



IMMIGRATION, WORK AND HEALTH

An introduction to **occupational health and safety**
for immigrants workers in Spain



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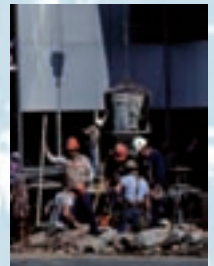
5 times as many deaths at the workplace

From statistical data on work accidents classified by nationality, **immigrant workers face a five times higher risk of dying at work than Spanish nationals.**

Immigrant workers are usually in a state of social, economic and cultural exclusion in the countries where they work and live. Such marginalization renders them more vulnerable. One of the expressions of that vulnerability has to do with occupational health and safety.

This is an unacceptable situation. It is paradoxical to pay with one's death for the dream of a better life.

The protection of life and health of immigrant workers is a social, union and ethical priority.



Your health and safety: the **most important issue**

There are different aspects that can affect your health at work. Among them are:

- The use of chemicals as pesticides in agriculture or cleaning products in industry and housework.
- Manual handling of loads as the lifting of cases in agricultural work or the handling of construction materials.
- Piecework or work with tight deadlines.
- Commuting to and from work, or during the work shift using inadequate transport, or on vehicles driven by exhausted drivers.
- Insufficient protection from the risk of falling or crushing by falling objects (e.g. in building sites).

But damage to health is not a result of chance. Accepting work accidents and occupational diseases as a regular situation at work is a serious fallacy.

All risky situations can be improved with preventive measures. Occupational injuries (accidents) and diseases are not a fact we must accept as part of labour activities. They can and must be prevented.

The Spanish legal system covers all workers regardless of their country of origin, type of employment and sector.

Spain: a social democracy

As stated in the Spanish Constitution, Spain is a social and democratic state.

That means:

SOCIAL STATE: the government grants both individual liberties and social rights of citizens (healthcare, unemployment benefit, decent housing...).

DEMOCRATIC GOVERNMENT: the Government, and the Parliament that passes the laws are both elected by the citizens in the legal age every four years. All citizens are equal before the law and can run and be elected for public office.

IN A SOCIAL DEMOCRACY: both the citizens and the authorities have the obligation to observe the Constitution and the legal system.

The Spanish Constitution grants equality, dignity and freedom to all the citizens and their organizations and assures that authorities obey the law and promote social rights.



Foreign citizens enjoy the rights and liberties granted by international treaties. They are entitled to universal healthcare and education.

Fair Labour Relations



The implementation of the basic principles of the Spanish Constitution in the field of labour relations means that::

- In order to assure the **dignity of labour** and of persons, the law states that labour relations shall develop in the observance of essential compulsory conditions to be granted by the employer even when workers do not agree with it: safety at work, minimum wage, compulsory social security contribution by the employer, working time, time off work, yearly holidays, etc.
- **These elementary conditions stated by law can always be improved through Collective Bargain.**
A Collective Bargain is an agreement signed by workers' and employers' representatives in an enterprise or specific sector (construction, hospitality, textile, office...) that establish a minimum wage, holidays, working time and other social or labour aspects pertaining to the enterprise or sector. Once the agreement is approved it becomes compulsory. There are around 5000 collective bargain agreements that practically cover all working activities.
- There exist **free and lawful trade unions**, supported by the Constitution and the legal system to organize and represent workers for the true defense of their interest and rights. Thus, united and organized, workers have a stronger capability of negotiation and can defend their rights better than individually.



Labour Relations

Foreign citizens with work and residence permits have exactly the same rights as Spanish nationals, without any restrictions.

Those who lack work and residence permit are protected by the Universal Declaration of Human Rights.

Freedom of association, collective bargain and dignity of labour are the three main pillars of a fair labour system.



Workers representatives: a collective voice

Primary regulation of labour relations is enacted through the **Workers Statute**, which states that **workers representation bodies** can be elected in enterprises with more than six workers. Such representatives are called **staff representatives** (in companies with 6 to 49 workers) or **work councils** (in enterprises with more than 50 workers).

