



Safety and health concern us all

Occupational safety, risk prevention and health protection for staff in the spanish foreign service



**servicios a la ciudadanía
servicio exterior**

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Introduction

The Agreement on the Working Conditions of the Spanish Administration's locally hired staff working abroad, signed in 2007, already established the need to apply an adequate prevention policy, following the generic principles set out in Law 31/1995 on the Prevention of Occupational Risks.

Additionally, the trade union elections held in November 2021 paved the way to the Single PLEX Committee, the first real representative body in our field, which was constituted on 21-02-2022.

As part of this new order, on 10-03-2022 the Committee appointed its eight Risk Prevention Representatives, who will oversee protecting and supervising the occupational health conditions throughout the different workplaces overseas, together with the Administration.

However, Occupational Safety and Risk Prevention is a collective task. Therefore, it is essential that you inform us about all the incidents, irregularities or events that could compromise Occupational Health at the Spanish Administration's offices and workplaces around the world, so that our Prevention Delegates can carry out this essential duty. In this regard, you may contact our team, using the contact information included at the end of this Guide, and send us a summary of the situation detected or about whatever circumstances you may be experiencing at your workplace.

Our team will provide assistance and guidance in cases of work-related accidents, occupational accidents, occupational illnesses, situations of harassment or psychosocial risks at the workplace, etc. Furthermore, we will provide the necessary support and use all the instruments and competences within our reach to report and correct any violation of the Occupational Risk Prevention regulation.

This publication is intended as a compendium of basic information and concepts, which we hope can serve you as guide.

Prevention of occupational hazards and reference regulations in the spanish public administration

Based on Spanish Legislation everyone has the right to the effective protection of their health and safety at workplace. Therefore, Law 31/1995 on Occupational Risks Prevention, which was the result of the transposition of European Directive 89/391/EC, in its statement of reasons, includes the ***“basic body of guarantees and responsibilities necessary to establish an adequate level of protection of the health of workers against the risks derived from working conditions, and this within the framework of a coherent, coordinated and effective policy for the prevention of occupational risks”***.

At that time, a very important aspect (which the Law itself described as innovative) was the consideration that this regulation was also applicable to the Public Administration. Therefore, in addition to being part of the Labor Legislation, it is also the basic rule for the statutory regime of civil servants, in accordance with the provisions of Article 149.1.18 of the Constitution.

Consequently, the protection of this Law includes both ***“workers linked by an employment relationship in the strict sense and civilian staff with an administrative or statutory relationship in the public administrations”***.

In addition, Royal Decree 67/2010 introduced specific adaptations for the General State Administration. On the scope of application, Article 2 explicitly states that its content is ***“applicable to the General State Administration and the public bodies linked to or dependent on it*** that have civil servant or statutory personnel in their service, whether or not they have contract staff. If both types of personnel exist, the provisions shall be equally applicable to both”.

The specific adaptations of this Royal Decree relate to specific aspects such as prevention plans, prevention services and the system of participation and representation.

Definition of Health and other Basic Concepts

Health cannot be defined by its opposite, **the absence of disease**. In fact, the World Health Organization itself states that:

“Health is the state of complete physical, mental and social well-being and not merely the absence of injury or disease” (OMS)

As a result, it is a broad conception that deals not only with the individual physical aspects of the person but also with the mental and social aspects, and it is under this principle that the precepts of the Law on Occupational Risks Prevention are applied.

Law 31/1995, which, as we said, is the transposition of a European Directive, includes a series of concepts that are important to bear in mind. Firstly, there is the concept of Occupational Risk Prevention itself, since its spirit and intention is to avoid or reduce risks. It is aimed to prevent harm from occurring, thus when we talk about prevention (art. 4.1. LPRL) we are referring to *“the set of activities or measures adopted or planned at all stages of the company’s activity in order to avoid or reduce the occupational risks”*.

