

PERENNIAL AND NON-PERENNIAL CROP SECTOR:

Occupational hazards for vulnerable collectives.



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VULNERABLE COLLECTIVES IN THE PERENNIAL AND NON-PERENNIAL CROPS SECTOR



Among the working population there are particularly vulnerable groups as far as occupational hazards prevention is concerned. The reasons are determined by personal or contractual circumstances: age and sex, country of origin, temporary workers, etc.

There are inequalities in health and safety conditions between workers, even within the same sector or professional category, simply because they belong to one group or another. Caring for vulnerable groups is not a matter of solidarity or overprotection, but rather an act of responsibility.

This leaflet seeks to offer information and raise awareness about the vulnerability of the immigrant working population. Accordingly, it includes testimonies given in different discussion groups and opinions of workers in the sector, which have provided us with first-hand experience of the actual labour situation of all vulnerable groups.

There is no objective reality that fosters or legitimises the precarious conditions of migrant workers in the labour market.

The following is a review of the working conditions, occupational hazards and health damage based in all cases on the opinions recorded in the discussion groups.

**WORKING CONDITIONS. OCCUPATIONAL
HAZARDS AND HEALTH DAMAGE.
YOUR WORKING CONDITIONS**



Working conditions are any aspect of your job that can have negative consequences for your health as a worker.

Precariousness and temporary employment

Temporary employment is typical in the sector. Temporary contracts are extended and always for the same activity, which may constitute evasion of the law.



“In the past, temporary employment has been associated with the fruit and weather conditions; now it is a business issue and the intention is to avoid employing permanent workers”.

You have to know what you are signing, which makes it essential to understand the language and the terms used in the contract.



**READ
BEFORE
YOU SIGN**

“The biggest problem is the isolation of some work gangs from others... they don’t even know who they are, and what the company did was to force union elections to force an agreement to be signed below the sectoral agreement,... but most of those who signed were our Pakistani colleagues and they didn’t know what they had signed. ...The language, dispersity and the fact that they cannot communicate with each other is behind all kinds of working conditions in terms of hiring, temporary employment and the payment of salaries and companies do just what they please with their work gangs.”

Extension of working hours

Workers work longer hours than those set in the contract and they are not given the breaks provided in law. The working hours must be as provided in the collective agreement or the contract of employment and the minimum daily and weekly rest periods must be observed.

“Nine hours, maximum of 10 hours, and overtime is voluntary, not compulsory.”

Pay below the amounts set in the collective agreement.

The salary must be as set in the collective agreement for your sector. Violations of law are examples of abuse in all cases. Situations that affect production, such as weather conditions or deteriorated products, are not your responsibility and therefore should not affect your pay.



Situations that affect production, such as weather conditions or deteriorated products, are not your responsibility and, therefore, they cannot affect your wages.

“There are companies which, in the event of bad weather conditions, penalise workers by deducting part of their salary. There are also cases in which the hours worked are not counted if the fruit collected cannot be marketed”.

Employment through Temporary Employment Agencies (Spanish, ETT)

When the company needs to hire more workers, it normally uses an ETT. The law caters for ETT workers and affords them the same level of protection as the other workers of the main company for which they work. However, their conditions, e.g. salaries, may be different from the main company's other workers.

“The inequalities come with the ETTs that pay half the amounts set in the agreement, charging for bringing them and taking them to the work-site. They give them a basket and a pair of pliers and charge them for doing so... conditions have worsened to unbelievable levels.”

PREVENTIVE MANAGEMENT

Occupational hazards prevention is part of every single sector of production. It consists of the constant identification, evaluation and control of occupational hazards. As a result, companies have an organizational structure with defined functions and practices and procedures that ensure worker participation. Furthermore, this would not be complete without a system for controlling the results of these activities.

"In the company where we work, we have never been trained in hazards assessment or given documentation on prevention."

Of all the issues related to preventive management, three in particular stood out in the discussion groups: PPE; training and information; and health monitoring:

PPE is the last barrier between a hazard that has not been eliminated and the person using it. Careful attention must be given to making the right choice to make sure the barrier is not unsuitable, thus aggravating exposure, and to avoid discomfort caused by PPE of poor quality or inappropriate for the work in question. Providing PPE is an employer's obligation, without exception.

"Many workers prefer not to use PPE because of their poor quality, wearing goggles is uncomfortable, they get scratched and can't see anything, their boots don't fit them properly..."

Companies must provide continuous theoretical and practical training and information about the hazards involved in the work. Employers also have to supervise the training given to ETT workers.

"The company gives them a paper to sign stating that they have been given training, but they never have."

Training and information are obligations for the employer and are designed to help reduce exposure to hazards and provide knowledge of the preventive measures involved in the work.

Health monitoring is a preventive activity designed to protect workers' health. It is an obligation for the employer and a right for workers; as a worker, you can refuse to have a medical check-up. However, if you choose to have a check-up, it must always be during working hours.

"In the warehouses, there are check-ups every year... But they are very basic, they look at you, check your teeth, a blood test and little else."

"Most of the checks are made outside working hours to avoid costs."

OCCUPATIONAL HAZARDS

Chemical hazard.

The main sources of exposure to chemicals in the sector occur in work related to the use of herbicides and fungicides, and in collection work.

One of the most basic principles of action against chemical hazards is the right to information. All those involved in the production chain and the use of chemicals must be aware of the hazardous properties of the products they are using. Each chemical or each preparation must carry a label and safety sheet with information about the hazards and the necessary protection.



“What happens is that there are fungicides and herbicides with safety periods of 21 days and if you apply them today, the next week they send the work gangs in and they are completely exposed to what you have just applied.”