The function of staff representatives and work councils is to represent their co-workers in the enterprise and perform a task of surveillance and control of working conditions. To carry out these tasks workers representatives are granted:

- protection from any possible reprisal actions taken by the employer
- time off work to their develop activities (meetings, discussions)
- training and information
- direct communication with to their co-workers

Trade unions are usually the promoters in the election of workers representatives. Workers elect their representatives by free, direct and secret vote.

Immigrant workers can freely join the union, vote and be elected as representatives in the enterprise.

Staff representatives and members of the work councils are workers' true representatives and express their demands and concerns before the employer.





Workers **participation** in health and safety at work

As stated in the **Occupational Health and Safety Act** workers are entitled to participate in all the aspects related to occupational health and safety.

Participation in this process only makes sense if it implies the possibility of defending our own views. The main goal of participation is to render visible our health and safety experience, and our perception of well-being and discomfort. Participation must make clear what the problems are, regardless of our knowledge of the law and the views of the technical staff.

Without our expertise and experience effective preventive action proves impossible. Any effective preventive action must be two-dimensional, i.e. the expertise of the scientific staff must be complemented by the knowledge and experience of workers about the job they perform on a daily basis.

The goal of our participation in health and safety at work is to achieve that the views of those who ultimately face and suffer the risks and experience, the success or failure of preventive actions, are taken into account.



Count on your **safety** reps

Participation in health and safety is usually supervised by **workers representatives** (staff representatives or members of the work council).

From among them as stated in the **health and safety legislation**, one or several (depending on the number of workers in the enterprise) are also **safety reps**, i.e. they represent their co-workers in health and safety issues.

The task of safety reps is to monitor working conditions from the workers point of view. They represent workers and safeguard their rights. If you have any problems, questions or doubts, do not hesitate to contact your health and safety representative.

When there is no representation (a frequent situation in small enterprises), workers can still request information, require to be consulted before important decisions are made, submit proposals to the employer and even report violations to the Labour Inspection, which is the authority in charge of the enforcement of health and safety legislation. Should you have any doubts about your rights, ask your trade union.

Individual participation is very important. But it is swifter, more effective and convenient for all the parties when managed by health and safety reps.

Rights of health and safety representatives

Current legislation grants certain rights to help health and safety representatives perform their duties:

INSPECTION: it implies visiting the workplaces and interviewing workers to monitor and control working conditions. It also involves accompanying technical staff and labour inspectors in their visits to the enterprise (the Labour Inspection is the authority in charge of the enforcement of health and safety and social security legislation)..

INFORMATION: health and safety reps are entitled to receive health and safety information that the employer must have. The Labour Inspection can also provide information about their actions in the enterprise.

ADVISORY: the preventive service or health and safety personnel appointed by the employer must provide advisory to both employers and workers, so the health and safety reps can call upon these services to request technical assistance.

PROPOSALS: health and safety reps can develop proposals requesting the implementation of preventive measures and the improvement of health and safety indicators. A refusal to do so by the employer must be explained.

DENOUNCE: health and safety reps can request the intervention of the Labour Inspection if they consider that the adopted preventive measures do not grant health and safety at the work place.

STOPPING OF WORK ACTIVITY: in case of clear and present serious risks, health and safety reps can agree to stop work activities without fear of being sanctioned, unless it can be proved that they have acted in a neglected or dishonest way.

**Do not hesitate to ask your health and safety rep for help,
but do not forget that their powers rely on your support.
Stand by them always.**

Life, physical integrity and health: essential **labour rights**

A decent salary, fair treatment, reasonable working time, rest... none of this makes sense if workers, physical integrity and health are not granted.

The authorities are legally bound by the Constitution to protect health and safety at work. To complete this requirement a **new occupational health and safety act** was approved in 1995 (LPRL). The law states that **employers** must take all the necessary preventive measures to safeguard workers' health and safety.

The Occupational Health and Safety Act is supported by **three basic concepts**:

- Risks at work must be prevented
- It is the employer's duty to assure safe and healthy working conditions
- Workers have the right to participate in the preventive process.

The law establishes the duty to grant healthy working conditions and to prevent risks relying on workers participation.



