



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

19 January 2023

Case Document No. 1

**European Organisation of Military Associations and Trade Unions (EUROMIL)
v. Spain**
Complaint No. 219/2022

COMPLAINT

Registered at the Secretariat on 16 December 2022



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Brussels, Belgium
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To the Executive Secretary of the European Committee of Social Rights

Brussels, 15 December 2022

EUROMIL V. Spain

Complaint

The collective complaint launched by the European Organisation of Military Associations and Trade Unions (EUROMIL) against Spain challenges the violation, by the Spanish state, of Articles 5 and 6 of the European Social Charter on the right to organize for military personnel.

Summary and Aim of the Collective Complaint

EUROMIL initiates a collective complaint against Spain with the aim of ensuring trade union rights for professional military associations. In Spain, professional military associations are precluded from undertaking trade union activities. Under the current state of affairs, professional military associations are banned from representing their members in order to protect their economic and social interests and negotiate collective agreements.

This complaint therefore aims at achieving trade union status for professional military associations in Spain and granting military personnel the right to form and join such unions.

Violation of the Revised European Social Charter

The alleged violation relates to Articles 5 and 6 of the Revised European Social Charter (ESC).



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Article 5 – **The right to organise**

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. [...] The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

Article 6 – **The right to bargain collectively**

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

- 1. to promote joint consultation between workers and employers;*
- 2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;*
- 3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;*

and recognise:

- 4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.*

Admissibility

Spain ratified the Revised European Social Charter and the Additional Protocol to the European Social Charter providing for a system of collective complaints on 17 May 2021, entering into force on 1st July 2021.



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EUROMIL is a European non-governmental organisation that has participatory status with the Council of Europe. It is included in the list of international non-governmental organisations entitled to lodge complaints under the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

Founded in 1972, EUROMIL is an umbrella organisation composed of military associations and trade unions. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe. It promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen.

EUROMIL particularly calls for recognition of the right of personnel to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the national authorities.

Background Spain

Legal framework

Currently, members of the Armed Forces or Institutes of other Bodies subject to military discipline (Civil Guard) in Spain are prevented from organizing or affiliating to trade unions to defend their professional and labour rights.

The possibility of limiting or exempting the exercise of the right to freely join a union is foreseen at the constitutional level, in Article 28 of the Spanish Constitution, with the following wording:

*Everyone has the right to freely join a union. **The law may limit or exempt the exercise of this right to the Armed Forces or Institutes or to the other Bodies subject to military discipline** and will regulate the peculiarities of its exercise for public officials. Freedom of association includes the right to form and join trade unions of one's choosing, as well as the right of trade unions to form confederations and to found or join international trade union organizations. [...]*

Specifically, Article 1 of the Organic Law 11/1985, of 2 August, after pointing out that *all workers have the right to freely organize for the promotion*



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and defence of their economic and social interests, prohibits the exercise of the right by stating that members of the Armed Forces and Armed Institutes of a military nature are exempted from the exercise of this right.

a) Armed Forces

Spanish professional associations of members of the Armed Forces work under the Organic Law 9/2011, of 27 July, on the rights and duties of members of the Armed Forces, which exempts military personnel from the right to join or establish trade unions. This is established in Article 7 of said Organic Law, whose content is as follows:

1. *The military is subject to the duty of political neutrality. They will not be able to establish or join political parties and will maintain strict public neutrality in relation to the actions of political parties.*
2. ***The military may not exercise the right to organize and, consequently, may not establish or join unions or carry out union activities.*** *The exercise of it in the field of the Armed Forces will not be allowed either, except for those that for civilian personnel are contemplated in Organic Law 11/1985, of August 2, on Trade Union Freedom and other applicable legislation. In any case, he will maintain his neutrality in relation to the performance of the unions. **The members of the Armed Forces may not resort to the means of union action, understood as collective bargaining, the adoption of measures of collective conflict and the exercise of the right to strike.** Neither may they carry out actions that are substitutes or similar to this right, nor those others agreed upon in order to alter the normal functioning of the units of the Armed Forces.*

Organic Law 9/2011 therefore stipulates that the military is precluded from exercising trade union rights and is exempted from collective bargaining. The non-compliance with the prohibitions may lead to severe disciplinary sanctions, provided in the Organic Law 8/2014, of 4 December, on the Disciplinary Regime of the Armed Forces.

