport of goods and people by rail, air, waterways or land.

⁸⁵ Including repair and maintenance of motor vehicles, shoes and furniture and household articles.

⁸⁶ Including social security, civil protection, defense, foreign affairs and justice.

⁸⁷ Annual Report of the LSSI, available online at: http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/.

<i>Autonomous Community</i> ⁸⁷	2007	2008	2009	2010	2011	2012
Andalucía	89,599	69,296	75,557	92,137	89,502	19,558
Aragón	9,649	9,728	7,740	10,272	9,840	3,086
Asturias	7,230	4,266	3,387	3,212	3,506	1,361
Baleares	14,457	14,010	15,527	15,607	13,745	2,877
Canarias	18,442	16,803	17,165	14,569	16,445	3,922
Cantabria	3,858	4,280	3,127	3,790	3,190	1,433
Castilla-La Mancha	22,087	20,891	19,126	20,347	19,867	5,305
Castilla y León	36,687	30,178	30,424	33,814	37,295	13,304
Cataluña	60,845	48,229	47,447	44,999	34,353	22,956
Extremadura	9,243	7,188	7,350	10,544	12,156	3,118
Galicia	25,845	23,321	22,846	25,146	21,722	6,363
Madrid	41,974	29,796	28,276	23,451	25,207	9,003
Murcia	11,793	9,776	11,140	10,210	8,779	2,436
Navarra	5,534	4,984	4,229	4,796	6,430	2,057
País Vasco	22,579	19,877	19,432	18,310	17,431	3,309
La Rioja	2,936	2,961	3,515	4,172	3,397	868
Comunidad Valenciana	45,072	42,465	43,280	44,209	43,567	9,587
Ceuta	2,947	2,645	1,858	1,421	1,958	431
Melilla	2,524	3,063	4,646	7,149	6,247	552
Dirección Especial	60	125	124	94	90	38
Total	433,361	363,882	366,196	388,249	374,727	111,564

Strategies for inspection

Within the total activity conducted by the Inspectorate of Labour and Social Security (LSSI), a distinction is made between a requested activity (*actividad rogada*) and a planned activity (*actividad planificada*):

- The requested activity responds to a request to conduct an external activity outside the LSSI system, which includes reports made at the request of the courts, reports and actions of the labour authorities and other authorities as well as verification of the allegations made by workers and citizens in general.
- The planned activity includes general programs of objectives approved by the Central Authority of the Inspectorate of Labour and Social Security as well as the regional programs of objectives, agreed with the Autonomous Communities in the Labour Inspection and Social Security Regional Commissions as part of the Integrated Action Plan by the Labour Inspection and Social Security, which is approved annually by the Sectorial Conference of Labour Affairs.

Every year, the Integrated Action Plans by the Labour Inspection and Social Security include the common plans and objectives of the general application, to which the regional plans and objectives shall be added. The Action Plans also refer to service orders that should be conducted by labour inspectors.

For the period 2007-2012, these annual plans were part of the Spanish Strategy on Safety and Health at Work. The Strategy designed the common shared action framework on the prevention of labour

risks to be developed by the Government, the Autonomous Communities and the social representatives.

As stated in the National Implementation Report of the LSSI of 2012⁸⁸ sent to the European Commission, the priorities, inspection strategies and general objectives are the following:

1. Prevention of Occupational Risks. A total of 116,698 service orders were carried out with 379,395 activity performances. The planned and scheduled activity was 71.83% of the total activity performed. These actions were divided into the following:
 - a) Working Conditions. Inspection activities were carried out to monitor compliance with the legislation on safety at workplace. The target sectors were construction, transport, agriculture, artificial stone, automobile workshops, hotel and catering, warehouses in trade, wood, shipbuilding and slate quarries.
 - b) Risk prevention management. Inspection activities were carried out to focus on: internal, external and joint prevention services; auditing bodies for preventive activities of companies and those providing training on prevention of occupational risks.
 - c) Investigation of work-related diseases: In 2010, the LSSI accomplished 9,244 inquiries about work-related accidents, 317 of them occurred on the way to or from work.
 - d) Investigation of occupational diseases. In 2012, the LSSI made 610 inquiries about occupational diseases.

2. Occupation and Labour Relationships. A total of 84,460 service orders were carried out with 136,177 performances, and 5,692 infringements detected in this area. The planned and scheduled activity was 56.20% of the total activity performed. These actions were divided into the following:
 - a) Contracting and working conditions.
 - b) Effective equality between women and men.
 - c) Discriminatory working conditions regarding migrant workers.
 - d) Wage discrimination by gender.

According to the National Implementation Reports of the LSSI for the period 2006-2012 sent to the European Commission, in addition to the objectives described above, the LSSI have worked on other objectives such as:

- Social Security and Undeclared Work. As stated in National Implementation Report of the LSSI of 2011⁸⁹, the planned and scheduled activity was 75% of the total activity performed. These actions were divided into the following:
 - a) Social Security General Fund (Tesorería General de la Seguridad Social). A total of 29,309 service orders were carried out in order to detect erroneous registration with Social Security and prevent and enforce breaches regarding the obligations linked to the Social Security.
 - b) National Institute for the Social Security (Instituto Nacional de la Seguridad Social). A total of 12,537 service orders were carried out in order to detect improper combination of work and subsidies and fraud to obtain undue subsidies or in an undue quantity.
 - c) Navy Social Institute (Instituto Social de la Marina). A total of 598 service orders were carried out in order to detect improper combination of work and subsidies and fraud to obtain undue subsidies or in an undue quantity.

⁸⁸ SLIC Annual Reports of the LSSI 2012.

⁸⁹ SLIC Annual Reports of the LSSI 2011.

