

COMPARATIVE ANALYSIS OF LEGAL REQUIREMENTS REGARDING WORKPLACE ACCIDENTS AND OCCUPATIONAL DISEASES IN PORTUGAL AND FRANCE

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ABSTRACT

In a context of increasing labour mobility, it is extremely relevant to identify the convergences and divergences in workplace accidents and occupational diseases among different countries of the European Union.

This article presents a comparative analysis of the legal requirements related to occupational accidents and occupational diseases in Portugal and France. Both countries follow a common European framework on occupational health and safety, but they have different national legal systems.

The study is based on a bibliographic review of scientific articles, legal texts, and institutional reports found in databases such as B-ON, Web of Science, and Scopus. First, the article explains the main concepts of occupational accidents and occupational diseases in both countries. Then, it analyses the similarities and differences between the Portuguese and French legal frameworks. Finally, it identifies the main responsible institutions and compares the systems used to evaluate work-related disabilities.

In both countries, regulation is based on the principle of protecting the worker and compensating for damages arising from professional activity; however, there are differences, particularly regarding occupational diseases, especially in the process of recognizing them.

Keywords: Occupational Accidents, Occupational Diseases, Occupational Health and Safety, France Vs. Portugal.

1. INTRODUCTION

Occupational health and safety is a major issue in the European Union, as occupational accidents and occupational diseases continue to represent an important public health problem. These events can have serious consequences for workers, including physical injuries, psychological problems, permanent disabilities, or even death. In addition, they create significant economic and social impacts for companies and social protection systems.

The European countries have developed legal frameworks to prevent occupational accidents and occupational diseases and to ensure their recognition and compensation. Although the European Union provides common guidelines in the field of occupational health and safety, each country applies these principles in a different way, depending on its legal, social, and institutional context. In France and Portugal, specific laws regulate occupational accidents and occupational diseases. These laws define the conditions of recognition, the responsibilities of employers, and the systems of compensation for affected workers. However, despite similar objectives, the two countries have adopted different legal approaches and organizational models.

The aim of this article is to analyse and compare the legal requirements related to occupational accidents and occupational diseases in Portugal and France. Based on a bibliographic review of academic and professional sources, this study seeks to identify the main similarities and differences between the two legal systems. It also aims to understand the role of the institutions responsible for prevention, recognition, and compensation, as well as the methods used to evaluate work-related disabilities.

2. MATERIALS AND METHODS

This study is based on a bibliographic review of academic and professional sources related to occupational accidents and occupational diseases in Portugal and France. The objective of this method is to collect, analyse, and compare existing information on the legal frameworks of both countries.

The literature search was carried out using scientific databases such as "B-on", "Web of Science", and "Scopus". These databases were selected because they provide access to peer-reviewed articles, scientific journals, and reliable institutional publications. Additional sources, such as national legal texts, official reports, and documents from public institutions, were also consulted to complete the analysis.

The main keywords used for the research were: occupational accidents, occupational diseases, occupational health and safety, workers' compensation, France, and Portugal. Articles and documents published in English, Portuguese, and French were considered.

The selected sources were analysed qualitatively. First, the definitions of occupational accidents and occupational diseases in both countries were identified. Then, the legal requirements, responsible institutions, and compensation systems were compared. Finally, the information related to the evaluation of work-related disabilities was examined to highlight similarities and differences between the two national systems.

3. CONCEPTS OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

3.1 FRANCE

In France, occupational accidents and occupational diseases are central concepts of the occupational health and safety system. According to French legislation, an occupational accident is defined as a sudden event that occurs during or because of work activity and causes physical or psychological harm to the worker. Several authors underline that the sudden character of the event and the existence of a professional context are key elements for legal recognition (INRS, 2021; Walters *et al.*, 2011).

Occupational accidents include not only accidents occurring at the workplace but also commuting accidents, which happen between the worker's home and the workplace. Studies highlight that this broad definition aims to ensure strong protection for workers within the social security system (Askenazy, 2013).

Occupational diseases in France are mainly recognized through official tables established by social security authorities. The table is integrated into the *Code de la Sécurité Sociale* and organized into *tableaux des maladies professionnelles*. These tables describe the disease, the exposure period, and the types of professional activities concerned. According to several studies, this system simplifies recognition but may limit access for workers whose diseases are not listed (Thébaud-Mony *et al.*, 2015). In such cases, recognition is still possible if a direct and essential

link between work activity and disease can be proven, although this procedure is often longer and more complex.