The aforementioned Organic Law provides the right of association through professional associations of the Armed Forces members. The objective of such associations, as stated in Article 33, is to *promote and defend the professional, economic, and social interests of its associates. In addition to the said purpose,*



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they may carry out social activities that favour the exercise of the profession, military ethics, and the dissemination of the culture of security and defence [...]

As to the right to form military professional associations, Article 40 of the Organic Law 9/2011 foresees that:

1. *Associations that meet the requirements established in Article 48.2 may:*
 - a) **Be represented in the Committee of Personnel of the Armed Forces** (Consejo de Personal de las Fuerzas Armadas - **COPERFAS**)
 - b) *Contribute through reports or consultations in the process of preparing regulatory projects that affect the personnel regime*
 - c) *Submit proposals or make reports in relation to matters that are competence of the Committee.*

The functions and scope of the Committee of Personnel of the Armed Forces are foreseen by Organic Law 9/2011, in the Second Chapter of the Third Title "Exercise of the right of professional association".

Article 46 states:

1. *The participation of the professional associations of members of the Armed Forces and their dialogue with the Ministry of Defence will take place in the Committee of Personnel of the Armed Forces, before which they may present proposals or suggestions on matters related to their status and status as military, the exercise of rights and freedoms, the personnel regime and the living and working conditions in the units.*

Article 48 mandates the composition of the Committee, which is *chaired by the Minister of Defence. When he does not attend, the Undersecretary of Defence will do so. It will be constituted, in equal numbers by both parties, by the representatives of the professional associations of members of the Armed Forces who meet the requirements of section 2 and by the representatives of the Ministry of Defence designated for this purpose, among whom will be the Commanders or Chiefs of Army Personnel. [...]*

The functions of the Committee are outlined in Article 49, including the function *to receive, analyse and assess the proposals or suggestions made by professional associations regardless of whether or not they are represented in the Committee.*



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b) Civil Guard

Spanish professional associations of members of the Civil Guard work under the Organic Law 11/2007, of 22 October, on the rights and duties of members of the Guardia Civil, which exempts Civil Guard personnel from the right to join or establish Trade Unions. This is established in Article 9, with limitations established in Articles 11, 12 and 41 of Organic Law 11/2007. The articles state as follows:

Article 9 - Right of association

- 1. The Civil Guards have the right to freely associate and establish associations, in accordance with the provisions of articles 22 and 104.2 of the Constitution and in this Organic Law, for the defence and promotion of their professional, economic, and social rights and interests*
- 2. Civil Guard associations that do not have professional purposes will be governed by the provisions of this article and by the general regulations governing the right of association*
- 3. The Civil Guard associations created for professional purposes will be regulated in accordance with the provisions of this Law, with the general regulations governing the right of association being of supplementary application*
- 4. The Civil Guards members of an association have the right to actively participate in the achievement of the purposes of the association, with no limitations other than those established in this Law*
- 5. Civil Guard associations may not carry out political or union activities, nor be part of political parties or unions*

Article 11 - Trade union rights

Civil Guards may not exercise the right to unionize.

Article 12 - Right to strike

The Civil Guards may not exercise the right to strike or carry out substitute or similar actions to it, nor those others concerted in order to alter the normal functioning of the services.



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Article 41 – Exclusions

*The exercise of the **right to strike, substitute actions, collective bargaining, and the adoption of collective conflict measures, as well as actions that exceed the exercise of recognized rights, are excluded from the scope of action of professional associations** in this Organic Law to the members of the Civil Guard, especially those regulated in articles 7 and 8.*

Organic Law 11/2007 therefore stipulates that the Civil Guards are precluded from exercising trade union rights and are exempted from collective bargaining. The non-compliance with the prohibitions may lead to severe disciplinary sanctions, provided in the Organic Law 12/2007, of 22 October, on the Disciplinary Regime of the Civil Guard.

