OBSERVATIONS OF THE TRADE UNION CONFEDERATION OF WORKERS' COMMISSIONS (CCOO) ON THE SECOND NATIONAL REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER SUBMITTED BY THE GOVERNMENT OF SPAIN

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

GROUP 1 ON WORKING CONDITIONS, THE RIGHT TO ORGANISE, COLLECTIVE BARGAINING AND THE RIGHT TO EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN 2026 CYCLE

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Spain submitted its Second National Report on the implementation of the Revised European Social Charter, corresponding to the 2026 reporting cycle, on 12 January 2026, in response to the questions raised by the European Committee of Social Rights concerning the thematic group of labour rights.

In this reporting cycle, the questions concern the thematic group on working conditions, the right to organise, collective bargaining and the right to equal opportunities between women and men, comprising the following provisions of the Revised European Social Charter:

Article 2. The right to just conditions of work
Article 2§1, concerning reasonable daily and weekly working hours.
Article 3. The right to safe and healthy working conditions
Article 3§1, on health and safety and the working environment.
Article 3§2, on health and safety regulations.
Article 3§3, on the enforcement of health and safety regulations.
Article 4. The right to fair remuneration
Article 4§3, on the right of men and women to equal pay for work of equal value.
Article 5. The right to organise.
Article 6. The right to bargain collectively
Article 6§1, on joint consultation.
Article 6§2, on collective bargaining.
Article 6§4, on collective action.
Article 20. The right to equal opportunities between women and men.

The Report of the Government of Spain responds to the questions formulated by the European Committee of Social Rights for the 2026 reporting cycle, some of which are connected with previous conclusions of non-conformity or with matters on which the Committee had requested additional information.

Under the new reporting system, the Committee has clarified that States are not required to structure their replies around all previous conclusions of non-conformity, but rather to answer the questions formulated for the relevant reporting cycle and to describe the situation prevailing at the time of submission of the report. However, the Committee's previous conclusions remain fully relevant for interpretation, since they make it possible to assess whether previously identified breaches have been corrected or whether they persist in domestic law and practice.

It should also be noted that reports must focus on the situation prevailing at the time of their submission. This also means that statistical information should be as recent as possible, unless otherwise indicated.

CCOO is a trade union organisation with the highest level of representativeness resulting from trade union elections at national level. It therefore enjoys constitutional recognition for the promotion and defence of workers in Spain and outside Spain. CCOO is also integrated into international organisations with participatory status before the Council of Europe. It accordingly has sufficient legal standing to submit these observations to the European Committee of Social Rights.

Before setting out the substantive observations, CCOO includes a section on the methodology applied and a matrix of previous findings of non-conformity, in order to facilitate the Committee's assessment.

METHODOLOGY AND SCOPE OF THESE OBSERVATIONS

The purpose of this document is to provide the European Committee of Social Rights with a trade union, legal and practical assessment of the conformity of the situation in Spain with the obligations arising from the Revised European Social Charter, on the basis of the questions addressed by the Committee to the Spanish State and the information contained in the Second National Report submitted by the Government of Spain.

These observations are structured according to the articles covered by the present reporting cycle and are based on the following methodological criteria.

a) Comparison between State information and the legal and practical reality

The observations assess whether the information supplied by the Government of Spain is sufficient, complete and adequate to establish that the situation in Spain is in conformity with the Revised European Social Charter.

For this purpose, the analysis does not consider only the rules formally in force, but also their practical application, their degree of effectiveness, shortcomings in public supervision and the real difficulties faced in exercising the rights recognised by the Charter.

b) Consideration of previous conclusions of the European Committee of Social Rights

Although the new reporting system does not require States to respond specifically to all previous conclusions of non-conformity, such conclusions remain an essential interpretative element in assessing whether the deficiencies previously identified by the Committee have been effectively corrected or whether, on the contrary, they persist in domestic law and practice.

In particular, these observations take into account Conclusions XX-3 (2022), in which the Committee found several situations of non-conformity concerning Spain in the field of labour rights.

c) Analysis of sufficiency and effectiveness

These observations are based on the premise that the formal existence of labour, occupational safety and health, equality, trade union freedom or collective bargaining rules is not sufficient, in itself, to establish compliance with the Charter.

