

European Agency for Safety and Health at Work

# Managing psychosocial risks in European micro and small enterprises:

Qualitative evidence from the Third European Survey of Enterprises on New and Emerging Risks (ESENER 2019)

Country Report (Spain)

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## Table of contents

1	Introduction .....	6
2	Legal and policy context .....	6
2.1	Overview of the legal and policy context .....	6
2.2	Key legal requirements, and recent legislative proposals and revisions .....	7
2.3	Psychosocial risk management policy objectives, targets, monitoring and evaluation approaches .....	8
2.4	Inspection regime for MSEs with a focus on psychosocial risk management.....	8
2.5	Specific policy initiatives targeting MSEs and psychosocial risks .....	10
2.6	Training and courses focusing on psychosocial risks .....	11
2.7	Public awareness campaigns .....	11
2.8	Sector or collective bargaining initiatives that have a focus on psychosocial risk management .....	12
3	ESENER 2019 country-level results.....	12
3.1	Inspection regime and reasons for compliance .....	12
3.2	Employee representation methods.....	14
3.3	Establishment-level responses to psychosocial risk management .....	15
4	Main findings from the qualitative study .....	17
4.1	Sample of in-depth interviews .....	17
4.2	The links between workplace culture, productivity, absenteeism and presenteeism and approaches to psychosocial management.....	19
4.3	Awareness level of psychosocial risk factors and obligation to manage them.....	21
4.4	The links between psychosocial risk management and overall management commitment to occupational health and safety .....	23
4.5	Extent of psychosocial risk management and procedures in place .....	24
4.6	Dedicated resources and degree of worker participation .....	26
4.7	Barriers and drivers to psychosocial risk management and support needed.....	27
5	Reflections on the internal and external dynamics of psychosocial risk management .....	29
5.1	Influence of the national policy context on establishments .....	29
5.2	Linking the different areas of analysis to the establishments' responses .....	30
6	Conclusions and recommendations .....	34
6.1	Conclusions .....	34
6.2	Final reflections arising from the findings and conclusions .....	36

## List of figures and tables

Figure 1: Establishments visited by the labour inspectorate in the last 3 years – by company size (% of establishments).....	13
Figure 2: Reasons for addressing health and safety in establishments – by company size (% of establishments).....	13
Figure 3: Forms of employee representation in the establishments – by company size (% of establishments).....	14
Figure 4: The ways that health and safety representatives are elected in the establishments – by company size (% of establishments) .....	14
Figure 5: Frequency of discussion of health and safety matters between employee representatives and the management – by company size (% of establishments) .....	15
Figure 6: Psychosocial risks identified in the establishments – by company size (% of establishments).....	15
Figure 7: Introduction of action plans to reduce work-related stress in the establishments – by company size (% of establishments) .....	16
Figure 8: Establishments with procedures for dealing with possible risks – by company size (% of establishments).....	16
Figure 9: Measures for psychosocial risks used in establishments – by company size (% of establishments).....	17

# 1 Introduction

This report presents the country study for Spain in the framework of the study: Management of psychosocial risks in European workplaces - qualitative evidence from the Third European Survey of Enterprises on New and Emerging Risks (ESENER 2019).

The objective of this study was to gather follow-up information on psychosocial risk management among micro and small establishments (MSEs) that responded to the ESENER 2019 survey. The findings of the ESENER 2019 survey have confirmed the worrying trends around the comparatively limited occupational safety and health (OSH) management response by MSEs to mitigate psychosocial risks. This study aims to support better policy-making in this regard at the EU, national and sector levels.

## 2 Legal and policy context

This chapter provides an overview of the national policy context concerning:

- Spain's main relevant laws and policies;
- relevant policy objectives, targets, monitoring and evaluation approaches;
- the inspection regime concerning MSEs and psychosocial risks;
- specific policy initiatives targeting MSEs on the issue of psychosocial risks;
- relevant training and courses on psychosocial risk management;
- relevant public awareness campaigns; and
- relevant sector or collective bargaining initiatives that have a focus on psychosocial risk management.

### 2.1 Overview of the legal and policy context

The latest national strategy for OSH in Spain was approved by the Spanish government in April 2015. The strategy is called 'Spanish Strategy on Occupational Safety and Health 2015-2020' and it was the reference framework for public policies on OSH until 2020, and thus guided the actions in Spain to prevent occupational risks in these years.<sup>1</sup> In February 2021, the Spanish government reported the agreement on an extension of the 2015-2020 strategy.<sup>2</sup> The 2015-2020 and the follow-up strategy were developed jointly by the government, the Autonomous Communities and social partners, working through the National Occupational Safety and Health Commission (CNSST, Comisión Nacional de Seguridad y Salud en el Trabajo), to respond to the demands of a society that is increasingly aware of and demanding health and safety in the workplace.<sup>3</sup> The strategy is based on two fundamental principles: prevention and collaboration. Prevention is the most effective means of reducing occupational accidents and diseases, and the collaboration of public authorities, employers and workers promotes and encourages the effective improvement of working conditions.

The most recent strategy succeeds the Spanish Strategy on Occupational Safety and Health 2007-2012 and the review of the 2007-2012 strategy, and it follows the EU Strategic Framework on Health and Safety at Work 2014-2020. The 2007-2012 strategy included nearly 100 measures grouped into eight operational objectives aimed at preventing occupational accidents. Together, they were intended, on the one hand, to address, in a systematic, rational and consistent manner, all the aspects that influence the prevention of occupational risks: awareness, information, training, strengthening of institutions related to prevention, promoting active policies, completing and improving regulations in this area, and so on. On the other hand, they aimed to strengthen coordination and properly guide the actions developed by the different subjects involved in OSH-related policies with OSH: the general state administration, the administrations of the Autonomous Communities, employers and workers, specialised entities, and so on. The operational objectives have been implemented by three action plans between 2007 and 2012.

<sup>1</sup> See: [https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15\\_20-2.pdf](https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15_20-2.pdf)

<sup>2</sup> See: <https://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2021/refc20210223.aspx?qfr=16>

<sup>3</sup> See: [https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15\\_20-2.pdf](https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15_20-2.pdf)

The National Institute for Safety and Health at Work (INSST, Instituto Nacional de Seguridad y Salud en el Trabajo) is the specialised scientific-technical body of the state administration under the Ministry of Labour and Social Economy, with a mission to analyse and study OSH conditions, as well as to promote and support their improvement. The institute encourages and supports the implementation of activities to promote health and safety at work by the Autonomous Communities and the state administration, with which it establishes the necessary forms of cooperation, as well as encourage and support the implementation of the aforementioned activities promoted by employers' and workers' organisations.

The CNSST is the chartered advisory body of the public administrations in the formulation of prevention policies and the institutional participation body in matters of safety and health at work. The CNSST is composed of representatives of the state administration, the administrations of the Autonomous Communities, as well as representatives of the most representative business and trade union organisations (social partners), thus constituting the four groups that represent it. To carry out its tasks, the CNSST functions in a plenary session, in a permanent committee and in working groups. The CNSST is a quadripartite body in terms of its composition, but a tripartite body in terms of its functioning. The CNSST brings together all the agents of the Spanish state responsible for and involved in the improvement of working conditions and quality of life at work and is a privileged instrument for participating in the formulation and development of prevention policy.

In Spain, at present, there is a mention of risks related to the organisation of work, the conditions under which the work is performed, social relations and the influence of environmental factors at the workplace, in Law 31/1995 of 8 November, on the prevention of occupational risks.<sup>4</sup> The jurisprudence has recognised the applicability of the Spanish legislation to all types of occupational risks. Significantly, according to the INSST, the rights and obligations contained in Chapter III of the Law on Prevention of Occupational Risks are directly applicable to the area of psychosocial risks.

## 2.2 Key legal requirements, and recent legislative proposals and revisions

OSH in the workplace is regulated in the Spanish constitution in the 'Governing Principles of Economic and Social Policy' chapter, where it is stated that public authorities shall ensure workplace safety and hygiene for all workers. Within labour legislation, risk prevention is addressed in the Workers Statute (Royal Decree Law 2/2015). The statute establishes workers' rights to adequate risk prevention, safety and hygiene protection, and safeguarding of their privacy and against discrimination, as well as the obligation of the employer to promote workers' safety and training in this field.

The Spanish legislation includes a specific legal body centred on occupational health – the Law on Prevention of Occupational Risks (Law 31/1995). It states the worker's right to protection and focuses on prevention of risks, including those generated by any working conditions, working relations or environmental factors in the workplace. In addition, workers must be informed, consulted and trained regarding labour conditions and risks. This legislation is developed by the Prevention Services Regulation (RSP, Reglamento de los Servicios de Prevención, Royal Decree 39/1997), a norm establishing the procedures for evaluating health risks, which are considered the starting point in planning for the necessary preventive activity.

Additional legal regulations refer to psychosocial risks in the workplace. For example, Law 33/2011 on General Public Health aims at improving citizens' health and living conditions in different areas, including work. It states that the objective of occupational health is to achieve the highest degree of physical, mental and social wellbeing of workers, thus directly addressing the occurrence of psychosocial risks at work. Similarly, within the health sector, Order ESS/1451/2013 acknowledges the need to consider psychosocial factors when developing risk evaluations in the working environment. Finally, the public sector has elaborated three specific protocols: a protocol against sexual harassment; a protocol against labour harassment; and a protocol for action against violence in the workplace in the General State Administration (2015), which emphasises the psychosocial risks derived from interactions with other

<sup>4</sup> See: [https://juslaboris.tst.jus.br/bitstream/handle/20.500.12178/145511/2018\\_igartua\\_miro\\_prevencion\\_riesgos.pdf?sequence=1&isAllowed=y](https://juslaboris.tst.jus.br/bitstream/handle/20.500.12178/145511/2018_igartua_miro_prevencion_riesgos.pdf?sequence=1&isAllowed=y)

workers and clients, as well as the need for psychological support due to conditions of the working environment.

Recent developments have focused on the mental wellbeing of employees, particularly regarding the emergence of new working practices. This is the case for remote working, which became a necessity during the COVID-19 pandemic but lacked comprehensive legal regulation in Spain. Royal Decree 28/2020, followed by Royal Decree 10/2021, on remote work states that the evaluation and prevention of occupational risks in relation to remote work must consider the specific risks of this working modality, emphasising the importance of psychosocial factors. In addition, this royal decree remarks on the worker's right to privacy and data protection, as well as their right to digital disconnection outside working hours. The right to digital disconnection was already addressed in the Organic Law 3/2018 on the Protection of Personal Data and the Guarantee of Digital Rights, which aimed at ensuring that workers have time to rest, take holidays, and spend time with their families or pursuing non-work interests.

## 2.3 Psychosocial risk management policy objectives, targets, monitoring and evaluation approaches

In the 2015 National Strategy,<sup>5</sup> psychosocial risks are addressed as a line of action under Objective 3A: 'to promote actions of the Public Administrations, with the participation of the Social Partners, directed to Sectors, Activities, Groups and Companies of greater risk.' The line of Action 5 aims to develop and disseminate, within the framework of the CNSST, methodologies for the evaluation of psychosocial risks of reference, enabling better knowledge and prevention of these risks.

This latter line of action has been realised in two action plans. In the action plan 2015-2016, basic guidelines for the management of psychosocial risks, in accordance with the guidelines approved by the Plenary of the CNSST and those emanating from the EU, placing special emphasis on the management of this type of risk in small and medium-sized enterprises (SMEs), were prepared. Following the action plan 2019-2020, the guidelines for the management of psychosocial risks<sup>6</sup> were disseminated.

## 2.4 Inspection regime for MSEs with a focus on psychosocial risk management

The Spanish National Labour Inspection Authority (ITSS, Inspección de Trabajo y Seguridad Social) is organised in accordance with Law 23/2015 Organising the Labour and Social Security Inspection System under the authority of the Ministry of Labour and Social Economy. The body oversees compliance with labour and social security regulations and demands the relevant responsibilities, as well as providing advice and, where appropriate, conciliation, mediation and arbitration in such matters. The labour and social security regulations include those relating to labour matters, prevention of occupational hazards, social security and social protection, placement, employment, vocational training for employment and unemployment protection, social economy, emigration, migratory movements and work of foreigners, equal treatment and opportunities and non-discrimination in employment, as well as any others that the National Labour Inspection Authority (ITSS, Inspección de Trabajo y Seguridad Social) is responsible for overseeing compliance with. In order to achieve these aims, it exercises the administrative powers of planning and programming of inspection activities, as well as that of establishing instructions for the organisation of inspection services, including for OSH, general operational criteria, and binding technical criteria for the labour and social security inspections.