The Organic Law provides the right of association through professional associations of the members of the Civil Guard. The objective of such associations, as stated in Article 36, is *the satisfaction of the social, economic and professional interests of its associates and the carrying out of social activities that favour efficiency in the exercise of the profession and the professional deontology of its members.*

As to the right to form professional associations, Article 38 of the Organic Law 11/2007 foresees that:

- 1. The legally constituted professional associations will have the right to make proposals and address requests related to their purposes to the competent authorities in the terms determined by regulation.*
- 2. Professional associations may advise and provide support and assistance to their associates, as well as legitimately represent them before the competent bodies of the Public Administrations in matters that affect the professional field of the Civil Guard, except in those cases in which said representation is excluded.*
- 3. The professional associations of the Civil Guards may promote candidacies for the election of members of the Council of the Civil Guard and any other participatory or representative bodies that are established, as well as for the election of members of the representative, government and management bodies of the mutual societies, associations and other social*



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welfare and assistance entities officially constituted by members of the Civil Guard when so provided by their specific regulations.

The functions and scope of the Council of the Civil Guard are foreseen by Organic Law 11/2007, in the Title VII "Of the Council of the Civil Guard".

Article 52 states over the **Council of the Civil Guard**:

Under the presidency of the Minister of the Interior, or a person delegated by him, the Council of the Civil Guard is created as a collegiate body in which representatives of the members of the Civil Guard Corps and the Ministries of Interior and Defence will participate, in order to improve the professional conditions of its members, as well as the functioning of the Institute.

Article 53 mandates the composition of the Council of the Civil Guard:

1. *The Council of the Civil Guard consists of the following:*
 - a) *On behalf of the members of the Civil Guard: the members elected by the members of the Institute through personal, free, direct and secret suffrage. The number of these representatives will be determined by Scales, corresponding to each one of them a member in the Council and one more for every 6,000 civil guards that were active in said Scale.*
 - b) *Representing the General State Administration: the members appointed by the Ministries of Interior and Defence until reaching the same number of representatives as those who would have been elected by the members of the Institute.*
2. *The representative of the General State Administration designated by the President will act as Secretary.*

The functions of the Council of the Civil Guard are outlined in Article 54, that being *analysing and assessing the proposals and suggestions made by the Civil Guards on the personnel regime, on their rights and duties, on the exercise of the right of association and on the social aspects that affect them.*



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Jurisprudential and governmental official positions

As regards jurisprudential positions on the matter, the issue has been submitted to the highest level of Spanish Judicial power, the Supreme Court. In the *STS 3591/2016* judgment of 22 June 2016, the Labour Chamber of the Supreme Court has ruled on this matter by declaring that the legal prohibition for the exercise of this right by the members of the Armed Forces and Civil Guard is strongly supported by the Constitution. However, no resolution from the Constitutional Court has been submitted.

Furthermore, the judgment states how the legal framework foreseen for professional associations of military personnel, regulated in the Organic Law 9/2011 for the members of the Armed Forces, and in the Organic Law 11/2007 for the members of the Civil Guard, is sufficient for the adequate defence of the military's professional, social, and economic rights.

The official government's position, maintained by the various governments, has been that the existence of professional associations perfectly covers the defence of the economic, professional, and social rights of the military.

Relevant international material

Trade union rights are foreseen in Article 8 of the [International Covenant on Economic, Social and Cultural Rights](#), Article 22 of the [International Covenant on Civil and Political Rights](#), Articles 12 and 28 of the [Charter of Fundamental Rights of the European Union](#) and Conventions 87 and 98 of the ILO.

At the Council of Europe level, the European Convention on Human Rights, Article 11, safeguards trade union freedom as an aspect of freedom of association to protect the occupational interests of trade union members by trade union action. The right to bargain collectively with the employer became one of the essential elements of the "right to form and to join trade unions for the protection of [one's] interests". The essence of a voluntary system of collective bargaining is that it must be possible for a trade union which is not recognised by an employer to take steps including, if necessary, organising industrial action, with a view to persuading the employer to enter into collective bargaining with it on those issues which the union believes are important for its members' interests (*Wilson, National Union of Journalists and Others v. the United Kingdom*, §46). The right of collective



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action was recognised by the European Court of Human Rights as one of the elements of trade union rights laid down by Article 11.

The aforementioned rights equally apply to military personnel under international standards and legislation. Some restrictions have been foreseen to balance rights and service requirements. Nevertheless, it is worth drawing attention to the human rights jurisprudence, which considers that these limitations should be interpreted restrictively, and surely not to serve as justification for imposing blanket bans on the rights of military personnel.