It is necessary to assess whether the legal framework provides sufficient safeguards, whether effective control mechanisms exist, whether workers can effectively exercise the rights recognised by the Charter and whether trade union organisations have adequate means to defend those rights collectively.

d) Identification of persistent breaches and current shortcomings

This document distinguishes between:

breaches previously found by the Committee which have not been corrected;
matters on which the Committee had requested additional information or deferred its conclusion;
new shortcomings arising from recent transformations in work, including digitalisation, telework, the platform economy, subcontracting, psychosocial risks, precariousness in certain sectors and new forms of business organisation.
e) Trade union and collective perspective

The assessment is made from the experience of a most representative trade union organisation, taking into account the impact of the rules and practices examined on trade union action, collective bargaining, the right to strike, real equality between women and men and the effective protection of workers, particularly those employed in sectors or forms of work involving greater vulnerability.

On this basis, these observations invite the Committee to assess the persistence of previously identified breaches, the insufficiency of the information supplied by the Government of Spain in certain respects, and the need to adopt legislative, administrative and practical measures to ensure the full effectiveness of the labour and trade union rights recognised by the Revised European Social Charter.

MATRIX OF PREVIOUS ECSR FINDINGS RELEVANT TO THE 2026 REPORTING CYCLE

The European Committee of Social Rights' Conclusions XX-3 (2022), concerning the previous labour-rights reporting cycle, constitute a necessary reference point for the present observations, insofar as they identify situations of non-conformity or matters insufficiently substantiated which remain relevant to the articles covered by the 2026 cycle.

The Committee adopted eight conclusions of non-conformity and three deferred conclusions in the field of labour rights.

Matter	**Article ESC/RESC**	**Previous conclusion of the ECSR**	**Situation to be assessed in 2026**	**Relevance for these observations**
Maximum weekly working time	Article 2§1	The Committee concluded that the situation in Spain was not in conformity because maximum weekly working time could exceed 60 hours under flexible working time arrangements and for certain categories of workers.	It must be assessed whether irregular distribution of working time, extensions of working time, on-call periods, availability, overtime and deficiencies in working time recording continue to allow excessive working hours.	The persistence of non-conformity should be maintained if the State report does not establish effective safeguards and sufficient control.
On-call periods, availability and rest	Article 2§1	The Committee reiterated that treating inactive on-call time in full as rest time may infringe the right to reasonable working hours.	It must be assessed whether the Spanish legal order provides clear criteria on availability, non-face-to-face on-call periods, response times, restrictions on personal freedom and	This is a central issue in demonstrating the insufficiency of the legal framework and the need for explicit legal criteria.

Matter	Article ESC/RESC	Previous conclusion of the ECSR	Situation to be assessed in 2026	Relevance for these observations
			remuneration.	
Annual paid holiday	Article 2§3	The Committee found non-conformity because not all workers are guaranteed the right to take at least two uninterrupted weeks of annual leave during the year.	It must be verified whether any legislative reform has guaranteed a minimum continuous period of annual leave.	This may be used as a persistent breach, even though Article 2§3 is not the core of the present cycle's questions, insofar as it is connected with just conditions of work.
Dangerous or unhealthy occupations	Article 2§4	The Committee found non-conformity because it had not been established that all workers performing dangerous or unhealthy work were entitled to adequate compensatory measures, such as reduced working hours or additional paid rest.	It must be assessed whether Spanish regulation remains focused on exposure limits without guaranteeing sufficient and generalised compensatory measures.	This connects with Article 3 RESC, occupational safety and health and emerging risks, including climate-related risks, psychosocial risks and particularly arduous work.
Minimum wage and fair remuneration	Article 4§1	The Committee found non-conformity because it had not been established that the minimum wage in the	Although the 2026 cycle specifically asks about Article 4§3, it may be considered whether progress on the statutory minimum	This may be used as contextual background, not as the main focus, except where connected with equal pay,