As ordered by Royal Decree 192/2018, which regulates the Labour and Social Security Inspection System, the National Labour Inspection Authority (ITSS) is deployed throughout the national territory. The Special Directorate is a single body with jurisdiction over the entire national territory. Its scope of work is to monitor and enforce compliance with the laws, regulations, and the content of agreements and collective bargaining agreements in all matters relating to all forms of social economy, including occupational risk prevention. There are 17 Territorial Directorates, one for each Autonomous

<sup>5</sup> See: [https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15\\_20-2.pdf](https://www.sesst.org/wp-content/uploads/2015/11/ESTRATEGIA-SST-15_20-2.pdf)

<sup>6</sup> See: <https://www.insst.es/documents/94886/710902/M%C3%A9todo+para+la+evaluaci%C3%B3n+y+gesti%C3%B3n+de+factores+psicosociales+en+peque%C3%B1as+empresas.pdf/b6cb930b-6076-47c0-9679-16ab4fea93f2?t=1590410176030>

Community. The Territorial Directorates of the National Labour Inspection Authority (ITSS) carry out the inspection activities within their competence and direct and coordinate the actions of the 52 Provincial Inspectorates, within the territory of each Autonomous Community. In the single-province Autonomous Communities, the inspection system and its administrative services are common and have a single structure for the Territorial Directorate and the Provincial Inspectorate.

Psychosocial assessments in Spain can be organised in different ways, the so-called preventive organisation modalities. In principle, the assessments are carried out by an accredited External Prevention Service (SPA, Servicio de Prevención Ajeno). If the company prefers another solution, the assessment can also be performed by a company's own prevention service (SPP, Servicio de Prevención Propio), by the employer personally undertaking the necessary preventive activities, designating one or several workers, with the necessary training, to carry out these activities, the Joint Prevention Service (SPM, Servicio de Prevención Mancomunado), sharing occupational health and safety technicians with other similar or nearby companies, or a combination of different modalities. In addition, the psychosocial assessment must be prepared and signed by a Senior Technician in occupational risk prevention with the speciality of Ergonomics and Psychosociology, registered with the SPA. According to Royal Decree 39/1997, of 17 January, approving the RSP, the psychosocial assessment cannot be carried out by human resources' consultants even if it is developed and signed by qualified prevention technicians, since this is one of the four disciplines of Law 31/1995, which are Safety at work, Industrial hygiene, Ergonomics and applied psychosociology, and Occupational medicine. These psychosocial assessments could be considered invalid if the right procedure is not followed.

According to the Guide of Actions of the National Labour Inspection Authority (ITSS) on Psychosocial Risks (2012), psychosocial inspections can be of two types: proactive and reactive. Proactive assessments consist of an analysis of the preventive activities developed by the company regarding psychosocial risks, as well as a verification of the design and adoption of measures to comply with the obligation to assess psychosocial risks. Reactive assessments are those carried out by the inspector following a complaint by a worker, a request for mediation or an investigation into an accident at work and are focused on solving specific issues rather than considering general preventive measures.

Regarding psychosocial assessment methodologies, companies must use one that has been developed by recognised entities or whose methodology described in documentation provides reliable results, based on scientific evidence and using validated techniques.<sup>7</sup>

Three fundamental guidelines regulate the assessment of psychosocial risks in SMEs. First, the 'Manual for the assessment of psychosocial risks in SMEs' (2003)<sup>8</sup> provides a guide for identifying risks, a methodology for evaluation and a series of examples on how to apply the guideline in specific sectors. Psychosocial factors to be considered include job role definition, concerns of the employee are being addressed, personal relationships at work, content of the work and autonomy. Second, the 'Evaluation of working conditions in small and medium companies' (2000)<sup>9</sup> is a self-application guide that includes a set of questionnaires, one of them regarding mental workload, and recommendations on preventive measures about each of the items analysed. Lastly, the 'Method for the assessment and management of psychosocial factors in small enterprises'<sup>10</sup> is mainly designed for MSEs with up to 25 employees and especially for those where the employer personally takes over the preventive activities. Therefore, it structures the assessment and management process into 10 phases, provides explanations and support to guide the assessor through the process, focuses on the most generic risk factors and, finally, allows the establishment of concrete measures to modify working conditions.<sup>11</sup>

<sup>7</sup> See: <https://evaluacionpsicosocial.com/obligacion-legal-evaluacion-psicosocial/>

<sup>8</sup> See: <https://www.insst.es/documentacion/catalogo-de-publicaciones/manual-para-la-evaluacion-y-prevencion-de-riesgos-ergonomicos-y-psicosociales-en-pyme>

<sup>9</sup> See: <https://www.insst.es/documentacion/catalogo-de-publicaciones/evaluacion-de-las-condiciones-de-trabajo-en-pequenas-y-medianas-empresas>

<sup>10</sup> See: <https://www.insst.es/documentos/94886/710902/M%C3%A9todo+para+la+evaluaci%C3%B3n+y+gesti%C3%B3n+de+factores+psicosociales+en+peque%C3%B1as+empresas/b6cb930b-6076-47c0-9679-16ab4fea93f2>

<sup>11</sup> See: <https://www.insst.es/el-instituto-al-dia/metodo-para-la-evaluacion-y-gestion-de-factores-psicosociales-en-pequenas-empresas>



## 2.5 Specific policy initiatives targeting MSEs and psychosocial risks

In June 2020, the INSST published a user manual concerning the method for the evaluation and management of psychosocial factors in MSEs.<sup>12</sup> The process of how to conduct an evaluation in MSEs is explained in the following 10 steps with instructions on what should be done in each step and what has to be considered:

- Involve the staff.
- Define the jobs and/or units of analysis.
- Identify psychosocial risk factors.
- Prepare the evaluation tool for each unit of analysis.
- Proceed with the evaluation.
- Decide on preventive measures.
- Plan how to implement preventive measures.
- Check the efficiency of the previous process.
- Prepare a summary sheet for each job and/or unit of analysis and update the evaluation.
- Review and update the evaluation

In addition, the manual provides factsheets for psychosocial factors. Each sheet addresses a psychosocial factor. The composition of each sheet favours the process of psychosocial management in an integral manner, as well as the understanding of each psychosocial factor and an optimisation of preventive planning. The sheets are composed of:

- the preventive objective;
- an explanation of what each factor is and what it consists of;
- why it is important from a preventive and health point of view;
- an evaluation template;
- aspects to consider in the analysis to be carried out in the evaluation;
- a planning and monitoring template; and
- generic preventive measures.

The different factors that are considered by the INSST are:

- work content;
- workload;
- working time;
- autonomy;
- role definition;
- interpersonal relations;
- shift/night work;
- dealing with people (external violence);
- emotional demands; and
- pace of work.

Finally, evaluation questionnaires are also provided as part of the manual, including questions about the 10 factors of psychosocial risks mentioned above.

<sup>12</sup>

See: <https://www.insst.es/documents/94886/710902/M%C3%A9todo+para+la+evaluaci%C3%B3n+y+gesti%C3%B3n+de+factores+psicosociales+en+peque%C3%B1as+empresas/b6cb930b-6076-47c0-9679-16ab4fea93f2>

## 2.6 Training and courses focusing on psychosocial risks

The INSST has developed a training agenda focused on different topics, including courses on psychosocial risk prevention and management.<sup>13</sup> The participants on these courses include prevention and human resources technicians, company managers and staff representatives. Recent activities include the course 'Workplace stress. Prevention and intervention experiences' regarding the causes of stress, its manifestations and associated pathologies. Another training programme was the course 'Mobbing and other forms of violence at work'. The last training programmes took place in March 2020 and the INSST has currently postponed all its training activities due to the COVID-19 scenario.

In addition, the INSST has designed a computer application, FPSICO, which develops a method for identifying and evaluating psychosocial factors. This application contains 44 questions regarding 89 items, which evaluate nine psychosocial factors, including working time, autonomy, workload, psychological demands and staff support. The INSST has recently launched a new version of this programme (FPSICO 4.0) and has provided training on its instructions for use.

## 2.7 Public awareness campaigns

The INSST has organised a series of occupational risk prevention workshops within the framework of the 2019-2020 Action Plan of the 'Spanish Strategy on Occupational Safety and Health 2015-2020', which aims to promote societal awareness and achieve greater involvement of the media on the issue.<sup>14</sup> In the context of psychosocial risks, one workshop was carried out in October 2019 in the Canary Islands on risk prevention from a gender perspective, including a presentation called 'Guide for the management and evaluation of ergonomic and psychosocial risks in the hotel sector'.

Furthermore, the INSST promotes awareness campaigns about occupational risks. For instance, the campaign 'Improve your health: 12 issues, 12 months'<sup>15</sup> aimed at helping firms to raise awareness of health in the workplace. One of the issues of the campaign was time management, which emphasised the importance of a proper work-life balance and warned about the consequences such as occupational burnout related to stress, lack of sleep or anxiety. The campaign included posters, action sheets and brochures to be used by companies to raise awareness among their workers and generate a debate on occupational health. Another example of a public awareness campaign is a study arising as the first result of work carried out within the framework of the project 'Action plan and preventive tools against psychosocial hazards in working with COVID-19 patients in the health field'. This is a detailed study on the psychosocial situation and needs of healthcare facility workers and professionals involved in preventive activities. The guide provides the occupational risk prevention service of the health sector with a set of guidelines and resources for risk management in the context of the health crisis caused by the COVID-19 pandemic.<sup>16</sup> A final example, among many others, is a leaflet providing workers, prevention technicians and employers information about different aspects to be considered when addressing psychosocial risks in jobs related to caring for the elderly in residential centres and in their own homes.<sup>17</sup> Further information on such campaigns can be found on the INSST website.<sup>18</sup>

<sup>13</sup> See: [https://www.insst.es/formacion?p\\_p\\_id=122\\_INSTANCE\\_DIJk0S0WjgY&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&p\\_r\\_p\\_564233524\\_resetCur=true&p\\_r\\_p\\_564233524\\_categoryId=95327](https://www.insst.es/formacion?p_p_id=122_INSTANCE_DIJk0S0WjgY&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&p_r_p_564233524_resetCur=true&p_r_p_564233524_categoryId=95327)

<sup>14</sup> See: <http://jornadasprevencion.es/>

<sup>15</sup> See: <https://www.insst.es/-/campana-12-temas-12-meses>

<sup>16</sup> See: <https://www.insst.es/documentacion/catalogo-de-publicaciones/trabajar-en-tiempos-de-covid19-buenas-practicas-de-intervencion-psicosocial-en-centros-sanitarios>

<sup>17</sup> See: <https://www.insst.es/el-instituto-al-dia/cuidadora-te-cuidan>

<sup>18</sup> See: [https://www.insst.es/documentacion/catalogo-de-publicaciones?p\\_p\\_id=com\\_liferay\\_asset\\_categories\\_navigation\\_web\\_portlet\\_AssetCategoriesNavigationPortlet\\_INSTANCE\\_Ce815gGJlj9&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_r\\_p\\_resetCur=true&com\\_liferay\\_asset\\_categories\\_navigation\\_web\\_portlet\\_AssetCategoriesNavigationPortlet\\_INSTANCE\\_Ce815gGJlj9\\_querydoc=&p\\_r\\_p\\_categoryId=95327](https://www.insst.es/documentacion/catalogo-de-publicaciones?p_p_id=com_liferay_asset_categories_navigation_web_portlet_AssetCategoriesNavigationPortlet_INSTANCE_Ce815gGJlj9&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_r_p_resetCur=true&com_liferay_asset_categories_navigation_web_portlet_AssetCategoriesNavigationPortlet_INSTANCE_Ce815gGJlj9_querydoc=&p_r_p_categoryId=95327)

## 2.8 Sector or collective bargaining initiatives that have a focus on psychosocial risk management

The Spanish Law on Prevention of Occupational Risks includes several references to collective bargaining and considers the involvement of social partners in negotiations a basic principle of risk prevention policy. Significantly, the ‘Spanish Strategy on Occupational Safety and Health 2015-2020’ highlights in its fourth objective the importance of the participation of employers and workers’ representatives in collective negotiations about health and safety at work. The limited duration of collective agreements facilitates the definition of new risks as well as the update in preventive measures to the changes in technology, working environments or productive systems. However, according to the General Union of Workers and Workers (UGT, Unión General de Trabajadoras y Trabajadores), most collective agreements in Spain directly duplicate the content of the law, without adapting it to the reality of the firm or sector, thus losing a meaningful opportunity to adequately regulate psychosocial risks.<sup>19</sup>

Several collective agreements refer to psychosocial risks in Spain. Most of them are related to harassment at work, particularly sexual or gender-based harassment, influenced by Law 3/2007 on Effective Equality between Women and Men, which requires companies to adopt specific measures to prevent and manage sexual and gender-based harassment in the workplace. For instance, the state-wide collective agreement for the extractive, glass and ceramic industries (2017) contains a clause on actions against harassment in the workplace, which includes a series of preventive and awareness-raising measures and a complaint mechanism for the victims. Similarly, the state-wide labour agreement for the hospitality sector (2015, extended in 2019) incorporates a code of conduct to prevent situations of harassment at work, as well as a diagnostic template about gender discrimination to apply in individual companies.