The European Court of Human Rights has ruled that, despite possible restrictions to their rights, military personnel should not be deprived of the general right of association to defend their occupational and non-pecuniary interests (*Adefdromil v. France*, §55; *Matelly v. France*, §71). A blanket ban on forming or joining a trade union by military personnel is contrary to the European Convention on Human Rights (*Adefdromil v. France*, §60; *Matelly v. France*, §75).

In Recommendation CM/Rec(2010)4 on human rights of members of Armed Forces, the Committee of Ministers of the Council of Europe highlighted that:

54. Members of the Armed Forces should have the right to join independent organisations representing their interests and have the right to organise and bargain collectively. Where these rights are not granted, the continued justification for such restrictions should be reviewed and unnecessary and disproportionate restrictions on the right to assembly and association should be lifted.

In light of the above, the Committee has considered that restrictions to Article 5 of the ESC may not go as far as to suppress entirely the right to organise, such as the blanket prohibition of professional associations of a trade union nature and the affiliation of such associations to national federations/confederations (*CESP v. France*, *Complaint N° 101/2013*, §84).

For what concerns members of the Armed Forces specifically, the Committee, in the case *EUROMIL v. Ireland* (*Complaint N° 112/2014*, §55-56), already found that a complete ban on affiliation was not necessary or proportionate. It also found that the exclusion of the military associations from direct participation in national public sector pay negotiations failed to ensure sufficient access of military representative associations to pay agreement



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discussions, thus violating Article 6(2) (§97). This case is a clear decision on behalf of the Court that the Member States cannot derogate from the fundamental rights and freedoms of military personnel, by virtue of the fact that they are merely members of the national armed forces.

Moreover, in the case of the *Italian General Confederation of Labour (CGIL) v. Italy (Complaint N° 140/2016)*, the Committee found a violation of the right to strike (see paragraph 145).

Arguments

EUROMIL, on behalf of its Spanish member association AUME (Asociación Unificada de Militares Españoles), and AUGC (Asociación Unificada de Guardias Civiles), considers that members of the Armed Forces and Civil Guard in Spain are discriminated against because of their military condition.

Article 5 - The right to organise

EUROMIL argues that Spain has violated, and is continuing to violate, Article 5 of the ESC as the limited form of workers' representation through the existing professional military associations does not constitute a satisfactory implementation of the said Article.

It is accepted that Article 5 allows States to impose restrictions upon the right to organise of members of the Armed Forces and grants them a wide margin of appreciation in this regard, subject to the terms set out in Article G of the Charter. However, these restrictions may not go as far as to suppress entirely the right to organise, such as the blanket prohibition of professional associations of a trade union nature, as was reiterated in the cases *Adefdromil v. France* and *Matelly v. France* (see *supra*).

The Spanish legislation, through Organic Law 9/2011 for the Armed Forces personnel and Organic Law 11/2007 for the Civil Guard personnel, prescribes restrictions on the right to organise for military personnel and their representatives by prohibiting activities of a trade union nature. However, this limitation is not considered as being proportionate and necessary in a democratic society.



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The Spanish government held that the legislative framework in place for military professional associations is sufficient to guarantee the protection of the military's rights. Organic Law 9/2011 foresees the Committee of Personnel, through which military associations have the right to be heard on the issues of their members; Organic Law 11/2007 foresees the Council of the Civil Guard, through which professional associations of the Civil Guard have the right to be heard on the issues of their members (see *supra*).

EUROMIL argues that said provisions have not been implemented into practice. The right to freedom of association is theoretically granted to military personnel, however, the role and competences of military associations have been extremely restricted. That is to say that, although Organic Law 9/2011 foresees the right for military associations to be heard on the issues of the professional, remuneration and social status of their members by the Committee of Personnel, and Organic Law 11/2007 foresees the same regarding the Civil Guard, those provisions are not sufficient, in practice, to defend the socio-professional rights of military personnel.