- d) State Public Employment Service (Servicio Público de Empleo Estatal). A total of 10,367 service orders were carried out in order to detect unemployment subsidies.
- e) Cooperation with Police Corps.
- f) Prevention and Control of tax, labour and social security fraud. A total of 1,209 service orders were carried out in order to detect false self-employed workers..

Furthermore, according to the National Implementation Reports of the LSSI for the period 2006-2012⁹⁰ sent to the European Commission, there are other specific activities planned to develop special inspection strategies, such as the following:

1. SEGUMAR. The general objective of this campaign is to inspect safety conditions on fishing vessels (campaign initiated in 2006). In 2012, 294 vessels were inspected in cooperation with other public administration bodies and the Guardia Civil.
2. Campaign on traffic risks. The main campaign's objective is to monitor how companies tackle occupational risks of drivers as well as support companies to improve traffic accidents prevention, both on the way to or from work and during working time (campaign initiated in 2010). In 2012, 343 service orders were carried out.
3. Plan Prevea. Prevea is a voluntary programme which companies have to adhere, aimed at reducing accidents in companies with a high rate of work-related accidents and occupational diseases (campaign initiated in 2007).
4. Musculoskeletal disorders campaign (MSDs). This is a national campaign initiated in 2012 aimed to the sectors of handling (ground services with regards to aircrafts) and chambermaids. In 2012, 42 service orders were carried out for ground services, and 520 were conducted for chambermaids
5. Psychosocial risk assessment European campaign (SLIC). This campaign was initiated in 2012, and 437 service orders were carried out.
6. Campaign on Crystalline silica. This is a national campaign aimed at companies which produce, mechanize, adjust and assemble quartz pieces for kitchens, baths, soils, etc. time (campaign initiated in 2010 and finalised in 2011). 249 service orders were carried out in 2011, and 245 in 2010.
7. European campaign on risk assessment in the use of dangerous substances. The LSSI was focused on the cleaning sector, especially industrial cleaning and dry-cleaning, with the goals of improving working conditions and improving the harmonization regarding compliance with European regulations on the matter (campaign initiated in 2009 and finalised in 2011). 999 service orders have been carried out by LSSI regarding this strategy.
8. General programmes of objectives at supra-Autonomous Community level. The supra-Autonomous Community inspection campaign included three fully-fledged campaigns: priority measures to tackle rates of the most serious accidents at supra-Autonomous Community level; safety on board fishing vessels; and the European campaign on the workplace risk associated with the manual handling of loads in the construction and retail trade sectors (campaign initiated in 2007 and finalised in 2010).

The box below provides a short description of the strategic documents for enforcement.

Strategic documents for enforcement

Spanish Strategy on Safety and Health at Work 2007-2012 (*Estrategia Española de Seguridad y Salud en el Trabajo 2007-2012*)

Annual Operational Plans

Annual Reports of the Labour and Social Security Inspectorate:

⁹⁰ SLIC Annual Reports of the LSSI 2012.

- Annual Report of the Labour and Social Security Inspectorate 2012
- Annual Report of the Labour and Social Security Inspectorate 2011
- Annual Report of the Labour and Social Security Inspectorate 2010
- Annual Report of the Labour and Social Security Inspectorate 2009
- Annual Report of the Labour and Social Security Inspectorate 2008
- Annual Report of the Labour and Social Security Inspectorate 2007

Specific Inspection Campaigns⁹¹:

- 2007-2012: SEGUMAR Campaign: Safety working conditions on fishing vessels
- 2007-2012: PREVEA Campaign (Reduction of accidents campaign)
- 2012: Musculoskeletal disorders Campaign
- 2011-2012: Psychosocial Risk Assessment European Campaign
- 2010-2011: Crystalline silica Campaign
- 2010-2011: Road Safety Campaign
- 2009-2010: Chemical Risk Campaign
- 2009-2011: Wage discrimination by gender Campaign
- 2009: Hospitality Campaign
- 2008-2009: APS Campaign (Priority Actions on supra-regional accidents)
- 2008: Irregular economy and foreigners works conducted on the grape harvest Campaign
- 2007: European Campaign on manual handling goods

Regional Inspection Campaigns

The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

Table 5- 5 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
✓	✓	✓	<ul style="list-style-type: none"> • Type of risks • Working conditions • Management of the risk prevention • Equality gender working conditions • Accidents per sector occurred
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	others	
✓	✓	<ul style="list-style-type: none"> • European Strategy for Health and Safety at Work 2007-2012 • OSHA Strategy 2009-2013 • Program 2007-2013 of the European Social Fund⁹² 	

Sanctions

⁹¹ Data only available in the Spanish report of practical application of Directive 89/391/EEC, Directive 2009/148/EC, Directive 91/383/EEC, Directive 92/29/EEC and Directive 94/33/EC.

⁹² Look for more information on <http://ec.europa.eu/esf/main.jsp?catId=378>

All infringements concerning OSH requirements are typified in Royal Legislative Decree 5/2000 of 4 August 2000, which establishes fines and infringements concerning the social order, which also includes OSH compliance. This RD establishes that minor OSH infringements shall prescribe after one year, major infringement shall prescribe after three years, and severe infringement shall prescribe after five years, from the date of the infringement. Furthermore, Royal Decree 597/2007 of 4 May 2007 establishes the procedure of publication of penalties for severe infringements concerning OSH.

The imposition of sanctions for violations of the rules of social order corresponds to the Labour department. The labour authority of the Central Government or the Government of the Autonomous Community can be a body with disciplinary powers in this area. Such sanctions, proposed by the Inspectorate of Labour and Social Security, are imposed on instruction and following proper proceedings under an administrative procedure. The box below provides further, detailed, information on the process and infringement procedure concerning the General Government Administration and at the regional level.

The infringement procedure begins when the Labour and Social Security Inspectorate notifies the holder or holders of the company about the infringement arisen.