Matter	Article ESC/RESC	Previous conclusion of the ECSR	Situation to be assessed in 2026	Relevance for these observations
		private sector or in the public sector guaranteed a decent standard of living.	wage has fully corrected the deficiency and whether problems persist in atypical employment, platform work or false self-employment.	female part-time work and precarious employment.
Overtime	Article 4§2	The Committee found non-conformity because an increased rate of remuneration or increased compensatory time off is not guaranteed for overtime.	It must be assessed whether the legal possibility of equivalent compensation persists and whether complementary hours in part-time work remain outside any reinforced guarantee.	This is relevant to Article 2§1 — working time — and Article 4 — fair remuneration — particularly in relation to part-time work and the gender pay gap.
Notice during probationary period	Article 4§4	The Committee found non-conformity because there is no notice period for workers during the probationary period.	It must be verified whether any legal mechanism for notice or compensation has been introduced.	This is less central in the 2026 cycle, but may be mentioned as a persistent labour-law breach if included in a background section.
Right to organise in the Armed Forces	Article 5	The Committee requested information on the right of members of the Armed Forces to organise.	It must be assessed whether the State report sufficiently substantiates the situation of groups excluded from, or restricted in, the	This may be connected with Article 5, while distinguishing it from restrictions affecting the police and the

Matter	**Article ESC/RESC**	**Previous conclusion of the ECSR**	**Situation to be assessed in 2026**	**Relevance for these observations**
			exercise of trade union rights.	right to strike.
Collective bargaining for self-employed persons and workers outside the classic dependent-employment model	Article 6§2	The Committee requested information on measures to guarantee collective bargaining for self-employed workers and other workers outside the usual definition of dependent worker.	The situation of economically dependent self-employed persons, false self-employed persons, platform workers and workers in situations of economic or organisational dependence must be analysed.	This is a relevant axis of Article 6§2 in the 2026 cycle.
Unilateral modification or non-application of collectively agreed working conditions	Article 6§2	The Committee reiterated non-conformity because national legislation allows employers unilaterally not to apply conditions agreed in collective agreements.	It must be assessed whether legal mechanisms persist allowing the non-application or modification of collective conditions without sufficient trade union consent.	This should be used to assess the real effectiveness of the binding force of collective bargaining.
Collective bargaining coverage	Article 6§2	The Committee requested information on the proportion of workers covered by collective agreements.	Updated information must be provided or requested on coverage, sectors without effective bargaining, small undertakings, domestic work, platforms and subcontracting.	This is a central issue in responding to the current questions on the decline or weakening of collective bargaining.

Matter	Article ESC/RESC	Previous conclusion of the ECSR	Situation to be assessed in 2026	Relevance for these observations
Compulsory arbitration to end a strike	Article 6§4	The Committee found non-conformity because Article 10 of Royal Decree-Law 17/1977 allows compulsory arbitration in broad and vague terms, beyond permissible limits.	It must be assessed whether the legal provision remains in force and whether the State report seeks to justify conformity on the basis that it has not recently been used.	It should be argued that incompatibility persists because a broad legal authorisation remains in force, even if it has not been used during the reporting period.
Right to strike of the police	Article 6§4	The Committee considered the absolute prohibition of the right to strike of the police to be non-conforming, as it exceeded permissible limits.	The current situation of police forces, absolute restrictions and the absence of proportionate alternatives must be analysed.	This should be included under Article 6§4, distinguishing between absolute prohibitions, sectoral restrictions and minimum services.
Workers' participation in company social services	Additional Protocol / participation	The Committee reiterated requests for information on workers' participation in social and socio-cultural services and facilities within undertakings.	It must be assessed whether this has sufficient connection with the articles covered by the 2026 cycle.	This may remain outside the main body, except for contextual reference in relation to participation and joint consultation.

It follows from the above matrix that the present cycle does not start from a neutral situation.

There are previously identified breaches in matters which coincide with, or are directly connected to, the current questions: working time, on-call periods, occupational safety and health, remuneration, trade union freedom, collective bargaining and the right to strike.