In this regard, contrary to what stated by the Spanish government, the Organic Law 9/2011, in relation to Armed Forces personnel, and the Organic Law 11/2007, in relation to Civil Guard personnel, are insufficient for the protection of the rights of military personnel. In fact, the current regulation of the right of professional association does not allow for an active and effective defence of the legitimate rights and interests of the military in Spain, thus depriving military representative associations of expressing their demands on working conditions and pay in an appropriate and effective manner.

EUROMIL argues that the lack of effective protection for the Armed Forces stems from the non-binding participation in the Committee of Personnel and from the fact that the body is fully controlled by the Ministry of Defence. The composition of the Committee is designed in such a way that it pivots on the presence of the associative representatives in a collegiate body, dependent on, and controlled by, the Ministry of Defence. By means of the said framework, military professional associations are not consulted, and the opinions submitted to the Committee of Personnel are not taken into account. Therefore, the role and competences of military associations have been extremely restricted. The same situation applies to the Civil Guard, fully controlled by the Ministries of Interior and Defence.



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It is submitted that the regulatory framework for the social protection of the military discriminates against them. The military, currently, does not enjoy effective judicial protection for social jurisdiction in all respects like the rest of the Spanish workers, such as civil servants and the rest of the public and private workers. For this reason, it is essential that the representatives of the military personnel obtain effective judicial protection for social jurisdiction, with the representatives of the military personnel being able to act in the same way as unions in defence of the interests and rights of workers.

EUROMIL recalls that as public service employees, military personnel should be treated not only as "Citizens in Uniform" but also as "Workers in Uniform", meaning that they should be entitled to the same rights as any other worker concerning their working conditions and their professional, economic and social interests.

In light of the above, EUROMIL believes that the regulation of professional associations is clearly insufficient to defend their members' rights, resulting in professional military associations being impeded from collectively representing the "Workers in Uniform" as a professional category for the protection of their economic and social interests. The current situation is manifestly unsatisfactory, and, above all, it discriminates against the military personnel with the rest of the public and private workers.

EUROMIL advocates for trade union rights, as the prohibition of the formation of unions considerably reduces the social, economic, and judicial recognition of the actions of the Spanish professional associations.

Article 6 - The right to bargain collectively

In addition, EUROMIL argues that Spain has violated and is continuing to violate Article 6 of the ESC in various respects.

It is submitted that there is nothing in the wording of Article 6 of the ESC entitling Spain to particularly enact restrictions on the right to bargain collectively for military personnel. EUROMIL, therefore, argues that it is not justified to have a complete ban on collective bargaining rights for members of the Armed Forces or Civil Guard.



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For what concerns paragraphs 1 and 2, Article 6 has been violated on the grounds that Spain does not in any way promote joint consultations between the members of the Armed Forces and the Ministry of Defence, or between the Civil Guard members and the Ministries of Interior and Defence, as a public service employer, and does not promote any machinery for voluntary negotiations between trade unions representing the former - which are banned - and the latter, in order to regulate working conditions through collective agreements.

The Organic Law 9/2011 on the rights and duties of members of the Armed Forces foresees that the right for military associations to be heard on the issues of the professional, remuneration and social status of their members takes place in the Committee of Personnel of the Armed Forces, before which they may present proposals or suggestions (see *supra*). For the Civil Guard, the Organic Law 11/2007 on the rights and duties of members of the Civil Guard defines that the right for professional associations to be heard on the abovementioned issues takes place in the Council of the Civil Guard (see *supra*).

However, EUROMIL highlights that this right is not currently respected in practice, and Spain is not promoting a fair and equal joint consultation between the workers on the one side, and the employer on the other side. For the Armed Forces, social dialogue with the Ministry of Defence is absent: professional associations are not consulted, and the opinions presented to the Committee of Personnel are formally heard - as required by the law - but systematically not considered. The foregoing situation equally applies to the Civil Guard. Social dialogue with the Ministries of Interior and Defence is absent, as professional associations of the Civil Guard are not consulted, and the presented opinions are in general not taken into account.

Moreover, EUROMIL underlines that the right to be heard or consulted is not equivalent to the right to negotiate as understood by Article 6 of the ESC. It is submitted that it is imperative to regularly consult with all parties during a process of collective bargaining and, therefore, any parallel discussions or mere hearing of a military representative association does not satisfy the requirements of efficiency inherent in Article 6(2) of the Charter.