Based on the fact that elimination must take priority over control measures, one of the main problems with the application of pesticides and other plant health substances has to do with the lack of adequate protective equipment and additional measures that guarantee safe and healthy working conditions.

“If you’re lucky, you go home and have a good shower, but if you’re not and you have to eat at the work-site, you wash your hands and that’s it and you eat your food in the middle of all that.”

It is important to be aware of and indicate the differences for men and women when exposed to chemical substances.

Ergonomic hazards

Physical effort and posture must be identified and controlled as part of the prevention plan. Poor work organisation, which, for example, causes excessive pressure in terms of time, is often the cause of these factors.

“All the work we do is manual repetition: hand, wrist, arm... In the end, you mess up your metacarpal tunnel, tendons...”

“...The work is basically repetitive movements, when collecting, you are continuously lifting loads: baskets and boxes of 20 kilos on your shoulder, carrying them from the field to the truck, and that’s every day.”

Art. 15.1d of the Spanish Occupational Hazards Prevention Act: *“adapt the work to the person, especially with regard to the design of the work and the choice of work and production equipment and methods, mainly to reduce monotonous, repetitive work and the effects it has on health”*.

Workplaces and safety hazards

Working in the field is complicated by the unevenness of the land on which workers have to walk to collect the fruit; the ladders used to reach the fruit are not always suitable

for the land and the cutting tools may not be appropriate or in the best state of repair. Falls, cuts, pricks, blows, trapping... are just some of the hazards you might be exposed to in your work.

*Fieldworkers and handlers:
"There are always
accidents: falls, blows..."*

The design and structural elements of workplaces condition workers' health and safety; the field is no exception and the company must apply prevention to all the hazards associated with workplace, including machinery used in the production process.

The use of machinery must not be a hazard for workers under any circumstances.

"They remove the protection from the machines to work faster and at a very fast rate and, instead of operating three machines, workers have five... And make sure you don't drop anything."

Safety measures are adopted at work to protect workers' health and safety and prevent damage to their health (accidents, occupational or work-related diseases). One example of this is to provide workers with theoretical and practical training in the use of machines and ensure the correct use of safety devices. Furthermore, all necessary maintenance and control actions must be taken to guarantee the safety of the equipment and machines.

Psychosocial hazards

The Spanish Occupational Hazards Prevention Act considers that organisation at work is one of the working conditions that affect workers' health and safety. Therefore, the organisation must be evaluated, controlled and changed if hazards arise.

*Feeling of contractual insecurity: :
"...Anyone in need gets flattened, but groups of other nationalities also suffer, that is, their stay in Spain hangs on a thread and depends on their behaviour... What their employers do is simply despicable."*

Psychosocial factors are risk factors for health that arise from the organisation at work and generate physiological, emotional, cognitive and behavioural responses better known as "stress"; they can also develop into disease at certain levels of intensity, frequency and duration.

There are no exceptions. Psychosocial risks must also be evaluated in work carried out in the field. Exposure to psychosocial risks and the health damage they cause are not an individual problem.

In the field... harassment and insults are commonplace. Companies are aware of this and, except for a few honest employers, they simply look the other way.



HEALTH DAMAGE

All illnesses, pathologies and injuries suffered as a result of a person's work are considered "health damage". In particular, this refers to occupational diseases, work accidents and work-related illnesses.

The correct declaration of work accidents and occupational diseases is very important because of the implications for financial issues, health care and, above all, prevention. If a contingency is declared professional, it makes the occupational hazard visible to society and provides information on the effectiveness of how the company manages prevention, indicating the need for preventive measures.

"..A worker gets hurt at work and the prevention manager says it's not occupational, that it was something he/she already had, something degenerative."



If you're company gives you any problems when determining whether your accident or illness is work-related, see your trade union.



RIGHTS AND OBLIGATIONS



These are your rights

- Receive information and training. So that you can work without risk, the company must provide you with clear information (in the language of each nationality working at the workplace) about the risks involved in your job and the preventive measures that apply. The training must be given during working hours and it must be related to the hazards involved in the work and, if that is not possible, there must be equivalent compensation.
- If you think you can improve health and safety conditions, you can make proposals through your prevention delegate.
- The company must allow and enable your participation in matters that affect your health and safety at work. You can take part directly and individually, but also through

union representatives, who can help you in a more guaranteed way.

- You have the right to file a report with the Labour Inspectorate if you think the preventive measures are not sufficient to guarantee your health and safety.

If you consider there is serious and imminent risk to your life or your health you can down tools or leave your work post and report the situation to the company without being penalised.

- Workers have the right to regular health monitoring in accordance with the hazards involved in their work.

These are your obligations:

- Remember that, as a worker, you also have obligations you must fulfil, such as using machines, appliances, tools, hazardous substances, protective equipment and, in general, any other resources you work with correctly. And you must cooperate with the company so that it can guarantee that your working conditions are indeed healthy and safe.



COUNT ON THE SUPPORT OF YOUR PREVENTION DELEGATE

“At large companies where there is a prevention committee or delegate they do hazards assessments; the problem is small companies.”

Now you know that...

As a worker, you have the right to participate in matters related to occupational hazards prevention.

How can you participate?

By reporting your doubts or any problems regarding possible hazards in your work.

Who do you have to contact?

The union representatives at your company (more specifically, for issues related to prevention or occupational health, you should contact your prevention delegate) or your trade union directly.

What can the delegate do for you?

In terms of health and safety, the delegate will advise and represent you and defend your rights. He/she will also check to ensure that the conditions in which you work are appropriate.

If you have any problem or doubt about your health or safety at work, see your delegate.

But...

...What do I do if there are no union representatives at the company?

Seek support outside the company; go to your trade union.

We can help you at CCOO Industria <http://industria.ccoo.es/>

