Confederación Intersindical Galega

Observations on the 2026 Report submitted by the Government of Spain concerning the European Social Charter

Articles 2, 3, 4, 5, 6, and 20

Executive summary

CIG respectfully states that the Government's report relies excessively on the formal existence of statutory provisions, strategies, guides and awareness campaigns. The relevant question under the European Social Charter is not only whether a legal framework exists, but whether workers effectively enjoy the rights guaranteed by the Charter in real workplaces. CIG therefore proposes the Committee to request from the Government of Spain disaggregated and verifiable information on actual enforcement: inspection activity, sanctions imposed, regularisation of workers, sectoral and territorial data, follow-up of equality plans, effective control of working time, assessment of psychosocial risks, and practical guarantees for trade-union activity and collective bargaining in fragmented and precarious sectors.

I. Preliminary remarks

The Confederación Intersindical Galega (Galician Unions' Confederation) is a trade union that defends the national identity of Galicia and the self-organization of the Galician workers; practices solidarity and internationalism; considers democracy and participation a fundamental principle; maintains independence from any other organization or institution; and expresses itself in Galician language and promotes the Galician culture.

We submit these observations from a nationalist trade-union perspective. The purpose is not merely to contradict the legal description provided by the Government of Spain, but to supplement it with concrete data, sectoral examples and adverse evidence showing that the formal existence of legal rules does not always ensure the effective enjoyment of the rights protected by the Revised European Social Charter.

The Government's report places strong emphasis on statutory provisions, policy strategies, guides, awareness campaigns and inspection plans. However, the practical exercise of labour rights in Spain continues to be limited by structural factors: subcontracting, precariousness, low union density in certain sectors, weak enforcement in small workplaces, gender segregation, platform work, excessive working time, insufficient control of psychosocial risks, and an institutional social dialogue model that does not adequately reflect trade-union pluralism, particularly in nations such as Galicia.

The Galician perspective is relevant to the effective enjoyment of Charter rights in a plural trade-union system. A union that is more representative in Galicia must be able to participate effectively in the formation and monitoring of labour policies that materially affect Galician workers.

II. Article 2 — *The right to just conditions of work*

1. Working time: formal limits coexist with excessive concentration of hours

The Government states that Spanish law sets a general maximum of 40 hours per week on average over the year. This is correct as a formal rule. Nevertheless, the same report acknowledges that irregular distribution of working time may be agreed collectively or, in the absence of agreement, imposed unilaterally by the employer up to 10% of the annual working time. It also acknowledges that mobile workers in road transport may work up to 60 hours per week, provided that the average does not exceed 48 hours over the reference period, and that workers at sea may reach 72 hours over seven days in certain cases (Government Report, Articles 2(1)(a) and 2(1)(b)).

From a trade-union perspective, these figures cannot be treated as merely theoretical. Road transport, logistics, fishing, maritime activities and port-related work are sectors where fatigue is a real occupational risk. In road transport, long working weeks are combined with driving, waiting time, loading and unloading, time away from home and pressure to comply with routes. In fishing and maritime work, long periods on board, isolation, night work and difficult weather conditions intensify risk.

A concrete indicator of the seriousness of this problem is occupational road accident data. According to the INSST report on occupational traffic accidents, in 2024 Spain recorded 76,327 occupational traffic accidents out of a total of 647,200 work accidents with sick leave. This shows that transport-related risk is not marginal; it is a major component of occupational safety in Spain (INSST — Annual report on work accidents in Spain. 2024 data; INSST — Report on occupational traffic accidents. 2024 data).

CIG respectfully asks the Committee to request from the Government real, disaggregated data on the actual use of working weeks of up to 60 hours in road transport and of up to 72 hours in maritime work, identifying the sectors, the number of workers affected, the inspection activity carried out and the sanctions imposed.

The assessment of Article 2 should also cover the reliability of working-time recording systems, including periods of presence, waiting time, loading and unloading, connection to digital tools, travel between services and other forms of availability that may be invisible in formal records.

2. On-call time and inactive availability: a legal gap with practical consequences

The Government expressly accepts that Spanish law does not contain a general rule governing on-call periods or inactive availability. It relies instead on sectoral rules, collective bargaining and CJEU case-law (Government Report, Article 2(1)(c)).

This is an important deficiency. In practice, many workers are formally "resting" while remaining subject to real restrictions: they must be reachable, remain near the workplace, keep their phone active, respond rapidly, avoid certain personal activities or be ready to return to work at short notice. This is particularly relevant in health care, maintenance, emergency services, transport, IT support, security, residential care, cleaning contracts and outsourced services.

The absence of a clear general rule creates a risk that periods which are materially incompatible with genuine rest are not recorded, paid or compensated as working time. A trade-union assessment of Article 2 must therefore focus not only on statutory maximums, but on whether the worker actually enjoys predictable and effective rest.

CIG respectfully submits that the absence of a general statutory rule on on-call time creates legal uncertainty that may be incompatible with effective rest, particularly where workers must remain reachable, close to the workplace or able to resume work at very short notice.

CIG example: CIG-Saúde has also warned that issues such as rest, on-call duties and resident staff conditions in the Galician public health system should be negotiated in legitimate collective bodies and not partially or selectively. **Source**: CIG-Saude on rest and on-call duties.

3. Conclusions on Article 2

Article 2§1 — Reasonable working time

The situation should continue to be found not to be in conformity with Article 2§1. In Conclusions XXII-3 (2022), the Committee held that the maximum weekly working time may exceed 60 hours in flexible working-time arrangements and for certain categories of workers. The current situation does not remove that concern. The Government's report itself accepts that irregular distribution of working time remains possible and that specific sectors, including road transport and maritime work, may still involve very long reference-period working patterns. This is not a merely formal issue. In transport, logistics, fishing and maritime activities, extended working weeks are combined with waiting time, loading and unloading, time away from home, night work, fatigue and safety risks. In the absence of disaggregated data on the actual use of 60-hour or 72-hour patterns, inspection activity, sanctions and effective recording of all periods of availability, the structural ground of non-conformity identified in Conclusions XXII-3 (2022) remains.

