



INVOLVE PROJECT SURVEY SPAIN NATIONAL REPORT

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Economic situation in Spain :

In 2016 it has been met eight years since germinated in **US international economic crisis**, whose consequences remain. In this long period developed countries have gone through different phases of the economic cycle and behavior has not been the same in all cases. In Spain, after a fleeting and timid recovery in 2010 and early 2011, the result of expansionary policies in the two previous years, there was a relapse of the activity.

Economic situation in Spain :

The recession arrives in Spain belatedly, compared with economies of the environment, and is marked by two features: the irreparable harm suffered for the **labor market** in terms of job insecurity, **unemployment extension** and lack of protection of persons; and the extent of inequalities in various economic and social fields.

- * No labor offers**
- * Increase the unmenployment more than 26 %**

Economic situation in Spain :

For other side this improvement in economic activity has not been the result of policies and reforms implemented on the contrary have hampered recovery (spending cuts, wage devaluation, reduced public employment), but is based on three factors external nature:

- * the depreciation of the euro against the dollar,**
- * falling oil prices and monetary expansion decided by the European Central Bank.**

Economic situation in Spain :

The consequences are :

- * The application of new laws like the new Labor Law RD 3/02/2012**
- * The freezing of the salaries**
- * The stop in the industry, specially in construction and buildings**
- * Declining purchasing power of the workers,**
- * The increase of the prizes and taxes**
- * No new inversions**

At the end, anybody want to consume, because are scared about the situacion

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

With the crisis in Spain especially in the years 2011 and 2012, the adjustments that were carried out were particularly aggressive.

So much so that the government by Royal Decree imposed a particularly aggressive labor reform, without the prior consultation or prior to the social partners information whose direct influence affected not only wages and layoffs, but also to records of employment regulation a case which concerns us for this project.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

1. **Layoffs are easier and cheaper**, because they included economic, organizational and production reasons. Reason that caused it to be easier to dismiss workers, as companies did not have to pay large amounts of money.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

2. Records of employment regulation could be proposed by the companies, without agreement with the employee, as they can justify three quarters of losses.

3. The records, but we must follow the protocol prescribed by law and supervised by the ministry of labor, can be carried out if the causes warrant. So far, collective layoffs (ERE) needed to be authorized by the labor authorities.

No need, always prevails business decision.

Against these redundancies there will be no choice but to go to court.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

4. Workers may be reprimanded, and if they extinguished the labor contract can no longer be paid compensation than 20 days per year worked.

So it is easy to extinguish bad contracts in the records of employment regulation.
Easier and cheaper.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

5. **The Absenteeism and sick leave are justified grounds for dismissal between day 1 and 9.** In addition to the mutual accident, have the power to force the medical discharge. Prior to the Labor Reform, only the doctor could give medical leave, and it was more difficult to dismiss an employee under those conditions. **The company can fire an employee for absenteeism (with compensation of 20 days per year worked)** if necessary, albeit justifiably, (for example by being in a situation of temporary disability for common and different from each other unless they are serious diseases) 20% of their time in two consecutive months, or 25% in four months than over a period of 12 months from the first temporary disability

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

6. If you hire a company with fewer than 50 workers (who are almost all) is being abused the contract "for entrepreneurs."

It is a three-year contract and its called "indefinite", **but with a trial period during the first year in which you may dismiss at any time**, without qualification, compensation or rights of any kind.

7. If the worker is under 30 years, with the first contract of its life, the company a grant of 3,000 euros of public money pocketed.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

8. If the worker is unemployed without unemployment benefits, it is very difficult to hire him because it is more profitable to hire an unemployed copper benefit, because the company can fiscally deduct 50% of the benefit had perceive pending the worker for a year, and this may account for 25% of the benefit with the salary paid the company. **That is, the company will consume 50% of the benefit that you can still be the worker.**

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

9. The training and apprenticeship contracts, applicable to workers between 16 and 25 years may be made with workers up to 30 years (no age limit for people with disabilities), during the time that Spain has a more than 15% rate.