Employers' duties

Besides their task as managers of labour activity employers must grant health and safety at work. To achieve that goal they must:

- Prevent risks; reduce to the minimum those risks that cannot be eliminated in order to reach higher safety levels.
- Assure the good condition of facilities and work equipment.
- Act in an organized way, managing only the necessary resources and avoiding improvisation.
- Train and inform workers and consult with them before making decisions in this area.
- Provide themselves with the necessary first aid kits and means for health surveillance.

The employer is the main responsible for ensuring health and safety conditions in the enterprise.

How is health and safety managed?

To grant the adequate level of protection stated by law, employers cannot afford to improvise solutions. Their actions must be carefully planned.

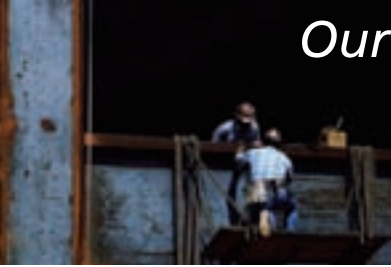
- 1 First, the employer must decide how to organize for health and safety. That decision must be presented in a document called *preventive plan*. Workers must know that document.
- 2 Secondly, every workplace must be assessed to detect risks (risk assessment). Risks must be eliminated when possible and preventive measures must be implemented to improve health and safety when they are inevitable.
- 3 Further on the employer must be alert to:
 - Verify the effectiveness of the implemented measures
 - Detect new risks that might turn up
 - Improve the achieved levels of protection

The enterprise must have the necessary technical resources and adequately trained specialists to perform those tasks (**preventive service or workers appointed as health and safety supervisors**).

The enterprise must provide the means to conduct workers' health surveillance to find out if working conditions are having a negative impact on workers' health.

The enterprise must lead a permanent control and continuous improvement of the achieved levels of protection.





Our duties

For the enterprise to conduct a useful and effective preventive effort we as workers must observe certain duties and obligations. We must observe the adopted preventive measures for our own safety and to protect the persons affected by our activity.

That includes:

- Using adequately the equipment, machines, tools, dangerous chemicals and transport equipment.
- Using adequately protective means and equipment and safety catches.
- Reporting immediately to the person in charge about any situation that might imply a risk for workers' health and safety.
- Help in the enforcement of obligations established by the authorities.



We must watch for own health safety and that of the people affected by our work.

Prevention for everyone above all



There is a common belief that we must only be concerned with fatal, serious and minor accidents. That is an erroneous tendency. Stress, repetitive strain injuries, reproductive risks, postural problems, poisonings... any work-related damage to health must be prevented. Working conditions are not the cause of many work accidents but also the origin of multiple occupational diseases that may emerge long after the exposure occurred.

Regardless of your type of contract (permanent or temporary) or the nature of the enterprise you work for (public or private); you are equally protected by the laws.

If you are a woman and you are pregnant, you are entitled to a change of post if there is a medical report that certifies that your working conditions imply a risk for the mother or the foetus. You are also granted time off work (fully paid by the employer) for prenatal check-ups and classes (preparation for delivery).

If you are an underaged worker with specific vulnerability to certain risks, the employer must grant protection from those risks or otherwise offer an alternative (safe) job.

Health and safety efforts must be adapted to the special vulnerability of each person incorporate both physical and mental health concepts.

First, you must **know**

As a worker you must receive from the employer all the necessary information about:

- The specific risks of your job or activity.
- Preventive measures and actions to curb those risks.
- Emergency and first aid measures.

You must also receive the necessary education and training about the risks at work and the measures to prevent them. This brochure is part of the necessary information, but you must also receive practical training at the workplace.

Information and training are essential tools that allow you to protect yourself from risks. Knowledge is a basic element in protection. The worst risks are those that remain invisible. You cannot protect yourself from a risk you ignore.

Workers are entitled to receive adequate training and information about their workplaces and jobs.

In the headlines

1.

Three workers die buried in an unprotected ditch

The deceased workers of Moroccan origin were installing pipelines.

«This is a totally unsafe task», one of their co-workers complained yesterday. Said Lafjaj (42), Khalid el Hamaoui (29) and Mamad Maali (30), died asphyxiated buried in an unsupported 3,6m-deep ditch they were working in [...] the ditch had been dug in clayey soil, which softened considerably after a recent rainfall. The Labour Inspection concluded that «safety regulations were not observed».