Another important term refers to the concept of occupational risk, which is defined as the possibility of people suffering harm because of performing their work. To this end, risks assessments must evaluate the likelihood of this occurring together with the consequence or seriousness of the harm (Art. 4.2. LPRL).

Moreover, if any of the risks turns into an injury, it means that prevention has either failed or has been insufficient or inefficient, and the preventive scheme must be reviewed. Illnesses, pathologies, or injuries suffered because of or when at work are work-related injuries (Art.4.3. LPRL).

Finally, although the Act contains further important definitions, **“working conditions”** shall be understood as any characteristic of work that may have a significant influence on the generation of risks to the safety in the workplace. They are specifically included in this definition:

- a. The general characteristics of the premises, facilities, equipment, products, and other tools in the workplace.
- b. The nature of the physical, chemical, and biological agents presents in the working environment and their corresponding strength, concentrations, or levels of presence.
- c. The procedures for the use of the agents which influence the generation of the risks.
- d. All other characteristics of the work, including those relating to its organization and management, which influence the magnitude of the risks to which workers are exposed.

These definitions can help you to delimit and understand what we mean when we refer to prevention, and, above all, the enormous importance of knowing that **the organization of work**, normally considered as the exclusive power of the employer, is also considered as an influential factor in the generation of work-related risks and, therefore, must be evaluated.

What are your rights and duties at work?

Everyone has the right to health protection at work and to this end the Law recognizes a series of rights such as:

- Receive information on the risks of the job, the applicable preventive measures and emergency plans (Art. 18 LPRL).
- Receive specific conceptual and practical training on the risks of your job, both when you are hired and when there are changes in functions or work equipment. (Art. 19 LPRL).
- Consult and participate, formulating proposals to the Administration, Committees and Delegates (Art. 18, 19 and 34 of the LPRL).
- Health surveillance, specific and in accordance with the risks of the job (Art. 22 LPRL). It is necessary to verify that the risks that may be present at work may be causing damage to the health of those exposed.

Your obligations include those of self-protection or responsibility for your own safety, compliance with the prevention measures adopted, as well as the proper use of tools and installations.

What obligations does the Administration have as an employer?

The Administration (in its role as employer) has the **obligation** to ensure the health and safety of its employees and to do so it must:

- Guide prevention with respect to the principles of Article 15 of the LPRL.
- Assess risks and plan their prevention:
 - Ergonomic Risks (e.g., working with screens, physical workload, handling loads if any, ...).
 - Psychosocial Risks (derived from work organization, workload, fatigue, monotonous work, job dissatisfaction...).
 - Hygienic Risks (biological, chemical, physical agents).
 - Safety risks (workplaces, machines and tools, work equipment, electrical risks, etc.).
- To analyze possible emergency situations and serious risks that could lead to accidents.
- To monitor the health of the staff according to the risks inherent to the work.
- To inform and train employees.

To exercise these duties, the Administration **must draw up, keep, and make available** to the different labor and health authorities a series of documents listed in article 23 of the LPRL, including the following:

- Occupational Risks Prevention plan.
- Assessment of Occupational Health and Safety Risks.
- Planning of Preventive Activity.
- List and notification of accidents at work and occupational illnesses that have caused the worker to be unable to work for more than one working day.

What are the preventive principles of the Law?

Article 15 establishes the principles under which potential risks at work are to be monitored. These risks are broadly as follows:

- **Avoid risks and tackle them at source:**

This implies the obligation of the Administration/Employer to try to eliminate, firstly, all situations that could potentially cause damage by taking appropriate measures.

- **Assess risks that cannot be avoided:**

Risks that cannot be eliminated must be assessed. This means analyzing these risks according to the job and designing preventive measures to minimize them.

- **Adapt the job to the person:**

This adaptation involves such important aspects as the choice of equipment and working methods, and even measures to mitigate monotonous and repetitive work, the adaptation of rest times or the ergonomics of the job. The employer must consider the “biological” conditions of the worker, e.g., pregnancy, breastfeeding, or special sensitivity to certain risks.