In infringement proceedings the subject or subjects responsible are identified, the facts and circumstances proven by the inspectors, the type and rating of the infringement such as minor, major or severe infringement identified, criteria used for grading the infringement established and amount of the penalty proposed. The infringement record must identify the competent authority before which interested parties may submit statements. The deadline for submissions is 15 working days, starting from the day after the notice of the record.

After the deadline for submitting comments, the competent body shall issue its resolution. This resolution may confirm the infringement proceeding, modify it or render it ineffective.

Royal Decree 707/2002 of 19 July establishes the LSSI procedures and the corrective measures concerning occupational risks in the General Administration including territorial bodies of the central government and its autonomous bodies. Article 4.1 of Royal Decree 707/2002 was modified by article 2.1 of Royal Decree 464/2003, of 25 April 2003 and, from then on, the 24 hours notice to the Head of the Administrative Unit is no longer a requirement. After completing the tests, if the Labour and Social Security inspector considers that there are infringements or irregularities in the enforcement of occupational risk prevention, a requirement on the issues involved will be proposed which will include the findings collected during the inspection as well as the corrective measures to be taken and the period allowed for their implementation.

According to Organic Law 10/1995 of 23 November 1995, on the Criminal Code (Title XV on the crimes against the rights of workers. Articles 316 to 318) (*Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, Título XV de los delitos contra los derechos de los trabajadores. Artículos 316 a 318*), crimes may result in prison sentences and professional disqualification when they respond to intentional or major negligence, while faults usually result in an economic fine and respond to a minor negligence.

According to Article 26 of Royal Decree 928/1988, of 14 May, amending the General Regulation on procedures for the Imposition of sanctions for social and labour infringements as well as Article 53 of the OSH Law, it is established that the Central Government or, if applicable, the Regional governments, when exceptionally serious breaches in safety and health at work occur, may order the suspension of work activities for a specified time or, in extreme cases, the closure of the corresponding work place without prejudice to the payment of wages or compensations and the procedures for their guarantee. However, these “serious breaches” or/ and “extreme cases” are not typified in the regulations.

General Government Administration / Regional level

Regarding the General Government Administration, it is the responsibility of the government to regulate such procedure, which is in line with the following principles:

- The procedure shall be initiated by the competent body of the Labour & Social Security Inspectorate either following a superior order, on its own initiative or at the request of staff representatives.
- After its performance, the inspectorate shall issue a requirement on the measures to take and schedule for their execution and transfer it to the inspected administrative unit to open a period to submit comments and claims.
- In case of discrepancy between the competent ministries on the application of this procedure, it will be submitted to the Council of Ministers for a final decision.

At regional level, the sanctioning power corresponds to the following bodies:

- In the case of infringements of Social Security and depending on the type of infringement, the application of sanctions may correspond to the Provincial Directorate of the General Social Security Fund, the Provincial Directorate of the Social Security National Institute (or, if applicable, the Social Marine Institute) and the Provincial Directorate of the State Public Employment Service.
- When infringements of Social Security are committed, the competent body to impose sanctions is the Provincial Directorate of the General Social Security Fund.
- In cases where other public bodies have not been appointed to impose sanctions, the application of labour sanctions in the area of General State Administration shall correspond to the heads of the Provincial Inspectorates

In the cases where the Labour and Social Security inspector finds evidence of serious and imminent risk to the occupational health and safety of the personnel in the premises of the General State Administration, he/she shall order the cessation of the activity in the premises involved, which shall be immediately enforceable, and issue an urgent risk report to be submitted to the Government Delegate or the Central Inspection Authority.

Instruction 1/2007 on the relations between the Labour and the Social Security Inspectorate and the State Attorney Office on criminal infringements against occupational health and safety, provides that in cases where the LSSI identifies breaches in the prevention occupational risks posing a serious risk to the safety and health of workers, the corresponding extended minutes of infringement and the administrative files shall be forwarded to the Chief Prosecutor in the following cases:

- Administrative infringements classified as very serious according to Royal Decree 5/2000;
- Infringements classified as serious, if considered as an aggravating circumstance for the severity of the sanction (e.g. a repeated noncompliance by the employer);
- Serious infringements if considered as an aggravating circumstance for the severity of the sanction, when there is non-compliance with the proposals made by the prevention services, the safety representatives or the occupational health and safety committee of the company;
- Infringements resulting from the violation of the regulations on the prevention of occupational risks in connection with the protection of children, maternity and sensitive workers;
- Infringements arising from breaches of the regulations on the prevention of occupational risks that have led to an order of stoppage of an activity;
- Minutes of infringement on the prevention of risks arising from occupational fatalities except for "commuting" work accidents and pathologies such as heart seizures or strokes.

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directives covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided.

Table 5- 6 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 89/391/EEC (Framework Directive)		
<p>According to Royal Legislative Decree 5/2000, the employer or company representative that has breached the provisions of the OSH Law.</p> <p>Minor infringements are typified as:</p> <ul style="list-style-type: none"> - Lack of cleanliness in the workplace. - Not informing the Labour authority about minor accidents or occupational diseases occurred at the workplace. - Not informing the Labour authority concerning the opening or the commissioning of a workplace, or the resumption of works after conducting major modifications or extensions of the workplace. - Industries not classified as dangerous, unhealthy or unsafe providing inaccurate data to the Labour authorities. - Breach of OSH regulations, provided that no serious threat to worker's health and safety have occurred. - Breach of formal documentary obligations required by OSH regulations - Absence of the Subcontracting log book required by the contractor during a construction work. - Absence of equipment documentation during a construction work 	-	<p>Minor infringements are penalised as:</p> <ul style="list-style-type: none"> - Minor degree: 40 to 405€ - Medium degree: 406 to 815€ - Maximum degree: 816 to 2,045€
<p>According to Royal Legislative Decree 5/2000, the employer or company representative that has breached the provisions of the OSH Law.</p> <p>Major infringements are typified as:</p> <ul style="list-style-type: none"> - Not formalising a written employment contract. - Fraud in contractual arrangements. - Not recording in the remuneration statement the real amount paid to the worker. 	-	<p>Major infringements are penalised as:</p> <ul style="list-style-type: none"> - Minor degree: 2,046 to 8,195€ - Medium degree: 8,196 to 20,490€ - Maximum degree: 20,491 to 40,985€

