



Social Security Reform Co-operation Project  
中国·欧盟社会保障合作项目

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# 西班牙的职业 健康与安全 & 工伤保险 Health and Safety & Work Injury Insurance in Spain

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Beijing, December 2nd, 2009  
2009年12月2日 北京

# 议程

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- 雇主 Employers
- 雇员 Employees
- 中介机构 Intermediary institutions:
  - \* 工会 Trade Unions
  - \* 商业机构 Business
  - Organizations
- 协会 Society

# 国家

## The State



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- **西班牙政府** **Spanish Government:**
  - \* **规章发展法** regulatory development of laws
  - \* **社会保障系统** Social Security System.
- **自治政府（17个地区）**  
**Autonomous Governments (17 Regions)**
  - \* **实施标准** implementation of standards.
- **监督和执行：** **Supervision and enforcement**
  - \* **司法的（法院）** Judicial (Courts of Justice).
  - \* **管理的（劳动监察 - 国家和地区管理）**  
Administrative (Labour Inspection –for both administration, national and regional)

# 条约和法律 ( 1 )

## Treaties and Laws

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- **国际 International**

- **国际人权宣言 ( 1948 )**

- Universal Declaration of Human Rights(1948).

- **国际劳工组织**

- ILO (International Labour Organization)

- **条款、规章 89/391/CEE**

- UE (Treaties, Regulations, Directives, \_92/85/CEE-94/33/CEE, 91/383/CEE )

# 条约和法律 ( 2 )

## Treaties and Laws

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- **国内 National:**
  - **西班牙宪法**  
Spanish Constitution (1978)
  - **西班牙社会保障通用法**  
Spanish General Law of Social Security (1/1994)
  - **西班牙职业健康和安全法**  
Spanish Law of Occupational Health and Safety (31/1995)
  - **西班牙残疾人一体化法**



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- **雇主 Employers:**
    - **职责（预防法），以及责任（管理的、民事的和刑法的）**  
Obligations (Prevention Law) and responsibilities (administrative, civil and criminal).
  - **雇员 Employees:**
    - **预防法规定的权利和义务**  
Rights and obligations included in Prevention Law.
  - **社会 Society:**
    - **不预防的危害** Damage of not prevention.
      - **个人的** Personal.
      - **经济结果** Economic consequences.



- **中介机构：雇主和雇员的代表**

**Intermediate agents:** representation of employers and employees.

**基于三党派的系统**

**SYSTEM BASED ON 3 PARTS.**  
**TRIPARTITUM.**



- **管理工伤康复的三种可能**

3 different possibilities of managing the rehabilitation of work injury:

- **INSS**
- **互助的（占主流） Mutual (majority)**
- **认定的企业 Authorized businesses**

- **雇主选择采用哪个（只取其一）**

**The employers have to decide which of them (only one)**

# 工伤事故和疾病的社会保障互助协会

## Social Security Mutual for work-related accidents and illnesses



- 西班牙的社会保障系统关注工伤事故和工伤疾病的员工福利和经济意外，同时也关注普通疾病和非工伤事故的经济问题。从事商业领域的人群能联合起来，他们能自己解决这些意外。

The Social Security System in Spain contemplates the possibility that, for the welfare and economic contingencies of **Work-related accidents and work-related illnesses** and for the **economic by common illness and non work accident**, the business people can associate so that they can cover said contingencies themselves.

- 他们的协会是工伤事故互助协会

Those associations are the Work Accident Mutual Societies.

# 工伤事故互助协会的基本特征是： basic characteristics of the Work Accident Mutual Societies



- 他们是非盈利的机构。假如遵循互助协会的管理步骤，那么收入会多于支出，差额将返还给社会保障机构。收入结余是盈余，而不是私营公司所说的利润。

**They are non-profit making.** If as a consequence of the administrative step that carries out a Mutual Society, the income are elders that the expenses, the difference gives back to the Social Security. This income surplus is denominated a surplus and not profit, as it would be called in a private company.

- 该协会，无论公立还是私营，都是自愿加入。公司能自由选择互助协会，偶然事故由他们自己的社会保障所覆盖。

**The association of the companies, public or private, is volunteer.** The company can freely choose to which Mutual Society associate or even if he wants that these contingencies are covers for the own Social Security.