- **Consider all technical developments:**

Evolution in the working world is constant. New machinery, working tools and new technology are appearing. Adaptation to technical developments is included in the preventive principles, firstly to eliminate what is dangerous or unsuitable and to replace it with something less dangerous and more protective of the worker.

- **Replace what is dangerous with what involves little or no danger:**

Sometimes it is possible to work with tools or products that at the time did not have alternatives despite posing some health risks. In prevention, we must act swiftly and identify these, since the evolution of technology means that less harmful alternatives appear and therefore less risky, hence they must be replaced.

- **Prevention Plan:**

Once the risks have been assessed it is not all over. Assessing is a means to an end, which is to establish measures to prevent these assessed risks and minimize

or eliminate damage. To do this, PREVENTION PLANNING must be carried out in which measures are prioritized and deadlines and those responsible for their implementation are set.

■ **Set collective protection before individual protection:**

Start with measures that protect the whole, i.e., collective measures against a risk. Only when collective measures are not sufficient should individual measures (personal protective equipment - PPE) be used.

■ **Issuing proper instructions to all workers:**

It is of little use to implement preventive principles if the staff is not informed and trained. It is therefore essential to give proper instructions and consider the professional capacity of the worker, not only to perform the work but also in terms of Occupational Risks Prevention. The right to training and information to prevent harm is further developed in Articles 18 and 19 of the LPRL.

■ **Considering the professional capacity in preventive matters at the time of assigning duties:**

Avoid assigning duties to employees with known characteristics or circumstances that are incompatible with the functions to be performed.

■ **Anticipate distractions and reckless behavior:**

Every human being is prone and susceptible to distractions. The employer must foresee this fact by carrying out due supervision of the instructions given. Only when it is proven that the person has committed recklessness, the employer would be exempt from liability in an accident at work.

Prevention Delegates

The role played by Prevention Delegates in preventing of Occupational Risks is essential to ensure that the rules for the protection of health and safety at the workplace are complied with. Their capacities and powers are defined by law.

Their functions include raising awareness, collective bargaining, participating in the resolution of conflicts, as well as monitoring and controlling compliance with the regulations. To this end, they have been attributed a series of competences such as:

- Provide support to Risks Assessments Technicians, as well as in workplaces inspection visits.
- Access to information and documentation relating to working conditions.
- Carry out visits to workplaces.
- Submit proposals to the Administration.
- Stop (exceptionally and on solid grounds) activities in case of serious and imminent risk.
- Be consulted by the employer in certain circumstances.

Furthermore, the Administration (in its role as employer), will have the obligation to provide Prevention Delegates with the means and prevention training that are necessary for the exercise of their duties. On the other hand, the time dedicated to training will be considered working time for all purposes and its cost cannot be passed on to them (Art. 37.2 LPRL).

In the General State Administration, they have the particularity that they must necessarily be workers' representatives who acquire specific functions in preventive matters (unlike in the private sector, which differentiates the Personnel Delegate from the Prevention Delegate). **As a result, the eight PLEX Prevention Delegates are also part of the Single PLEX Committee.**

Health and Safety Committee

The Health and Safety Committee is a collegiate body for consultation and participation in matters of occupational Risks Prevention. The Committee is made up of the eight Prevention Delegates and, on the other hand, the different Ministries with presence abroad. Its main task is the regular and periodical consultation of the company's actions regarding prevention. It can also reach binding agreements on the improvement of working conditions.

The Health and Safety Committee has the following capacities:

- Participate in the preparation, development, and evaluation of the Prevention Plan.
- Promote initiatives for the prevention and improvement of working conditions or the correction of existing deficiencies.
- Additionally, in the exercise of its competences, it shall be empowered to:
 - To be directly aware of the situation regarding risk prevention at the workplace, making such visits as he/she deems appropriate.
 - To have access to all the information necessary to perform their functions, as well as the information and documents of the Prevention Service.
 - To evaluate damage to the health or physical integrity of workers to assess its causes and propose the appropriate preventive measures.
 - To report on the annual proceedings and programming of the Prevention Service.