(El País, 3-12-2004).



> ... Landslides

Soil excavations affect ground stability. The land tends to regain its natural position which might cause landslide and subsequently fatal or serious accidents. That's why is necessary to introduce safety measures to protect those workers who perform their jobs in ditches. It is also necessary to protect and signal those ditches to avoid falls into them.

Prevention...

A preliminary study is needed to determine the stability of the soil

When a ditch is 1,5 meter or deeper a protection enclosure must be built to prevent landslides.

Accumulation of excavated land and equipment by the ditch must be avoided (a 2 meter-wide strip must be established, cleared off people and loads).

When the depth of a ditch is 2 meter or deeper, the edges must be protected by handrails and baseboards.

Enclosures must be checked before work, especially in case of rain or puddles and always before workers have access to them.

Workers inside the ditch must be trained and informed, wear a safety helmet and the necessary protection gear.

Besides...

There must be always on watch outside whenever there are workers inside ditches and shaft to help in the works and raise the alarm in case of emergency..



Falls from height

40% of serious and fatal accidents in construction are the result of falls from height. This usually happens when there are unprotected openings, or when scaffoldings, ladders or footbridges collapse. Lack of safety measures in these accidents is usually related to poor work organization, lack of coordination between different enterprises performing different tasks in the same site, increased intensity of work, lack of operational procedures, etc.

Preventive measures

Work platforms must be wide, stable and safe.

There must be collective protection measures covering the perimeter of the building. Internal shafts must be protected with handrails and nets.

Stable and safe mobile towers must be used during the phase of concreting the pillars of a building structure.

The decks must allow work on horizontal surfaces and must have elements to protect from falls (shelters).

Footbridges must be set up for circulation on fragile roof surfaces.

Safety catches must always be connected.

A person must always be in charge of coordinating work.

Besides...

The best protection against falls includes measures to avoid them (handrails) and to limit them (nets), as well as individual protection (safety belts, harness).



... Falling of objects and suspended loads



Another frequent cause of accidents in building sites is the impact of falling objects. These include all the products used at work solid and liquid, as well as waste, working equipment, tools or parts. These objects may fall due to the collapsing of a structure, manipulation or detachment.

Preventive measures

A standard safety procedure shall be implemented for the lifting and storing of items, materials and supplementary parts.

The suspended movement of objects or materials over the workers shall be avoided whenever possible.

Access to areas where objects might fall shall be prohibited.

Overloading of lifting equipment shall be avoided.

Collective protection measures: covered footbridges, fences, handrails, baseboards, sheltering structures, protective nets, etc.

There shall be a particular area for storing objects, materials and tools. These items shall be placed in a safe area to avoid the risk of falling.

In some cases, in addition to the measures described above, it might be necessary for workers to wear personal protective gear (helmets, boots, etc).

Besides...

Information and work organization, as well as the proper condition of all the mechanic equipment used for work are essential to grant the adequate prevention at the workplace.



... Work with electricity

It is difficult to figure an activity where electricity is not used. It is precisely because of such a widespread use that we must not forget about the risk it implies. Electric shocks kill. But even non-fatal shocks can cause serious permanent damage to human health. Accidents with electricity can also occur at home, where the risk is usually underestimated.

Preventive measures

Works must be performed by qualified and experienced operators.

The system shall not be overloaded with adaptors and extension sockets. Electric wiring in passage and work areas shall be covered (channeled).

A standard safety procedure must always be followed whenever electric equipment is handled and tension shall be disconnected.

The systems must be checked for the required safety elements (assembly connections, magnetic and overheat protection and earth wires).

Protect yourself when high tension lines works are being performed.

If you observe duct tape (insulating tape) and a sign of risk of electric shock in a ditch, stop working and report your supervisor about it.

2.

Toxic pesticides in greenhouses

More than 100.000 intoxication cases have been detected in El Ejido alone. 70.000 field labourers work in this location.

