



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

SPAIN

Kingdom of Spain

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

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FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
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NATIONAL REPORT: SPAIN

LABOUR INSPECTORATE	Labour and Social Security Inspectorate State Agency / Organismo Estatal Inspección de Trabajo y Seguridad Social (OEITSS)
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none"> • Regional Labour Inspectorates of Catalonia and Basque Country • National and Regional Occupational Safety and Health Entities for promotion and assistance • Collaborating Social Security Entities for Work-related Accidents and Professional Diseases (Mutuas) • Council of Nuclear Safety (CSN) • Ministry and Regional Authorities of Industry

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The “Labour and Social Security Inspectorate State Agency” is an autonomous body that depends on the Ministry of Labour and Social Economy. It has competence to enforce legislation on Industrial Relations, Occupational Safety and Health, Employment Policies, Social Security and Foreign Workers with a generalist approach.

This public body is an organization at state level with offices in every province (50) and autonomous community (19). Autonomous Communities (regions) participate in the policies and the management of the Inspectorate on Industrial Relations and Occupational Health and Safety through bilateral agreements and periodic conferences and meetings.

Catalonia and the Basque Country have their own inspectorates which are only competent in labour and occupational safety and health matters. They are integrated within the Labour and Social Security Inspection Legal System according to the Law 23/2015.

Inspection staff is divided in Inspectors, Deputy Inspectors and administrative support staff. Inspectors are competent in all the matters of the Inspection System, without prejudice to the specialisation in special units on Occupational Safety and Health, Social Security, Equality, etc., in every province or autonomous community. Deputy Inspectors are divided in two branches: one specialized on Social Security matters and another on Occupational Safety and Health.

The number of Inspectors is currently around 950 – 1000 and the number of Deputy Inspectors around 900 - 950

Other bodies with relevant competence in Occupational Safety and Health are the Regional Entities on Occupational Safety and Health and the Mutual Social Insurance companies for work-related accidents and professional diseases.

The Regional Entities are provided with experts who usually assist Labour Inspectors in prevention campaigns and the investigation of work-related accidents and professional diseases. The Mutual Social Insurance Companies register work-related accidents and professional diseases and make promotion activities on occupational health and safety in small companies.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

The basic law governing Labour Inspection is currently the Act 23/2015 to order the Labour and Social Security Inspection System. Another relevant law is the Royal Legislative Decree 5/2000 on Infringements and Sanctions in the Social Order that provides the administrative infringements and fines the Inspectorate can propose to the competent authorities. Spain has ratified the ILO Conventions on Labour Inspection listed below.

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health	X	

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The Labour and Social Security Inspectorate (ITSS) is the competent body to enforce Occupational Safety and Health legislation in general terms with the exceptions listed below:

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	
Occupational Health, in general terms	Yes	Regional authorities supervise the prevention services with regard to medical surveillance of workers' health
Work-related accidents	Yes	Regional entities on occupational safety and health usually assist Labour Inspectors in the investigation of work-related accidents and professional diseases
Trade of Machines and Equipment	No	Ministry of Industry and Commerce Departments of Industry and Commerce of the Autonomous Communities
Radiations	No	Council for Nuclear Safety
Explosives	No	Ministry of Industry
Mines	No	Mining Inspectorates within the Department of Industry of the Autonomous Communities
Vessels	Yes	Maritime Administration with regard to the navigation safety
Retail sector	Yes	
Horecca	Yes	
Agriculture	Yes	
Construction industry	Yes	
Aviation	Yes	Aeronautical authorities with regard to air traffic
Railway	Yes	
Road Transport	Yes	Traffic Police with regard to road safety
REACH	No	Ministry of Health and Departments of Health

		and Industry of the Autonomous Communities
Self Employed	Yes, with regard to collaboration and coordination with other companies in the workplace	
Police	Yes, on local and regional police with regard to non-related police activities	Ministry of Interior and Interior Departments of the Autonomous Communities
Civil Servants	Yes, but only with powers of recommendation and injunction on OSH matters	
Military personnel and premises	Yes, with regard to aspects which are not specifically regulated for these personnel	Ministry of Defence
Penitentiaries	Yes	
Customs	Yes	

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours	X	
Bullying and harassment	X	
Third Party Violence	X	

Working hours are specifically included in Labour legislation and bullying and harassment behaviours are considered a labour infringement to the right to dignity at work. In any case, these three matters can also be addressed in Occupational Safety and Health inspection performance as psychosocial risks in order to enforce preventive actions of employers.