The prevention services

The Prevention Services Regulations are covered by article 31.2 LPRL and RD 39/1997. In general, they will be comprised of people with the necessary technical qualifications who will have the required means to carry out their duties. The Prevention Services must advise all parties involved in the exercise of their functions.

There are various methods available. However, in the specific case of the Spanish Foreign Service, given its distinctive characteristics, it has been decided to support the Ministry's Prevention Service by appointing certain employees to carry out Preventive Functions. These functions will be performed generally by Chancellors and they must have by Law the necessary capacity, as well as the time and means to fulfill these functions. Also, for this purpose they will be given the specific and required training.

What is a prevention plan?

The Occupational Risk Prevention Plan is the tool through which the preventive activity of Public Departments and bodies must be integrated into their general management system (art. 2, RD 39/1997, of 17 January).

In RD 67/2010 and for the scope of the General State Administration, it is made explicit that the Prevention Plan must be available to the Labor Authority, the Health Authorities, and the Workers' Representatives, and located in the workplace.

In general terms, a Prevention Plan is no more than a description of the Prevention System that has been adopted. All plans must include information on work procedures, and in particular on those issues that people must or must not perform by virtue of occupying that job, as well as their obligations in terms of prevention and the information and training that they must be provided with (art. 18 and 19 LPRL). It must also include procedures for its review and assessment.

The plans usually have the following sections:

- General data on the workplaces (identification, main activity, number of staff), description of the most dangerous processes and activities, as well as an organizational chart.
- Preventive policy (for which the Prevention Delegates or, failing that, the workers' collective must be consulted).
- Work Practices and Procedures.
- The organization of Prevention (options on the preventive method with an External Prevention Service, the Administration's own Service or designated worker, etc.).
- Revision of the Prevention Plan, establishing a period to assess the effectiveness of the preventive management of the evaluated posts.
- Functions of the persons responsible for any administrative unit (to integrate prevention into their procedures and activities).

- Procedure for the coordination of human resources, in relation to new contracts, with the Prevention Service.
- Purchasing of products, materials, in coordination with the Prevention Service.
- Maintenance and revision of equipment and installations in coordination with the Prevention Service.

What is risk assessment?

According to the definition provided by the «Instituto de Seguridad y Salud en el Trabajo INSST» (formerly INSHT), it is defined as: ***“the process aimed at estimating the magnitude of those risks that could not be avoided, obtaining the necessary information so that the employer is in a position to take an appropriate decision on the need to adopt preventive measures, and, if so, on the type of measures to be adopted”***.

A good assessment should cover all the risks in the workplace, as well as **assessing the likelihood of harm occurring, the degree of harm or severity it may cause and the priority with which it should be addressed**. It should also be accompanied by a comprehensive job description for the assessed position. For each of the risks detected, a series of preventive measures must be designed for which their effectiveness must subsequently be assessed. Ergonomic, hygienic, safety and psychosocial risks will be considered.

- The initial assessment shall be the first assessment carried out in relation to the risks of a job. It should be done when the position is created or substantially modified.
- The periodical assessment will serve as a check that no changes have occurred and that everything is being done as required. It can also be used to make improvements.
- Occasional reviews can also be carried out when an accident or incident has occurred, or when there is a regulatory or methodological change.
- Verification evaluations are those carried out to verify whether risk elimination or reduction measures are effective.

Preventive planification

Once all risks are assessed, the work is not finished. If the results of the assessment show that a risk exists, the employer must perform all the necessary preventive activities to eliminate, reduce and control those risks. For this purpose, responsible persons and deadlines must be established according to the different priorities set by the assessment.

These activities must be reviewed on an ongoing basis to verify whether they are fit for the purpose or whether there has been damage to health that has been revealed either by a work-related accident or by the results of health surveillance.