Therefore, where the Government of Spain's report merely describes the legal framework in force, these observations assess whether that description establishes a real correction of the breach previously found, or whether a situation of non-conformity persists due to the absence of legislative reform, insufficient safeguards, lack of data or shortcomings in practical implementation.

OBSERVATIONS

I. Article 2§1. Reasonable daily and weekly working hours: persistence of non-conformity concerning weekly working hours exceeding 60 hours.

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work and on any safeguards which exist in order to protect the health and safety of workers where they work more than 60 hours.

This question is raised in a context in which the Committee had already previously found that the situation in Spain was not in conformity with Article 2§1 of the Charter, on the ground that maximum weekly working time could exceed 60 hours under flexible working time arrangements and for certain categories of workers.

Summary of the response of the Government of Spain

The Government of Spain states that Article 34 of the Workers' Statute establishes a maximum ordinary working time of 40 hours per week of effective work, on average per year. It adds that this rule is combined with the possibility of an irregular distribution of working time, by collective agreement, company-level agreement or, in the absence of such an agreement, by unilateral decision of the undertaking up to 10% of annual working

time. According to the Government's report, such distribution must respect the minimum daily and weekly rest periods, and any differences between the working time actually performed and ordinary working time must be compensated.

The report expressly identifies the road transport sector as a situation in which weekly working time may reach up to 60 hours for mobile workers, provided that an average of 48 hours per week is not exceeded over a four-month reference period, which may be extended to six months by national sectoral collective agreement for objective, technical or organisational reasons.

The Government also acknowledges that the only case in which Royal Decree 1561/1995 expressly allows working time to exceed 60 hours per week is work at sea, where up to 72 hours may be worked in each seven-day period in certain cases regulated by Article 16§1 of that Royal Decree. Nevertheless, the Government concludes that the possibility of exceeding 60 hours per week in Spain is "more a theoretical possibility than a real one", arguing that collective agreements usually limit the powers granted to undertakings in relation to the irregular distribution of working time.

1. Trade union assessment of sufficiency

CCOO considers that the response of the Government of Spain does not sufficiently establish that the situation in Spain is in conformity with Article 2§1 of the Revised European Social Charter.

- First, the Government's report acknowledges the existence of legal situations in which 60 hours per week may be reached or exceeded. In particular, it admits that in road transport the limit of 60 hours per week may be reached, and that in work at sea 72 hours may be worked within a seven-day period. This finding is sufficient to rule out the conclusion that the issue is merely hypothetical.

- Second, the assertion that exceeding 60 hours is "more a theoretical possibility than a real one" is not accompanied by updated statistical data, labour inspection information, sectoral analysis or sufficient empirical evidence. The report does not identify how many workers may be affected by working hours of such intensity, in which sectors these situations occur, how frequently they arise, which control mechanisms are applied, or what sanctions or labour inspection actions have been carried out in relation to excessive working hours.

- Third, the State's response focuses on the formal existence of legal limits, but does not demonstrate that such limits are effective in practice. The Charter requires the guarantee of reasonable daily and weekly working hours. This requirement is not

satisfied merely by proclaiming an average annual working time of 40 hours per week if, through special working time arrangements, irregular distribution of working time, overtime, complementary hours, availability, on-call periods or deficiencies in working time recording, periods of weekly work may occur which are incompatible with health, rest and work-life balance.

- Fourth, the report omits an essential consideration: excessive weekly working time may not appear only as formal ordinary working time, but also through the accumulation of different flexibility mechanisms. Irregular distribution of working time, overtime, unrecorded extensions of working time, periods of presence, on-call periods and complementary hours in part-time work may operate jointly as mechanisms for intensifying working time.

2. Regulatory or practical shortcomings

The situation in Spain presents at least the following shortcomings.

a) Persistence of regulatory frameworks allowing excessively intensive weekly working time and lack of information on healthcare, continuous care, ambulance and patient transport services, and public employment.