Article 2§3 — Annual holiday with pay

The situation should also remain one of non-conformity under Article 2§3. In Conclusions XXII-3 (2022), the Committee found that not all employees have the right to take at least two weeks of uninterrupted annual holiday during the year. The current report does not demonstrate that this defect has been fully corrected in practice for all categories of workers. The persistence of fragmented work, subcontracting, temporary employment, part-time work, replacement practices and high-turnover sectors makes it essential to assess not only the formal existence

of annual leave rights, but whether workers can actually take uninterrupted rest without loss, pressure or retaliation. Unless the Government provides clear evidence that all workers, including those in precarious, outsourced and discontinuous employment, effectively enjoy at least two uninterrupted weeks of paid holiday, the previous finding in Conclusions XXII-3 (2022) should be maintained.

Article 2§4 — Dangerous or unhealthy work

The non-conformity under Article 2§4 should also be maintained. In Conclusions XXII-3 (2022), the Committee considered that it had not been established that all workers performing dangerous or unhealthy work are entitled to appropriate compensation measures, such as reduced working hours or additional paid leave. The present situation remains problematic because the Government relies mainly on the general preventive framework and does not show that workers exposed to dangerous, unhealthy or particularly burdensome conditions systematically receive specific compensatory protection. This is especially relevant in transport, fishing, construction, cleaning, care work, domestic work, platform work, climate-exposed work and other sectors where risks are aggravated by fatigue, understaffing, psychosocial pressure or extreme temperatures. Without proof of universal, enforceable and sector-sensitive compensation measures, formal prevention cannot be treated as sufficient compliance.

III. Article 3 — *The right to safe and healthy working conditions*

In Article 3, the decisive issue is enforcement. Spain has a developed preventive framework, but vulnerable workers are often formally protected and materially under-supervised. This is the central weakness of the Government's report.

1. High occupational accident figures show that prevention remains insufficient

The Government describes the Spanish preventive framework in broad terms. However, accident figures show that the system remains far from satisfactory. In 2024, Spain recorded 647,200 work accidents with sick leave: 556,385 occurred during working time and 90,815

were commuting accidents. These figures demonstrate that occupational risk prevention is still failing at a material level (INSST — Annual report on work accidents in Spain. 2024 data).

The issue is not a lack of regulation. Spain has a compact statutory framework. What falters is the distance between formal compliance and genuine prevention. In many workplaces, risk assessments are still generic, outsourced, and reduced to paperwork. Preventive plans frequently overlook the realities of daily work: actual staffing levels, workloads, production pressure, subcontracting chains, time constraints, fatigue, psychosocial hazards, and gender-related risks.

This is especially visible in construction, agriculture, transport, fishing, logistics, cleaning, hotel housekeeping, care work, domestic work and subcontracted services. These are precisely the sectors where workers often have weaker bargaining power and greater fear of retaliation.

CIG example: CIG has specifically linked the deterioration of occupational safety in Galicia to insufficient prevention and weak enforcement. In April 2025 it stated that 2024 figures showed a significant increase in serious and fatal accidents, that fatal accidents in Galicia rose by 16% compared with 2023, and that the rise among temporary employees was particularly acute. CIG called for more labour-inspection resources, more technical preventive staff and specialised prosecution and judicial resources for occupational accidents. **Source:** CIG, occupational accident figures and prevention deficits in Galicia.

2. Psychosocial risks: legal recognition remains indirect and enforcement is weak

The Government states that psychosocial risks are covered by the general scope of the Law on Prevention of Occupational Risks. This is formally true, but insufficient. There is still no detailed, binding and comprehensive regulation of psychosocial risks equivalent to the seriousness of the problem.

Work intensification, understaffing, permanent availability, digital monitoring, algorithmic control, violence from clients or users, emotional burden, isolation in telework, rotating shifts and excessive performance targets are not secondary risks. They are central features of modern work organisation.

Concrete examples include:

- call-centre workers subject to continuous monitoring, strict scripts, high call volumes and emotional pressure;
- home-care and residential-care workers exposed to physical and emotional overload, often in feminised and low-paid jobs;
- platform delivery riders whose income and access to work may depend on opaque algorithmic systems;
- teleworkers who experience extension of working time through emails, messaging applications and online platforms;
- hotel room attendants exposed to high room quotas, musculoskeletal disorders and outsourcing.

Guides, brochures and awareness campaigns cannot replace binding obligations to modify work organisation where it damages health.

CIG respectfully asks the Committee to request clarification on whether the Government intends to introduce binding and specific obligations on psychosocial risks, including mandatory assessment of workload, staffing levels, performance targets, digital monitoring, client violence, emotional burden and organisational factors, with effective participation of workers' representatives.

CIG example: The care sector provides a concrete example of psychosocial and organisational risk. In the home-help service in Cabanas, CIG denounced work overload, abusive shifts, continued breaches of rights and split daily patterns imposed on part-time workers instead of increasing working time under the applicable agreement. This is exactly the type of organisational risk that cannot be solved by awareness material alone. **Source:** CIG, home-help service in Cabanas.

3. Digital platform work: enforcement difficulties are shown by the Glovo case

The Government refers to inspection campaigns and guidance on digital platform work. However, the platform economy in Spain shows that legal rules have been difficult to enforce in practice.

A clear example is Glovo. Despite the so-called "Rider Law", the company maintained a freelance model for years. In December 2024, Delivery Hero announced that Glovo riders in Spain would become employees. Reuters reported that previous fines imposed on Glovo by the Spanish Government amounted to 135.7 million euros for failure to comply with social-security contributions and other payment obligations linked to not formally employing riders. Other press reporting referred to accumulated sanctions and liabilities in the hundreds of millions. This example shows that platform work is not merely a matter of guidance or future inspection planning; it is a field where non-compliance can become a business model (Reuters — Delivery Hero says Glovo riders in Spain to become employees).

CIG therefore considers that the answer to the European Committee should not be limited to describing campaigns. It should address whether sanctions are sufficiently dissuasive, whether workers are effectively regularised, whether algorithmic management is transparent, and whether trade unions can organise workers in digital and fragmented workplaces.

Sanctions in platform work must be assessed not only by their amount, but by their capacity to produce full regularisation, social-security compliance, transparency of algorithmic management and effective access of trade unions to digitally organised workforces.

CIG example: CIG has described platform work as work organised on demand through applications, coordinated by algorithms and presented as a market rather than as an undertaking. Its analysis of Glovo, Uber and similar models stresses that many workers are treated as self-employed or false self-employed, paid per task rather than by working time, while the risk of demand fluctuation is transferred to the worker. **Source:** CIG, from Glovo to Uber: platform economy.