## 3 ESENER 2019 country-level results

This chapter provides an analysis of the ESENER 2019<sup>20</sup> survey results in Spain to provide a picture of key national trends concerning:

- inspection regime and reasons for compliance;
- employee representation; and
- establishment-level responses to psychosocial risk management.

### 3.1 Inspection regime and reasons for compliance

#### ▪ Frequency of inspections<sup>21</sup>

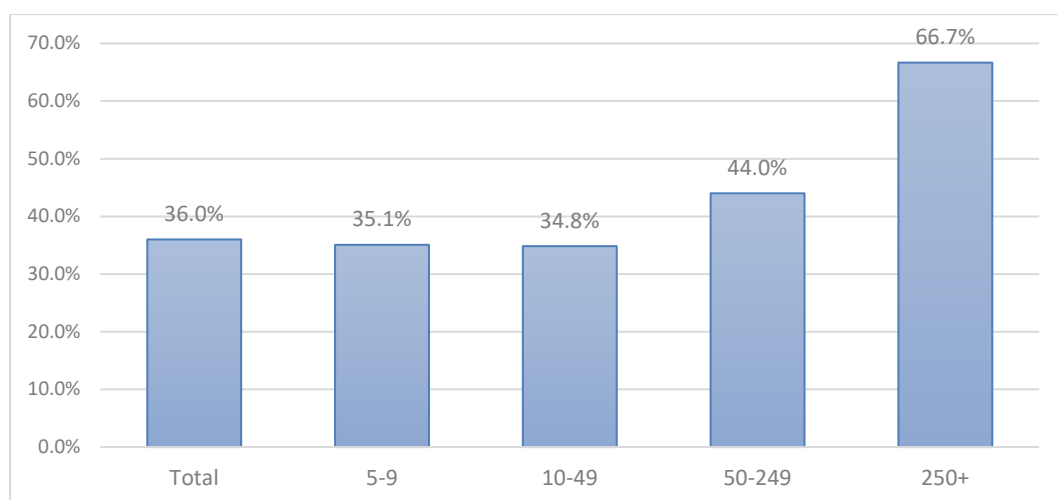
The data on frequency of inspections is based on companies’ responses to the ESENER 2019 survey and not official data on the number of visits by the labour inspectorate. The larger the company, the more frequently it reported having been visited by the labour inspectorate in the last three years in Spain, as shown in Figure 1. Companies with more than 250 employees reported having been visited almost twice as much as companies with 5-9 and 10-49 employees. Compared to the Second European Survey of Enterprises on New and Emerging Risks (ESENER2014), however, the total visits have decreased. Visits to companies with 10-249 employees have decreased by around 10%, while visits to companies with more than 250 employees have decreased by 4.3% and visits to companies with 5-9 employees have decreased by 8.7%.

<sup>19</sup> See: <https://www.ugt.es/sites/default/files/guiawebnegociacion.pdf>

<sup>20</sup> See: <https://osha.europa.eu/en/facts-and-figures/esener>

<sup>21</sup> These are not official data on the number of visits by the labour inspectorate but rather what workplaces surveyed in ESENER are reporting.

**Figure 1: Establishments visited by the labour inspectorate in the last 3 years – by company size (% of establishments)**

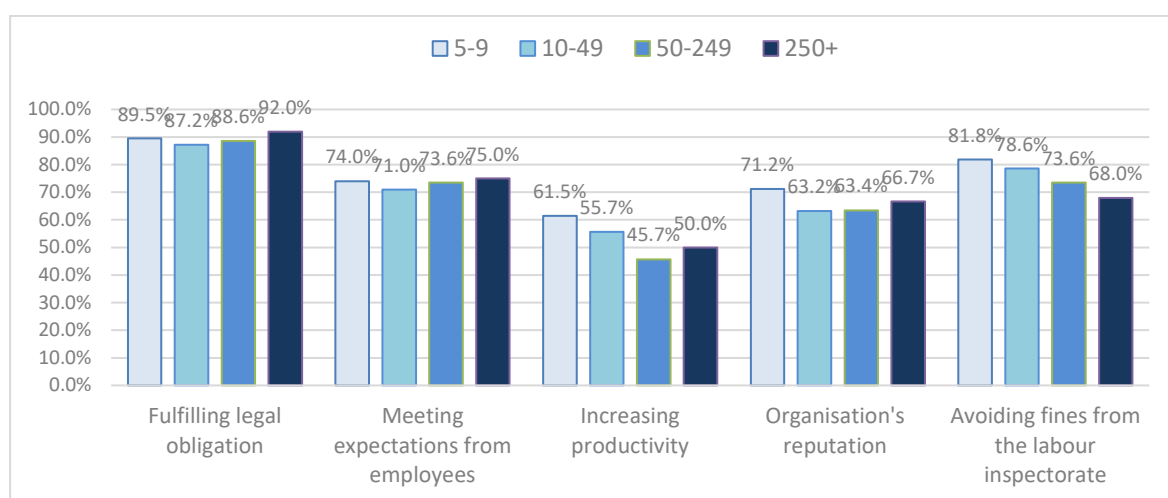


Source: Ecorys analysis of ESENER 2019 results

#### ▪ Reasons for compliance

Figure 2 shows that the most important reason for companies of all sizes to address health and safety is the fulfilment of legal obligations and to avoid fines from the labour inspectorate. The least important reason reported by all companies is to increase productivity. The smaller the company, the more important it is to address health and safety in establishments to avoid fines from the labour inspectorate. For companies with between 5 and 49 employees, increasing productivity was mentioned more often than for companies with more than 50 employees. In addition, the organisation's reputation is a more important reason for companies with 5-9 employees than companies with more employees.

**Figure 2: Reasons for addressing health and safety in establishments – by company size (% of establishments)**



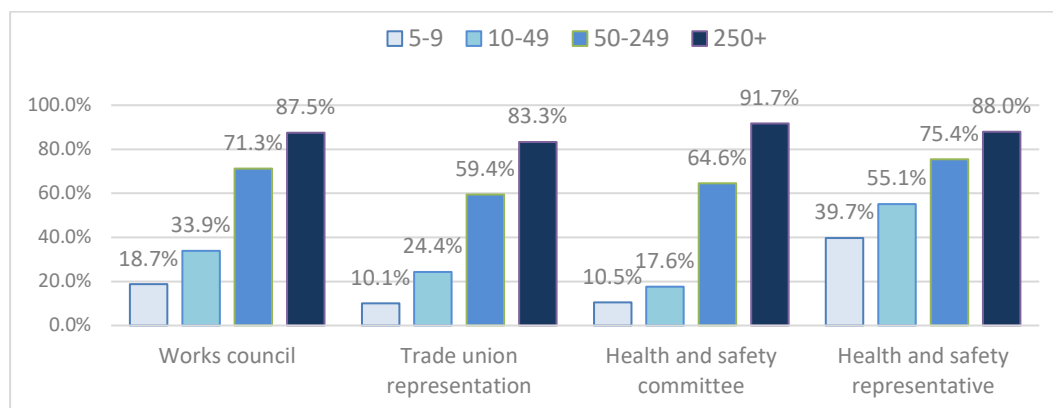
Source: Ecorys analysis of ESENER 2019 results

## 3.2 Employee representation methods

### Forms of representation

As shown in Figure 3, the larger the size of the company, the more likely it is that all forms of representation exist (works council, trade union representation, health and safety committee, health and safety representative). Almost all companies with more than 250 employees have a health and safety committee, while a health and safety representative is most common for all company sizes. Trade union representation and works council decreased by over 4% compared to ESENER 2014.

**Figure 3: Forms of employee representation in the establishments – by company size (% of establishments)**

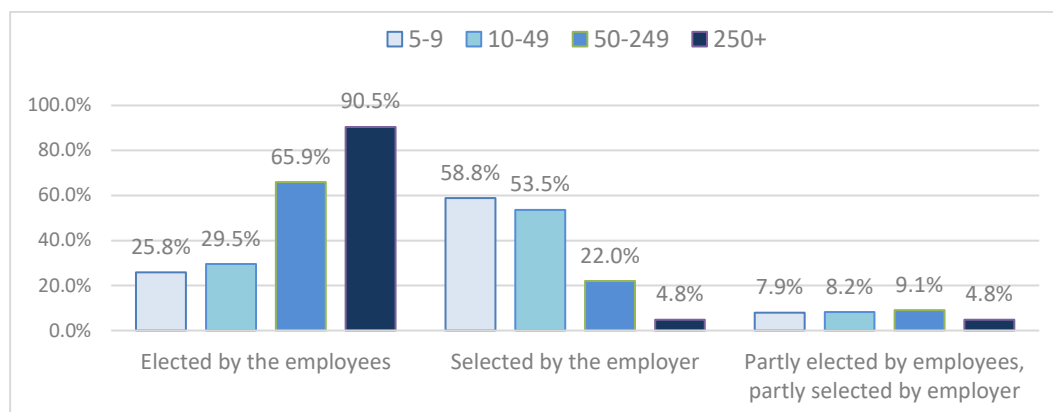


Source: Ecorys analysis of ESENER 2019 results

### Representative election methods

In companies with more than 50 employees, the health and safety representatives are predominantly elected by employees, while in companies with fewer than 50 employees they are mostly selected by the employer. A less common way to elect the representatives is partly election by employees and partly selection by the employer.

**Figure 4: The ways that health and safety representatives are elected in the establishments – by company size (% of establishments)**



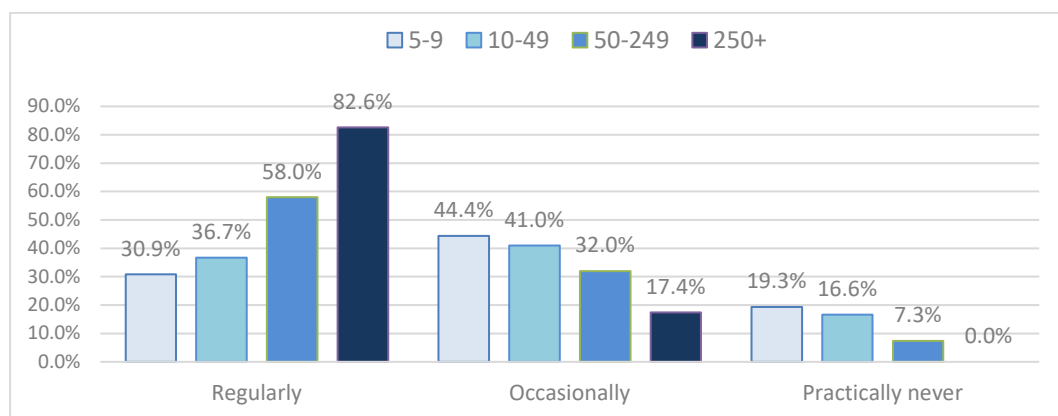
Source: Ecorys analysis of ESENER 2019 results

### Frequency of discussions

The larger the company, the more likely it is that health and safety matters are regularly discussed between employee representatives and management. Companies that reported to 'practically never' discuss these matters increased by 12% for all companies between ESENER 2014 and ESENER 2019, with the exception of those with more than 250 employees. In both ESENER 2014 and ESENER 2019,

companies with more than 250 employees discussed health and safety matters regularly or occasionally, while those regularly discussing these matters decreased by 4.1% in ESENER 2019. The general share of companies that regularly discussed health and safety matters shrunk by 8.8% compared to ESENER 2014. In companies with 5-9 employees, the share of those that practically never discussed health and safety increased by 13.9%.