The psychosocial risk

A special mention should be given to the psychosocial risks as they are often overlooked in Risk Assessments, as they are closely related to **the organization of work**, which has traditionally been considered the sole responsibility of the employer.

In assessing psychosocial risk, we try to identify the psychological demands of the workplace, whether they are emotional, cognitive, quantitative or their intensity and the extent to which they can cause harm.

These are risks that exist in all workplaces and can affect people to a greater or lesser extent, causing psychological disorders such as fatigue, depression, sleep and behavioral disorders, digestive, endocrine, and dermatological problems, aggravation of musculoskeletal disorders, and are closely related to management style, job stability, amount of work, definition of functions, relations with colleagues and managers, and job development.

The assessment of psychosocial risks should also include problems arising from physical and psychological aggressions caused by users, colleagues and/or managers in the various field offices.

To perform the psychosocial risk assessment, it is essential that workers participate, applying a reliable methodology that always guarantees anonymity and confidentiality in the responses. The application of any method must be consulted with the Workers' Representatives.

Harassment in the Spanish Foreign Service

Stress, harassment at work and psychological and physical discomfort are the result of poor work organization, not of an individual or personality problem, nor do they respond to personal and family circumstances. These aspects are seriously detrimental to the health of workers.

Workplace harassment (also known as Mobbing) is a conduct of an intentional nature, which manifests itself in the workplace, in a repeated or prolonged manner, directed by one or more persons against another.

This may include insults, shouting, verbal humiliation, discrimination, isolation, not assigning tasks or intentionally overloading the person with duties, among other types of actions, which translate into psychological violence and physical discomfort. Hence, the intentional element allows us to differentiate harassment from work-related stress, or from difficulties in interpersonal relationships that may arise in the work environment due to work-related reasons or differences in position/hierarchy or seniority.

In the Spanish Foreign Service there are very particular characteristics that may favor scenarios and situations of workplace harassment, such as a highly hierarchical environment, the situation of immunity enjoyed by the Diplomatic Missions and/or the enormous difficulty for the Administration itself to establish an efficient control system, given the geographical dispersion of our field.

Well, with the creation of the Single PLEX Committee and with it, the Health, and Safety Committee for locally hired employees overseas, we will try to put an end to these anomalies. In this sense, from CCOO-Exterior we are firmly committed to defend the fundamental rights of all, as well as to achieve a working environment that respects equal opportunities, integrity, and dignity of all public employees abroad. To this end, we will carry out the following actions:

- We will use all available resources and means to report and stop workplace harassment, regardless of its dimension or nature.
- We will activate the protocols for harassment at work, psychological, moral, and sexual harassment, harassment based on sex and/or discriminatory harassment.
- We will study the suitability of filing a complaint with the Labor and Social Security Inspectorate and/or the corresponding police authorities.

In conclusion

The constitution of the PLEX Single Committee marks a turning point in occupational health and safety in the Foreign Service. As part of this body, the PLEX collective finally has a structure of Prevention Delegates and a Health and Safety Committee (CSS), from which the prevention policy in our area will be managed. A matter that is here to stay and that we are obliged to implement, if we want to put an end to the historical non-compliance of the Administration in this regard and to the injustices that continue to occur in our sector.

CCOO-Exterior has produced this Guide to raise awareness among all public employees abroad and to promote the spreading of basic concepts on Occupational Health and Risk Prevention. We also hope that this material will serve as a tool for detecting and identifying abnormal situations that compromise occupational health in our workplaces, as well as for passing on your queries or incidents to the bodies responsible for Risk Prevention in Foreign Service.

In CCOO-Exterior we are seriously committed to Occupational Health and to improving the rights of public employees of the Spanish Administration abroad. Therefore, our organization will use all the resources available to us to demand the implementation of a comprehensive Prevention Policy throughout the Foreign Service, reserving the right to appeal to the Labor and Social Security Inspectorate and/or the courts of justice, when there is any non-compliance on the part of the Administration.