4. Domestic work: legal progress is real, but implementation remains fragile

The Government relies on Royal Decree 893/2024, which regulates health and safety in domestic work. This is a positive and long-overdue development. However, the sector remains structurally vulnerable.

Domestic work is overwhelmingly feminised, frequently performed by migrant women, often carried out in isolation inside private homes, and historically excluded from full labour protection. The Government itself acknowledges that the system relies heavily on simplified risk-assessment tools and on the individual employer's capacity to apply them (Government Report, Article 3(2)(b)).

This raises practical concerns. A household employer is not comparable to an ordinary company with technical, legal and preventive resources. Without accessible inspections, specific protection against retaliation, free health surveillance, effective training and special attention to harassment and violence, the right to occupational safety may remain largely declaratory.

CIG respectfully asks the Committee to request information on how the new domestic-work health and safety rules are being implemented in practice: number of assessments carried out, training provided, medical surveillance offered, inspections or advisory actions performed, and mechanisms protecting domestic workers from retaliation or loss of employment.

CIG example: Although the Government refers to domestic work, CIG's recent activity in the wider care and home-help field shows how fragile implementation is in practice. In the home care sector CIG reported a mass strike denouncing precariousness, the lack of safety protocols and institutional inaction after the killing of a home-help worker in O Porriño; in another campaign it stressed that home care service and private-care workers were demanding collective agreements, fair pay and a care model that puts people before profit. **Source:** CIG, SAF strike and lack of safety protocols; CIG, fair conditions and wages in the care sector.

5. Self-employed workers and false self-employment

The Government expressly states that self-employed workers are excluded from the scope of the Law on Prevention of Occupational Risks and that their protection depends mainly on public promotion duties and coordination of business activities (Government Report, Article 3(2)(b)).

This is particularly problematic in sectors where "self-employment" may conceal economic dependence or actual subordination: platform delivery, transport, logistics, construction, media, care services and professional services performed for a dominant client. For workers who are formally self-employed but materially dependent, exclusion from the full preventive framework means exclusion from a core component of decent work.

CIG example: The platform-economy example is again relevant here: CIG's analysis argues that such companies present workers as "entrepreneurs" or "their own bosses" while using the self-employed category to avoid the labour protections attached to employment status. This confirms the need to treat false self-employment as a collective-rights and health-and-safety issue, not merely as a contractual classification problem. **Source:** CIG, platform economy and false self-employment.

6. Climate risks: information letters are not enough

The Government states that in 2025 the Labour Inspectorate sent 112,620 communications to companies concerning adverse environmental conditions and that a specific inspection campaign on adverse weather conditions has existed since 2023 (Government Report, Article 3(3)).

This is useful, but insufficient. Climate risk is no longer exceptional. Outdoor workers in agriculture, construction, street cleaning, delivery, transport, fishing, markets, road maintenance and emergency services are already exposed to heat waves, UV radiation, storms, flooding and extreme weather.

CIG considers that letters and campaigns must be complemented by enforceable protocols negotiated with workers' representatives, objective temperature and weather thresholds, mandatory work stoppage or reorganisation where necessary, reinforced staffing, shaded rest

areas, water, adaptation of schedules and protection against retaliation when workers invoke serious and imminent risk.

Climate-risk prevention requires objective thresholds for stopping or adapting work, access to shade, water and rest, changes in working hours, prioritisation of telework where necessary, protection against wage loss and specific participation of prevention delegates and trade unions.

CIG example: CIG-Saude has brought concrete heat-risk complaints before the Labour Inspectorate. In the Viveiro health centre it denounced indoor temperatures above the estimated threshold for thermal-stress risk, affecting both workers and users and creating a potential fainting risk. This example shows that climate and heat risks are not confined to outdoor work and require measurable limits and enforceable preventive action. **Source:** CIG-Saude, complaint over high temperatures in Viveiro health centre.

3. Conclusions on Article 3

Article 3§2 — Enforcement of occupational safety and health regulations

The situation should continue to be found not to be in conformity with Article 3§2. In Conclusions XXII-2 (2021), the Committee identified two grounds of non-conformity: the measures taken to reduce the number of accidents at work were insufficient, and occupational diseases were not monitored effectively. The current evidence reinforces rather than dispels those concerns. Spain continues to record a very high number of occupational accidents, and the Government's response remains heavily centred on legislation, strategies, guides, campaigns and inspection plans rather than on demonstrated preventive results. In many workplaces, risk assessment remains generic, outsourced or paper-based, while real organisational risks — workloads, staffing levels, subcontracting, fatigue, psychosocial risks, digital control, violence from users and climate exposure — are insufficiently addressed. The absence of robust, disaggregated evidence on accidents, occupational diseases, inspections, sanctions and corrective measures means that the non-conformity identified in Conclusions XXII-2 (2021) should stand.

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IV. Article 4 — *The right to fair remuneration and equal pay*

This section distinguishes between formal pay-transparency instruments and their real effectiveness. The existence of pay registers, pay audits and equality plans does not by itself prove compliance where workers' representatives lack full access to disaggregated data or where job classifications continue to undervalue feminised work.

1. The gender pay gap has narrowed, but remains structurally significant

The Government's own graph shows a persistent gender pay gap. External official data confirm this. According to the INE Annual Salary Structure Survey for 2023, average annual pay was 30,372.49 euros for men and 25,591.31 euros for women. The overall average was 28,049.94 euros. This means that women earned approximately 4,781 euros less per year on average than men (INE — Annual Salary Structure Survey. Year 2023. Final results).

The same INE release shows strong sectoral differences: electricity, gas, steam and air-conditioning supply had the highest annual remuneration, at 54,447.96 euros, while accommodation and food service activities had the lowest average earnings, at 16,985.78 euros. This is relevant because low-paid sectors are often feminised, precarious and affected by part-time work, outsourcing and weaker bargaining power.

The problem is therefore not only unequal pay for the same job. It is also the undervaluation of feminised work: cleaning, care, home help, hospitality, retail, contact centres, administrative support and social services. These jobs require responsibility, emotional labour, physical effort, conflict management and care skills, but collective classifications and wage structures do not always value them adequately.