**Figure 5: Frequency of discussion of health and safety matters between employee representatives and the management – by company size (% of establishments)**



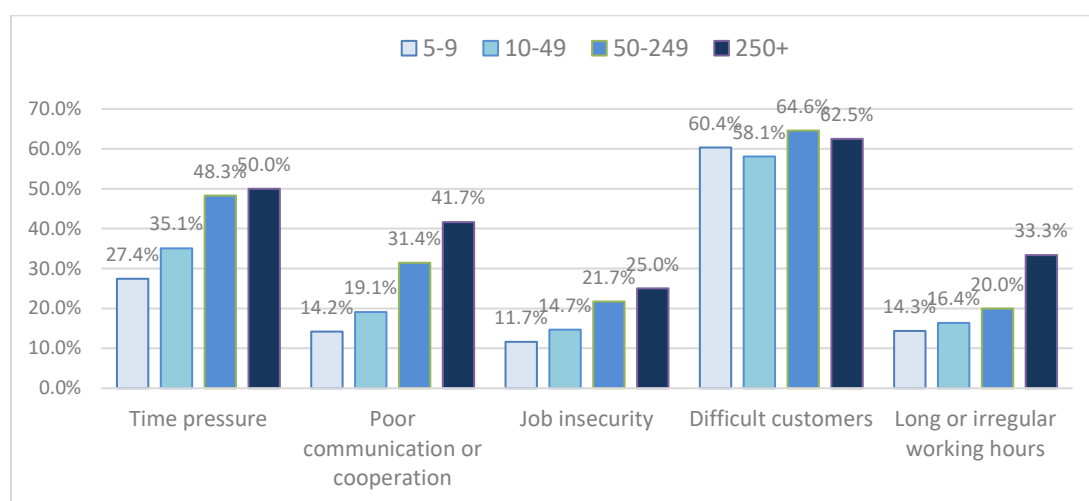
Source: Ecorys analysis of ESENER 2019 results

### 3.3 Establishment-level responses to psychosocial risk management

#### Identification of psychosocial risks

'Having to deal with difficult customers, patients, pupils, etc.' has been reported as the primary source of psychosocial risks in all company sizes in Spain. Other risks such as time pressure, job insecurity, long or irregular working hours, and poor communication or cooperation become more prevalent with the increasing size of the company. The share of companies that stated that having to deal with difficult customers is a psychosocial risk increased by 10.2% compared to ESENER 2014, while time pressure increased by 1.4%. Poor communication or cooperation and job insecurity decreased by 1.4% and 1.2%, respectively.

**Figure 6: Psychosocial risks identified in the establishments – by company size (% of establishments)**

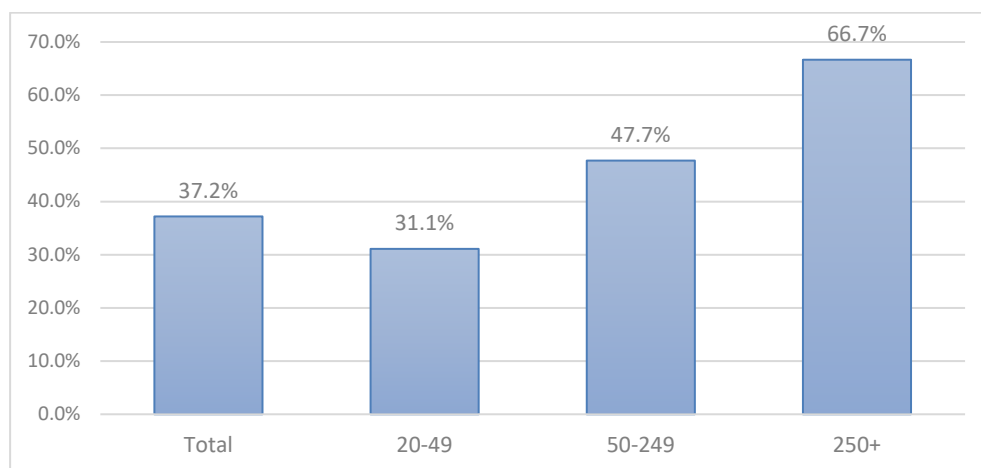


Source: Ecorys analysis of ESENER 2019 results

### ***Introduction of action plans to prevent work-related stress***

As shown in Figure 7, the larger the company, the higher the likelihood of the existence of an action plan to reduce work-related stress. In general, 4.8% more companies indicated that such action plans exist compared to ESENER2014. In companies with more than 250 employees, there was an increase of 10%.

**Figure 7: Introduction of action plans to reduce work-related stress in the establishments – by company size (% of establishments)**

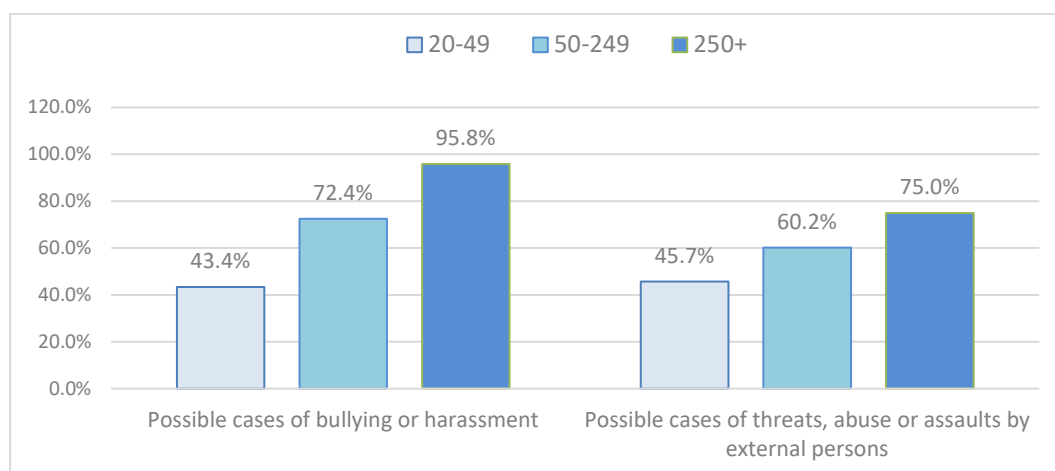


Source: Ecorys analysis of ESENER 2019 results

### ***Introduction of procedures against bullying to deal with harassment and violence***

The majority of companies with more than 50 employees had procedures for possible cases of bullying or harassment as well as possible cases of threats, abuse or assaults. Almost all companies with more than 250 employees (95.8%) had procedures for possible cases of bullying or harassment. In comparison to ESENER 2014, in general, 12.8% more companies have introduced procedures for possible cases of bullying or harassment (which rises to 18% in case of companies with 50-249 employees) and 7.3% more companies have introduced procedures for possible cases of threats, abuse or assaults.

**Figure 8: Establishments with procedures for dealing with possible risks – by company size (% of establishments)**

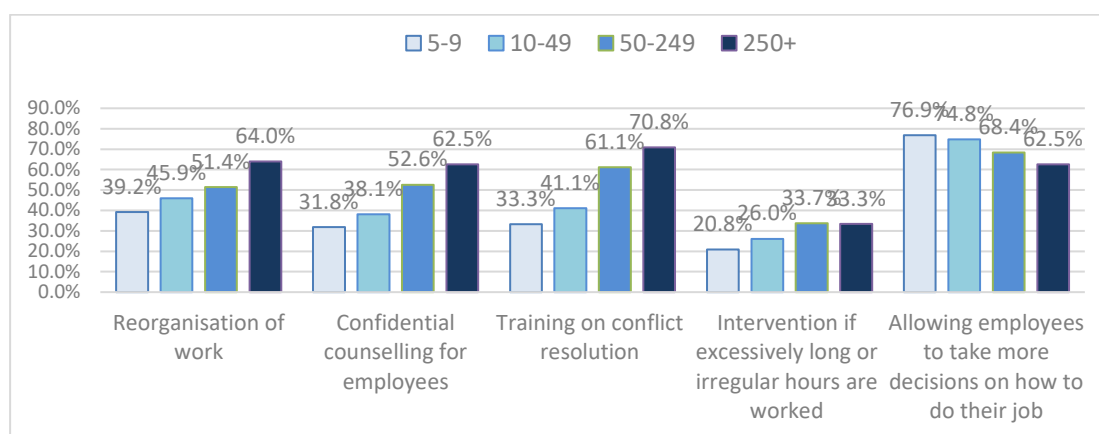


Source: Ecorys analysis of ESENER 2019 results

## Introduction of measures to manage psychosocial risks

The most common measure to manage psychosocial risks in small companies was to allow employees to make decisions on how to do their job. This was more likely to be reported the smaller the company was. In larger companies, training on conflict resolution was the most common measure. The least used measure for psychosocial risks was intervention if excessively long or irregular hours are worked. Allowing employees to take more decisions was not asked in ESENER 2014, so a comparison cannot be established. There is a large increase (14%) for reorganisation of work for companies with more than 250 employees. Furthermore, the increase in training on conflict resolution for company of all sizes amounts to 12.1%, in comparison to ESENER 2014.

**Figure 9: Measures for psychosocial risks used in establishments – by company size (% of establishments)**



Source: Ecorys analysis of ESENER 2019 results

## 4 Main findings from the qualitative study

This qualitative study was undertaken during the last quarter of 2020 and the first quarter of 2021. It consisted of in-depth qualitative interviews with both managers and employees in MSEs throughout Spain. The health crisis arising from the spread of COVID-19 and the restrictions in place to prevent it during these months led the research team to conduct the interviews via telephone instead of in person, which was the original plan. The objective of the interviews was to gather follow-up information on psychosocial risk management among MSEs that participated in the ESENER 2019 survey.

### 4.1 Sample of in-depth interviews

The sample of this study is composed of a total of 45 interviews in 31 micro (1-9 employees) and small (10-49 employees) enterprises. We carried out 14 double interviews, in which we contacted both the manager and an employee representative of the establishment, resulting in 28 in-depth interviews. In addition, we conducted 17 individual in-depth interviews, either with the manager or an employee of micro and small enterprises. In total, 22 managers were interviewed and 23 employees. For an overview of this sample, see Table 1.



Table 1: Interviews by size class and sector

No	Firm size	Sector	No	Firm size	Sector
1	Micro	Human health and social work activities	17	Small	Education
2	Small	Construction	18	Small	Manufacture of biscuits and bakery and confectionery products
3	Micro	Human health and social work activities	19	Micro	Education
4	Micro	Professional, scientific and technical activities	20	Small	Wholesale trade in fruit and vegetables
5	Micro	Human health and social work activities	21	Small	Wholesale of watches, clocks and jewellery
6	Small	Construction	22	Small	Professional, scientific and technical activities
7	Micro	Restaurant and hospitality	23	Micro	Wholesale of machinery and equipment
8	Micro	Wholesale trade in chemicals	24	Micro	Wholesale trade of hardware, plumbing and heating products
9	Small	Advertising agencies	25	Small	Activities of insurance agents and brokers
10	Small	Construction	26	Small	Renting of real estate
11	Small	Travel agency	27	Small	Specialised medicine activities
12	Small	Maintenance and repair of motor vehicles	28	Micro	IT services
13	Small	Education	29	Small	Technical engineering services
14	Small	Manufacture of basic iron, steel and ferro-alloy products	30	Micro	Accounting services
15	Small	Installations on construction sites	31	Micro	Construction
16	Micro	Winemaking			

This chapter provides an analysis of interviews with establishments, considering common views reported by both managers and employees, and areas where key differences can be detected. The key areas assessed include:

- the links between workplace culture, productivity, absenteeism and presenteeism and approaches to psychosocial management;
- awareness level of psychosocial risk factors and the obligation to manage them;
- the links between psychosocial risk management and overall management commitment to occupational health and safety;

- extent of psychosocial risk management and procedures in place;
- dedicated resources and degree of worker participation; and
- barriers and drivers to psychosocial risk management and support needed.

## 4.2 The links between workplace culture, productivity, absenteeism and presenteeism and approaches to psychosocial management

### Company culture

#### Common view

In general, the sample's companies reported good relations and fluid communications between employees. The majority of managers and workers emphasised that communication is key for coordination and solving potential concerns. However, some of the interviewees acknowledged that in the current situation, in which working from home is recommended given the sanitary crisis, it is more difficult to have continuous and fluid communication when employees are working from home. For example, a microenterprise in the information and communications sector reported that, due to teleworking, employees do not have direct contact with each other and have to work independently on their own projects.

