



## INVOLVE

Trade unionists workshop in Valladolid, SMC UGT, C/ Gamazo No 13, Valladolid, 6.5.16

Brief notes on subjects discussed

In the workshop participated 22 persons. In the following we present briefly some of the subjects discussed following presentations.

Spanish trade unionists informed participants that there were two labor reforms in Spain, both with very negative results.

Margaritis: The same happened also in Greece.

Alvarez: During the reform of 2012, the aftereffect of the Collective Agreements is 1 year (1.5 in Castilla y Leon). Until 2012, SEPE could inspect the documents of massive layoffs, but not now. Since employers don't need the approval of the Ministry, they have the authority to decide and proceed and workers can only suit them.

Rousakis: Can someone with 20 years working in the same company get fired before someone with two years working in the company? In Greece, this is not possible.

Spain: Yes, even the trade unionists can get fired. Another effect of the reform is that the redundancies are fully released, even in the case the management foresees that sales will drop and companies will henceforward have to give half the compensation.

In Spain, often you are asked to sign up a confidentiality paper before you are given all the necessary information.

Spain

The right to information and consultation in Spain is based on Article 64 of the Charter of Workers, of 2002/14.

Every 3 months, the management of a company must give a report to the Works Council regarding the economic situation, as well as the provisions for the future development. Also, they should give in paper all the information on new contracts, recruitments, type of contracts, overtime, and statistics about absenteeism, the causes of absenteeism, occupational diseases, environment and preventive actions.

Annually, there should be a report about equality of the 2 genders, analysed for each group of employees and the way equal opportunities are assured.

Besides this, the Works Council should be informed about any termination of employment contract, change in the organization of the work and disciplinary proceeding.

In case of a planned restructuring (firing, mergers, legal transformation, transfer or closure of a plant etc.) there should be a consultation 15 days after the provision of this information.

Responsibilities of the Works Council are: Monitoring of the compliance with the agreements, health & safety, equal opportunities. There is the obligation of Works Council members to keep confidential information during the four years of their term. They are protected from firing unless the judge decides the opposite.

The Justice system in Spain is effective. Effectiveness of the Labour Inspectorate though depends mainly on which person (labour inspector) is assigned for the case.

As a consequence of the crisis is that more and more employees contacts trade unions in order to learn what awaits him. Employers often withhold information.

As part of the project Involve, expert investigated which procedure was followed in various cases mainly regarding redundancies.

Changes in the Labour Law (concerning redundancies, wages, compensation) occurred in a very aggressive way, without the participation in the discussion of any employee representative or public consultation, although, as a consequence, employees were tied hand and foot.

In the new Law, there are preview additional justifications for collective redundancies. Any company may proceed to redundancies invoking even the projection of future drop of turn over.

Maximum compensation limit is hence 20 days / year the employee works in the company.

Absence due to illness may rise up to 9 days /year. Higher absenteeism may be interpreted as unjustified and constitute a cause for dismissal.

The reform provides incentives for hiring young people – under 30 years old. On the opposite, it makes it quite difficult to recruit older people or those who don't get an unemployment benefit. Unemployment benefit is given for 2 years for those who have 6 years of continuous work in the company. Those who have worked for less years, the unemployment benefit is reduced by 4 months/ year they have worked less than 6.

Previously, for the 6 first months, they were getting 70% of their gross salary, then 60% and now 50%.

The bonus for the company is to get a reduction of 20% of their contributions. Redundancies can be made for technical reasons, for production reasons or organizational reasons, so companies may allege any of these.

Politicians announced that the reason they proceeded to the legislation reform was to raise flexicurity (flexibility to get in and out the labour market).

As a result, there was a severe increase in unemployment.

In 2010, another reform took place to increase flexibility, but the unemployment rate increased from 20 to 26%. They keep saying that the market is rigid.

Compensation is now reduced from 45 days/year of work and up to 42 salaries as a whole to 30 days/ year and now to 20 days/year and up to 12 monthly wages in total, with easier justification of the dismissal.

Conclusion: There is information, but also misinformation, withholding of information and false information. The law says that employees should be informed 30 days before the dismissal, but there is no provision about how this should take place. This obligation for information is previewed in cases of temporary suspension of a work contract (this meaning a reduction in the time of work), a lay-off or a permanent termination of the work contract.

In Spain, if you find a job for one week, and you are getting an unemployment benefit, this benefit will temporarily stop for this period of the one week and then start again.

The management of a company usually participates to a consultation, as the law requires. It tries to comply with what is defined by the legislation in order not to pay more.

Besides this, they are afraid of negative publicity in the press, if they don't follow the procedures previewed.

So far, those who were in lay-off could not be fired. This is not the case, anymore.

The Labour Inspectorate should be responsible for monitoring if the agreements are in compliance with the law or no.