CIG web example: CIG's 2025 International Working Women's Day campaign stated that the gender pay gap reached 18.4% in Galicia and that it would not be reduced without a fair valuation of feminised jobs. Its 2026 Equal Pay Day analysis reported a 17.7% pay gap in 2024, equivalent to Galician women receiving on average EUR 4,706 less per year than men, and

linked the gap to part-time work, fixed-discontinuous contracts, care responsibilities, promotion barriers and the systematic undervaluation of feminised work. **Source:** CIG, 8 March 2025 campaign on pay gap and feminised work; CIG, Equal Pay Day 2026 analysis.

2. Pay registers and equality plans are not sufficient without enforcement

Spain has pay registers, pay audits and equality plans. These are valuable tools, but they often become formal documents. In many workplaces, workers' representatives do not receive sufficient information to assess the real causes of pay differences. In small companies, the ability to monitor pay discrimination is even weaker.

A trade-union response must therefore insist on inspection activity, access to disaggregated pay data, objective job evaluation, review of feminised job classifications, sanctions for non-compliance and stronger collective bargaining rights.

CIG respectfully asks the Committee to request from the Government data on inspections and sanctions concerning pay registers, equality plans, pay audits and job-evaluation systems, broken down by sector, company size and territory, including Galicia.

CIG example: CIG's equality materials connect pay transparency with the broader need to review sectoral classifications and wage structures in feminised activities. The union's analysis of the 2024 Galician pay gap expressly warns that the apparent statistical reduction of the gap is not a structural improvement when absolute differences have increased over the last decade. **Source:** CIG, Equal Pay Day 2026 analysis.

3. Conclusions on Article 4

The situation should remain one of non-conformity under Article 4§1. In Conclusions XXII-3 (2022), the Committee found that it had not been established that the minimum wage in either the private or the public sector ensured a decent standard of living. The current report does not sufficiently demonstrate effective adequacy of remuneration when assessed against actual living costs, household needs, inflationary pressure, territorial differences and the situation of low-paid sectors. Moreover, the persistence of a gender pay gap and the structural

undervaluation of feminised work — including cleaning, care, home help, hospitality, retail, contact centres and social services — show that formal wage floors do not by themselves ensure decent remuneration. Compliance requires evidence that wages actually secure a decent standard of living for workers in the lowest-paid and most precarious sectors; that evidence has not been sufficiently provided.

V. Article 5 — *The right to organise*

1. Formal freedom of association coexists with low union density

The Government describes the constitutional and statutory recognition of trade-union freedom. However, the effectiveness of that right must be assessed in the light of actual unionisation. OECD data for Spain indicate trade-union density of 12.5% in 2023, while collective bargaining coverage is much higher. This reveals a structural paradox: collective agreements cover many workers, but direct union membership remains limited (OECD/AIAS ICTWSS — Main indicators and characteristics of collective bargaining: Spain).

This is not merely a cultural issue. It is linked to real obstacles: fear of retaliation, temporary contracts, part-time work, small workplaces, subcontracting, high turnover, fragmented production, platform work, telework and lack of stable workplaces. A worker in a small shop, a cleaning subcontract, a platform-delivery system or domestic work may formally have the right to organise, but the practical ability to do so is weak.

Low union density is not presented here as a breach in itself, but as an indicator of ineffective freedom of association when combined with fear of retaliation, small workplaces, subcontracting, platform work, temporary employment and limited union access to fragmented workforces.

CIG example: CIG's reports on home-help services and platform work demonstrate how union organisation is made harder by fragmented workplaces, outsourcing, individualised work arrangements and fear of retaliation. In Cabanas, CIG reported that workers had repeatedly been forced to take legal action to claim pay updates, which illustrates how difficult it can be

for precarious workers to enforce rights without collective organisation. **Source:** CIG, home-help service in Cabanas; CIG, platform economy and algorithmic work.

2. New sectors require new guarantees for trade-union access

The Government gives only limited information on measures to strengthen positive freedom of association in low-unionisation sectors or new sectors. In platform work, telework and outsourced services, traditional workplace-based representation is often insufficient.

The CIG considers that the following guarantees are necessary:

- trade-union access to digital communication channels used by the workforce;
- protection against algorithmic retaliation;
- rules allowing elections and representation in fragmented subcontracting structures;
- effective protection for workers who promote union activity in small companies;
- recognition of union rights for economically dependent workers where there is genuine economic subordination;
- stronger safeguards against dismissals or non-renewals linked to union activity.

CIG example: The same need for new guarantees appears in CIG's analysis of platform work, where algorithmic assignment, pay-per-task and formal self-employment weaken traditional workplace representation, and in the SAF sector, where CIG links precariousness, lack of protocols and institutional inaction to the need for collective mobilisation. **Source:** CIG, platform economy; CIG, SAF strike and safety protocols.

3. Trade-union pluralism and the position of CIG

The Government outlines the system of representativeness established in the Workers' Statute and the Organic Law on Trade Union Freedom. Yet, in practice, institutional social dialogue at the State level is largely concentrated in CCOO and UGT, together with CEOE and CEPYME. This informal approach to consultation sidelines organizations that legitimately represent affected workers, such as the CIG.

The tripartite social dialogue described in the Government's report lacks its own regulatory framework. It operates through discretionary invitations extended to a limited group of unions (UGT and CCOO) and employers' associations (CEOE and CEPYME), while giving precedence over other legally recognized unions—including CIG—that hold the status of "most representative."

In Spain, the concept of the most representative union is defined in Articles 6 and 7 of Organic Law 11/1985 on Freedom of Association (LOLS). Based on objective electoral criteria, unions that obtain at least 10% of worker representatives statewide, or at least 15% within an autonomous community (with a minimum of 1,500 representatives), acquire this status. At present, CCOO and UGT meet this threshold at the state level, while ELA, LAB and CIG do so at the infra-state level (ELA and LAB in the Basque Country and CIG in Galicia).

All most representative unions—whether state-level or regional—are legally entitled to institutional representation before public administrations and state-level bodies. This right is established in Article 6.3.a) LOLS for state-level unions and Article 7.1 for infra-state-level unions. The Constitutional Court, in Judgment 98/1985 (FJ 16), confirms that territorial unions' representational capacity extends across the entire Spanish territory, which justifies the differing electoral thresholds required at each level.

Within formal institutional participation bodies—such as the Economic and Social Council, the General Council of the National Employment System, SEPE, the National Advisory Commission on Collective Agreements, and the Tripartite Labour Commission on Immigration—all most representative unions participate with full rights, regardless of their territorial scope.

