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REVIEW

Night shift work and occupational health[☆]

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Abstract Night work has been discussed in occupational health because of the potential risk to the worker and its impact on accident rates.

While any worker can perform legal exceptions and preventive demands do exist, highlighting those derived from the health surveillance, mandatory in this case, and usually with annual periodicity.

References in night work in Spain are Directive 2003/88/EC, the Workers' Statute, the Act on Prevention of Occupational Risks and the Royal Decree for Prevention Services.

In the scientific literature (Pubmed), studies relating night work to various health problems, including neoplasia, are found but without sufficient scientific evidence.

The legal debate (Westlaw Insignis) is focused on exceptional situations: minors, pregnant or breastfeeding women and particularly sensitive workers.

A greater understanding of this issue will facilitate the prevention of damages and prevent medicolegal problems.

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PALABRAS CLAVE

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Riesgos laborales;
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Prevención del daño

Trabajo nocturno y salud laboral

Resumen El trabajo nocturno ha sido objeto de estudio en Salud Laboral por potencial riesgo para el trabajador y su repercusión en la accidentalidad.

Aunque a priori cualquier trabajador puede desempeñarlo, existen excepciones legales y exigencias preventivas, entre las que destacan las derivadas de la vigilancia de la salud, en este caso obligatoria y, habitualmente, con periodicidad anual.

Es normativa de referencia en trabajo nocturno la Directiva 2003/88/CE, el Estatuto de los Trabajadores, la Ley de Prevención de Riesgos Laborales y el Real Decreto de los Servicios de Prevención.

La revisión realizada de la bibliografía científica (Pubmed) relaciona el trabajo nocturno con diversos problemas de salud, incluidos procesos neoplásicos.

La revisión realizada de la jurisprudencia española (Westlaw Insignis) se centra en la conflictividad generada por trabajo nocturno en: menores, mujeres embarazadas o en período de lactancia, y trabajadores especialmente sensibles.

Un mayor conocimiento de este tema facilitará la prevención y disminuirá la conflictividad médico-legal.

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Introduction

Labour is a right of all citizens, set out in the Spanish Constitution (Article 35), and provides that the law must regulate a workers' statute.

In terms of prevention, Article 2 of Act 31/1995 on Prevention of Occupational Risks (APOR) establishes the regulations for promoting the safety and health of workers through the application of measures and the development of activities necessary for the prevention of risks arising from work.¹

In occupational health, night work is a specific preventive objective because of its impact on the health of workers, especially those who are more sensitive.

In Spain, the National Institute of Safety and Hygiene at Work has published different technical notes on prevention (TNP) on this subject: TNP 455, organisational aspects of shift work and night work²; TNP 260, medical and pathological effects of alternating shifts: shift work sleep disorder³; TNP 310, nutritional conditions for such workers⁴; and TNP 502, prevention of effects on workers' physical and psychological health or social interaction.⁵

Planning the productive activity at a company involves organising working times based on the activity developed, needs and requirements of production and requirements of the market for which it is intended. This planning must comply with what is agreed in collective agreements or labour contracts, without exceeding 40 h a week.⁶ Work in irregular shifts (rotating, night or prolonged) is increasing due to economic and production-related reasons, or social reasons, and it is of special interest in occupational health.

Types of working day

Working time has a direct impact on daily life and the health and well-being of workers. One of the main causes of this

effect is the difficulty in adjusting to changes in circadian and social rhythms and poor organisation of shifts.

It is important to know the different types of distribution of working times to take preventive action on the potential repercussions that, especially with night work and shift work, can affect workers' health.

From a regulatory point of view, working time can be grouped into⁷:

- (1) Continuous working day: work activity that continues uninterrupted, with periods of rest, following the preventive recommendations in this regard in Act 31/95 (APOR).
- (2) Split working day: daily working time is divided into 2 parts, with a break for a meal. The minimum duration of this break is not specifically regulated, and it is assumed that it must be greater than the minimum ones for the continuous working day, to allow for one of the main meals of the day.
When the working day is changed at a company, this involves a substantial change in working conditions and it cannot be adopted unilaterally by the employer, according to the provisions of Article 41 of RD 1/1995, consolidated text of the Workers' Statute⁸ (WS).
- (3) Intensive working day: the daily working time is lower than usual, but runs continuously. This is regulated by collective bargaining (for the summer months or holiday periods).
- (4) Fixed schedule: work is adjusted to predetermined and unchanging time modules. The workers remain at their post from the beginning of the day until the end, simultaneously.
- (5) Flexible schedule: each worker may establish the start and end of his/her working day, within a time frame with the rest of the employees. There need not be complete simultaneity amongst the different workers of the

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