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<ul style="list-style-type: none"> - Failure to comply with the requirements established concerning the settlement. - Breach of the regulations concerning working hours, night work, additional working hours and holidays. - Substantial modifications of working conditions unilaterally imposed by the employer. - Breach of the right to information, hearing and consultation of workers representatives and trade union representatives. - Breach of the rights of the workers representatives and the trade unions concerning the allocation of paid hours. - Establishing inferior labour conditions to the ones described in the regulations or the collective agreement. - Failure to provide the necessary information to workers. - The company's failure to have the contractors or subcontractor log book in place, when they are continuously sharing the same workplace. - Not fulfilling the equality requirements established in the Statute of Workers. 		
<p>According to Royal Legislative Decree 5/2000, the employer or company representative that has breached the provisions of the OSH Law.</p> <p>Severe infringements are typified as:</p> <ul style="list-style-type: none"> - Default and repeated delays concerning workers incomes. - Collective dismissal of workers or the implementation of reduced timetables not following the requirements set forth in the Statute of Workers, - The breach of the regulations on child labour. - Actions preventing the right of assembly of workers, their representatives and the unions. - The breach of the right to attend and access the workplace of those workers who hold representative positions in the trade unions. - The breach of the regulations on trade union matters established in collective agreements. 	-	<p>Severe infringements are penalised as:</p> <ul style="list-style-type: none"> - Minor degree: 40,986 to 163,955€ - Medium degree: 163,956 to 409,890€ - Maximum degree: 409,891 to 819,780€

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<ul style="list-style-type: none"> - Employer's refusal to reopen the workplace during a lockout within the prescribed period required by the labour authority. - Employer's acts against the right of workers to strike such as replacing striking workers by external workers at the time of strike, except when justified by the system. - Employer's acts against the privacy and dignity of workers. - Unilateral business decisions involving direct or indirect discrimination because of age or disability, or with respect to remuneration, working hours, training, promotion and other conditions of work, for reasons of sex, origin, including racial or ethnicity, marital status, social status, religion or belief, political beliefs, sexual orientation, trade unions memberships and agreements, family ties with other workers in the company or language within the Spanish State as well as the decisions of the employer involving adverse treatment of workers in response to an administrative complaint or judicial proceedings aimed at enforcing compliance with the principle of equal treatment and non-discrimination. - Sexual harassment when occurring within the scope of the corporate management powers, whoever the perpetrator may be. - Harassment on grounds of racial or ethnic origin, religion or belief, disability, age, sexual orientation and gender when occurring within the scope of the corporate management powers, whoever the perpetrator may be, if known by the employer, this has to take the necessary measures to prevent it. - The company's breach in implementing the pension obligations for its personnel in the terms established by the regulations of the plans and pension funds. - Non-compliance with the rules on the limitation of minimum proportion of workers employed indefinitely as described in the 		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>Law on subcontracting in the construction sector and its applicable regulations.</p> <p>- Not developing or implementing the Equality Plan.</p>		
<p>According to the Criminal Code:</p> <p>- Those who, by deceit or abuse of a situation of vulnerability, impose on their workers Labour or Social Security conditions that affect, abolish or restrict the workers' rights recognized by law, collective agreements or individual contracts.</p>	<p>Imprisonment from six months to six years and a fine of six to twelve months.</p>	-
<p>According to the Criminal Code:</p> <p>- Those who, in breach of the rules of occupational risks prevention to which are legally bounded, that do not provide the necessary means for workers to carry out their activity with the security measures and adequate hygiene putting their lives, health or physical integrity in great danger.</p>	<p>Imprisonment from six months to three years and a fine of six to twelve months</p>	-
Council Directive 89/654/EEC (workplace)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Workplace RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Workplace RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Directive 2009/104/EC (work equipment)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the WE RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the WE RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 89/656/EEC (PPE)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the PPE RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the PPE RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Council Directive 92/58/EEC (OSH signs)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the OSH signs RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the OSH signs RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Directive 1999/92/EC (ATEX)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the ATEX RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the ATEX RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 90/269/EEC (manual handling of loads)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the MHL RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the MHL RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 90/270/EEC (display screen equipment)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the DSE RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the DSE RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Directive 2002/44/EC (vibration)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Vibrations RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Vibrations RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Directive 2003/10/EC (noise)		
<p>The employer or company representative who has breached</p>	<p>Idem types of criminal sanctions as established in Directive</p>	<p>Idem types of administrative sanctions as established in</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>the provisions of the OSH Law and/or the Noise RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Noise RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	89/391/EEC.	Directive 89/391/EEC.
Directive 2004/40/EC (electromagnetic fields)		
<p>The employer or company representative who has breached the provisions of the OSH Law.</p> <p>Note: There are no specific sanctions applicable for infringement concerning electromagnetic fields, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	Idem types of criminal sanctions as established in Directive 89/391/EEC.	Idem types of administrative sanctions as established in Directive 89/391/EEC.
Directive 2006/25/EC (artificial optical radiation)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the AOR RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the AOR RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	Idem types of criminal sanctions as established in Directive 89/391/EEC.	Idem types of administrative sanctions as established in Directive 89/391/EEC.
Directive 2004/37/EC (carcinogens or mutagens)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Carcinogens and mutagens RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Carcinogens and mutagens RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	Idem types of criminal sanctions as established in Directive 89/391/EEC.	Idem types of administrative sanctions as established in Directive 89/391/EEC.
Council Directive 98/24/EC (chemical agents at work)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Chemical Agents RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Chemical Agents RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	Idem types of criminal sanctions as established in Directive 89/391/EEC.	Idem types of administrative sanctions as established in Directive 89/391/EEC.
Directive 2009/148/EC (asbestos)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or</p>	Idem types of criminal sanctions as established in Directive 89/391/EEC.	Idem types of administrative sanctions as established in Directive 89/391/EEC.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>the Asbestos RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Asbestos RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>		
Directive 2000/54/EC (biological agents)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Biological Agents RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Biological Agents RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 92/57/EEC (temporary or mobile construction sites)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Temporary Construction sites RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Temporary Construction sites RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Surface RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Surface RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Drilling RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Drilling RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 92/29/EEC (medical treatment on board vessels)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Vessels RD.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>Note: There are no specific sanctions applicable for infringement of the Vessels RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>		
Council Directive 93/103/EC (work on board fishing vessels)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Fishing Vessels RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Fishing Vessels RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Maternity RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Maternity RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 91/383/EEC (temporary workers)		
<p>The employer or company representative who has breached the provisions of the OSH Law and/or the Temporary workers RD.</p> <p>Note: There are no specific sanctions applicable for infringement of the Temporary workers RD, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>
Council Directive 94/33/EC (young people at work)		
<p>The employer or company representative who has breached the provisions of the OSH Law.</p> <p>Note: There are no specific sanctions applicable for infringement of the Young workers D, thus the general provisions established in RD 5/2000 and the Criminal Code apply.</p>	<p>Idem types of criminal sanctions as established in Directive 89/391/EEC.</p>	<p>Idem types of administrative sanctions as established in Directive 89/391/EEC.</p>