Against this backdrop, the Spanish Government's practice of consulting exclusively with certain unions and employer organizations—chosen at its discretion and outside the legally established mechanisms—constitutes not only a disregard for excluded organizations but also a serious weakening of public policy. By omitting contributions from unions that represent distinct ideological and national realities within Spain, the Government undermines the pluralism essential to sound policymaking.

For these reasons, CIG respectfully requests that the Committee seek clarification on how the institutional social dialogue model guarantees the effective participation of trade unions that are most representative within specific or territorial contexts, particularly when State-level agreements directly affect workers in those territories.

CIG example: CIG's criticism of the 2021 labour reform is a concrete example of the consequences of State-level social dialogue being channelled through the Government, CCOO, UGT, CEOE and CEPYME. CIG argued that the agreement did not repeal the basic elements of the 2010-2012 labour reforms and treated it as a continuation of pact-based social policy with harmful consequences for workers. **Source:** CIG, criticism of the 2021 labour reform.

4. Employer representativeness lacks transparency

The Government acknowledges that Spain has no public register containing the data necessary to assess the representativeness of employers' organisations, and that case-law applies an iuris tantum presumption of representativeness to employer organisations signing collective agreements (Government Report, Article 5(b)).

This is a serious asymmetry. Trade-union representativeness is measured through elections and objective thresholds. Employer representativeness, by contrast, is less transparent. This affects both collective bargaining and institutional participation. CIG considers that a public, updated and verifiable register of employer representativeness is necessary.

CIG example: This asymmetry is especially important where State-wide agreements shape collective bargaining without transparent verification of employer representativeness. CIG's assessment of the 2023 AENC criticised the agreement signed by CEOE-CEPYME, CCOO and UGT for legitimising employer claims and for giving detailed treatment to absenteeism while lacking equivalent commitments on occupational health, risk assessment, working-time rationalisation, occupational diseases or subcontracting chains. **Source:** CIG, assessment of the 2023 AENC.

5. Conclusions on Article 5

As regards Article 5, the Committee was unable to assess compliance in Conclusions XXII-3 (2022). That should not be treated as a positive finding of conformity. On the contrary, the current situation continues to require a finding that conformity has not been established, and the available evidence supports serious concern as to effective compliance. Formal freedom of association exists, but the practical ability to organise is weakened by low union density, fear of retaliation, temporary and part-time work, small workplaces, subcontracting, platform work, telework and fragmented workforces. The Government has not shown that new guarantees exist for trade-union access to digital workforces, protection against algorithmic retaliation, union activity in small companies or representation in outsourced and dispersed structures. In addition, institutional social dialogue remains concentrated in a limited group of State-level actors, which weakens trade-union pluralism and sidelines organisations that are most representative in their territories, such as CIG in Galicia. The absence of sufficient information and effective guarantees should therefore continue to prevent a finding of conformity.

VI. Article 6 — *The right to collective bargaining*

The Government's reliance on high bargaining coverage must be assessed by distinguishing coverage from bargaining power. A worker may be formally covered by a collective agreement while real bargaining is weakened by blockages, outsourcing, employer strategies, company-level fragmentation or limited-effectiveness agreements.

1. High coverage does not necessarily mean strong bargaining power

Spain has extensive collective bargaining coverage, but coverage alone does not prove effective collective bargaining. Many agreements remain blocked for long periods, wages in some sectors remain very low, and subcontracting or multiservice companies can weaken sectoral standards.

CIG example: CIG has also defended the development of autonomous Galician bargaining spaces where more favourable conditions can be agreed. Its analysis of the 2024 reform of Article 84 of the Workers' Statute links priority for autonomous-community agreements to the improvement of workers' rights and stresses that Galician collective bargaining is structurally

based on provincial sectoral agreements. **Source:** CIG, autonomous Galician collective bargaining and more favourable rules.

The OECD/AIAS Spain indicators show a combination of low union density and high bargaining coverage. This makes the quality of representation and the institutional design of bargaining especially important. If social dialogue is concentrated in a small number of State-level actors, workers represented by other legitimate unions may be excluded from shaping labour policy.

2. Examples of collective bargaining weaknesses

Concrete areas of concern include:

The use of extra-statutory or limited-effectiveness agreements may alter trade-union balances and undermine the role of the statutory bargaining unit where they are used to bypass disagreement among representative unions.

- collective agreements with expired wage tables or long negotiation blockages;
- provincial sectoral agreements under pressure from employer organisations to accept wage moderation;
- outsourcing of cleaning, hotel housekeeping, logistics and care work to reduce labour costs;
- company-level arrangements used to fragment working conditions;
- extra-statutory agreements of limited effectiveness used to divide workers or bypass statutory bargaining units;
- insufficient bargaining power in sectors with dispersed workplaces or high turnover.

In Galicia, CIG's practical experience shows that collective bargaining is often affected by employer strategies aimed at delaying negotiations, linking wage improvements to productivity concessions, or promoting agreements with only part of the trade-union representation.

CIG example: Recent CIG examples confirm this assessment: in A Coruña bus transport, CIG reported a five-year bargaining blockade; in the A Coruña cleaning sector, CIG and UGT

denounced ASPEL's attempt to freeze wages and consolidate precariousness; in A Coruña hospitality, unions denounced wages barely above the statutory minimum, abusive working time, lack of rest and attempts to cut temporary-disability protection. **Source:** CIG, A Coruña bus transport blockade; CIG, cleaning-sector bargaining blockade; CIG, hospitality bargaining and working conditions in A Coruña.

3. Centralisation of collective bargaining in Spain

Trade unions with infra-state representativeness, including CIG, have consistently documented a structural imbalance in Spain's collective bargaining system that raises concerns regarding the effective implementation of Articles 5 and 6 of the European Social Charter. While Spanish legislation formally recognises a multi-level bargaining framework encompassing State-level, sectoral, territorial and company-level agreements, institutional practice and legislative reforms adopted since 2010 have progressively consolidated the predominance of State-level bargaining. This consolidation has occurred through instruments such as the *Acuerdo para el Empleo y la Negociación Colectiva* (AENC), negotiated exclusively by State-level social partners (CCOO, UGT, CEOE and CEPYME), whose guidelines exert binding or de facto binding influence over sectoral and territorial negotiations.

