

ASBESTOS IN SPAIN

REPORT OF THE SITUATION

A) HEALTH ASPECT

In 2001 social partners agreed with the central government a “National Programme for monitoring workers health who during their working life were exposed to these mineral fibres”, The programme contains the following phases:

- A) Identifying and locating workers with work history related to exposition to asbestos.
- B) Inviting them to be included in a public programme of health care and monitoring.
(Remark: to deal with this phase, the so-called “Reference centres” were established in different parts of the State which briefly are made of public hospitals with facilities specialized in pulmonology)
- C) Cyclic checkups (from 1 year to 5 years)
- D) The programme is aimed, mainly, to inactive workers (retired or unemployed workers) although active workers can voluntary join the programme however in this case workers are monitor by the company heath services where they work in that moment.

Each year the Ministry of Health and Consumer Affairs give us information related to this programme development, however the available information is from the period 2001-2008 since its updating is very arduous because of the numerous files in the whole State.

PROVISIONAL RESULTS					
Accumulated results – Period 2001-2008			Results Year 2008		
Workers have undergone checkups (1)	12,613	100%	Workers have undergone checkups	4,015	100%
With pathologies related to asbestos	1,291	10.24%	With pathologies related to asbestos	263	6.55%
Related cancers	128	1.02%	Related cancers	26	0.65%
Larynx cancer (2)	3	0.024%	Larynx cancer (1)	1	
Other lung illness	1,160	9.20%	Other lung illness	237	5.90%

- (1) Note: The data in this table is provisional since the information corresponds just to 47% of the whole national territory. Figures grow every year. The number of affected workers increases each time new workers are added to the health monitoring programme.
- (2) The State has recognised 3 cases of larynx cancer directly related to Asbestos exposure. This issue can help to move this pathology from Annex 2 of EC 2003/607 Recommendation, 19 September 2003, to Annex 1 of this Recommendation. We have at your disposal official documents in case are of any help for a revision of this Recommendation.

B) LABOUR ASPECT

In our country to use and add asbestos in the industrial processes, thus trading with it, is banned since 2002 (June). Only it's allowed to add asbestos fibres in diaphragms for electrolysis processes (chlorine industries) until some adequate substitutes are available. Therefore, since the indicated date the only works allowed by regulation are the withdrawal of the installed asbestos and the above mentioned diaphragms.

According to this point, EC Directive 2003/18/EC of 27 March was transposed to our law in April 2006. Our Government considers sufficiently transposed such Directive to our law, thus Directive 2009/18/EC of 30th of November is not going to have regulative effects in our country

B.1 Spanish regulation aspects which improves the Directive

- Ban to exceed working time (overtime)
- Ban to make works with economic incentives which mean overexertion.
- Ban to work with face mask over 4 hours a day (individual respiratory equipment)
Compulsory to make intermediate pauses.
- When contractual relations finish, the employer must give copy of the worker clinic-labour file.
- Public health services have the duty to continue monitoring health once the labour contract is finished or the worker is retired (See point A).
- A national register of companies which withdraw installed asbestos is kept.

B.2. Weak points of our current regulations

- There is not obligation to establish a national inventory of asbestos-ill buildings, there is only exist a general obligation from the employer undertaking buildings demolition and maintenance works of previously investigate the existence of asbestos by obtaining information, if necessary, from these buildings owners.
Actually, the problem often appears and the installed asbestos is detected when the works starts.
- There are unclear indications on the regulation related to compulsory air measurements schedule.
- There are not dispositions in the current regulation regarding workers training.
Neither is provided for how many training hours would be necessary nor its cyclic schedule.
- Authorities make a previous control of work procedures rather than technical competence requirements of the companies withdrawing asbestos.
- Guidelines do not exist to make more understandable the information that workers must receive.

C. OTHER TYPE OF ACTIONS/TRADE UNION DEMANDS

Since 2002(general ban date), trade unions have been demanding the Government the need to set compensatory or reparative measures suffered by workers or their families: state compensations to the affected, reduction coefficients at the retire age, social assistance for victims or their relatives, etc....

To the date, Government has ignored our demands. So the claim regarding compensations goes via judicial means, through individual demands, with different results and in some cases totally unjust.