3.2 PORTUGAL

In Portugal, occupational accidents are also defined as sudden events occurring during work or under the employer's authority, resulting in injury, illness, or death of the worker. Portuguese authors emphasize that the legal definition is closely linked to the employer's responsibility and the mandatory insurance system covering occupational risks (Uva *et al.*, 2014).

Work-related travel accidents may also be considered occupational accidents when they occur in connection with professional duties. Research shows that the Portuguese system focuses strongly on financial compensation through insurance companies, rather than direct management by social security institutions (Silva & Amaral, 2019).

Occupational diseases in Portugal are defined as illnesses caused by exposure to professional risks and included in an official list, the *Decreto Regulamentar n.º 6/2001*, with its respective updates. This list plays a key role in the recognition process. According to academic literature, the list-based system helps standardize decisions but may not always reflect new or emerging occupational risks (Carneiro *et al.*, 2017). As in France, diseases not included in the list can be recognized if a clear causal relationship with work activity is demonstrated, although this requires strong medical and scientific evidence.

4. COMPARATIVE ANALYSIS OF THE LEGAL FRAMEWORK

The legal frameworks related to occupational accidents and occupational diseases in France and Portugal are based on common European principles, but they differ in their organization, implementation, and compensation mechanisms. This section presents the main similarities and differences between the two systems.

4.1 SIMILARITIES BETWEEN FRANCE AND PORTUGAL

Both France and Portugal follow European directives on occupational health and safety, which aim to protect workers and reduce occupational risks. In both countries, employers have a legal obligation to ensure workers' safety and health by preventing risks, providing training, and adapting working conditions (Walters *et al.*, 2011).

In addition, both legal systems clearly distinguish occupational accidents from occupational diseases. In both countries, occupational accidents are defined as sudden events related to work activity, while occupational diseases are usually linked to long-term exposure to professional risks. The recognition of occupational diseases is mainly based on official lists or tables, which help standardize decisions and ensure legal clarity (EU-OSHA, 2020).

Furthermore, both France and Portugal allow the recognition of occupational diseases not included in official lists, provided that a clear causal link between work activity and the disease can be demonstrated. This possibility reflects a shared concern for fairness and worker protection, even if the procedures are often complex and time-consuming.

4.2 DIFFERENCES BETWEEN FRANCE AND PORTUGAL

Despite these similarities, important differences exist between the two legal systems. One major difference concerns the organization of compensation systems. In France, occupational accidents and occupational diseases are mainly managed by the social security system, which is based on a

principle of national solidarity. Compensation is provided directly through public institutions, and the system is highly centralized (Askenazy, 2013).

In contrast, the Portuguese system relies largely on mandatory insurance taken out by employers. Compensation for occupational accidents and diseases is mainly handled by private insurance companies, which play a central role in the recognition and compensation process (Uva *et al.*, 2014). This model emphasizes employer responsibility but may lead to differences in practices between insurers.

Another difference concerns administrative and legal procedures. In France, recognition processes often involve medical committees and social security bodies, which can result in longer procedures but also provide strong institutional oversight. In Portugal, procedures are generally more directly linked to insurance mechanisms, which may allow faster compensation but can also raise issues related to access to information and legal support for workers (Silva & Amaral, 2019). Finally, the two countries differ in their approaches to prevention and enforcement. France has a long tradition of labour inspection and occupational health services integrated into the public system. Portugal has strengthened its prevention policies in recent years, but studies show that challenges remain, especially for small and medium-sized enterprises, which may have limited resources to fully comply with legal requirements (Carneiro *et al.*, 2017).

5. COMPETENT INSTITUTIONS AND THEIR RESPONSIBILITIES

The management of occupational accidents and occupational diseases involves several institutions in both France and Portugal. These institutions are responsible for prevention, recognition, compensation, and control of occupational risks. Although the objectives are similar, the organization and distribution of responsibilities differ between the two countries.

5.1 FRANCE

In France, the main institutions involved in occupational accidents and occupational diseases are part of the social security system. Social security bodies are responsible for recognizing occupational accidents and occupational diseases and for providing financial compensation to workers. They also manage medical follow-up and disability assessment.

Occupational health services play an important role in prevention. They are responsible for monitoring workers' health, identifying occupational risks, and advising employers on preventive measures. Their objective is to prevent work-related injuries and diseases before they occur.

The labour inspectorate is another key institution. It is responsible for ensuring that employers comply with occupational health and safety regulations. Labor inspectors can carry out workplace inspections, give recommendations, and impose sanctions when legal obligations are not respected. In case of disputes related to recognition or compensation, workers can appeal to social courts. These courts are responsible for resolving conflicts between workers, employers, and social security institutions.