Regarding the relation of employees with management, the majority of the interviewees agreed that communications are also good between different levels of hierarchy, and managers are usually available to discuss work-related concerns. Most companies considered relationships to be horizontal and informal between the different levels of responsibility. In addition, employees and managers were in continuous contact as they frequently shared the same workspace.

The majority of the interviewees consulted stressed that there is space for sharing concerns in the company. For instance, a small enterprise in the nursing sector emphasised that they have developed their own protocols to discuss work-related concerns and personal issues that might affect working performance. Similarly, a small enterprise in the retail sector reported that they have implemented diverse strategies to improve communications, such as suggestion boxes to provide anonymous feedback. Several companies emphasised the relevance of giving space to discuss personal problems and the need to promote communication to avoid misunderstandings.

Interviewees pointed to different ways in which a positive working environment has developed in their companies. The main reasons described were management involvement in the promotion of good relations and the fact that employees had been working together for many years and knew each other personally. Half of the firms agreed that it is easier to solve problems and have discussions in MSEs; however, when difficulties arise, they can become more noticeable. Finally, some firms emphasised the sense of family and team spirit developed within the company as a key contributor to developing a good working environment.

#### Manager in a microenterprise of the ICT sector:

*'Communication is key for the operating and organisation of the company, although teleworking can make it difficult to be in continuous contact with employees.'*

#### Differences between the views of managers and employee representatives

The main differences between managers and employees referred to the level of communications, accessibility of managers and the space to share concerns. First, some employees reported coordination problems and variations in the level of communications in different departments. In addition, several managers seemed to overestimate their involvement in risk management, believing that they are actually more involved than what their employees really report. As reported by employees, some companies experience a lack of proactive measures from management to promote a positive working culture in the company. Similarly, employees stressed that access to managers differed depending on workers' positions. Finally, although most interviewees agreed that there was space in their companies to share concerns, some stated that strategies to solve problems were frequently ineffective. For

instance, some strategies involving formal procedures were found to not be really applied and problems solved on a more informal manner instead.

**Employee in a microenterprise of the industrial sector:**

*‘Those who have access to the bosses are only one or two employees, the rest of us comply.’*

## **Absenteeism**

### **Common view**

The majority of companies did not identify any case of absenteeism in general, while a few reported at least one case. Concerning the companies without absenteeism, it was felt that sometimes personal problems could worsen the performance of employees. These situations were solved on an individual and an ad hoc basis, depending on the specific circumstances of each worker.

Regarding the enterprises in which at least one case of absenteeism was reported, this situation was caused both by personal problems and psychosocial risks observed in the company. For example, a small enterprise in the nursing sector experienced a case of absenteeism of one of their workers, who had problems due to alcoholism. Likewise, a small company in the insurance sector described a case in which a worker could not adapt to the high pressure and workload of the firm. Instances of absenteeism were also solved on an individual basis, since companies lacked a comprehensive strategy to address this problem.

### **Differences between managers and employee representatives**

There were differences regarding knowledge of the occurrence of absenteeism between employees and managers. In two cases, employees did not know about any case of absenteeism in the company, while managers were aware of these practices. These differences emerged because employees worked in different departments or the manager had been in the company for a longer period of time.

## **Productivity**

### **Common view**

Only 21% of the companies interviewed explicitly recognised psychosocial risk management as a crucial factor for maintaining and increasing productivity levels in their firms. For instance, a small enterprise in the insurance sector emphasised the need to meet workers' expectations and promote a positive working environment to improve results and productivity. Likewise, a small enterprise in the retail sector stressed the role of managers in psychosocial risk prevention to ensure workers' satisfaction and boost performance. Finally, a small enterprise in the nursing sector asserted the need to ensure good working conditions so that employees can provide a better service.

On average, psychosocial risks receive less attention than physical risks or safety concerns. However, even if most companies lacked a comprehensive strategy to address psychosocial risk management, some of them included measures to improve workers' conditions (such as work-life balance or benefits) and increase productivity. These measures were focused on improving communications on mental health issues and personal problems. Nevertheless, most companies solved concerns regarding psychosocial risks on an individual basis and their measures were not linked to productivity objectives.

### **Manager in a small enterprise of the nursing sector:**

*‘Psychosocial risk management is key to improving workers’ wellbeing and providing a better service to patients.’*

### **Differences between managers and employee representatives**

Disagreements between employees and managers on the relation of psychosocial risk management and productivity appeared in few cases and were of two types. On the one hand, some managers tended to overestimate the existence of a comprehensive and systematic strategy to address psychosocial risks and increase productivity in the company. On the other hand, even if this strategy existed, there were disagreements on the degree of effectiveness of these measures in contributing to the management of psychosocial risks.

**Manager in a small enterprise:**

*'There is a good working environment in the company and all the adequate procedures in place to manage stress and workload among employees.'*

**Employee in a small enterprise:**

*'Even if in theory there are procedures to prevent overloading employees with work, at the end of the day our work is seasonal, so it's difficult not to have times of increased stress and workload for us.'*

## **4.3 Awareness level of psychosocial risk factors and obligation to manage them**

### **Risk identification**

**Common view**

The most significant psychosocial risks faced by the managers and employees interviewed were time pressure and having to deal with external people. High workload and time pressure was identified by companies as a major psychosocial risk, while the majority reported that problematic clients and patients represent a relevant risk for the staff of the company. Other psychosocial risks identified were long and irregular working hours, poor communication and cooperation within the company, and fear of job loss.

Regarding the identification of psychosocial risks, in most cases employees directly reported their concerns to their managers. As stated in section 4.1, the majority of the companies gave employees space to share work-related concerns. Few companies in the sample had specific protocols and procedures to identify psychosocial risks. For instance, a small enterprise in the retail sector conducted an annual psychosocial risk report in which they surveyed employees about working conditions and mental health issues.

The majority of companies considered that the COVID-19 pandemic has not had a profound effect on risks' identification and management of psychosocial risks, besides the direct and immediate effect of contracting the COVID-19 virus. Nevertheless, there were a few enterprises that recognised that COVID-19 and the associated restrictions had a significant impact on their work. Some companies reported lower levels of sales and a decrease in workload. For instance, a microenterprise in the tourist sector acknowledged that fear of job loss increased after the pandemic, as tourism has plummeted in the last year. A few of the companies also reported increased levels of stress. As an example, nursing homes in the sample reported that this sector was particularly vulnerable to COVID-19 and the uncertainty at the beginning of the pandemic boosted anxiety and insecurity.

Concerning remote working, most of the companies of the sample had not implemented this strategy. This decision was due to the impossibility of teleworking in their sectors, which include agriculture, health and construction, among others. Most companies that had implemented remote working set mechanisms to reduce its impact on psychosocial risks. Very few of the companies recognised that they have reduced the number of online meetings to avoid burnout and facilitate digital disconnection.

During the interviews, there were both positive and negative opinions regarding teleworking. In general, employees with children preferred to work from home, as it could be an opportunity to improve work-life balance. However, several managers agreed that younger employees and employees without family responsibilities preferred going to the office.

**Manager in a small enterprise of the retail sector:**

*'We conduct an annual survey on psychosocial risks which has allowed us to identify situations of stress and high workload.'*

### **Differences between managers and employee representatives**

Disagreements between managers and employees have been identified regarding the level of awareness of the incidence of psychosocial risks in the company. On the one hand, employees emphasised more certain psychosocial risks, such as time pressure and high workload. On the other

hand, some managers complained about the additional bureaucratic tasks resulting from COVID-19, the need to adapt to new restrictions and the uncertainty for their business.

## ***Legal awareness***

### **Common view**

Companies were aware of general legal regulations on health and safety, focused primarily on physical risk management. However, companies did not know about the legal framework regarding psychosocial risk management.

As reported in section 2, Spain lacks a comprehensive regulation of psychosocial risks at the workplace, nor is there any mention of psychosocial risks in Law 31/1995 on the prevention of occupational risks. Recent legal developments have taken place due to the COVID-19 pandemic and are related to the emergence of new working practices, such as teleworking. Although this initial legal framework makes specific mention of psychosocial factors, companies still did not know about these regulations.

## ***Psychosocial awareness and response***

### **Common view**

The identification of psychosocial risks in the workplace led to changes in psychosocial risk management in several of the companies interviewed. Very few companies described a systematic approach to addressing psychosocial risks and some of the companies, although they lacked a comprehensive strategy, reported some individual changes in risk management derived from the identification of psychosocial risks. These include, for example, enabling flexible working hours for employees who had two jobs simultaneously, or changing shifts across workers depending on their personal circumstances. The rest of the interviewees did not recognise any organisational change after the identification of psychosocial risks.

On average, the level of awareness and response to psychosocial risks and mental health problems in the workplace is very limited. Most interviewees acknowledged the relevance of these concerns but considered that the lack of resources in their companies makes it difficult to pursue a strategy to address psychosocial risks. These companies tended to focus on safety and physical risks.

### **Differences between managers and employee representatives**

In general, no major differences were identified between the responses of managers and employees regarding psychosocial risk awareness. However, in some companies, managers seemed to overestimate their own level of awareness of psychosocial risks faced by their employees.

## ***Awareness campaigns***

### **Common view**

In general, companies were not aware of national or sectoral public campaigns on psychosocial risks.

### **Differences between managers and employee representatives**

There are no major differences observed in managers' and employees' responses to this question, due to the limited reach of awareness campaigns on psychosocial risks in Spain.

## ***Role of inspectorate***

### **Common view**

One third of the companies interviewed confirmed a visit from the labour inspectorate in the past three years, while the rest had not received an inspection.

None of the inspections addressed psychosocial risk management, focusing rather on safety and physical risks, as well as an examination of documentation on working conditions and contracts. On average, these visits were considered necessary and useful to avoid unfair competition and ensure workers' good conditions.

### **Differences between managers and employee representatives**

Management and employees' responses did not present any major difference regarding the role of the labour inspectorate. There was a disagreement between the manager and employee in a small enterprise of the nursing sector – according to the manager there was an inspection a few years ago, although the employee did not remember this visit from the labour inspectorate.

## **4.4 The links between psychosocial risk management and overall management commitment to occupational health and safety**

### **OSH management organisation**

#### **Common view**

The majority of the enterprises studied had a systematic approach to risk management. Risk management strategies were focused on safety and physical health. Very few of the companies interviewed had a comprehensive strategy to address psychosocial risks. In both of the cases that did have one, however, the strategy had been promoted from the management of the enterprise and it included all employees, who were fully aware of their benefits and made good use of the actions offered. The strategy involved stress management and good work-life balance with a focus on healthy habits.

#### **Differences between managers and employee representatives**

There is lack of relevant differences between managers' and employees' responses regarding OSH management organisation.

### **External OSH services**

#### **Common view**

The majority of the MSEs interviewed in this study relied on external risk management services. The main reasons for using external OSH services were that companies had a small number of workers and lacked the necessary resources (time and staff) to conduct risk management by themselves. In this situation, one of the workers is usually the nexus between the company and the external OSH service.

Very few of the companies did not use external OSH services. This was the case for a microenterprise in the tourist sector, in which the manager decided to get trained on risk management and currently was the one in charge of that area of the company.

#### **Manager in a microenterprise of the tourist sector:**

*'We used to hire an external company for risk management, but I consider that their services were not adapted to the specifics of our sector. During lockdown I got trained on occupational risks and currently I perform those tasks in the company.'*

#### **Differences between managers and employee representatives**

There is lack of relevant differences between managers' and employees' responses regarding the use of external OSH services.

### **Risk assessments**

#### **Common view**

Regular risk assessments were reported by the vast majority of the companies interviewed. In approximately half of them, periodic risk assessments were conducted by an external service for risk management. The frequency of the assessments depended on the sector of the company. In general, companies received annual visits to assess risks at the workplace. Some sectors, such as industry and construction, had more frequent risk assessments to ensure safety conditions in construction sites and the use of machines.

However, very few of the companies considered psychosocial risks when conducting workplace risk assessments. For instance, the only evident example is a small company in the retail sector that gathered the information on workplace conditions in an annual psychosocial risk report.



### Differences between managers and employee representatives

There is lack of significant differences regarding the responses of managers and employee representatives on risk assessments.