Twenty-five years after the first cases were detected, labourers of the greenhouses in El Ejido (Almeria) are still suffering acute intoxications, some of them fatal, due to the effect of pesticides [...]

Even though the majority of the victims were local workers, the number immigrants workers affected by toxic chemicals is between 20% and 30% of the total cases. [...]

90% of the cases affect the skin: the heat, the high levels of humidity and the poor ventilation under the plastic covering of greenhouses dilate the skin pores making it easier for highly toxic substances to penetrate the skin and be absorbed. Intoxication by ingestion is less common but more fatal: around 20% of the cases. [...]

The first symptoms usually appear 2 hours after the sulfating of the substance and include dizziness, sweating, abdominal pain and vomiting. [...]

66% of immigrant workers surveyed claimed that they ignore the necessary safety measures.

(El País, 8-10-2002).



... Toxic chemicals

We use a variety of products and materials at work: cement, lime, paints, resins, silicon, pesticides... and some of them may damage our health. It is most important to handle chemicals cautiously since they can have a long term damaging effect on our health that we might not notice. Many serious cases of fatal intoxications are caused by the entry of pesticides into the human body through the skin or the respiratory system.

Preventive measures

Eliminate or substitute toxic chemicals when possible.

Avoid contact either isolating the process or extracting the air to draw the steams and odors out of the room.

Use gloves, adequate clothes and masks when necessary. Masks shall be checked for safety and workers must be informed about their correct use.

All chemicals must have a label for their correct identification, with information about risks and precautionary measures.

Besides... La etiqueta, fuente de información

<p>Potential dangers</p>		<p>Identification and contents</p>
<p>R phrases: specific risks</p>		<p>Marketing agent/company</p>
<p>S phrases: safety recommendations</p>		



... Workplaces

Workplaces shall meet certain structural, environmental and cleanliness standards to grant workers health and safety. Some of the problems frequently detected due to poor condition at the workplace are: collides against objects due to space limitations, overheating due to lack of air conditioning and falling of objects or persons in untidy conditions and inadequate arrangement and storing.

a) Microclimatic conditions

There exist standard workplace limits stated by law to factors like heat, cold, humidity, air flows, etc., since exceeding those limits can damage workers' health.

Preventive measures

All sites and locations must have adequate ventilation.

Temperature at the workplace must be between 14° C and 27°C.

When working in open spaces covered or shade areas must be available; workers must be provided with protective clothes, sunglasses, sun block, fresh water supply, etc.

In extremely cold conditions, exposure shall be limited to protect workers from cold temperatures, (freezers and refrigerated chambers). Clothes must be adequate to the temperature and activity and workers shall be supplied hot drinks and have access to air-conditioned resting rooms.

Besides

Exposure to toxic chemicals may increase when handling occurs at very high temperatures.



b) Workplace cleanliness and arrangement

Cleanliness and adequate workplace arrangement is an essential aspect in any health and safety policy. A workplace where tools and materials are scattered disorderly or mixed up in an unsafe arrangement cannot be safe. Objects may conceal holes in the ground and cause falls. Work in a disorganized environment is uncomfortable, heavier and less effective.

Preventive measures

Passage areas and exits, particularly emergency exits must always be cleared of obstacles.

Common facilities as restrooms and dressing rooms are storing places for products, tools or materials.

Waste, oil stains, spilled dangerous chemicals and other products shall be removed immediately to avoid accidents or workplace pollution.

Cleaning shall not imply a risk for workers or other persons; hence it shall be carried out with the necessary means and at appropriate times.



C) Structural safety

Buildings and facilities must have a solid structure for their use. The characteristics of their structural elements (floor, walls, stairs, ramps and entrances) shall not represent a risk for workers' safety.

Preventive measures

The dimensions of working facilities must allow work in ergonomic conditions.

All drops at floor levels and openings on the floors and walls shall be protected with handrails or another equivalent safety measure.

Passages for pedestrians and vehicles must be adequately signaled and marked.

Ramps and stairs must be built with solid non-sliding materials.

Exits and emergency exits shall lead as far as possible outside the building and must be signaled and have the necessary emergency lights.

There must be a periodic maintenance program for the structural elements.

3.