- 在劳动和移民部注册。要求他们得以授权成立。其财务管理依赖于国家预算，他们的账户由上述部委实施年度审计。为了成功组建，你应限制与上述部委的合作活动，它至少要联合 50 个商业机构，有 30000 名参保职工，费率不能低于法定费率（目前是 900 万欧元），并且按照可接收的费额，出借租金。

**Are registered by the Ministry of Labor and Immigration.**  
They require their authorization to be set up. Their financial management depends on the General State Budgets and their accounts are audited annually by the aforementioned ministry. To be constituted you must limit your activity to the aforementioned collaboration, have at least 50 associated businesses and 30,000 insured workers and have a fee volume not lower than that which is legally determined (nowadays €9 million) and, finally, lend a deposit that is determined according to the volume of fees receivable.

**个人的健康风险可分为四类：**

**The risks to a person's health is subjected in his life we can classify them in four clusters :**



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- **工伤事故**  
Work-related accident
- **非工伤事故**  
Non work accident
- **工伤疾病**  
Work-related illness
- **普通疾病**  
Common illness

**针对这四种风险，互助协会覆盖了：  
Of the four mentioned kind of risks,  
the Mutual Societies give coverage:**

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- **工伤事故和工伤疾病：**  
work-related accidents and work-related illnesses:  
**福利和经济**  
welfare and economic
- **非工伤事故和普通疾病：给暂时失去劳动能力的人提供财政补助（覆盖上述风险的福利贯彻了社会保障）**  
Non work accident and common illness: financial assistance for Temporary Disability (The welfare coverage of these risks carries out the Social Security)

# 针对工伤事故和疾病的社会保障的缴费情况

## Contributions to the Social Security for work-related accidents and illnesses



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- 商业领域为工伤事故和疾病缴费社会保障费。雇主缴，雇员不缴

The businesses contributes to the Social Security for work-related accidents and illnesses. **ONLY THE EMPLOYERS, WORKERS DON'T CONTRIBUTE.**

- 这被视为客观责任，雇主应履行

It is considered as an **objective responsibility**, the employers must contribute.

- 与通用社保计划的差别（28.30%：雇主 23.6%，员工 4.7%）

Difference with the general scheme (28,30%: employers, 23,6% and workers, 4,7%)



- **缴费按复杂的规则计算，该规则是按照活动、风险、员工人数、工种、工伤事故及疾病数量而变化的。**

The contributions are calculated applying a complicated rule that varies according to the activity, risk, number of workers, displacements, number of work-related accidents and illnesses, etc.

- **雇主决定支付**      The employers decide to pay it :
  - **给 INSS 或**      To INSS or
  - **给互助协会或**      To Mutual or
  - **给他们自己（授权商业机构在社会保障管理方面合作）**  
collaborate      in management of the Social Security).

# 参保覆盖的员工 WORKERS PROTECTED

## 2009 年的大约数 Approximation in 2009

• 在社会保障注册的 Registered in Social Security	18.100.000
• 可选择的互助协会 Alternative mutuals	534.000
• 公务员 Civil servants mutuals	960.500
– 总计 Total	<b>19.594.500</b>

# 工伤和职业病

## Work injury and professional diseases

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### 2009 年的大约数 approximation in 2009

• 权威实体 Authorities entities	604.500
• 互助协会 Mutuals	13.476.550
• 自治或其他 Autonomous and others	961.185
—总计 <b>Total</b>	<b>15.042.235</b>



# 职责 Responsibilities :

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- 不缴费。雇主会支付事故的经济损失，并承担职业健康和  
安全法规定的下述责任：

**For not paying contributions.** The employer will pay for the consequences of the accident and will have the responsibilities established for **not complying the occupational health and safety law and rules**, which are the following :

- 管理的 Administrative
- 司法的 Criminal
- 民事的 Civil
- 社会保障（额外缴纳 30%-50%）

Social security (surcharge of contributions -30%-50% more-)

# 康复系统 (1)

## Rehabilitation system

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- 该系统的基础是对工伤风险的全面管理

**IT IS BASED ON A COMPREHENSIVE  
MANAGEMENT OF WORK RELATED RISK**

- 通过互助系统，西班牙商业领域为工伤康复建立了越来越高的标准。

Through the mutual system, spanish businesses have riched higher and higher standards of work injury rehabilitation

# 康复系统 (2)

## Rehabilitation system

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- 他们开发了工作风险全面管理的最佳实践

They have developed the best practices in the comprehensive management of work related risks

- 关注于能迅速的休病假

It is focused in the most quickly sickness leave.

- 同时包括伤害所需要的其他援助（医疗的、心理的、社会的等）

It includes, at the same time, all the assistances that the injured need (medical, psychology, social, etc.)