Military associations have in legislation (see *supra*) a restricted role and their competences are extremely limited. There is no alternative to the bargaining process. They are consequently barred from taking part in the determination and



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improvement of the working conditions and working environment of their affiliates.

Trade Union rights of military professional associations have been restricted in Spain and it is submitted that these associations should be able to argue on behalf of their members through at least one effective mechanism. Accordingly, in order to satisfy this requirement, the mechanism of collective bargaining must be such as to genuinely provide for a possibility of a negotiated outcome in favour of the workers' side.

It is therefore submitted that the legislation and practice in Spain fail to ensure that military associations are provided with means to effectively negotiate the terms and conditions of employment of the members of the Armed Forces and Civil Guard and make collective binding agreements with the employer on their behalf. Consequently, EUROMIL maintains that the prohibition of trade union rights for military personnel in Spain is neither necessary nor appropriate within the meaning of Article G and gives rise accordingly to a violation of paragraphs 1 and 2 of Article 6 of the ESC.

As regards paragraph 4 of Article 6 of the ESC, EUROMIL argues that the prohibition against the right to strike of military representatives of associations amounts to a violation of the right to collective action under Article 6.

EUROMIL stresses that the right to strike must be considered alongside the right to collective bargaining, as intrinsic to the right to organise, and should only be used as an instrument of last resort to defend workers' rights. However, it is an essential trade union right that must be guaranteed to all workers as it is the most effective mean to achieve a favourable result from a bargaining process.

In Spain, the prohibition in respect of the right to collective action by way of strike is prescribed in the Organic Law 9/2011 for the Armed Forces personnel, and in the Organic Law 11/2007 for the Civil Guard personnel. However, it is not accepted that this blanket ban is justified.

EUROMIL argues that an absolute prohibition cannot be justified either by the requirements of military discipline or by the public nature of the service. Nevertheless, as the Committee notes, restrictions on the right to strike may be acceptable under specific circumstances and conditions (*CGIL v. Italy* N° 140/2016 §145), namely when social dialogue and the right of collective bargaining are



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sufficiently organised and effective. As this is not the case in Spain, EUROMIL considers that the prohibition of the right to strike prescribed in the Organic Law 9/2011 for the Armed Forces personnel, and in the Organic Law 11/2007 for the Civil Guard personnel, is not necessary in a democratic society and should thus be replaced by a partial prohibition.

Accordingly, it is submitted that the prohibition of the right to strike of representatives of military associations amounts to a violation of Article 6(4) of the Charter.

EUROMIL argues that in order to ensure effective protection and promotion of the interests of Spanish members of the Armed Forces and Civil Guard, the three pillars of their collective representation, namely the right to freedom of association, social dialogue and the right of collective bargaining, and the right to strike, should be respected.

In light of the above, EUROMIL insists that the lack of existing social dialogue, coupled with the prohibition of a machinery for voluntary negotiations between employers and workers' organisations, aiming at negotiating the terms and conditions of employment by means of collective binding agreements, impede the essence of the rights to organise and to bargain collectively of Spanish military personnel and, therefore, violates Articles 5 and 6 of the ESC.



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Conclusions

EUROMIL requests that the Committee finds that:

- Spain is violating Article 5 of the ESC being that it prohibits professional military associations from exercising activities of a trade union nature and, therefore, from collectively representing members for the protection of their economic and social interests
- Spain is violating Article 6 §1 of the ESC inasmuch as it is not promoting joint consultations:
 - in the Armed Forces between on the one side professional military associations as workers' organisations, and the Ministry of Defence as the employer on the other
 - in the Civil Guard between professional associations as workers' organisations and the Ministries of Interior and Defence as the employer
- Spain is violating Article 6 §2 of the ESC on the grounds that it is not promoting machinery for voluntary negotiations:
 - in the Armed Forces, between professional military associations as workers' organisations and the Ministry of Defence as the employer, in order to regulate employment conditions by collective agreements
 - in the Civil Guard, between professional associations as workers' organisations and the Ministries of Interior and Defence as the employer, in order to regulate employment conditions by collective agreements
- Spain is violating Article 6 §4 of the ESC because it prohibits professional military associations, as workers' organisations, from exercising the right to strike.

Emmanuel JACOB

President

Jörg GREIFFENDORF

Vice-President