These contracts may be up to 3 years (before the reform were 2).

Working time remains at 75% of the day, but has expanded to 85% in the second year and the third. **In these contracts the worker is not listed Social Security.**

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

10. Until February 12, 2012 the compensation **for unfair dismissal was 45 days per year worked**, with a limit of 42 months, from that day are only **33 days and a maximum of 24 months**. And wages have gone processing, which are only maintained where appropriate reinstatement of the worker.

Influence and implementation of the new Royal Decree 3/2012 Labor Reform of the February, 10th.

Main amendments to the labor reform:

11. Companies can change the working conditions if the company decides to break the collective agreement should apply.

As we see, with this labor reform, records of employment regulation were easier to manage, and companies waited 9 months from the entry into force of the labor reform to begin to initiate reforms in their companies, lying off workers, claiming organizational or economic reasons, as they met the requirement of having three quarters losses, and with particularly small compensation.

20 working days per year with a maximum of 9.12 monthly payments, caused in our country, whose average salary does not exceed 1000 euros, supposed fired for no more than 3000 or 3500 euros a worker.

The conclusions of each of the survey questions :

1.-Is there a written agreement between the employer and the trade union, establishing practical details of information and consultation? If yes, what does it include?

Most of the cases studied had the agreement, and they got the information but some companies tried to hide the information to the workers, because they wanted to steal money, paying less and trying to get an advantage to the workers

Obviously, in those cases the companies were denounced.

2.- What kind of situation of changes in employment requiring information and consultation procedures did face your company or the company (ies) you refer to and when?

Most of the cases they had layoffs, and several suspensives ERES, so they needed to take good agreements, and to adapt the situation in the company.

3. What were the main problems you had to face?

The main problem was that the economic situation of the companies was bad, and using the new Labor Law the companies wanted to use it for having ERES easier and cheaper.

4.- Did information precede the decision making of the employer or the employer just announced an already made decision? Did he call you for information and consultation?

In all cases the decision was made by the company and then made the consultation with unions because it is mandated by law. Even in the case of suspensive ERE in Pardo Freijoo they didn't respect these 15 days and took advance in only three days.

5.- With whose initiative did information take place? Where did it take place? Who participated from each side (employee/employer? Was there an agenda and who prepared it?

The initiative in all cases has been questioned Company. It has taken place in the workplace, employers have participated through managers, CEOs and corporate lawyers and works councils or delegates. The agenda has been prepared by the Company, according to the Committee members or delegates.

6.-Did your employer inform you in written using analytical and documented information about the above-referred changes in employment?

In all cases there has been information through accounting and financial documents. As well as the decreased workload, of which the workers themselves were aware that it was obvious.

**7.-Did you ask for analytical information taking the initiative yourself, when for example there were rumors that there would be restructuring or redundancies?
On what issues did you ask for information?**

Normally, in all cases, the Trade Union helps the workers because they knew that the company was making changes. Normally the worker see that something is happening, and prefer to find the information before.

8.-Did you ask for assistance of an expert or any third party (e.g. an economist, a lawyer or an engineer)? What kind of assistance did you get?

In most of the process, the workers needed on expert, because normally the Companies used the help of a lawyer too.

9.- Did you have any objection about the information procedure followed? What juridical process did you engage (Labour Inspectorate, Ministry of Labour, Court of justice etc.)?

Most of the companies to be advised by an attorney Union at the time in which the possibility of reporting was because some of them were small businesses, decided not to because of the consequences that cause them.

10.- Was the information you received satisfactory? Did it cover the economic situation of the company, evolutions of employment and changes in work contracts or redundancies?

Most workers surveyed said that the crisis was an excuse to do a job structuring, as although there had been lost, as in other years ago, some did not need to lie off workers.

11.- Did you transfer information you got from the employer to employees and how did this take place?

The information in all cases transferred to the employer or union works council and these delegates then transferred to other workers in Assemblies held in the premises of the company.