Infra-state unions report that this centralisation has significantly reduced their capacity to negotiate working conditions adapted to the socio-economic realities of their territories. The labour reforms of 2010–2012, in particular, strengthened the primacy of State-level sectoral agreements and weakened mechanisms that previously allowed territorially representative unions to conclude agreements with full normative effect within their jurisdictions. As a result, collective bargaining has become increasingly homogenised across the Spanish State, disregarding territorial diversity and limiting the autonomy of unions whose representativeness is rooted in infra-state constituencies such as Galicia and the Basque Country.

This dynamic has direct implications for the rights protected under the Charter. First, the exclusion of infra-state unions from State-level negotiations—despite their legal status as "most representative" within their territories—raises concerns regarding the effective enjoyment of the right to organise (Article 5), insofar as representativeness recognised by law

does not translate into meaningful participation in the processes that determine working conditions. Second, the predominance of State-level agreements negotiated by a restricted group of actors undermines the right to collective bargaining (Article 6), particularly the requirement that bargaining processes be inclusive, pluralistic and responsive to the specific needs of workers in different territorial contexts.

Furthermore, infra-state unions have documented that the centralisation of bargaining has contributed to wage devaluation, increased precariousness and a weakening of sectoral and territorial protections that previously offered higher standards than those established at State level. These developments suggest a deterioration in the effectiveness of collective bargaining as a tool for improving working conditions, contrary to the Charter's requirement that States promote machinery for voluntary negotiations between employers and workers' organisations.

In light of these concerns, the current configuration of Spain's collective bargaining architecture appears to risk falling short of the standards of participatory, representative and territorially sensitive social dialogue required under the European Social Charter.

CIG respectfully asks the Committee to request from the Government clarification from the Spanish Government on the measures taken to ensure that infra-state unions—legally recognised as most representative within their territories—can effectively participate in negotiations whose outcomes directly affect workers in those territories, and on how Spain intends to safeguard the pluralism and territorial responsiveness that are essential to genuine collective bargaining under the Charter.

4. Economically dependent self-employed workers

The Government refers to "agreements of professional interest" for economically dependent self-employed workers, but also recognises that they have a contractual legal nature and limited effectiveness (Government Report, Article 6(2)(d)).

This is not equivalent to collective bargaining under labour law. For workers who are formally self-employed but economically dependent, professional-interest agreements do not provide the same protection as collective agreements: no general statutory effectiveness, weaker

enforcement, weaker representation structures and no full integration into the labour-law system.

Agreements of professional interest for economically dependent self-employed workers cannot be treated as a substitute for labour collective bargaining, since they lack the same normative force, personal scope, institutional guarantees and protection against economic subordination.

CIG example: CIG's platform-economy analysis illustrates why professional-interest agreements cannot replace collective bargaining: where workers are formally treated as self-employed, the company can shift demand risk, avoid paying for waiting time and organise activity through algorithms while denying the full set of labour and collective rights attached to employment. **Source:** CIG, platform economy and false self-employment.

5. Conclusions on Article 6

Article 6§2 — Collective bargaining procedures

The situation should continue to be found not to be in conformity with Article 6§2. In Conclusions XXII-3 (2022), the Committee held that national legislation permits employers unilaterally not to apply conditions agreed in collective agreements. The current situation does not demonstrate that this structural interference with collective bargaining has been eliminated. High collective-bargaining coverage is not enough if employers can avoid agreed standards, if agreements remain blocked for long periods, or if subcontracting, company-level fragmentation and limited-effectiveness agreements are used to weaken the bargaining unit. Effective collective bargaining requires that collectively agreed conditions be stable, enforceable and not subject to unilateral employer disapplication except under strictly limited and controlled conditions. Since the Government has not shown that the previous defect has been fully corrected, the non-conformity should remain.

Article 6§3 — Conciliation and arbitration

As regards Article 6§3, the Committee was unable to assess compliance in Conclusions XXII-3 (2022). That absence of assessment should be maintained unless the Government provides

sufficient information on the effective functioning of conciliation, mediation and arbitration procedures. The current report does not adequately demonstrate that these mechanisms operate in a manner that is accessible, balanced, pluralistic and respectful of all representative trade unions. This is particularly important where collective disputes arise in fragmented sectors or where institutional dialogue excludes territorially representative unions. Without evidence on access, outcomes, impartiality, participation of all affected unions and the practical effectiveness of dispute-resolution mechanisms, conformity with Article 6§3 cannot be established.

VII. Article 6§4 — *The right to collective action and the right to strike*

1. Spain still relies on a pre-constitutional strike law

The Government recognises that the right to strike continues to be regulated by Royal Decree-Law 17/1977, a pre-constitutional rule interpreted by the Constitutional Court, and that no specific organic law on strike has been adopted since the Constitution of 1978 (Government Report, Article 6(4)).

This is a democratic anomaly. A fundamental right should not depend, almost fifty years after the Constitution, on a pre-constitutional decree-law corrected by case-law. The absence of a modern democratic statute creates uncertainty and leaves excessive room for administrative and judicial restrictions.

CIG example: CIG's own strike-right guide shows the practical complexity that workers and unions must navigate under the existing framework: sectoral or general strikes are called by trade unions, a written notice is required, and where services essential to the community are affected the notice period rises to ten days. This confirms that the right exists but is surrounded by formal conditions that can become obstacles in practice. **Source:** CIG Labour Guide, right to strike.

2. Minimum services may neutralise the effectiveness of strikes

The Government states that strikes in public services require 10 days' notice and that public authorities may adopt measures to ensure the functioning of services of public or unavoidable necessity in serious circumstances (Government Report, Article 6(4)).

From a trade-union perspective, the main problem is the frequent use of broad minimum services. In sectors such as transport, health care, education, media, social services, cleaning, waste collection and care services, minimum services can be set at levels that significantly reduce the impact of the strike.

The right to strike is not meaningful if the administration defines "essential services" so broadly that the strike becomes almost invisible. Minimum services must be strictly necessary, proportionate, specifically reasoned and negotiated with workers' representatives. Otherwise, they become a tool for weakening collective action.

CIG respectfully asks the Committee to request from the Government data on minimum-service orders by sector and territory, the percentage of workforce required to work, the judicial challenges brought against such orders, and the number of cases in which courts found them disproportionate.

CIG example: CIG's October 2025 statement on the general stoppage for Palestine provides a concrete example. The union described the Xunta's proposed minimum services as exaggerated and abusive, announced judicial challenge if they were not corrected, and criticised the consultation meeting as a mere formality. CIG also pointed to increases in minimum staffing in social-care centres, peripheral administrative services and even posts such as a draftsman in an infrastructure-management unit, and argued that the aim was to prevent the effective exercise of the right to strike. **Source:** CIG, minimum services in the Palestine general stoppage.