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries	X		Without prejudice to the Courts competence
Equal Treatment	X		Especially on Gender Equality issues
Labour rights	X		Without prejudice to the Courts competence

Foreign workers	X		Without prejudice to the Police competence
Others			

The surveillance on labour rights by Labour Inspectors encompasses individual and collective rights provided by the law and rights provided by universally applicable collective contracts as well.

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)	X		It is considered within the control of undeclared work
Contributions to Social Security System	X		Inspection performances in this area use to be together with the control of salaries and undeclared salaries
Social Security benefits	X		On aspects directly related to work. Medical issues are supervised by Sanitary Inspectorates
Private pension funds	X		Only with regard to the execution of commitments agreed in Collective Contracts universally applicable. The other aspects are supervised by the Ministry of Finance
Others			

The supervision of Social Security contributions by Labour Inspectors also includes a bonus system for promoting better occupational safety and health conditions. Supervision of social security benefits also can include the inspectors' proposal for additional benefits to injured workers, which should be founded by the employer, when an OSH infringement has been the cause of the work-related accident or the professional disease.

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		Inspectors can visit workplaces without prior notice. Judicial authorization is only required for home workers
Request for documents	X		The request can be made during inspection visits or independently
Summon employers	X		Inspectors can summon employers

to the Inspection Office			and employees to the Inspection Office
Recommendations / Assistance	X		On issues relating to social and labour legislation
Injunction / Improvement notice	X		Improvement notice on occupational safety and health is compatible with initiating administrative punishment procedures
Initiate an administrative punishment procedure	X		Inspectors propose imposing administrative fines to competent Labour or Social Security Authorities
Initiate a judicial punishment procedure		X	
Imposing fines	X		Particularly in case of obstruction to inspection activities
Stoppage / Prohibition Notice	X		Stoppage order in case of serious and imminent risk for workers and proposal of workplace closure to Labour Authorities in case of exceptionally serious risk
Notify offences to the Public Prosecutor or the Judge	X		Exceptionally, only when inspector's findings might be criminal offences
Others	The Inspectorate can initiate judicial procedures before labour courts in case of serious infringement of labour rights with financial damage for workers in order to restore them		

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		Exchange of information with regard to undeclared work and social security contributions relating to salaries. Bilateral agreements govern the relationship between the Labour Inspectorate and the State Tax Administration Agency
Social Security	X		Labour and Social Security

bodies			Inspectorate legally assist the Social Security Entities when is required. Conventions and periodic agreements govern this relationship
Police	X		Bilateral Agreement between the Labour Inspectorate and the Ministry of the Interior
Public Prosecutor	X		There is an Agreement between the Labour Inspectorate and the State General Public Prosecutor on OSH Offences
Others			

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

Directives on posting of workers 96/71, 2014/67, 2018/957 and 2020/1057 have been transposed in the Act 45/1999 on the posting of workers in a transnational provision of services.

One of the particularities of this law is the competence of the Spanish Labour Authorities to enforce labour conditions of Spanish workers when they are posted in other Member States, although in a subsidiary manner with regard to the competence of the host country authorities according to article 7 of Directive 2014/67.

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		1999
Directive 2014/67	X		2017
Directive 2018/957	X		2021

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

Posted companies from other Member States of the European Union and Economic European Area are required to submit a previous declaration to the Regional Labour Authorities of the place where the service shall be provided.

This declaration is not required when the duration of posting does not exceed 8 days unless the posting company is a Temporary Work Agency or a Road Transport company according to article 1 of the Directive 2020/1057.

The current law provides the submission of declarations by electronic means and this shall allow having a common data base for declarations at State level also available for Labour Inspectors. However, it is pending of regulatory development.