Enforcement actions

Table 5- 7 Number of infringements and court cases

Total number of infringement which resulted in legal action	See table 5.6
Other data on the number of court cases specific to OSH issues in the period 2007-2012	General statistics concerning criminal offences and court cases are available in the annual report on the state of Occupational Safety and Health in Spain ⁹³ . See Table 5-6, Table 5-7 and Table 5-8 below.

Table 5- 8 Total number of OSH infringements which resulted in legal actions⁹⁴

Total number of infringements which resulted in legal action						
Type/Year	2007	2008	2009	2010	2011	2012
Number of Labour Inspection visits	99,866	97,789	88,368	86,275	79,276	93,305
Number of actions conducted by Labour Inspectors	433,361	363,882	366,196	388,249	374,727	379,395
Number of Infringements records	32,626	27,882	23,492	24,594	19,900	15,983
Amount of penalties (sanctions in Euros)	124,305,398	118,319,988	79,869,919	69,217,649	60,384,768	46,595,014
Number of workers affected by infringements	449,689	320,551	182,244	192,125	123,598	84,266
Requirements	170,249	121,962	112,847	111,979	102,391	112,637

Table 5- 9 Pending infringement cases waiting to be assessed by the Labour Court (2007 to 2012)⁹⁵ (no data was available for 2009-2010 period)

Total number of infringements which resulted in legal action						
Pending cases	2007	2008	2009	2010	2011	2012
Occupational accidents resulting in deaths	478	744	/	/	575	549
Occupational accidents resulting in injuries	2,249	3,626	/	/	2,448	2,699
Risk without adverse injuries	/	/	/	/	225	114

Table 5- 10 Pending infringement cases waiting to be investigated by the Labour Court (2007 to 2012)⁹⁶ (no data was available for 2009-2010 period)

⁹³ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at: <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

⁹⁴ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at: <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

⁹⁵ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at: <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

⁹⁶ Annual Reports on Occupational Health and Safety in Spain, INSHT, available online at:

Total number of infringements which resulted in legal action						
Type of diligences	2007	2008	2009	2010	2011	2012
Proceedings being investigated	1,093	1,730	/	/	1,059	942
Closed investigation proceedings	708	1,204	/	/	719	713
Proceedings finished with a complaint or grievance	277	452	/	/	298	196
Pending proceedings	133	88	/	/	81	56

<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=f6bbf6ff57732410VgnVCM1000008130110aRCRD&vgnnextchannel=ac18b12ff8d81110VgnVCM100000dc0ca8c0RCRD>.

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

Spain has taken quite a number of specific approaches to vulnerable groups by addressing these through legislation (e.g. Royal Legislative Decree 1/2013 of 29 November, establishing the rights of disabled people and their social inclusion), guidelines, NTPs, and advisory brochures. A wide array of vulnerable workers are reached through these specific documents.

Table 6- 1 Tools addressing risk factors for all vulnerable groups⁹⁷

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Royal Legislative Decree 1/2013 of 29 November, establishing the rights of disabled people and their social inclusion	Disabled people			√			√				√								
Guidelines on risk evaluation and	Pregnant/breastfeeding	√													√				

⁹⁷ <http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnextoid=d7700c0c71c1c210VgnVCM1000008130110aRCRD&vgnnextchannel=db2c46a815c83110VgnVCM100000dc0ca8c0RCRD>

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
maternity protection at workplaces ⁹⁸	workers																		
NTP 664: Breastfeeding and returning to work	Pregnant/br eastfeeding workers	√													√				
NTP 914: Pregnancy, breastfeeding and work: health promotion	Pregnant/br eastfeeding workers	√													√				
NTP 915: Pregnancy, breastfeeding and work: medical surveillance	Pregnant/br eastfeeding workers	√													√				
Guidelines on the effective equality of women and men at work ⁹⁹	Women	√	√	√											√				