5.2 PORTUGAL

In Portugal, the system is mainly based on mandatory insurance. Employers are legally required to take out insurance to cover occupational accidents and occupational diseases. Insurance companies therefore play a central role in the recognition and compensation process. They are responsible for covering medical costs, compensation payments, and disability benefits.

Occupational health services are also responsible for prevention in Portugal. They monitor workers' health, assess professional risks, and support employers in implementing preventive measures. These services contribute to reducing occupational accidents and diseases.

The Authority for Working Conditions is responsible for supervising compliance with labor law and occupational health and safety regulations. This authority carries out inspections, promotes prevention policies, and applies sanctions when employers do not comply with legal requirements. In case of disagreement or legal conflict, labor courts are responsible for resolving disputes related to occupational accidents and occupational diseases, particularly in matters involving compensation and employer responsibility.

6. DISABILITY TABLES AND EVALUATION OF WORK-RELATED INCAPACITY

In France, the evaluation of permanent incapacity resulting from occupational accidents and occupational diseases is based on specific medical scales. These scales distinguish between occupational accidents and occupational diseases and are used to determine the level of permanent partial disability. The disability rate is expressed as a percentage and directly influences the level of financial compensation received by the worker.

The assessment considers medical criteria, such as the severity of the injury, its impact on the worker's physical and mental abilities, and the consequences on professional life. This system aims to ensure equal treatment of workers by applying standardized medical references, although some authors highlight that the evaluation may vary depending on individual situations and medical expertise.

In Portugal, the evaluation of work-related incapacity is based on a national disability table. This table is used to determine the degree of reduction in the worker's capacity to work following an occupational accident or occupational disease. The level of incapacity established through this table determines the amount of financial compensation and benefits granted to the worker.

Although both countries pursue similar objectives of fairness and worker protection, their evaluation methods differ. Differences in medical criteria, assessment procedures, and compensation mechanisms may lead to different levels of compensation for comparable injuries. This situation raises questions about harmonization and equity between national systems.

7. DISCUSSION

The comparative analysis shows that, although France and Portugal share common objectives in protecting workers against occupational risks, their approaches reflect different institutional choices. The French system is mainly based on a social solidarity model, in which public social security institutions play a central role in recognition and compensation. This model aims to ensure equal access to protection for all workers.

In contrast, the Portuguese system relies more strongly on employer responsibility through mandatory insurance. This approach emphasizes financial responsibility and risk coverage but may lead to differences in practices depending on insurance companies. Some studies suggest that this model can be effective in terms of compensation but may create inequalities in access to information and legal support for workers.

These differences raise important issues related to equity, prevention, and efficiency of compensation systems. While both systems seek to protect workers' health and safety, the diversity of legal and institutional frameworks highlights the need for continuous evaluation and

possible improvements, particularly in the context of European cooperation on occupational health and safety.

8. CONCLUSIONS

This article aimed to provide a comparative analysis of the legal requirements related to occupational accidents and occupational diseases in Portugal and France. Through a bibliographic review of academic and institutional sources, the study examined the main legal definitions, institutional responsibilities, compensation systems, and methods used to evaluate work-related incapacity in both countries.

The analysis showed that France and Portugal share common objectives in the field of occupational health and safety, particularly the protection of workers against professional risks and the recognition of work-related injuries and diseases. These similarities are largely influenced by European directives, which promote prevention, employer responsibility, and worker protection across Member States. In both countries, the concepts of workplace accident and occupational disease are similar.

However, the study also highlighted important differences between the two national systems. France mainly relies on a social security model based on solidarity, where public institutions play a central role in prevention, recognition, and compensation. This system aims to ensure equal access to protection for all workers, regardless of their employment situation. In contrast, the Portuguese system is largely based on mandatory insurance taken out by employers, which places greater emphasis on employer responsibility and the role of private insurance companies in compensation procedures.

Differences were also identified in the evaluation of permanent incapacity. The use of different disability tables, medical criteria, and assessment procedures may result in different compensation outcomes for similar occupational injuries or diseases. These differences raise important questions related to equity and consistency in the protection of workers' rights.

Finally, this comparative analysis highlights the importance of continuous evaluation and improvement of occupational health and safety systems. Strengthening prevention strategies, improving transparency and access to information for workers, and encouraging cooperation between European countries could contribute to more effective and fair systems. Further research could focus on the practical impact of these legal frameworks on workers' lives and explore possibilities for greater harmonization at the European level.

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