

Social Dialogue mapping

Description scheme for country overviews

SPAIN

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/spain>

2/ OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Spain

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

In Spain, the concept of representativeness guarantees an erga omnes representation for both trade unions and employers' organisations. Thus, it gives trade unions the capacity to negotiate agreements with the employers' organisations and with the government on behalf of all the workers. The same applies to the employers' organisations.

Through the juridical concept of 'most representative organisations', employers' organisations and trade unions are entitled to conclude multiemployer collective agreements, to have institutional representation (in other words, to be a part of tripartite bodies, to be consulted by the government and to conclude social pacts) and to take part in extrajudicial systems of labour conflict resolution. Moreover, meeting the legal representativeness criterion is the basis for getting access to public funds. In addition, Spanish law recognises an intermediate category of 'representative' trade unions and employers' organisations in a specific sector. Those organisations can conclude sectoral collective agreements but are not formally entitled to have institutional representation at national or regional level, nor are they entitled to receive public funds.

The main legal criterion for determining the representativeness of trade unions is based on the election results of workers' delegates and working committee members at the workplace level (their electoral audience). Accordingly, the electoral process aiming to choose the employees' representatives at the workplace is used to measure trade union support.

For the employers' organisations, the criterion for determining their representativeness is based on their membership.

The most important legal texts regulating representativeness are the Statute of Workers' Rights (1980) but modified by different royal-decrees and laws) and the Organic Law of Trade Union Freedom (1985).

Trade Unions (1)

- **About trade union representation**

According to the Organic Law of Trade Union Freedom (1985), all workers can join trade unions except members of the Spanish Forces, judges and public prosecutors.

Nevertheless, in Spain the main criteria for determining union representativeness is the electoral audience, which is determined by the number of delegates and working committee members obtained in the elections. The representativeness of the most important trade unions at national level has remained stable.

- **Main trade union confederations and federations**

The most representative unions in Spain are the Trade Union Confederation of Workers' Commissions (Confederación Sindical de Comisiones Obreras, CCOO) and the General Workers' Confederation (Unión General de Trabajadores, UGT).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Trade Union Confederation of Workers' Commissions	CCOO	909,052	2015	Yes
General Workers' Confederation	UGT	928,846	2015	Yes

Employers' organisations (1)

- **About Employers' organisations**

Employers' organisations do not have a legal text that regulates their rights and obligations, like the trade unions do with the Organic Law of Trade Union Freedom (1985).

- **Main Employers' organisations**

The Spanish Confederation of Employers' Organisations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME) are the most representative employers' organisations.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Spanish Confederation of Employers' Organisations	CEOE	2 million companies (through its federations*)	2016	Yes
CEPYME	CEPYME	57 territorial federations and 49 sectoral federations**	2016	Yes

Social Dialogue on OSH (2)

• National level

The National Commission for Safety and Health at Work (CNSST) is the OSH advisory body for the Government, Autonomous Communities, and Social Partners^[10].

The social partners also fund prevention campaigns in the Foundation for the Prevention of Occupational Risks (Fundación para la Prevención de Riesgos Laborales, FUNPRL). The Foundation was designed to promote improved OSH, particularly in small enterprises. It reports to the National Commission for Safety and Health at Work, and is partly funded by the Prevention and Rehabilitation Fund, which is drawn on management surpluses of the Social Security Work Accident and Professional Sickness Provident Entities (Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social abbreviated as 'MATEPSS').

There are two most represented trade union organisations (confederations) in Spain: General Workers Union (Unión General de Trabajadores UGT) and Workers' Commissions (Comisiones Obreras CC.OO). They both represent more than 35% of workers each and unite trade unions of practically all sectors ^{[11][12]}. Both organisations are represented on national and regional level. In addition there are various regional and sectoral organisations. Most professional associations are integrated in 'CEOE' - the Spanish umbrella organisation for industry associations. The Spanish Confederation of Small and Medium Enterprises (Confederación Española de la Pequeña y Mediana Empresa, CEPYME) plays is also an important role in social dialogue on national level.

• Sectoral level

In Spain, sector-based collective negotiation is used to negotiate the creation of specific sector bodies, made up of employers and workers representatives. They develop programmes designed to raise awareness and inform about the occupational risks in the sector. In accordance with article 85.1 LET (Ley del Estatuto de los Trabajadores) issues of labour-related matters or matters of economic nature as well as matters of employment conditions including occupational structures, wages and working time, duration, termination and expiration of the employment contract, disciplinary issues, health and safety in the workplace can be settled in form of collective agreements^[13].

There are some industry agreements for the whole of Spain, such as those in the construction, banking and chemical industries. Regional-based collective negotiation is used to promote similar programmes among employers, trade unions, and the autonomous regions. Large and medium sized companies will normally have their own agreements, sometimes at plant level, while smaller employers are covered by provincial agreements for their industry. ETUI reports, that many agreements are made on sectoral level by provincial subdivisions of social partners that cover most of the Spanish companies. However the national government also gave a new option for single company negotiations and agreements^[14].

One recent example of national collective agreement for the construction sector is the "Tarjeta Profesional de la Construcción" (TPC) (Professional Card for Construction). TPC is a certification system for prevention issues for the whole sector. The TPC has been underpinned by the national collective agreement for the construction sector, making it compulsory for workers in all companies covered by the agreement to have the Card by 2012^[15].

• Enterprise level

The Health and Safety Committee (Comité de seguridad y salud, CSS) is a bipartite body consisting of an equal number of safety representatives and management representatives (or delegates, in companies with 50 or more employees). Its composition and remit are set out in Articles 38 / 39 of the Law on Prevention. It is to be consulted on questions of OSH policy and prevention activities, and should meet quarterly, or whenever one of the two represented parties makes a request^[16].

The main purpose of the CSS is to facilitate the discussion and exchange of opinions between workers' representatives and management delegates. It can issue statements, but it has no decision-making power and cannot make binding agreements. It should be kept informed about prevention campaigns and OSH policies, and have access to all company documentation. Furthermore, it can propose its own ideas and actions plans, and conduct own analyses on OSH in the company. The safety representatives can also nominate company trade union representatives to participate in the consultation (although they cannot vote)^[17].