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EUROPEAN SOCIAL CHARTER

20th National report on the implementation of the European Social
Charter

Submitted by

THE GOVERNMENT OF SPAIN

(for the period from 1 January 2003 to 31 December 2006
And from 1 January 2005 to 31 December 2006)

On Article 1.1 of the Charter

Complementary report registered at the Secretariat on
2 January 2008

20th REPORT ON SPAIN

(Complementary Report)

Article 1.1: “Freely chosen work, without any discrimination”

Concerning this article, in the **previous Report** of Spain, related to the period of reference from 1/1/2003 to 31/12/2004, the most important legislative novelties during the said period were included, i.e., **Act 62/2003**, on Taxation, Administrative and Social Measures (B.O.E. of 31 December), which, by expressly introducing for the first time in the Spanish labour legislation the definitions of direct discrimination, indirect discrimination and harassment, at the same time modernizing the regulation of equal treatment and non discrimination at work, includes important novelties in the field of equal treatment.

Already in relation with the **20th Report**, the **Agreement of the Cabinet Meeting adopting measures to favour equality between women and men** should be highlighted. **(BOE of 8 March 2005):**

The Cabinet, in its meeting of 4 March 2005, approved an agreement by which measures were adopted to favour equality between women and men, on occasion of the International Women’s Day, on 8 March, at the same time that the United Nations World Conference on Gender Equality was being held.

* The measures approved **in matter of employment** were the following:

1st. 60 percent of the actions included in the National Action Plan for Employment will be aimed at women, what could mean that some 1,250,000 women would benefit from this measures along that year (2005). Besides, all Public Programmes for the Promotion of Employment, both concerning subsidies and as a measure to improve employability, should consider women as a priority objective.

2nd. To introduce criteria to favour the hiring of women by the bidding companies in the bidding forms for contracts with the Public Administration.

3rd. In the General State Administration and in the public bodies and companies depending from it, the organs for the selection of personnel should have an equal composition.

4th. To set up instruments to favour the access of women to posts of responsibility within the General State Administration and in the public bodies and companies depending from it until equality has been achieved.

5th. Likewise, a reserve percentage of at least five percent has been established for access to those occupations of public nature where women are underrepresented. After the agreement with the social partners, this measure would be extended to the private sector.

6th. To implement measures to boost the joining and integration of women in the Armed Forces (AFS), including:

- a) setting up the Observatory of Women in the Armed Forces, whose task would be to analyze the procedures for selection, integration and continuance of women in the AFS, as well as to make a survey on the gender impact.
- b) to adapt the premises with the purpose to improve the quality of life of women in the AFS.
- c) to ensure the presence of women in the assessment bodies for the selection, promotion and allocation of assignments.

7th. To sign an agreement with the Association of Shellfish Fisher-Women of Galicia (AGAMAR), with the aim to find alternative formulae for employment in the sector of fishing and aquiculture.

8th. To sign an agreement with the International Labour Organisation (ILO) to promote equality of opportunities in the sector of fishing and aquiculture, through training and technical assistance.

All these measures contained in the Agreement of the Council of Ministers on equality of men and women have later been included in Organic Law of 22 March 2007 on effective equality of women and men, which will be described in detail in the Report corresponding to the following period of reference.

21/12/2007