⁹⁸ *Directrices para la evaluación de riesgos y protección de la maternidad en el trabajo*. (Guidelines on risk evaluation and maternity protection at workplaces), 2012. Published by INSHT. http://www.insht.es/InshtWeb/Contenidos/Instituto/Noticias/Noticias_INSHT/2011/ficheros/2011_11_23_DIR_MATER.pdf

⁹⁹ *Guía Básica para la Igualdad Efectiva de Mujeres y Hombres* (Guidelines on the effective equality of women and men at work), 2008. Published by CCOO Trade Union http://www.incorporasaludmental.org/images/doc/D_CAS_INI+ENT+EMP_DOCU_GUIA_0047_Guia_Integ_Laboral.pdf

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Guía Sindical CCOO: Mujeres, Trabajo y Salud (CCOO Trade Union guideline: Women , Work and Health)	Women	√	√	√											√				
Guidance on protection of sensitive workers ¹⁰⁰	Vulnerable workers	√	√	√			√				√							√	√
Guidelines of the 5th OSH conferences on Psychosocial Risks	Workers	√				√												√	
Labour and Social Security rights of women victims of gender violence ¹⁰¹	Women	√				√												√	
Guidelines on the employment of	Mental disorder			√			√				√		√	√	√	√		√	√

¹⁰⁰ *Guía técnica sobre protección de trabajadores especialmente sensibles* (Guidance on protection of sensitive workers). Published by CEPYME. <http://www.conectapyme.com/documentacion/2010trabajadoressensibles.pdf>

¹⁰¹ *Derechos Laborales y de Seguridad Social de las mujeres víctimas de la violencia de género* (Labour and Social Security rights of women victim of gender violence), 2009. Published by CCOO Trade Union. http://www.ccoo.es/comunes/recursos/1/pub10444_Guia_de_los_derechos_laborales_y_de_Seguridad_Social_de_las_mujeres_victimas_de_la_violencia_de_genero.pdf

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
people with mental disorders ¹⁰²	workers																		
PTN 490: Disabled workers	Disabled workers			√							√				√				
PTN 1004 Design of work places held by disabled workers. Adaptation and acessibility	Disabled workers			√							√				√				
Guidelines on vulnerable groups working integration ¹⁰³	All vulnerable groups					√												√	√
Guidelines on integration of immigrant working women ¹⁰⁴	Migrant women	√				√										√		√	√

¹⁰² *Guía para la integración laboral de personas con trastorno mental* (Guidelines for the employment of people with mental disorders), 2012. Published by LaCaixa Foundation.

http://www.incorporasaludmental.org/images/doc/D_CAS_INI-ENT+EMP_DOCU_GUIA_0047_Guia_Integ_Laboral.pdf

¹⁰³ *Manual para la intervención laboral con colectivos vulnerables* (Guidelines on vulnerable groups working integration). Published by Red Cross Spain.

http://www.cruzroja.es/pls/portal30/docs/PAGE/SITE_CRE/ARBOL_CARPETAS/NN_BIBLIOTECA_VIRTUAL/N10_BAJARSE_PDFS/MANUAL.PDF

¹⁰⁴ *Guía Práctica para la Dinamización de Grupos de Mujeres con Experiencia Migratoria* (Guidelines on integration of working migrant women), 2004. Published by Red Cross Spain.

http://www.cruzroja.es/pls/portal30/docs/PAGE/SITE_CRE/ARBOL_CARPETAS/NN_BIBLIOTECA_VIRTUAL/N10_BAJARSE_PDFS/GUIA%20DESARROLLO%20PERSONAL%20PARA%20EL%20EMPLEO.PDF

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Working integration of drug addicts. Proposal and model implementation ¹⁰⁵	Drug addicts					√												√	√
Guidelines on contract procedures and measures to encourage recruitment ¹⁰⁶	All vulnerable groups			√				√			√								
NTP 367: Ageing at workplace	Ageing workers						√		√										
Socioeconomic challenges of ageing workers in Spain ¹⁰⁷	Ageing workers						√		√										
Employment of vulnerable people:	All vulnerable			√			√			√	√		√	√	√	√		√	√

¹⁰⁵ *La integración sociolaboral de las personas drogodependientes. Propuesta y puesta en práctica de un modelo.* (Working integration of drug addicts. Proposal and model implementation). Published by Red Cross Spain. http://www.cruzroja.es/portal/page?_pageid=33,12620&_dad=portal30&_schema=PORTAL30

¹⁰⁶ *Guía de modalidades de contratos y medidas de fomento de la contratación* (Guidelines on contract procedures and measures to encourage recruitment), November 2013. Published by Ministry of Employment and Social Security) https://www.sepe.es/contenido/conocenos/publicaciones/pdf/Guia_Modalidades_Contratos.pdf

¹⁰⁷ *Los retos socio-economicos del envejecimiento en España* (Socioeconomic challenges of aging workers in Spain), July 2009. Published by Afi, Public Administration Consultants. http://www.unespa.es/adjuntos/fichero_3009_20100125.pdf

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
a profitable social investment ¹⁰⁸	groups																		
Advice for combining work and breastfeeding ¹⁰⁹	Female workers	√	√																
What you did not know about job insecurity ¹¹⁰	All vulnerable groups					√													

¹⁰⁸ *El empleo de las personas vulnerables: una inversión social rentable* (Employment of vulnerable people: a profitable social investment), 2013. Published by Caritas Spain, Red Cross and ONCE Foundation.