2004 kicks off with 20 fatal work accidents in 15 days

An African worker, Emmanuel A. (34), died incinerated by a fire that sparked at work. The worker was subcontracted by the factory Proma Hispania (paint manufacturer). He was welding on top of a crane when apparently a spark caused the explosion and the fire that killed him.

«The mere fact that welding was taking place in an area full of highly flammable materials is an evidence of lack of safety at work».

«To work in those conditions is like having a bomb under your feet»

The work council of Proma Hispania, the factory where a worker died as a result of a fire last week, demanded an explanation to the factory managers about «some serious violations of the health and safety legislation as well as the internal standard procedures».

(El periódico de Aragón, 16-01-2004).



... Fires and explosions

Every year many workers result burned by flammable materials they work with. The wide variety of flammable products used at the workplace goes from standard oil for heating plants, petroleum, paint solvents, welding gases to other less obvious as packaging material, wood dust, yeast and sugar.

Preventive measures

Accumulation of flammable materials must be avoided. They shall be stored in places at a safe distance from the workplace and from heat sources.

Handling of flammable materials shall take place with adequate ventilation to avoid the danger of explosion.

Special attention must be paid to ignition sources as defective electric connection and machines.

The enterprise must implement an emergency action plan for this kind of accidents that includes the necessary technical (fire extinguishers, fire-hydrants) and human resources.





... Noise

If your workplace is so noisy that you have to shout to be heard at a normal distance, it means that the noise level is dangerous. Repetitive exposure to high noise levels may cause hearing impairment.

Noise can also cause stress, fatigue, loss of concentration, inability to react and communicate, which might lead to accidents and health problems as disorders of the circulatory, digestive and nervous systems.

Preventive measures

Elimination of noise at the source: design of less noisy machines and processes, slowing down work intensity, etc.

Appropriate maintenance of machines. Avoid concentration.

Request the isolation of noise sources or the use of noise-absorbing materials or structure.

Avoid unnecessary exposure. Reduce exposure time. Rotating workplaces.

Hearing protection is not the best solution. They must be used when the rest of technical measures have failed. They may be uncomfortable and cause accidents.

Besides...

Audiometric test

It is a specific hearing test that may be included in the periodic medical check-ups of workers exposed to noise. It is one of the ways of measuring hearing accuracy and assess hearing loss.



... Machines and work equipment

Accidents occur frequently when working with tools and machines. Workers suffer serious injuries, mutilation and even die in those accidents. More than half of those accidents can be prevented if safety measures are observed and safety catches are correctly used.

Preventive measures.

Make sure you can stop the machine before you start it.

Safety catches and fasteners must be correctly fixed and work properly.

Program the periodic maintenance and inspection of machines.

Working areas around the machines must be clean and cleared of obstacles.

Supervisors must be informed of any machine's malfunction.

Do not use a machine for a different purpose than that which it is designed for.

The CE badge indicates that the machine has been designed according to safety standards:



Know your **Collective Agreement** **in your best interests.** An exemple:

4

■ Collective bargain agreement for restaurants and hotels (hospitality) enterprises in the province of Alicante

Art. 28. Paid leave

Immigrant workers with relative abroad are entitled to seven additional natural days of holidays in case of traveling as stated in paragraphs b) and c) of the present article.

- b) Four days in case of the birth of a child.
- c) Three days in case of accident, death or critical condition of family members up to a second degree of kinship.

Sixth additional provision

The adjustment of adequate work intensity for hotel chamber maids during the high season is carried out with the participation of workers representatives.

[...]



> . . . Psychosocial risks

Stress, depression, job discontent are some of the signs of poor work organization in the enterprise that may cause serious health problems to workers.

There are psychosocial risks:

- When you work at a very intense pace.
- When you have an excessive workload.
- If your job and your salary are insecure.
- When you don't have support from your workmates.
- If your boss is a bully.
- If you don't have time for your family, social life, etc.

Preventive work

The workload must be adequate.

Workers participation must be promoted.

Every worker must have social and collective support.

More intervention rights for workers, bigger influence in decision making.

Supervisors should try to support workers.

It is important to define clear and realistic goals for the job.

Besides...