12.- Did your employer give you information he said was confidential? Did he explain to you the reasons of confidentiality and how long would it last? Did you have any problems?

It was noted in all cases that the information was confidential company to outside, i.e., financial reports were delivered or lawyers or union representatives to have evidence that the record of employment regulation was justified and therefore not there are problems with the ministry of labor.

13.-In the case your employer provided you with information you asked, how much time did you have to examine data provided in order to form and express your views and opinions during consultation?

In all cases have respected the 15 days required by law

14.-Did you ask in written for clarifications on the information received? Did the employer answer to you in written, in order that you get prepared for consultation?

All information has always been writing. And all agreements are in writing and on record all meetings.

15.-Where did consultation take place? Who participated from each side? Who wrote the agenda with issues to be discussed?

All meetings are held at the law firm of the company, in the workplace and in the headquarters of the UGT and CCOO

16.-How long did consultation last? Were there written minutes signed by the employer and the employees? Did you ask for assistance of an expert or any third part?

All have been resolved within 15 days and one month.

17.- Did you ask the employer for justified responses to the opinions that you expressed during consultation? On which matters? Did you get them?

In all cases there was exchange of information and documentation.

18.- Except of the consultation procedure, did you manage to create conditions pressing the employer towards your positions (trade-union pressure, allies in the community, political pressure, Ministry of Labour, Labour Inspectorate etc.)?

In the ERE Supermarket EL ARBOL it was used as a measure of pressure the press and the media. In the rest there was no use of pressure tactics

19.-How do you assess the results of the information and consultation? Did the opinion you expresses during consultation achieve in influencing or changing decisions made by the employer for changes in work organization or work contracts

In all cases consultations with lawyers, included clauses protecting employment, and trying to improve working conditions despite the labor reform.

20.-Did you conclude to an agreement regarding the employer's decisions on the future?

In most cases the agreements was what they were trying to encourage workers to the extent possible, always choosing the temporary suspension or reduction of working hours, rather than the extinction of the job.

21.-What practical advice would you give to trade unionists facing analogous situations?

To be well informed of how an ERE is made, the entire procedure. The union through its experts check everything always trying to negotiate better conditions to improve conditions .

22.-Which processes and means did workers' representatives use to inform all employees on the results of information and consultation?

By Assemblies of workers at shift changes, and for getting agreements.

23.-In case your employer did not give you information you required or refused information & consultation procedure did you proceed to juridical measures? If yes, which exactly and what was the result? Were there sanctions for the employer and if yes which?

In all cases the information has been provided, there have been agreements and there were no sanctions

24.-Do you consider that these sanctions were effective, dissuasive and proportionate to the seriousness of the offense to employment? Were there sanctions at all?

There were no sanctions and in the aforementioned case of the supermarket EL ARBOL delegates know if there were sanctions.

25.-In case the company belongs to a multinational grouping of companies, in which there is a EWC have you informed the EWC? Has the subject been discussed in the EWC? Has the EWC restricted Committee discuss the subject with the central management of the grouping in a meeting of information and consultation based on a report of the central management? Have you been called to participate in this meeting? Have you informed employees about the results?

Only in the case of supermarket El Arbol y Paradores that have Inter-centers Committee.

26.- What difficulties or obstacles have you encountered due to the Law, administrative system, juridical system or in general?

That the law is very permissive for the employer as it facilitates the processing for ERES, ERTES ... and therefore the dismissal. The labor reform has enabled facilitate layoffs, being cheaper and easier.

27.-Are you aware that according to the Ministerial Decision 2063/11 the seriousness of the employer offence regarding information and consultation is characterized as “low”?

No worker or company knew the seriousness of the lack of information from the company, because in our case studies, all companies in some other measure provided us information.

Conclusions:

The rules governing the records of employment regulation and labor relations in general is unfair to workers, inefficient for the economy and useless for employment.

As of April 28th of 2016 the number of unemployed in Spain is 20.9% of the population of working age.