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¹⁰⁹ *Claves para compaginar lactancia materna y trabajo* (Advices for combining work and breastfeeding), 2002. Published by AMAGINTZA Navarra

<http://www.navarra.es/NR/rdonlyres/47B9FE09-EAEE-464E-A219-8848C099F732/69014/Librolactancia2.pdf>

¹¹⁰ *Lo que no sabías sobre precariedad laboral* (What you did not know about job insecurity), 2009. Published by UGT Trade Union

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7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. guidance. Other measures such as guidance are included in section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of employees to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

In Spain, a considerable number of measures have been taken to assist SMEs and facilitate fulfilment of their statutory obligations, and these measures have taken various forms.¹¹¹ First, the OSH Law and the OSH RD define the categories of establishments where the employer has the necessary capacity and can personally assume certain functions – in line with the Framework Directive. The OSH administrative procedures for SMEs have also been simplified in order to facilitate compliance with OSH requirements. Also, occupational risk prevention management has been simplified and now it is possible that those enterprises with less than 50 workers¹¹² also implement occupational risk prevention plan, risk assessment and preventive activity planning in a simplified manner, provided that this does not entail any reduction in the level of protection for the health and safety of workers.

Financially, small companies have access to a reduction in their contribution – under certain conditions – when they improve the prevention of accidents at the workplace.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)	-	√	√
Directive 89/654/EEC (workplace)	-	√	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-

¹¹¹ See also: National Implementation Report 2013, Part A, Section I, (EN) p. 57-59.

¹¹² Except from those enterprises with less than 50 employees that carry out activities listed under Annex I.

	Exemptions	Lighter regime	Incentives
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)	-	-	-
Directive 2009/148/EC (asbestos)	-	-	-
Directive 2000/54/EC (biological agents)	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	-	-	-
Council Directive 91/383/EEC (temporary workers)	-	-	-
Council Directive 94/33/EC (young people at work)	-	-	-
Council Directive 98/24/EC (CAD)	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)	-	<p>The OSH Law prescribes in its Article 35 a number of Prevention Officers depending on the amount of people employed in a company. For companies employing less than 30 people, the Prevention Officer shall be the Personnel Representatives. For companies employing 31 to 49 people, the Prevention Officer shall be elected by and from the Personnel Representatives.</p> <p>Article 30 of the OSH Law establishes that, in companies employing</p>	<p>Article 3 of Royal Decree 404/2010 of 21 March 2010, on financial incentives in reducing contribution for companies that have improved the prevention of accidents at the workplace, establishes that small companies which do not exceed a volume of trading for professional contingencies of € 5,000 can access the incentive which is regulated in this Royal Decree, provided they meet the following conditions:</p> <ul style="list-style-type: none"> - Have properly documented their investment in facilities,

	Exemptions	Lighter regime	Incentives
		<p>less than 10 people, the employer may himself take the responsibility to prevent occupational risks, provided that the usual activities are conducted in the workplace, and he has the necessary capacity to do so depending on the risks to which the workers are exposed and the danger of the activities.¹¹³ The same opportunity applies to employers that meet these requirements and employ up to 25 people¹¹⁴, provided that the company has only one establishment or premises.</p> <p>Article 38 of OSH Law establishes that companies employing 50 or less people are not required to establish a OSH Committee.</p> <p>Companies employing less than 50 people whose activity is not classified under Annex I of the OSH RD, can develop a single document containing the risk prevention plan, the risk assessment and the planification of the preventive measures, as established in Article 2 of the OSH RD.</p>	<p>processes or equipment with regards to the prevention of occupational hazards that may contribute to the elimination or reduction of risks.</p> <ul style="list-style-type: none"> - Do not exceed the rates of overall accidents and extreme claims set out in Annex II. - Be up to date in fulfilling their obligations regarding contributions to Social Security. - Have not been subject to sanctions for major or severe infringements regarding the prevention of occupational hazards or Social Security. - Prove compliance with the basic requirements for occupational risk prevention. - Having reached a trading volume for professional contingencies of € 250 euros in the observation period of four tax years. - The company must accredit the development or implementation of any of the following actions: <ul style="list-style-type: none"> • The employer's assumption of responsibility regarding the preventive activity or appointment of workers to assume that responsibility. • The employer or designated workers' obtaining of real effective training in occupational risk prevention.
Directive 89/654/EEC (workplace)			
	-	Annex VI of the Workplace RD establishes that companies employing less than 50 people are not required to have a first-aid location.	-

¹¹³ National Implementation Report Spain, Part A, Section I, 2.7

¹¹⁴ Except from those enterprises with less than 50 employees that carry out activities listed under Annex I.

	<i>Exemptions</i>	<i>Lighter regime</i>	<i>Incentives</i>
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)	-	-	-
Directive 2009/148/EC (asbestos)	-	-	-
Directive 2000/54/EC (biological agents)	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	-	-	-
Council Directive 91/383/EEC (temporary workers)	-	-	-
Council Directive 94/33/EC (young people at work)	-	-	-
Council Directive 98/24/EC (CAD)	-	-	-

It is worth mentioning that during the period between 2007 and 2012, the National Institute of Hygiene and Safety at Work (INSHT), in collaboration with the Autonomous Communities, has launched "**Prevención 10**", a free public advice service on prevention of occupational risks for micro companies and self-employed. This is an important tool to help employers and self-employed learn the measures to be taken in order to prevent occupational risks and comply with the Law on Occupational Risks Prevention.

The objectives of "Prevención 10" include:

- To provide the employer with the tools to manage safety in the company;
- To provide training programs as well as technical assistance to carry out good practices in the workplace;

- A commitment to simplification and burdens reduction as well as employer's training in order to improve the productivity of micro businesses.

Results from stakeholder interviews

As stated by some of the stakeholders interviewed, "Prevención10" did not have the expected practical impact among micro/SMEs companies, since currently the number of participants is very low compared to the number of potential users.