# 职业调整

## Occupational readjustment

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- 当一名员工遭遇了工伤事故，无法重返他的旧岗位，评估和职业调整指导小组将研究其员工可能从事的其他合适职业，推动受伤员工融入社会，找到新工作。它将向特殊福利委员会申请，就每个案例支付相关补偿金。

When a worker, as a result of a work-related accident, does not be able to reinstate to his profession usual, the Valuation and Professional Readaptation Guidance Team will study the possibility of form in other suitable professional areas to his staffs characteristics, facilitating the full the injured party social inclusion in order to choose to a new job. For it will propose to the special benefit commission that authorizes and he bestows the pertinent grant in each case.

# 职业调整的例子

## Examples of Occupational readjustment!

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- 台式印刷系统 Desktop Publishing
- 自动推进 Self-propulsion
- 工业质量 Industrial Quality
- 制柜 Cabinet making
- 工业电子 Industrial Electricity
- 电子沟通 Communications Electronics
- 金属制造 Metalwork
- 制鞋 Shoemaking
- 电脑基本操作 Basic Computers
- 会计 Accounting
- 焊接 Soldering
- 车辆维修 Vehicles Maintenance

# 社会保障的预防

## PREVENTION FROM SOCIAL SECURITY



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- **有专门针对预防和康复的基金，叫预防康复基金**  
There is a fund for prevention and rehabilitation. Its name is FUNDING FOR PREVENTION AND REHABILITATION.
- **2009 年该基金金额为 7.67 亿欧元（大约数）**  
The fund for 2009 is 767 M€ (approximately; given in 2008).
- **由互助协会提供（互助协会结余的 80%）**  
It is given by mutuals (80% of the excess surplus of mutuals).
- **转账到西班牙中央银行**  
They must transfer this amount to the Spanish Central Bank.



- **尽管预防应该由雇主支付，但是社会保障系统预算支付了下列预防领域的费用：**

Although prevention must be financed by employers, from Social Security System budget will be given to **Prevention**

- **互助协会份额的 1% （约 8.48 亿欧元）**  
1% of mutuals shares (84,8 M€ approx.)
- **国家安全与卫生研究所为西班牙职业健康和安全战略实施的能力管理（基金内的 1300 万欧元，及部分 NISH 的预算）**

Management of competences included in the Spanish Strategy for Occupational Health and Safety to the National Institute of Safety and Hygiene (13 M€ from the fund and a part of NISH budget).



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- 职业健康和安全基金会 (4400 万欧元)  
Occupational Health and Safety  
Foundation (44 M€)
- 

- 红利 1 亿欧元  
Bonus (100 M€)
- 其他 (3100 万欧元)  
Other applications (I+D+i in prevention)  
(3,1 M€).
- 2009 年约 7.67 亿欧元花费在预防和康复活动上 (累计 39.5 亿欧元)。2008 年划拨了 14.11 亿欧元  
767 M€ approximately for other activities  
in Prevention and rehabilitation in 2009  
(3950M€ accumulated). In 2008, they  
gave 1411 M€



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- **互助协会可要求其缴纳的保险费花在康复或预防上。康复中心的建筑结构、投资、康复，或预防服务（预防协会不同于互助协会，但是由他们建立，且对互助协会有影响）**

Mutuals can ask to spend its contribution in general objectives of rehabilitation or prevention. Construction, investment or rehabilitation of buildings for rehabilitation centres or prevention services (prevention societies separated of the mutuals but created by themselves with affected properties to the mutuals).

- **2009 年的缴费额下降了（最大额度由 18%— 下降到 7.75% ），选择性的减少**

In 2009 the contributions have decreased (maximum share has dropped from 18% to 7,75%) –Selected reduction-.



- **中等份额由 2.99% (2006) 降为 2.77% (2009 年，除去建筑费用，为 2.21%)**

Medium share has decreased from 2,99% (2006) to 2,77% (2009; It would be 2,21% without construction).

- **所有方面都囊括到西班牙职业健康和安全战略中，该战略与欧盟职业健康和安全战略一致。**

All of this aspects are included in the Spanish Strategy for Occupational Health and Safety developed in accordance with the European Strategy for Occupational Health and Safety.



- **这些方面是：**

Its meaning aspects are:

- **企业职业健康和安全的目标**  
Objectives of OHS in enterprises.
- **特定机构的效率和质量**  
Efficiency and quality of specialized entities.
- **社会代理人 \ 雇主和雇员的贯彻**  
Enforcement of social agents, employers and employees.
- **工作中减少事故和职业病**  
Reduction of accidents at work and



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谢谢！

Thank you !