3. Modern forms of strike neutralisation

The Government's response does not sufficiently address contemporary methods of weakening strikes, including:

- replacement of strikers through subcontractors or other workplaces;

- internal reorganisation of work before or during the strike;
- telework used to maintain activity despite collective action;
- algorithmic allocation of tasks in platform work;
- pressure through individual messages or digital tools;
- excessive minimum services;
- post-strike workload intensification.

The right to strike must be protected against these indirect forms of strike-breaking, not only against explicit prohibitions.

CIG respectfully submits that the Committee should assess whether Spanish law and inspection practice are sufficient to prevent digital, organisational and algorithmic forms of strike neutralisation, including telework-based substitution, redistribution of tasks and individualised pressure through electronic communications.

CIG example: A current bargaining example in A Coruña bus transport shows the risk of indirect pressure on workers during collective conflict. CIG reported that Transgacar was sending messages to workers to influence their vote on a pre-agreement before the censuses and voting process had been properly prepared, and that the employer side and signatory unions were obstructing the resumption of collective bargaining. **Source:** CIG, bus transport workers and pressure around the pre-agreement vote.

4. Conclusions on Article 6§4

The situation should remain one of non-conformity under Article 6§4. In Conclusions XXII-3 (2022), the Committee identified two grounds of non-conformity: legislation authorises the Government to impose arbitration to end a strike in cases going beyond the limits permitted by the Charter, and the police are denied the right to strike. The current legal framework continues to rest on a pre-constitutional strike decree-law, corrected by case-law but not replaced by a modern democratic statute. In practice, the right to strike is further weakened by broad minimum services, administrative discretion, long notice requirements in essential services and

contemporary forms of strike neutralisation, including subcontracting, internal reorganisation, telework-based substitution, digital pressure and algorithmic allocation of tasks. Unless Spain proves that restrictions on strikes are strictly necessary, proportionate and confined within the Charter's limits, and that all categories of workers enjoy effective collective-action rights, the finding of non-conformity should be maintained.

VIII. Article 20 — *Equal opportunities between women and men*

Article 20 must be assessed from the standpoint of effective equality, not merely formal equality. Spain has adopted significant legal instruments in this field, including equality plans, pay registers, pay audits, rules on work-life balance, measures against harassment and discrimination, and legislation intended to promote equal treatment in employment. These measures are relevant and should be acknowledged. However, their existence does not in itself prove that women effectively enjoy equal opportunities and equal treatment in the labour market.

CIG respectfully submits that the Government's report remains excessively focused on the existence of legal instruments and insufficiently focused on their actual impact. The decisive question for the purposes of Article 20 is whether those instruments have produced measurable structural change in women's real working conditions, particularly in relation to pay, access to stable employment, occupational segregation, promotion, working time, care responsibilities, harassment and violence at work, and the undervaluation of feminised sectors.

The Committee's previous assessment of Spain, including its Conclusions 2020 and the accompanying separate opinion, shows that gender equality in employment cannot be reduced to the formal availability of legal remedies or equality policies. The persistence of structural inequalities requires the Government to provide clear, disaggregated and verifiable evidence of effective results.

1. Persistent gender pay gap and structural undervaluation of feminised work

The Government's aggregate indicators do not adequately reflect the structural nature of gender inequality in the labour market. According to the INE's Annual Wage Structure Survey for 2023,

women's annual earnings remain significantly lower than men's. This difference is not only the result of unequal pay for identical work. It is also linked to occupational segregation, part-time work, temporary and discontinuous employment, lower access to promotion, interruptions linked to care responsibilities and the systematic undervaluation of feminised jobs.

The problem is especially visible in sectors such as care work, home help, cleaning, hospitality, retail, contact centres, administrative support and social services. These activities require responsibility, technical skills, emotional labour, physical effort, conflict management and care-related competences. Nevertheless, wage structures and job-classification systems often continue to treat them as low-value work.

CIG therefore considers that compliance with Article 20 requires a specific assessment of whether Spain is correcting the structural undervaluation of feminised sectors. Equality plans and pay audits are useful only if they lead to effective revision of job classifications, wage structures, promotion systems and collective bargaining outcomes.

CIG respectfully asks the Committee to request from the Government data on inspections, sanctions and corrective measures relating to pay registers, pay audits, equality plans and job-evaluation systems, broken down by sex, sector, company size, territory and occupational group, including specific information for Galicia.

2. Precariousness, part-time work and fixed-discontinuous contracts

Women continue to be disproportionately affected by precarious forms of employment. Temporary work, involuntary part-time work and fixed-discontinuous contracts have a direct impact on annual earnings, career progression, unemployment protection, social-security contributions and future pensions.

The Government should not assess equality only by reference to hourly pay or formal access to employment. A woman who works fewer hours than she wishes, who is concentrated in low-paid sectors, who has discontinuous periods of employment, or who cannot progress professionally because of care responsibilities, does not enjoy equality of opportunity in any meaningful sense.

CIG respectfully asks the Committee to request data on involuntary part-time work, fixed-discontinuous contracts, temporary employment, access to full-time employment and transitions to stable employment, disaggregated by sex, sector, age, territory and family-care situation.

3. Care responsibilities and unequal distribution of unpaid work

The unequal distribution of care responsibilities remains one of the main structural causes of inequality in employment. Measures on work-life balance, parental leave and flexible working arrangements are positive, but they must be assessed in terms of their actual use and consequences.

CIG is concerned that, in practice, women continue to assume a disproportionate share of unpaid care work. This affects their availability for full-time employment, promotion, training, mobility, leadership positions and continuous professional careers. Equality cannot be achieved if reconciliation measures operate mainly as instruments that allow women to continue assuming care responsibilities, rather than as instruments that redistribute care between women, men, employers and public services.

CIG respectfully asks the Committee to request information on the use of parental leave, care leave, reductions in working time, flexible working arrangements and telework, disaggregated by sex, sector, occupational group, income level and territory. The Government should also be asked to explain whether the use of these rights has negative consequences for women's promotion, remuneration, job stability or access to training.

4. Promotion, occupational segregation and access to decision-making positions

Article 20 also requires effective equality in career development and access to positions of responsibility. Formal non-discrimination clauses are insufficient where women remain concentrated in lower-paid occupational groups and under-represented in management, technical and decision-making positions.