Psychosocial risks do not stem from individual problems. Organization problems cause them.



... Manual handling of loads, postural problems and repetitive strain injuries

Physical and postural efforts cause muscle fatigue in a short term period, but if sustained for a long period it may definitely lead to musculo-skeletal disorders and injuries. These disorders affect two main areas:

Spine: caused mainly by forced postures and inadequate manual handling of loads.

Upper limbs and shoulders: caused by small repeated injuries as a result of mechanical movements in assembly lines and production processes. Such processes increase work intensity and concentrate the efforts in the hands, wrists and shoulders. They also force workers to maintain uncomfortable postures for long periods of time.

Preventive measures...

Workplace characteristics (space, machines, tools, benches, tables, chairs, etc) must grant enough space and avoid uncomfortable postures.

To avoid repetitive movements, it is necessary to slow down work intensity and establish regular pauses, i.e. slower work pace. This measure must be completed by changes in payment systems that are usually based on productivity.

Tasks involving manual handling of loads must include measures to reduce the load, the frequency of handling, the improvement of grips as well as training for a better handling.

Besides...

Some of these strains and injuries are considered occupational diseases.

5.

12 immigrant workers die at a level crossing in Murcia when they travelled packed in a van to work

The driver and a 13 year-old girl who were also going to work were injured.

It was barely 7.40 AM when Noelio Elías León, a 46 year-old Equadorian worker was picked up by his fellow workers heading to Puerto Lumbreras where they would start harvesting broccoli. That is the daily routine for thousands of Equadorian workers who reside in Lorca (4.537 registered by the local authorities, but really twice as many according to some NGOs.

Every morning they leave Lorca in buses and different means of transportation to Pulpi, (Cartagena) and other neighboring towns where hundreds of Ecuadorians harvest vegetables. Noelio's van was just one more vehicle on the road heading that way. But yesterday broccoli was not picked and commuting to work took a heavy toll. Eight men and four women.

The fact that none of the employers visited the site of the accident and that the vehicle was registered under the name of an Equadorian citizen residing in Cuenca hints at the fact that the deceased workers might not have a work permit.

(El País, 4/01/2001)

... Commuting accidents

Spanish legislation states that all the damages suffered by workers in their trips to or from work are considered work accidents. Most of them are traffic accidents.

When looking into the causes, we should not relate them merely to personal factors (speedy driving, DUI, etc.) and structural factors (traffic jams, poor condition of the road or the vehicle). Stress and the weariness caused by poor work organization may cause these accidents.

Preventive measures...

Identification of risk factors in risk assessments

Adoption of preventive measures in the organizational aspect, for instance:

- Lower work intensity at the beginning and at the end of the working day.
- Adjustment of resting time between working days to grant physical recovery.
- Elimination of overtime work.
- Introduction of pauses or breaks.
- Allowing some time flexibility to arrive and leave work taking into consideration factors as traffic jams, long journeys, weather conditions, etc.
- Permanent maintenance of transport vehicles.



Besides... how to act in case of a work accident?

Once the accident occurs, the first duty of the employer is to provide first aid to the victim.

Go to your company's Mutual Insurance Agency with the accident report, and if is not possible go to the nearest Public Health Clinic. But report to the Mutual Insurance Agency as soon as possible.

If the accident causes a leave of more then one day, the enterprise shall file an Official Work Accident Report, a document detailing the aspects of the accident and proving it occurred.

Always request a copy of the report. You have the right to receive it..

SOME PROBLEMS YOU MIGHT FIND:

- The employer does not provide the medical report. Go to the Mutual Insurance Agency or to the national healthcare system.
- The employer suggests to give you a paid leave instead of an accident leave*.
- The employer does not admit to a work accident.
- You get a work accident leave but you get a certificate of discharge before recovery.
- The employer admits a work accident but you are sent to work before recovery.

In any of these situations you must always tell the truth and **follow these steps:**

- 1 If you do not get a sick leave or have to work before you are recovered, consult your healthcare service doctor
- 2 Inform your safety rep or if necessary your union health and safety (sector or local) manager.

* The worker should have a leave but he is sent home or given an unusual task by the employer to keep the accident off the record.



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