## 4.5 Extent of psychosocial risk management and procedures in place

### Actions to prevent psychosocial risks

#### Common view

The extent of the actions taken to prevent the occurrence of psychosocial risks varied in each company. The identification of psychosocial risks had led to organisational changes in some of the MSEs interviewed. As was described above, most of these companies reported isolated changes while others developed a comprehensive strategy to address psychosocial risks. For example, a small company in the retail sector conducted an annual survey on psychosocial risks for its employees. Managers studied the results of this survey and the company articulated a response based on the psychosocial risks identified in the survey. Another response to psychosocial risks is allowing for more flexibility in the way in which employees organise their own tasks and working hours. For instance, a microenterprise in the nursing sector reported that employees change their tasks frequently to avoid monotony and burnout. In general, companies agreed that remote working has allowed for more flexibility for employees, which can be an opportunity to improve work-life balance. Other measures that were mentioned during the interviews include the reorganisation of work to reduce time pressure, training (with varying degrees of formality) for managers on how to resolve conflicts among their employees, confidential counselling for specific issues, and intervention of managers in cases of long working hours to rebalance the workload. However, these initiatives were implemented in a low number of companies.

In addition, many companies emphasised the crucial role of communication to create a positive working environment. In most of the companies, managers showed their concern with promoting good relations in the workplace and giving space to share work-related and personal concerns. As an example, a small company in the insurance sector organised a trip to the countryside to improve the relations between employees.

#### Manager in a small enterprise of the nursing sector:

*'We observed some cases of burnout among employees, so we decided to change their tasks frequently to reduce monotony in their work.'*

As previously mentioned, the identification of psychosocial risks led to organisational changes in a minority of the companies of the sample – extremely few of the interviewees described a systematic approach to address psychosocial risks, while some reported some individual changes.

Several companies acknowledged the effectiveness of the changes implemented to address psychosocial risks. For instance, a small company in the nursing sector acknowledged the positive effects to reduce stress and burnout of some initiatives, such as monthly discussions and adapting to workers' needs (for example, changing shifts and holidays or changing tasks periodically). Similarly, a small company in the retail sector described the usefulness of conducting an annual survey on psychosocial risks at the workplace to identify risks such as work-related stress.

### Differences between managers and employee representatives

Some differences were identified in the perceived effectiveness of the measures to address psychosocial risks between the responses of managers and employees. For example, a microenterprise in the insurance sector organised a trip to the countryside for all its employees in order to improve their personal relations. Even though the manager was satisfied with this initiative, the employee representative acknowledged that they actually voted against this measure. They considered that it was a waste of resources and that managers should be more concerned with the daily psychosocial risks in the company.

### **Workers' representative:**

*'What is important is the day to day work, the workload, the stress, the flexibility, and not spending a day lost in the mountains.'*

## **Training and types of useful training**

### **Common view**

The majority of the companies reported delivering some kind of training for managers and employees. The common practice was that employees received training when they arrived at the company and then they had periodic training courses on risk prevention. The content of the courses varied depending on the sector, but it usually covered the design of the workplace, desk set-up or the use of machines.

Very few of these companies offered training on psychosocial risks. For instance, a small enterprise in the nursing sector emphasised the relevance of training on emotional intelligence and dealing with situations of stress. The manager of this company recognised that this sector is highly vulnerable to psychosocial risks, especially in the current COVID-19 situation. Similarly, a small enterprise in the retail sector stated that training in their company is organised upon worker request, which has included psychosocial risks. The company also provided incentive payments for weight loss and had sport facilities to improve the mental and physical wellbeing of workers.

Some of the interviewees (mainly employees) considered that training should be more frequent, while a few of them emphasised the need to update job-specific training. Training was usually given by an external service in charge of risk prevention, which decided the topics to be covered in the courses. Most companies did not question these decisions, nor did they request additional training.

In general, companies recognised that training needs to be tailored to the sector in order to be truly useful for employees. For example, a microenterprise in the tourist sector emphasised that the training available was usually very generic and did not address the specific needs of the company. In their case, since they work with animals, the manager had to facilitate specific training for employees. Similarly, several companies had requested that training needs to be provided by someone with experience in each job position. As an example, the manager of a microenterprise in the construction sector complained that training was frequently given by experts on risk prevention who did not have experience in the field.

Among the enterprises that did not offer training on psychosocial risk prevention, very few recognised that training on psychosocial risks such as stress management would be highly useful for their company.

### **Manager in a small enterprise of the nursing sector:**

*'Training on emotional intelligence is key in our sector, since employees are in direct contact with patients and are more vulnerable to psychosocial risks.'*

## **Action plans**

### **Common view**

An action plan in place to prevent work-related stress was reported by almost none of the companies interviewed. In general, interviewees did not know if this type of action plan existed in their firms.

Companies without action plans to address work-related stress reported that this problem is solved on an individual basis depending on the circumstances of each worker. Even when action plans existed in the company, the interviewees recognised that they were not frequently used, and stress concerns continued to be solved depending on the individual case.

### **Differences between managers and employee representatives**

Some differences in the responses from managers and employees were identified, deriving from a lack of knowledge of the topic rather than on different views on the subject.



## ***Procedures for bullying, harassment or violence***

### **Common view**

The results on the use of procedures to deal with cases of bullying, harassment or violence are similar to those on the use of action plans to prevent work-related stress. Only 14% of the companies of the sample reported having specific procedures in place for bullying, harassment or violence. Similarly, very few of the employees knew if these protocols existed in their organisations. In most cases, this type of problems are solved on an individual basis, although most interviewees acknowledged that they had not faced any situation of bullying, harassment or violence at work.

### **Differences between managers and employee representatives**

Disagreements were identified in the responses of managers and employees regarding the existence and use of procedures for bullying, harassment or violence. However, these disagreements arose solely from a lack of knowledge on the topic and the limited occurrence of these problems in the organisation of the sample. In this sense, managers tended to be aware of the existence of such procedures, while employees were not.

## **4.6 Dedicated resources and degree of worker participation**

### ***Employee involvement in risk identification***

#### **Common view**

The level of employee involvement in risk identification varied depending on the firm. On average, companies reported low levels of participation of their workers in risk identification, or even a complete lack of employee involvement in this topic. Only some of the companies interviewed declared some type of employee participation in risk prevention, while even fewer reported a comprehensive strategy for risk identification in which employees played a key role.

Regarding the ways in which workers have been involved in risk identification, some of the companies emphasised the relevance of promoting communication and giving space to share concerns. Similarly, even fewer of the enterprises studied stressed the need to discuss mental health and psychosocial risks with workers to be aware of their situation.

In general, employees were consulted both in regular meetings and when specific problems arose. Some of the companies reported that risk management is discussed when problems appear, and these issues are solved on an individual basis. Similarly, other companies stated that they conduct annual, quarterly and monthly discussions and surveys.

Employee involvement in risk identification allowed for a series of measures to address physical and psychosocial risks. These measures included more flexibility in working times, improvement of teleworking conditions, identification of cases of stress and changes in working shifts and holidays.

#### **Employee in a microenterprise of the accounting sector:**

*'I think the key factor to ensure employee involvement is having accessible managers who listen to workers' concerns.'*

In general, interviewees recognised low levels of workers' involvement in risk identification in their companies. Some of the firms reported some type of employee involvement and very few declared a comprehensive strategy for risk identification in which workers played a principal role.

Several companies described a series of formal procedures to increase the involvement of employees in risk identification. For instance, a small company in the retail sector conducted annual surveys on psychosocial risks that allowed workers to express their work-related concerns on this issue. Similarly, a small enterprise in the nursing sector conducted monthly meetings and discussions in which employees could share their views on psychosocial risks.

Nevertheless, most of the companies reported that they have informal procedures in place to address psychosocial risks. Some of the companies emphasised the importance of giving space to share concerns and promote communication in order to avoid potential problems and misunderstandings. In

addition, workers were usually involved in risk identification when specific problems arose, even if the company did not have a comprehensive strategy to identify psychosocial risks.

Despite the general agreement, employees emphasised the need for active measures from management positions (for example, being accessible, allowing for space to share concerns, promoting communications, and so on).

## **4.7 Barriers and drivers to psychosocial risk management and support needed**

### ***Main drivers***

#### **Common view**

Reasons for the responses to the psychosocial risks varied depending on the company. Some of the firms surveyed emphasised the involvement of managers and directors in risk management, while a few of the companies stressed the role of employee requests.

Considering the specific reasons that have driven a response to psychosocial risks, most of the MSEs of the sample reported that fulfilling legal obligations was a major reason to address psychosocial risks. Similarly, avoiding fees and sanctions from the labour inspectorate and other institutions was considered by most of the companies as a major reason to respond to psychosocial risks.

Another relevant reason was meeting the expectations from employees and their representatives – most of the companies interviewed considered that workers' satisfaction was a major concern that prompted psychosocial risk management. By contrast, maintaining the organisation's reputation was reported by very few companies as a major reason to address psychosocial risks, whereas most considered it a very minor reason.

Finally, maintaining or increasing productivity was regarded as a major reason to respond to psychosocial risks by some companies. As previously analysed, only some of the companies interviewed explicitly recognised psychosocial risk management as a crucial factor for maintaining and increasing productivity levels in their firms.

#### **Differences between managers and employee representatives**

In general, managers and employee representatives agreed on the main drivers to responding to psychosocial risks in their companies. The main disagreements were related to the relevance of maintaining the organisation's reputation while implementing psychosocial risk management. Managers seemed more concerned with improving the prestige of their companies than their employees.

### ***Government or sectoral responsibilities***

#### **Common view**

In general, companies did not believe it was relevant to include any external policy or legal, financial or technical measures to address psychosocial risk management. As mentioned before in this report, companies were frequently unaware of government and sectoral initiatives on psychosocial risks. Even though companies knew about the legal regulations on health and safety, they tended to primarily focus on physical risk management and paid less attention to psychosocial risks.

### ***Main barriers***

#### **Common view**

Managers and employees reported a series of barriers to identifying and responding to psychosocial risks. The most important of these barriers was lack of time and staff, which is considered by most of the companies a major difficulty for managing psychosocial risks. Since the companies included in the sample were MSEs – they had fewer than 50 employees – many of them considered that they did not have enough resources to address psychosocial risks adequately. For example, a microenterprise in the insurance sector stated that addressing psychosocial risks is considered by managers costly and not urgent due to the lack of time and personal resources.

The second most relevant difficulty for addressing psychosocial risks was paperwork and increased bureaucracy to comply with the already existing regulations, viewed by many of the companies of the sample as a major difficulty, which is related to the previous concern reported. In addition, some of the companies considered the lack of money and the complexity of other legal obligations they need to fulfil as major barriers to managing psychosocial risks.

Finally, some of the companies considered that the lack of expertise or specialist support was a minor difficulty, and none of them reported it as a relevant barrier to risk management. This might be due to the fact that most of the companies of the sample relied on external services for risk management.

#### **Employee in a small enterprise of the insurance sector:**

*'Psychosocial risks are not adequately addressed in the company because of a problem of mentality – managers consider it costly and not urgent in the current situation.'*

#### **Differences between managers and employee representatives**

The main difference in the responses of managers and employees regarding barriers to addressing psychosocial risks refers to managers' involvement. Some of the employees interviewed reported low levels of involvement among management. This lack of involvement in risk prevention was not acknowledged by management responses.

### ***Mitigating solutions and measures introduced***

#### **Common view**

Diverse strategies were described by the interviewees in order to mitigate and overcome barriers to addressing psychosocial risks. The most common initiative was allowing employees to take more decisions on how to do their job. This measure was developed by most of the companies of the sample.

The implementation of teleworking due to the COVID-19 pandemic has proven to be an opportunity to allow for more flexibility in working times for employees. Establishment responses evidence the fact that teleworking conditions have become an increasing concern. Around half of the companies interviewed had implemented teleworking after COVID-19 emerged, and some of them acknowledged that they have introduced specific measures to address psychosocial risks related to this working practice. These measures included, for example, reducing the number of online meetings or alternating between office and remote working. In addition, several companies stressed that teleworking has opened up an opportunity to improve work-life balance for those employees with children and family responsibilities.

Several additional measures were developed, although they were implemented less frequently. Approximately one third of the companies had promoted the reorganisation of work in order to reduce time pressure and high workload. Some of the companies conducted training on conflict resolution, which coincides with the general promotion of communication in the workplace. Confidential counselling for employees was implemented in very few of the companies. Finally, also very few of the MSEs had intervened in cases of excessively long and/or irregular working hours.