Further, the NIR lists several actions that some Autonomous Communities have taken to support SMEs¹¹⁵:

- "Autonomous Community of Castille and León

Most of the activities carried out by this Administration are essentially aimed at SMEs, given that approximately 98 % of the undertakings in this Community have fewer than 50 workers. It may therefore be said that all of the guidance and advisory action taken towards undertakings has been aimed predominantly at small and medium-sized enterprises. It is worth highlighting all the guidance campaigns mentioned in section 2.2, as well as a specific guidance campaign for self-employed people, which was carried out in 2011 and 2012.

- Autonomous Community of the Balearic Islands

Protocols and partnership agreements have been signed with various entities with the aim of improving occupational health.

2011: Partnership agreement with the Foundation for Occupational Risk Prevention in the hospitality sector in the Balearic Islands, for the promotion and dissemination of activities relating to occupational risk prevention.

2012: The agreement with the Construction Work Foundation on training and occupational risk prevention for the handling of asbestos and new building materials that could potentially be harmful to health is currently pending signature.

- Autonomous Community of Madrid

During the implementation of the Third Master Plan on Occupational Risks of the Community of Madrid, all of the activities carried out by the IRSST have very much remembered the special situation of small and medium-sized enterprises, as well as the difficulties that the implementation of regulations relating to occupational risk prevention entails for them, these difficulties deriving both from a lack of resources for implementing them and the existence of complex regulations, compliance with which requires technical guidance.

In this respect, some specific activities involving the provision of information and guidance have been planned, these being of particular importance for small and medium-sized enterprises, since the relevant regulations have been complied with in a more formal than comprehensive manner with regard to the tasks of risk assessment, planning, documentation and health monitoring.

Guidance campaigns, training and information action, inspection activities, and the issuing of advisory publications have been carried out, among other things, as described in the sections above and as detailed in each of the specific Directives described below.

In addition to the activities carried out by the IRSST itself, the Community of Madrid has participated in other campaigns and programmes in collaboration with the State and with other Autonomous Communities, such as the simplified system for assessing risks at micro-enterprises with fewer than ten workers within a specific activity framework, namely the 'Prevention 10' platform. The Spanish Health and Safety at Work Strategy 2007-12 discussed the development of a prototype, self-diagnostic web system for occupational risk prevention, to allow better, more effective compliance with Spanish regulations to be achieved by small and medium-sized enterprises, and with this platform the INSHT and the Autonomous Communities are fulfilling that mandate.

- Autonomous Community of Valencia

¹¹⁵ National Implementation Report, (EN) p, 58-59.

Under Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work, the Directorate-General for Work of Valencia has developed and published on its website, in collaboration with INVASSAT, a manual for developing plans for working with asbestos, which explains the legislation and proposes a standard index for such plans.

As part of its duties as a scientific/technical guidance body, INVASSAT frequently provides clarification to SMEs in relation to work with asbestos.”

Further, also according to NIR, “under the Directives on the protection of workers in surface and underground mineral-extracting industries and in drilling, the following should be pointed out:

- The Directorate-General for Energy Policy and Mines at the Ministry of Industry, Energy and Tourism, in collaboration with the competent mining authorities and with the support of business associations and trade organisations, has been promoting and financing the development of guidance campaigns, technical assistance, and monitoring and inspections in relation to health and safety in mineral-extracting industries. These campaigns focus particularly on safety at work and industrial hygiene, the latter predominantly in the fight against dust and silicosis.

These are preventive activities with the sole purpose of facilitating information and supporting the mining industry in improving prevention on the basis of adequate knowledge of the actual situation at the mine, with the aim of making effective advances on mining safety by means of actual compliance with the relevant legal provisions.

For these campaigns, the competent mining authorities select the mines where the service is provided, following effectiveness criteria based on the accident rate, the size of the undertaking, the sub-contracting of activities, etc., and applying these criteria particularly to SMEs.

- The Directorate-General for Energy Policy and Mining has established a direct-assistance scheme aimed at improving the safety of mining. In particular, over these years, financial assistance has been granted for carrying out activities relating to prevention training for the performance of jobs in the mining sector, as well as support for investments in improving facilities related to health and safety.

- From the statutory perspective, supplementary technical instructions have been prepared for the General Regulation on Basic Safety Standards in Mining, which supplement certain provisions of the Directives (minimum content of the health and safety document, and on-the-job prevention training). Non-binding enforcement guides have also been prepared for implementing certain aspects laid down in the Directives (for example, the ‘Guide on the Preparation of the Plan for Prevention of Explosions at Underground Mineral-Extraction Facilities’).

- The competent authorities in turn carry out activities to promote improvements to working conditions, training and the work environment, and to promote prevention in general, by preparing studies and campaigns, courses, and enforcement guides. They also carry out technical guidance work for all consultants on the application of the Directives, as well as monitoring and inspections of compliance with them.

- For their part, business associations and trade organisations have carried out activities involving information, training, guidance and awareness-raising, mainly aimed at SMEs, as well as investigation projects connected to occupational risk prevention.”¹¹⁶

Finally, the National Implementation Report lays down all specific measures taken to support SMEs, per individual directive.

¹¹⁶ National Implementation Report, (EN) p, 59-60.

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- Informe sobre la calidad de los servicios de prevención en España (Study on prevention services quality in Spain), 2008. Published by: Observatorio de Salud Laboral.
http://www.upf.edu/cisal/_pdf/qsp_informe.pdf
- Instituto de la Juventud, INJUVE website: <http://www.injuve.es/observatorio>

ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
ES	40	23	10	8	4	0	8	2	9	6	9	7

This table details all the interviews that were completed with Spanish stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders. It is worth mentioning that several attempts have been made to contact the National and Regional Labour Inspectorate (at different management levels, from the General Directorate to Regional Inspectors) in order to interview them; however no willingness response has been obtained, and only the completed questionnaire has been provided - the content of which has already been included throughout this report.