CIG considers that the Government should provide data on promotion procedures, access to training, internal mobility, professional classification and representation in management

positions, disaggregated by sex, sector, company size and territory. The assessment should also consider whether equality plans contain concrete, enforceable and monitored measures to correct vertical and horizontal segregation.

5. Harassment, violence and discrimination at work

Sexual harassment, gender-based harassment and other forms of violence at work remain serious obstacles to equal treatment. The mere existence of protocols does not prove effective protection. In many workplaces, especially small companies, outsourced services, domestic work, care work, hospitality and precarious sectors, workers may fear retaliation, dismissal, non-renewal of contracts or informal exclusion if they report harassment or discrimination.

CIG respectfully asks the Committee to request data on harassment and discrimination complaints, activation of workplace protocols, inspection activity, sanctions, protection against retaliation, reinstatement or compensation measures, and the participation of workers' representatives in prevention and follow-up mechanisms.

6. Equality plans: formal compliance is not enough

Equality plans, pay registers and pay audits can be powerful instruments. However, they can also become formal documents with limited effect if workers' representatives do not have access to complete and disaggregated information, if diagnoses are superficial, if measures are not binding, or if there is no effective follow-up.

The Government should therefore provide evidence not only of the number of equality plans registered, but also of their quality, implementation and impact. In particular, it should explain how many plans have led to actual changes in pay structures, job classifications, promotion systems, working-time arrangements, recruitment criteria and anti-harassment procedures.

CIG respectfully asks the Committee to request information on the monitoring of equality plans, including inspection action, sanctions, corrective requirements, degree of implementation, participation of trade unions and workers' representatives, and measurable results.

7. Required assessment under Article 20

CIG submits that Spain's compliance with Article 20 should be assessed on the basis of effective outcomes. The Government should therefore be asked to provide disaggregated and verifiable data on:

- the gender pay gap by sector, territory, company size, occupational group and working-time pattern;
- the impact of part-time work, fixed-discontinuous contracts and temporary employment on women's annual earnings and career progression;
- the valuation of feminised sectors and the revision of gender-biased job classifications;
- the use and consequences of care-related leave, working-time reductions, flexible work and telework;
- women's access to promotion, training, management positions and stable full-time employment;
- the implementation and effectiveness of equality plans, pay audits and pay registers;
- inspection activity, sanctions and corrective measures in relation to discrimination, pay inequality, harassment and failure to implement equality obligations;
- the specific situation of women workers in Galicia, including low-paid sectors, care work, home help, cleaning, hospitality, retail and outsourced services.

CIG respectfully asks the Committee to request data disaggregated by sex, territory, sector, working time, contract type, occupational group, promotion and care-related leave, so that the effectiveness of Article 20 can be assessed beyond formal equality plans.

CIG example: CIG's 2026 analysis of the Galician gender pay gap expressly links women's lower annual earnings to worse access to employment, more temporary and part-time work, fixed-discontinuous contracts as disguised precariousness, penalties for using reconciliation rights, promotion barriers, harassment, glass ceilings and the systematic undervaluation of feminised work. This provides a concrete trade-union example of why Article 20 must be assessed together with pay, working time, care and collective bargaining. **Source:** CIG, Equal Pay Day 2026 analysis.

8. Conclusions on Article 20

Although the previous Conclusions identified in the reporting material do not record a specific finding of non-conformity under Article 20 in the same way as for Articles 2, 3, 4 and 6, the current situation should still be assessed as not having been shown to be in conformity. Article 20 requires effective equality in employment and occupation, not merely the formal existence of equality plans, pay registers, pay audits and anti-discrimination rules. The available evidence shows the persistence of lower annual earnings for women, occupational segregation, involuntary part-time work, fixed-discontinuous contracts, care-related career penalties, promotion barriers, harassment risks and the undervaluation of feminised sectors. The related findings in Conclusions 2023 concerning maternity protection and workers with family responsibilities further confirm that formal guarantees do not necessarily provide full effective protection in practice. In the absence of disaggregated evidence on impact, enforcement, sanctions, corrective measures and the real effects of equality instruments on women's working conditions, conformity with Article 20 should not be accepted.

IX. General conclusions

CIG suggests that each issue should be assessed through the following matrix: deficiency identified; evidence available; information still required from the Government; and corrective measure requested. This approach avoids an assessment based exclusively on formal legislation and focuses the review on the effective enjoyment of Charter rights.

First. The Government's report provides an extensive legal description, but it does not sufficiently assess the effectiveness of the rights in practice.

Second. In working time, the existence of formal maximums coexists with 60-hour weeks in road transport, 72-hour periods in maritime work, irregular distribution of working time and insufficient regulation of inactive availability.

Third. In occupational health and safety, accident figures for 2024 show that prevention remains materially insufficient. The system is too often document-based rather than organisation-based.

Fourth. Psychosocial risks, platform work, telework, domestic work, self-employment and climate risks require binding rules, effective inspection and stronger worker participation, not only guides and campaigns.

Fifth. The gender pay gap persists. INE data show that women earned significantly less than men on average in 2023, and low-paid feminised sectors remain structurally undervalued.

Sixth. Freedom of association is formally recognised, but low union density and precarious work show that many workers face real obstacles to organising.

Seventh. The institutional social dialogue model does not sufficiently reflect trade-union pluralism. CIG's representativeness in Galicia should have practical consequences in consultation and social dialogue processes affecting Galician workers.

Eighth. Employer representativeness lacks the transparency that is required of trade unions.

Ninth. Collective bargaining coverage must not conceal blocked agreements, outsourcing, weak bargaining power in precarious sectors and the use of limited-effectiveness agreements to fragment worker representation.

Tenth. The right to strike remains regulated by a pre-constitutional decree-law and is weakened in practice by broad minimum services and modern forms of strike neutralisation.

For these reasons, CIG respectfully requests that the European Committee of Social Rights assess Spain not only by reference to the existence of legal provisions, but also by reference to their practical implementation, the situation of vulnerable workers and the real capacity of trade unions to organise, bargain and strike effectively.

In view of the foregoing, CIG submits these allegations, requesting the adoption of the necessary measures, in order to ensure the labour and social rights guaranteed by the European Social Charter.

Confederación Intersindical Galega

Santiago de Compostela, 29 June 2026.