On average, as mentioned before in this report, companies lacked a comprehensive strategy to address psychosocial risks and prevent their consequences. Thus, most companies emphasised the importance of promoting communication and employees having accessible managers to discuss their problems as a way to improve their wellbeing in the company.

Some examples of additional measures to improve the wellbeing of employees are rewards for years of service or rewards based on their performance. In addition, several companies provided free health exams and access to sports facilities.

## 5 Reflections on the internal and external dynamics of psychosocial risk management

This chapter provides further reflections on the internal and external dynamics and the establishments' answers concerning psychosocial risks management, including:

- influence of the national policy context on establishments; and
- reflections on the ESENER 2019 establishments' responses.

### 5.1 Influence of the national policy context on establishments

#### ▪ Key legal measures

The Spanish legislation on labour risks is contained in the Law on Prevention of Occupational Risks (Law 31/1995), which focuses on risk prevention and the right of employees to be informed and trained on health and safety at the workplace. In general, the studied companies were aware of the legal regulations on health and safety, particularly regarding physical risk management and identification, but did not have significant levels of knowledge about the regulation of psychosocial risks.

The emergence of new working practices and the widespread implementation of teleworking due to the COVID-19 pandemic has allowed for recent developments that focus on the mental wellbeing of employees. Royal Decrees 28/2020 and 10/2021 on remote working emphasise the specific risks of this working modality, including psychosocial factors. Moreover, they state the worker's rights to privacy, data protection and digital disconnection.

#### ▪ Key policy drivers

The 'Spanish Strategy on Occupational Safety and Health 2015-2020', approved in April 2015, is the most recent national policy on OSH. This strategy has served as the reference framework for policy developments on OSH during the past years. Within this measure, psychosocial risks are addressed as lines of action under two policy objectives, which regulate the evaluation and prevention of psychosocial risks. The INSST has also launched a series of campaigns on occupational risk prevention, although psychosocial risks still occupy a minor role in these initiatives.

Despite these initiatives, companies are frequently unaware of policies at the national or sectoral level regarding OSH and particularly psychosocial risks. Policy developments have not proved very successful among the interviewed companies in the study for increasing awareness on psychosocial risk management among MSEs.

#### ▪ Effects due to enforcement approach

As previously mentioned, OSH in the workplace is regulated in the Spanish constitution in the 'Governing Principles of Economic and Social Policy' chapter, where it is stated that public authorities shall ensure workplace safety and hygiene for all workers. Within labour legislation, risk prevention is addressed in the Workers Statute (Royal Decree Law 2/2015), which establishes workers' rights to adequate risk prevention, safety and hygiene protection, and safeguarding of their privacy and against discrimination, as well as the obligation of the employer to promote workers' safety and training in this field.

The Spanish legislation includes a specific legal body centred on occupational health – the Law on Prevention of Occupational Risks (Law 31/1995). Also, jurisprudence has recognised that the broad character of these regulations and definitions allows for the applicability of the Spanish legislation to all types of occupational risks. Additional legal regulations have regulated the field of psychosocial risks in the workplace.

The findings that arise from this study are compatible with the regulatory context in Spain. The vast majority of interviewees agreed that labour inspections focus mainly on physical safety and working conditions of employees, and they do not include an assessment on psychosocial risks such as stress, excessive workloads or other risks. Interviewees, in general, confirmed that labour inspections are carried out regularly, but more frequently in sectors that entail a greater physical risk or safety hazards for employees and clients/beneficiaries, such as the construction or the healthcare sectors.

### ▪ Training

The Law on Prevention of Occupational Risks sets out the right of the employee to be informed and trained on working conditions and risks at the workplace. The INSST has its own training agenda for managers, human resources technicians and employee representatives, which includes courses on psychosocial risk prevention and management.

The importance of training in the Spanish policy context has been translated to companies, which recognised the central role of training on occupational risks. The majority of the establishments in the sample reported some type of training for managers and employees in risk prevention. However, very few of the companies received training on psychosocial risks (including topics like ‘emotional intelligence’ and dealing with stress). Training is usually focused on safety and physical risks (for example, manual handling, desk set-up, ergonomic design of the workplace, lighting and noise).

### ▪ Public awareness

Public awareness campaigns on risk management have had a limited impact on Spanish firms. Although the INSST has launched several campaigns and workshops on occupational risks, the majority of them are centred on physical health and have had low influence in the general public. On average, the MSEs of the sample were not aware of the national or sectoral campaigns on psychosocial risks.

## 5.2 Linking the different areas of analysis to the establishments’ responses

### ▪ The links between workplace culture, productivity, absenteeism and presenteeism and approaches to psychosocial risk management

#### *Employee and management, and team discussions*

In general, during the interviews companies reported good relations and fluid communications between employees. Managers and workers emphasised that communication is key for coordination and solving potential problems. Similarly, the relations of employees with other levels of hierarchy, such as management and directors, were also positive for most of the firms. Both managers and employee representatives emphasised the importance of having space to share personal and work-related concerns.

Interviewees described different ways in which a positive working culture developed in their establishments. The most repeated reasons were the proactive attitude of managers to promote communication and the fact that employees had been working in the company for several years and knew each other. Although it might be easier to solve concerns in small companies, respondents acknowledged that when problems appear, they can be more noticeable. In addition, several firms agreed on the importance of a sense of family and team spirit developed in the workplace when addressing these concerns.

Levels of absenteeism were low in the MSEs interviewed, while no cases of presenteeism were identified. On average, companies lacked a systematic approach to cases of absenteeism, which were solved on an individual basis depending on the circumstances of each employee.

Finally, productivity was a key concern for companies, especially for managers. However, risk management was usually not linked to productivity objectives. A few of the firms interviewed explicitly recognised psychosocial risk management as a crucial factor for increasing productivity levels.

On average, psychosocial risks received less attention than physical risks and safety concerns in MSEs. Psychosocial risk management was conducted on a needs-based approach – companies lacked a comprehensive strategy to address psychosocial risks. Nevertheless, some firms developed measures to improve employee conditions and increase productivity, focused mainly on promoting communication and discussions on mental health and personal issues.

## ▪ Awareness level of psychosocial risk factors and obligation to manage them

### *Prior inspections*

One third of the micro and small companies of the sample had been visited by the labour inspectorate during the past three years. These inspections were mostly focused on safety and physical risks, such as lighting, noise and workplace set-up, or requested documentation on contracts and working conditions. According to the interviewees, none of these inspections addressed psychosocial risk identification, management or prevention.

### *Psychosocial risks identified in the workplace*

The psychosocial risks identified in several of the companies interviewed were derived from the way their work was organised. For example, some firms acknowledged the high levels of stress and time pressure during the peaks of production. Similarly, employees emphasised the difficulties caused by teleworking in disconnecting and differentiating between private and working life.

Some sectors have proven to be more vulnerable to psychosocial risks. MSEs in the tourist sector emphasised how the seasonal nature of their work generates insecurity and fear of job loss. Companies in the nursing sector recognised that their work, based on continuous contact with patients and the elderly, has been very affected by COVID-19. Interviewees stated that they had to increase protection measures and isolate their patients, who often did not understand what was happening. During the first months of the pandemic the levels of stress and insecurity grew considerably in these companies.

### *Identification and response to digital risks*

The COVID-19 pandemic has increased the role of remote working in MSEs in Spain. Most of the firms interviewed had implemented teleworking practices, and in most of the companies that do not use remote working, this was due to the nature of their sector (for example, agriculture, construction, industry, sales). Several of these companies reported initiatives to improve the management of digital risks, focused on the identification of emerging risks (isolation and reduced team spirit, for example) and the development of adequate responses.

Since the in-depth interviews included in this report were carried out after the outbreak of the COVID-19 pandemic, there is a wealth of information regarding the impact of COVID-19 on the interviewed firms that can prove quite useful and complement the results from the ESENER 2019 survey (even though methodologically the in-depth interviews carried out would not be directly comparable to ESENER 2019 results).

In general, companies have promoted the discussions on teleworking conditions in order to adapt to the needs of employees. Responses to psychosocial risks derived from the use of new technologies include reducing the duration of online meetings and alternating office and remote working.

Regarding opinions on teleworking, interviewees remarked on both advantages and disadvantages of this practice. Although some emerging digital risks were identified, employees with children and family responsibilities acknowledged that remote working could be an opportunity to improve work-life balance. In addition, it has allowed for more flexibility and independence in the way in which workers organise their tasks and working hours. However, employees and managers recognised that working from home can blur the lines between private and working life and make it difficult to disconnect from work.

### *Reasons for addressing OSH*

The reasons for addressing health and safety in MSEs are derived both from managers' involvement and employee requests. Several reasons were described during the in-depth interviews as key drivers for addressing OSH at the workplace:

- Fulfilling legal obligations was the most important reason to address OSH, described by most of the companies in the sample as a major concern. Related to this is the avoidance of fines and sanctions from the labour inspectorate, which was considered a major reason to address OSH by many of the companies. In general, it appears that legal enforcement is the most important driver for psychosocial risk management.



- In relation to the staff, meeting the expectations of employees and their representatives was a major concern for the majority of firms. Several companies pointed to the need to ensure workers' satisfaction to provide a better service. Increasing productivity was considered a key reason for risk management in more than half of the companies. Nevertheless, only one firm explicitly declared psychosocial risk prevention as a driver to improve productivity and performance.
- Finally, maintaining the reputation of the organisation was described by almost half of the firms as a major reason for addressing OSH. As previously reported, managers tended to give more importance than employees to the prestige of the firms.

#### *Main difficulties in addressing OSH*

The main difficulty in addressing psychosocial risks was the lack of time and staff, considered a major barrier by most of the companies. The majority of companies in the sample, composed of MSEs, reported that they did not have enough resources to address these risks appropriately. Half of the firms stated that the paperwork is also a major concern for managing psychosocial risks. In addition, some of the interviewees considered the lack of money and the complexity of legal obligations as major barriers in addressing OSH in general. Lack of awareness among the staff and among management was only seen as a relevant barrier by very few firms in the sample. Since most companies rely on external services for risk management, only some of them considered the lack of expertise and specialist support as a minor difficulty in addressing psychosocial risks. However, there were a few interviewees who mentioned the reluctance to talk openly about these issues. In these cases, they were scared it was going to reflect poorly upon them or their performance. One manager also pointed out the reluctance to talk about these issues, as they were considered personal issues and they didn't want the employee to feel their private life was being exposed.

#### *Use of measures*

The most common solution to overcome psychosocial risks was allowing employees to take more decisions on how to do their jobs. To do so, several companies had promoted discussions on teleworking conditions, given more space to share work-related concerns or adapted to the personal circumstances of employees.

- **The links between psychosocial risk management and overall management commitment to occupational health and safety**

#### *Health and safety services used*

Overall, companies have proven their commitment to occupational health and safety – the majority of the companies in the sample reported a systematic approach to psychosocial risk management. Psychosocial risk management is most of the time conducted by an external service, as was recognised by most of the companies. Companies tended to rely on external services to address occupational risks due to the lack of time and staff, since the sample was composed of MSEs. Nevertheless, the approach to risk management was mostly focused on safety and physical health, not psychosocial risks.

#### *Risk assessments*

The majority of the firms interviewed reported regular risk assessments. These assessments were usually conducted by external services for risk management, and their frequency depended on the sector, ranging from annual visits to daily assessments. Almost none of the companies considered psychosocial risks when conducting workplace risk assessments.

- **Extent of psychosocial risk management and procedures in place**

#### *Action plans for work-related stress*

Action plans to prevent and address situations of work-related stress existed in very few of the MSEs interviewed. Companies without these action plans solved cases of work-related stress on an individual basis. Even if action plans were reported, managers and employees recognised that they were not used frequently, and most of the employees interviewed did not know if this type of documentation existed in the company.

### *Procedures in place for bullying and other threats*

The responses regarding procedures to address cases of bullying, harassment and violence at the workplace were similar to those related to the existence of action plans to prevent work-related stress. Very few of the companies in the sample reported to have specific procedures in place to address these threats. Most firms recognised that these problems are solved on an individual basis considering the circumstances of each employee. When taking this result into consideration with the fact that one of the most relevant psychosocial risks for interviewees was having to deal with difficult clients, patients/students in their firms, it should make us reflect on the importance and need for having a standardised and coordinated response in the form of a plan for dealing with such risks.