In construction sector, in the event of postings for longer than eight days, posted companies must be registered with the Register of Accredited Companies (REA) of the labour authority in whose territory the services are to be provided in Spain for the first time (Additional provision one of Royal Decree 1109/2007, of 24 August, which implements Law 32/2006, of 18 October, regulating subcontracting in the Construction Sector).

This registration entails providing documentation that proves compliance with the obligations set out in the national rules that transpose articles 7 "Protective and preventive services" and 12 "Training of workers" of Council Directive 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the health and safety of workers at work.

2.2.1. Deadline to submit the declaration

The declaration should be submitted to the Authorities before the beginning of the service. For companies of the construction sector, this declaration shall be also considered an application for registration in REA.

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
A person designated to liaise with the competent authorities	X	
A person designated for acting as a representative into collective bargaining within the host Member State	X	
Activity	X	
Authorization in the sending MS		X
If it is a Temporary Work Agency or not	X	
Identity Tax Number	X	

WORKERS DATA		
	YES	NO
Anticipated number of clearly identifiable posted workers	X	
Name of workers	X	
Nationality		X
Age		X
Role	X	

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting		X
Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor	X	

LABOUR CONDITIONS		
	YES	NO
Working hours		X
Salaries		X

Collective accommodation		X
Use of dangerous agents		X
Prevention services	X ⁱ	

2.3. SOCIAL SECURITY PROCEDURES

Social Security Institutions (General Treasury of Social Security - Tesorería General de la Seguridad Social -TGSS-) issue PDA1 forms to workers posted from Spain. The Inspectorate has access to the database where PDA1 forms are recorded.

The Labour and Social Security Inspectorate may be consulted previously about this issue by the TGSS when there are reasonable doubts about the admissibility of PDA1 forms.

Spanish Social Security Institutions usually receive the PDA1 forms of the workers posted to Spain from their European counterparts by EESSI.

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities	X	
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions	X	
Access to A1 forms delivered by other Member States		X

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

The regulation currently in force (Order 16/12/1987) requires the notification of all accidents to Mutual Insurance Companies for Work-related Accidents and Professional Diseases. This obligation does not affect posting workers since they are not insured in the Spanish Social Security and keep their relationship with Social Security System from the country of origin.

However, these regulations also provide that serious and fatal work-related accidents should be communicated directly to Labour Authorities and this obligation also involves posting companies.

The current Act 45/1999 provides the legal requirement for posting companies to notify in writing any kind of work-related accident and professional disease suffered by posted workers to the Labour Authorities. However, this requirement shall not be in force until the approval of regulatory development.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities		X
Customs authorities		X
Tax authorities	X	
Social Security Institutions	X	
Others		

Declaration of posting is submitted to Regional Labour Authorities and these ones should send a copy to Tax Authorities.

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Act 45/1999 on Posting of Workers and Act 23/2105 to order the Labour and Social Security Inspection System
European Convention in Criminal Matters	Yes	No	Labour Inspectorate actions are out of this Convention since they are in administrative proceedings whose sanctions cannot be appealed to penal courts
Convention 094 Council of Europe	Yes	Yes	
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Spanish Labour Inspectorate has signed bilateral agreements with the four countries listed below.

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
Portugal	2012
France	2010
Romania	2009
Poland	2010
Italy	2022

Portuguese and Spanish Labour Inspectorates have carried out joint inspection campaigns according to the Bilateral Agreement.

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Exchanges of information between Labour Inspectorates are provided by Article 9 of the Act 45/1999 on Posting of Workers and by Articles 16.10, 17.4, 21.2 and 22.15 of the Act 23/2010 to order the Labour and Social Security Inspection System. These laws implement Directives 96/71 and 2014/67.

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X		
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X		

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

The Spanish Labour Inspectorate operates under the IMI System in its central office, through the EU Labour Mobility Unit.

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	EU Labour Mobility Unit (eumobility@mites.gob.es) at central level. Currently, all the provincial inspectorates have a direct access to IMI	

3.4.2. KSS (Knowledge Sharing System)

Spanish Labour Inspectorate is a user of KSS System to exchange information with other SLIC Inspectorates.

Contact e-mail: kss.coordinator@mites.gob.es

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Spanish Labour Inspectorate only initiates Administrative Infringement Procedures in the scope of its competence. Alleged criminal offences ascertained by Labour Inspectors should be notified to Public Prosecutors.