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Foreign Service Section of CCOO

The mission of the CCOO Foreign Service Trade Union Section is to defend the interests of public employees throughout the network of Embassies, Consulates, and other Spanish Administration's Offices abroad, as well as to carry out representation and collective bargaining functions both in Madrid and at the different workplaces of the General State Administration around the world. **The Section is also part of the Federation of Citizen Services of CCOO and the General State Administration Sector of CCOO** and is headquartered at C/ Fernández de la Hoz, 21, 1ª Planta, 28010, Madrid - Tel. +34 91 535 5231.



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Other resources



The **Instituto Sindical de Trabajo, Ambiente y Salud (ISTAS)** is an autonomous foundation of technical-union character promoted by Comisiones Obreras (CCOO) with the general objective of promoting activities of social progress for the improvement of working conditions, the protection of the environment and the promotion of the health of workers in Spain.

<https://istas.net>



The **Instituto Nacional de Seguridad y Salud en el Trabajo (INSST)** is the specialized technical scientific body of the General State Administration whose mission is to analyze and study health and safety conditions at work, as well as to promote and support their improvement.

<https://www.insst.es>

Affiliation form

Complete in capital letters, preferably in pen.
Shaded fields will be filled in by CCOO.



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Personal data

Last name:	<input type="text"/>	Second last name:	<input type="text"/>
Name:	<input type="text"/>	Birth date:	<input type="text"/>
Nationality:	<input type="text"/>	Gender:	<input type="text"/>
ID:	<input type="text"/>	Passport:	<input type="text"/>

Personal address

Street and number:	<input type="text"/>		
City:	<input type="text"/>	Postal code:	<input type="text"/>
		Country:	<input type="text"/>
Phone number:	<input type="text"/>	Mobile number:	<input type="text"/>

Administrative Data

Civil servant:	<input type="text"/>	Y	<input type="text"/>	N	Group:	<input type="text"/>	Level:	<input type="text"/>	Contractual labourer:	<input type="text"/>	YES	<input type="text"/>	NO	<input type="text"/>
Category:	<input type="text"/>				Contract date:	<input type="text"/>								

Work center

Office where you provide services:	<input type="text"/>		
Dependant of the Ministry:	<input type="text"/>		
Address of the work center:	<input type="text"/>		
City:	<input type="text"/>	Postal code:	<input type="text"/>
		Country:	<input type="text"/>
Phone number (including international prefix):	<input type="text"/>		

E-mail address where you would like to receive information: (please write clearly)

E-mail:	<input type="text"/>
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Signed in _____, on _____

Signature:	<input type="text"/>
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De conformidad con la Ley Orgánica de Protección de datos de carácter personal, te informamos que tus datos personales serán incorporados a un fichero titularidad de CCOO integrado por los ficheros pertenecientes a la confederación o unión regional correspondiente según el lugar en que radique tu centro de trabajo, a la federación del sector al que pertenezca la empresa en la que trabajas, así como –en todo caso– a la C.S. CCOO. En la siguiente URL puedes consultar los diferentes entes que componen CCOO: <http://www.ccoo.es> hacer click sobre Conoce CCOO. La finalidad del tratamiento de tus datos, por parte de todas ellas, la constituye el mantenimiento de tu relación como afiliado/a. Puedes ejercitar tus derechos de acceso, rectificación, cancelación y, en su caso, oposición, enviando una solicitud por escrito acompañada de la fotocopia de tu DNI o Pasaporte dirigida a C.S. CCOO – Responsable de Protección de Datos, c/ Fernández de la Hoz, 12 – 28010 Madrid. Deberás indicar siempre la referencia “PROTECCIÓN DE DATOS”. Si tienes alguna duda al respecto puedes remitir un correo electrónico a: lopd@ccoo.es o llamar al teléfono 91 702 8077.



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