



EXPERIENCES AND RELATED TYPES OF JUDICIAL REPORTS ABOUT DAMAGE WORKERS ON CONSTRUCTION SITES

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1. Introduction – Accidents occurred on construction sites, cause or may cause, certain injury to workers or individuals related to the sector, which triggered from a legal point of view different processes where are involved in one way or another, several of the agents involved in the construction process.

At certain stages of the processes above, appears an expert work, which should combine the study of all the specific documentation of the case, with sufficient theory or normative knowledge and a clear awareness of the practice in the construction sector, that allows to determine and explain the necessary means, the causes of claims listed

This comprehensive study of real-life situations, will allow that expert work of the technicians concerned, get a clear idea of reference about real-life situations.

Therefore, based on such expert action effected develops exposure of a study of sufficient practical and real cases analyzed from 2009 to the present, with the intention of carrying out an approach to the existing reality that surrounds us, the target and studying real accidents in the sector through one sufficient number of case studies really happened.

This study aims, first of all a statement of the types of cases and agents affected and in second place, their relationship with the final results of the action and proposals which arise after their study.

2. Methods – Aims to firstly a previous study necessary understanding necessary to determine the phases in which divides criminal proceedings within the scope type construction and the need for expert evidence on the basis of each point in the criminal process.

In second place is a quantitative analysis on the cases studied on:

- Type of accident
- Type of construction
- Phase of work in which the accident happens
- Contractor / subcontractor
- Technical agents charged (ATI)
- Accused technical agents (ATA)
- No technical agents charged (ANTI)
- Accused no technical agents (ANTA)
- Type of accusation
- ATA condemned



- ANTI condemned

3. Results and Discussion – With the data obtained, we can determine the outcome of the action. Figure technique with highest percentage of accusation (Director de la Ejecución de la Obra (DEO) and no technical (contratista-principal contractor) inside of the construction site, are accused in a higher percentage compared to other figures.

Such penalties are seldom overcome the threshold of 24 months in prison, although quantifying economic compensation to meet is high.

It also allows us to determine the types of claim (falls at different height), together with the types and stages of most dangerous works (structures), to enable comparisons with other studies.

Also the results, offer us the type of contractor (subcontratista), suffering higher casualties.

Studied incidents present a completion of an acquittal or dismissal of the case by the Prosecutor's office.

4. Conclusions - With respect to personal injury, in the building and with the data obtained we can determine that the necessary actions must be aimed at the study and awareness of the responsibilities that affect the Director de Ejecución de la Obra execution of the work (DEO) and contractors.

Within the types of claims studied, at different heights and falls within the same, during the execution of spraying ceilings and decking floor slabs, are sources of accidents and must be treated with special attention to safe processes. Similarly, the presence of electric high lines must be always concerned from the beginning (estudio/estudio básico de seguridad y salud) to avoid sanctions of the technical agents.

In general it is recommended to include documentation in any danger included in Anexo II of the RD 1627/97 (work involving special risks), as reports of the ITSS and technicians from different communities security always referred to, and therefore the Prosecutor's office and various accusations.

Issued criminal penalties that have been studied, don't leave without freedom to the studied agents (technical and non-technical), provided that they have no background, but economic sanctions in case of fatal and serious accidents, make necessary an insurance compulsory for all participants in the construction process.

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