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines		X
Administrative fines	X	
Others		

Administrative fines are executive after the final or binding administrative resolution. Appealing to courts does not avoid the execution of fines to the employer.

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts		X
After the first administrative decision		X
After the binding administrative decision	X	
Others		

Labour and Occupational Safety and Health fines can be appealed before the Labour Courts whilst Social Security fines and decisions can be appealed before the Courts for Administrative Affairs.

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts		X
Courts for administrative affairs		X
Others		

Tax authorities, at regional or state level, collect fines on Occupational Safety and Health and Industrial Relations infringements. General Treasury of Social Security collects fines on social security issues.

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities		X
Labour/ Government Authorities		X
Tax/Customs Authorities	X	
Courts		X
Others	Social Security Institutions	

When fines have a criminal nature the Act 23/2014 implementing the Framework Decision 2005/214 on mutual recognition of financial penalties is applicable.

When fines have administrative nature, the rules implementing the Directive 2014/67 (Royal Act-Decree 9/2017 which amends the Act 45/1999) are applicable.

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	No		The Framework Decision 2005/214 and the Spanish Law that transposes it (Act 23/2014) is not applicable to the administrative fines proposed by Spanish Labour Inspectors. However, it could be applicable for criminal fines proposed by Labour Inspectors from other EU countries
Directive 2014/67 on administrative fines	X	Yes		Additional Provision No 7 of the Act 45/1999 (amended by Royal Act-Decree 9/2017) which transposes the Directive 2014/67 to the Spanish legislation

International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Ms Carmen COLLADO ROSIQUE / alternate: Mr Gonzalo GIMÉNEZ COLOMA

MEMBER STATE: SPAIN

- About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012**

1.1. Transposition to National Legislation

Transposition	National Law or Regulations	Date
Yes	Royal Decree-Law 3/2022 amending the Law 45/1999 on posting of workers	01.03.2022

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity		No	The Ministry of Transport has the competence
Regulation 561/06 on driving time		No	The Ministry of Transport has the competence
Directive 2006/22 on social legislation in road transport	Yes		
Article 1 of Directive 2020/1057 on posting of workers on road transport	Yes		

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition		National Regulations Law, or Collective Agreements	Date
Yes		Paragraph 4.3 ^o of the Annex 5.A) of the Royal Decree 486/1997 concerning the minimum safety and health requirements for the workplace provides that Employers are obliged only in case of open-air works where there is a distance between the place of work and the workers' place of residence which makes it impossible for them to return to their place of residence every day. Workers shall be provided with suitable accommodation for dormitories and canteens.	14.04.1987

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
Yes	The competence and powers of the Inspectorate on workers' accommodation are provided by article 19.1.a) of the Law 23/2015 on the System of Labour and Social Security Inspection (amended by the Law 8/2020)

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition	National Law or Regulations	Date
Yes	Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration amended by the Organic Law 2/2009	11.12.2009

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
Yes	Enforcement of authorisation and working conditions of third country nationals are under the scope of competences of the Labour and Social Security Inspectorate (ITSS)

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	According to article 13.2 of the Law 23/2015 on Labour and Social Security Inspection System, Inspectors have the power to be accompanied during the inspection visits by experts belonging to other Member States of the European Union and the European Economic Area Agreement, the European Labour Authority or other officially authorised persons.
Yes, by bilateral agreements	
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

Information on posting of workers is provided in English, French, German, Portuguese, Italian, Romanian, Polish and Bulgarian in this web:

https://www.mites.gob.es/es/sec_trabajo/debes_saber/desplazamiento-trabajadores/index.htm

Information for third-country national are provided in this web:

<https://extranjeros.inclusion.gob.es/es/index.html>

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

There is in the Inspectorate a Special Unit on EU Labour Mobility to cooperate and collaborate with National Liaison Officer (NLO) in ELA

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc.?

EU Labour Mobility Unit usually participates in the ELA Inspection and Mediation Working Groups and in ELA's campaigns and activities. Spanish Labour Inspection Training Centre participates and organises ELA capacity building activities

ⁱ Only for companies of the construction sector