### *Survey on work-related stress*

Employees were asked about work-related stress situations in very few of the firms. Nevertheless, almost half of the interviewees considered that stress, high workload and time pressure were relevant psychosocial risks in their companies.

### *Measures triggered*

Most managers acknowledged that increasing flexibility in working time is easier with the implementation of teleworking due to the COVID-19 crisis. In general, companies have promoted discussions on teleworking conditions and provided more space to share personal and work-related concerns to employees. Some companies emphasised how teleworking has proven to be an opportunity to improve work-life balance and adapt to personal circumstances.

Other measures include the reorganisation of work to reduce time pressure, training on conflict resolution, confidential counselling and intervention in cases of long working hours. However, these initiatives were implemented in a relatively low number of companies.

However, the approach to psychosocial risks lacks a coherent strategy and is still based on individual and isolated initiatives that depend on manager and worker involvement.

#### ▪ **Dedicated resources and degree of worker participation**

##### *Types of employee involvement*

In general, companies reported low levels of employee involvement in risk identification, or even a complete lack of workers' participation in this issue. Some of the firms recognised some type of employee involvement in risk identification, while few declared a systematic strategy to involve workers in OSH decisions.

Among these initiatives, the most relevant ones include the promotion of communication and meetings, as well as providing employees with space to share their personal and work-related concerns. Employees were consulted both in regular discussions and when specific problems appeared.

Workers' participation in risk identification allowed companies to implement a series of measures to address psychosocial risks. These measures include an increase in the flexibility in working times, improvement of teleworking conditions, identification of cases of stress and burnout, and better adaptation to personal circumstances.

In those companies where employees were not involved in risk identification, managers did not provide specific reasons for this lack of participation. Most of the time, these companies also lacked a comprehensive and systematic strategy to address psychosocial risks.

#### ▪ **Barriers and drivers to psychosocial risk management and support needed**

##### *Ease of addressing psychosocial risks*

Regarding the ease of addressing psychosocial risk factors, we could identify considerable differences between the in-depth interviews, the ESENER 2019 survey responses and the actions to address psychosocial risks. In the in-depth interviews, most of the employees and managers did not provide a consistent response on whether psychosocial risks were easier or more difficult to address than other types of risks. Only around one third of them declared that psychosocial risks are more difficult to address than other types of occupational risks. However, according to the ESENER 2019 survey, around



half of the respondents reported that psychosocial risks were easier to address than other types of occupational risks.

The lack of action to address psychosocial risks at the workplace contrasts with the inconsistency of the responses regarding the ease to address this type of occupational risk. Even if we could expect that employees and managers considered psychosocial risks difficult to address compared to safety and physical risks, interviewees did not provide concluding remarks on this question.

### *Main obstacles*

In general, the obstacles that were mentioned during the interviews when addressing psychosocial risks are lack of time and staff (the main obstacle), an already existing significant amount of paperwork (which employers believe would be further increased if they started addressing psychosocial risks in a standardised manner), lack of money and the complexity of already existing general legal obligations. Lack of awareness among the staff and management were reported as less relevant obstacles.

In general, the level of awareness and response to psychosocial risks was very limited. Although interviewees recognised the importance of psychosocial risk factors and mental health in the workplace, they acknowledged their companies had not been proactive in addressing these topics. Most companies tended to focus on safety and physical risks but lacked a systematic strategy to addressing psychosocial concerns.

Despite recent policy initiatives to increase awareness and management of psychosocial risks, companies are frequently unaware of policies at the national or sectoral level regarding OSH and particularly psychosocial risks. According to the interviewed enterprises as part of this study, policy developments have not proved very successful for increasing awareness on psychosocial risk management among MSEs.

## 6 Conclusions and recommendations

This chapter provides the main conclusions and recommendations for each of the main topic areas explored via the interviews.

### 6.1 Conclusions

- **Legal measures have had a limited impact on psychosocial risk management and prevention in the studied companies.** Spanish legislation on labour risks is contained in the Law on Prevention of Occupational Risks (Law 31/1995) and all the regulation that supports it, which focuses on risk prevention and the right of employees to be informed and trained on health and safety at the workplace. In general, the studied companies were aware of the legal regulations on health and safety, particularly regarding physical risk management and identification, but did not generally know about the legal obligations relating to psychosocial risks.
- Despite recent policy initiatives to increase awareness and management of psychosocial risks, the sample companies were frequently unaware of policies at the national or sectoral level regarding OSH and particularly psychosocial risks. **Policy initiatives in Spain thus far have not proved very successful for increasing awareness on psychosocial risk management among studied MSEs.**
- **The emergence of new working practices and the widespread implementation of teleworking due to the COVID-19 pandemic has allowed for recent developments that focus on the mental wellbeing of employees.** Royal Decrees 28/2020 and 10/2021, on remote working, emphasise the specific risks of this working modality, including psychosocial risk factors. Moreover, they set out the worker's rights to privacy, data protection and digital disconnection. Establishments' responses evidence the fact that teleworking conditions have become an increasing concern.

- As a result, **some companies have introduced specific measures to address psychosocial risks related to remote working.** These measures include, for example, reducing the number of online meetings and alternating between office and remote working. In addition, several companies stressed that teleworking has opened an opportunity to improve work-life balance for those employees with children and family responsibilities. Responses to psychosocial risks derived from the use of new technologies are the same as those applied to deal with the potential risks derived from remote working.
- **Workplace culture is key in psychosocial risk management, which relies heavily on the informal networks and relationships between employees and managers.** Action plans to prevent and address situations of work-related stress were very scarce among the MSEs consulted. Companies without these action plans solved cases of work-related stress on an individual basis. Even in cases where action plans were reported to be in place, managers and employees recognised that they were not used frequently. In general, **the approach to solving OSH risks is done on a case-by-case basis and relies heavily on the personal relationships between managers and employees.**
- Even though it is not ideal for the prevention of OSH risks to rely on such informal channels, the positive side is that **companies generally reported good relations and fluid communications between employees, and both managers and workers emphasised that communication is key for coordination and solving potential problems.** Similarly, the relations of employees with other levels of hierarchy, such as management and directors, were also positive in most of the firms. Both managers and employee representatives emphasised the importance of having space to share personal and work-related concerns.
- Disagreements between managers and employees have been identified regarding the level of awareness of the incidence of psychosocial risks in their companies, with **employees highlighting more identified risks than managers.**
- **The psychosocial risks identified in several companies were derived from the way their work is organised.** For example, some firms acknowledged the high levels of stress and time pressure during the peaks of production. Similarly, employees emphasised the difficulties caused by teleworking in disconnecting and differentiating between private and working life. In general, managers were not as aware of psychosocial risks as they were of health and safety issues.
- **The most significant psychosocial risks faced by managers and employees interviewed were time pressure and having to deal with difficult clients/external people. Some sectors have proven to be more vulnerable to psychosocial risks.** MSEs in the tourist sector emphasised how the seasonal nature of their work generates insecurity and fear of job loss. Companies in the nursing sector recognised that their work, based on continuous contact with patients and the elderly, has been very affected by COVID-19. During the first months of the pandemic, the levels of stress and insecurity increased significantly in these companies.
- **Fulfilling legal obligations is the most important reason to address OSH,** which was described by the vast majority of the companies of the sample as a major driver. Related to this is the avoidance of fees and sanctions from the labour inspectorate, which was considered a major reason to address OSH by most of the companies. In general, it appears that legal enforcement is the most important driver for risk management. Meeting the expectations of employees and their representatives was a major concern for most of the firms. Several companies pointed to the need to ensure workers' satisfaction to provide a better service.
- **Productivity was a key concern for companies,** especially for managers. However, risk management was usually not linked to productivity objectives. Only some of the firms explicitly recognised psychosocial risk management as a crucial factor for increasing productivity levels.

- In general, **companies reported low levels of employee involvement in risk identification, or even a complete lack of worker participation in this issue.** Some of the firms recognised some type of employee involvement in risk identification, while very few declared a systematic strategy to involve workers in OSH decisions. Among the related initiatives, the most relevant included the promotion of communication and meetings, as well as providing employees with space to share their personal and work-related concerns. Employees were consulted both in periodic discussions and when specific problems appeared. Worker participation in risk identification has allowed companies to implement a series of measures to address psychosocial risks, which include an increase in flexibility in working time, improvement of teleworking conditions, identification of cases of stress and burnout, and better adaptation to personal circumstances.
- On average, **psychosocial risks receive less attention than physical risks and safety concerns in the studied MSEs.** Psychosocial risk management is conducted on a needs-based approach – companies lack a comprehensive strategy to address psychosocial risks. Nevertheless, some firms developed measures to improve employee conditions and increase productivity, focused mainly on promoting communication and discussions on mental health and personal issues.
- In line with this, **inspections are mostly focused on safety and physical risks**, such as lighting, noise and workplace set-up, or requested documentation on contracts and working conditions. Companies have regular risk assessments conducted by an external service for risk management. The frequency depends on the sector in which the company operates. According to the interviewees, none of these inspections addressed psychosocial risk identification, management or prevention.
- **Most interviewed companies relied on external companies** for their risk management services when it comes to physical health and safety. However, when it comes to psychosocial risks, they were usually handled in-house on an ad hoc basis.
- The **main difficulty in addressing OSH was the lack of time and staff**, considered a major barrier by most of the companies. Companies interviewed reported that they did not have enough resources to address OSH appropriately. Approximately half of the firms stated that paperwork was also a major concern for managing OSH. In addition, a few of the interviewees considered the lack of money and the complexity of legal obligations as major barriers in addressing OSH.
- **The most common solution to overcome psychosocial risks was allowing employees to take more decisions on how to do their jobs.** To do so, several companies have promoted discussions on teleworking conditions, give more space to share work-related concerns or adapt to the personal circumstances of employees. Most managers acknowledged that increasing flexibility in working times is easier with the implementation of teleworking. Some companies emphasised how teleworking has proven to be an opportunity to improve work-life balance and adapt to personal circumstances. Other measures include the reorganisation of work to reduce time pressure, training on conflict resolution, confidential counselling and intervention in cases of long working hours. However, these initiatives were implemented in a relatively low number of companies.

## 6.2 Final reflections arising from the findings and conclusions

- Since workplace culture is key when it comes to addressing psychosocial risks, measures aimed at improving a good working environment and creating a safe space in which employees feel comfortable enough to share their concerns will have a positive and direct impact on the management of psychosocial risks in establishments. Given that these risks are usually

addressed in an informal manner, any measures that promote a safe working place will impact positively on the workplace.

- While health and safety issues have good coverage in terms of risk awareness and management, it is necessary to increase the awareness of psychosocial risks among companies, for both managers and employees. For instance, legally requiring companies to develop and share protocols on the management of these types of risks could increase awareness of managers but also help to disseminate the idea among employees that psychosocial risks are a reality and that they are entitled to ask for the management of those risks in their workplaces.
- Since most companies rely on external services for their risk management services when it comes to physical health and safety and they take the recommendations issued by these external companies very seriously, it could be effective to include psychosocial risks in the indicators that external companies assess. This would help both in raising awareness and in promoting the implementation of comprehensive strategies for preventing psychosocial risks among firms.
- The increased importance of remote working among employees raises an opportunity to improve work-life balance for workers. The most common approach when addressing OSH in firms is to increase flexibility in the way in which workers can deliver their work, and remote working contributes to this increased flexibility. However, it cannot be the only way, since not all employees can work remotely, and this varies greatly by sector.
- It is necessary to involve employees further in the identification of psychosocial risks and the measures to address them. This should come from a legal requirement (see recommendation below) but additionally be complemented by increased training for managers on the importance of involving employees in the identification and management of psychosocial risks.
- Since the main motivation of establishments to address risks is to fulfil legal obligations, followed by avoiding fines and sanctions arising from legal inspections, including in an explicit manner the identification and management of psychosocial risks in the legal requirements that firms must comply with, as well as disseminating this and raising awareness on the fact that it is specifically required, may have a positive impact. This must be done in a way that does not require too much paperwork and is not too resource-intensive for companies.

**The European Agency for Safety and Health at Work (EU-OSHA)** contributes to making Europe a safer, healthier and more productive place to work. The Agency researches, develops, and distributes reliable, balanced, and impartial safety and health information and organises pan-European awareness raising campaigns. Set up by the European Union in 1994 and based in Bilbao, Spain, the Agency brings together representatives from the European Commission, Member State governments, employers' and workers' organisations, as well as leading experts in each of the EU Member States and beyond.

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