

INTERNATIONAL CONFERENCE
LABOUR IS NOT A COMMODITY:
WORKSHOP: OCCUPATIONAL HEALTH AND SAFETY
IN THE AGE OF DIGITALISATION

“Prevention of labour risks and the new
labour market: some key issues”

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Prevention of labour risks and the new labour market

- ▶ First premise: health and safety is a basic right for all workers.
- ▶ Spanish Constitution: “principle governing social and economic policy”.
- ▶ Spanish legal system: Law 31 of 1995, on the prevention of labour risks: the employer’s duty of protection is designed in a broad sense and dynamically.
 - ▶ Art. 14 Law
- ▶ New technology introduces 2 significant changes:
 - ▶ A) Modernisation of the production system and work tools
 - ▶ B) New forms of work
- ▶ A) Modernisation of the production system and work tools: industrial and collaborative robots
 - ▶ ILO Convention 119 of 1963; Directive 42/2006/EC
- ▶ 2 aspects are important:
- ▶ -International technical standards: ISO, UNE
- ▶ -The precautionary principle
 - ▶ European Parliament Resolution of 16th February 2017

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- ▶ B) New ways of working: through digital platforms.
 - ▶ European Parliament Resolution of 15th June 2017
 - ▶ Several risk factors: lack of regulations, type of work, work equipment, place of service
- ▶ *How is prevention organised against those risks in Spain?*
 - ▶ It depends on the legal nature of the work activity
 - ▶ -If the worker is considered “an employed person”: some adjustments
 - ▶ Art. 24.1 Law of prevention
 - ▶ The concept of workplace is key
 - ▶ -If the worker is considered “a self-employed person”
 - ▶ Rights and duties of a traditional self-employed person in relation to the prevention of risks in the Spanish legal system
 - ▶ Art. 3.1 and art. 24.1 Law of prevention
 - ▶ Article 4.3 and art. 8 Autonomous Work Statute

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- ▶ **The role of the client in prevention**
 - ▶ Depends on the place of work
- ▶ **ILO Centenary Declaration for the future of work**
 - ▶ Protection for all workers
- ▶ **Main conclusion**
 - ▶ Reinterpretation of traditional legislation
 - ▶ Academia and experts

- ▶ Thank you very much !