



El Plan de actuaciones de la ITSS en relación con los riesgos laborales derivados de la seguridad vial

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LAS FUNCIONES DE LA INSPECCION DE TRABAJO Y S.SOCIAL

Art. 1 42/97 Act

“1. The **system** of the Labour and Social Security Inspectorate is the set of legal principles, rules, bodies, civil servants and material means that contribute to the appropriate implementation of the laws in the realms of: labour, occupational health and safety, social security and social protection, job placement, employment and unemployment protection, trade unions, immigration and labour of foreigners, and any kind of matter assigned to it.

2. The Labour and Social Security Inspectorate is a public service that is responsible for exercising the enforcement of the rules on the social order and to demand the appropriate responsibilities, the advice, and when requested the arbitration, mediation and conciliation in such matters, to be in accordance with the principles of social and democratic state of law enshrined in the Spanish Constitution and the International Labour Organization Conventions numbers 81 and 129.”



LABOUR AND SOCIAL SECURITY INSPECTORATE: FUNCTIONS

ENFORCEMENT

Labour Management and Trade Union Relationships

- Individual and collective labour relationships
- Assisting workers' representatives with protection of their rights and guarantees
- Equality (Gender Pay Gap)
- Disabled workers



LABOUR AND SOCIAL SECURITY INSPECTORATE: FUNCTIONS

ENFORCEMENT

Occupational Health and Safety

- Law on OHS
- Technical laws affecting OHS



LABOUR AND SOCIAL SECURITY INSPECTORATE FUNCTIONS

ENFORCEMENT

Social Security

- Application, registration, affiliation, termination of affiliation of workers
- Contribution and collection
- Benefits
- Voluntary improvements in the protective action of the SS
- Complementary systems established by Collective Bargains
- SS Management collaboration (WRI and OD Mutual Societies)
- Entities and companies on other benefits management collaboration



LABOUR AND SOCIAL SECURITY INSPECTORATE FUNCTIONS

ENFORCEMENT

Employment and Migrations

- Job placement, employment and unemployment protection
- Emigration, migrations and work of foreigners
- Continuing vocational training
- Temporary Employment Agencies, Job placement agencies



LABOUR AND SOCIAL SECURITY INSPECTORATE: FUNCTIONS

ENFORCEMENT

Other that are entrusted

- Cooperatives
- Employee-owned Companies



LABOUR AND SOCIAL SECURITY INSPECTORATE: FUNCTIONS

ADVICE AND TECHNICAL ASSISTANCE

- Companies and workers, when performing Inspection activities
- SS bodies
- Other Authorities' Bodies
- Competent judicial body



LABOUR AND SOCIAL SECURITY INSPECTORATE: FUNCTIONS

CONCILIATION, MEDIATION AND ARBITRATION

- Conciliation and mediation on the occasion of conflict/strike
- Arbitration at the request of the parties within labour conflicts/strikes
- Collective layoff plans

CONCEPTS / DEFINITIONS

ROAD SAFETY

- Issues related to the safety when driving vehicles on the road.
- Concerns all citizens.

LABOUR ROAD SAFETY

- Concerns the productive and preventive organisation factors of the employers that can have influence on the driving of the vehicles by the employees.



MOBILITY PLANS

- **Multidisciplinary Strategies**
- Improvement of the living conditions of the citizens.
- Goals: diminish the global road sinistrality, energy saving, savings of the cost in infrastructures, environmental, collective and individual improvement in the living quality.

Concept of “in itinere” work-related accident

Injuries/damages suffered by the employee commuting from his workplace to his home, without voluntary interruptions and on the daily way.

Work-related accident. Jurisprudential constructed. Must be proved.

There is no employer liability.

Concept of “en misión” work-related accident

It is a common work-related accident. It has favourable presumption.

In accordance with the Sentence of the Supreme Court 11-1-1996, the work-related accident happens on a way that must be covered by the employee due to professional matters, on the performance of a work related activity.

Can be directly or indirectly avoided by the preventive management, can cause employer's liability.

CLARIFICATION TO THE EMPLOYER

“EN MISIÓN” WORK-RELATED ACCIDENT

There can be employer's liability

Preventive management must be developed.

Bonus on the Social Security payments when there are mobility plans.

It is presumed, but for proof on the contrary.

“IN ITÍNERE” WORK-RELATED ACCIDENT

There is no employer's liability

There is no legal liability to manage them

The GTD (DGT) recommends good practises

Affected by the mobility plans

Bonus on the Social Security payments for developing preventive activities in the mobility plans

Scope of Public Administration

General Traffic Directorate (DGT)

Activities on all the drivers. Divulgative activities on Road Safety.

Good Practises on Labour Road Safety in the enterprises, but does not act against enterprises.

Drivers can be sanctioned.

Enquire all road accidents.

Labour and Social Security Inspectorate (LSSI)

Acts on the preventive management developed by employers, self-employed workers and workers.

Enforcement of the enterprises' prevention services

Improvement notices about the change on the prevention management and material conditions.

Start of a infringement file against the employer.

Enquire all work-related accidents.