The special working time regime allows situations in which the threshold of 60 hours per week may be reached and, in the case of work at sea, up to 72 hours may be worked in each seven-day period. This requires strict justification, data on actual use and strengthened health protection measures, none of which are provided with sufficient detail.
The State's response is also insufficient because it focuses its analysis on road transport and work at sea, but does not provide specific information on other areas in which highly intensive weekly working time may arise as a result of service continuity, permanent care duties, on-call duties, availability, functional scheduling or the existence of special working time arrangements.
In particular, the healthcare sector should be specifically addressed. The Framework Statute for statutory staff of the health services provides, in addition to ordinary working time, for complementary working time intended to guarantee continuous care through on-call duties or similar systems. The maximum combined duration of ordinary and complementary working time is set at 48 hours of effective work per week on average over a six-month reference period, unless another reference period is established by agreement, pact or collective agreement. In addition, stand-by periods are not taken into account for the purposes of that maximum duration unless actual work or service is

performed. Where that regime is insufficient to guarantee continuous and permanent care, the Framework Statute allows the maximum combined duration to be exceeded by means of special working time, subject to individual consent, up to an additional limit of 150 hours per year.

This regime shows the need for the State to provide specific information on the actual use of complementary working time, special working time, on-call duties, stand-by periods, subsequent rest periods, working time records and preventive controls within the National Health System and in healthcare services linked to continuous care.

The same requirement should extend to ambulance and patient transport services and to other public or private services provided on a continuous basis, in which the combination of shifts, on-call duties, availability, emergencies, stand-by duties and care-related needs may generate working weeks of an intensity incompatible with health, rest and work-life balance unless effective limits, reliable recording systems and sufficient controls are in place.

Likewise, in the field of public employment, the Basic Statute of Public Employees refers the determination of general working time and special working time arrangements for civil servants to the Public Administrations. This referral requires the State report to provide disaggregated information on general and special working time arrangements, affected sectors, essential services, continuous care, on-call duties, availability, extensions of working time, compensatory rest periods and control mechanisms in the different Public Administrations. Without such information, it is not possible to verify whether all public employees are sufficiently protected against excessive daily or weekly working time.

Therefore, the Committee should not consider sufficient the State’s assertion that the possibility of exceeding 60 hours per week is merely theoretical unless data are provided on healthcare, continuous care, ambulance and patient transport services, public employment and other sectors in which service continuity may operate as a structural factor intensifying working time.

b) Absence of updated and sector-specific data

The Government’s report does not provide sufficient information on the number of persons affected, the sectors involved, the frequency of use, distribution by sex, age, type of contract or working time arrangement, or on specific labour inspection actions relating to weekly working hours exceeding 60 hours. This omission prevents verification of the effectiveness of the safeguards invoked.

c) Insufficiency of the annual average as a guarantee of reasonable working time

The reference to a maximum working time of 40 hours per week "on average per year" does not exclude the possibility of excessive working weeks. From the perspective of Article 2§1 of the Charter, the issue is not resolved solely by an annual average, but requires effective daily and weekly limits capable of preventing concentrated periods of work incompatible with rest and health.

d) Risk of accumulation of flexibility mechanisms

Spanish legislation allows the combination of irregular distribution of working time, overtime, complementary hours, shift work, on-call periods and availability. In the absence of clear controls and effective data, this accumulation may turn a formally admissible annual average working time into a practice of excessive working weeks.

e) Insufficiency of collective bargaining as a general safeguard

The Government states that collective agreements usually limit the possibilities available to undertakings in relation to the irregular distribution of working time. However, it does not provide an updated statistical analysis of the actual content of collective agreements, nor does it establish that collective bargaining generally guarantees that weekly limits incompatible with the Charter are not exceeded. Moreover, the existence of protective collective agreements does not remove the need for a minimum legal safeguard applicable to all workers.

It should be recalled that the trade union observations submitted in the previous reporting cycle had already warned of the persistence of irregular working time, extensions of working time, insufficient reduction of working time and negative effects on health, rest, work-life balance and personal life.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain does not establish the conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter as regards reasonable weekly working time.

In particular, the Committee is requested to find that there are sufficient grounds to maintain the previously identified situation of non-conformity, insofar as:

- the Spanish legal order allows situations in which 60 hours per week are reached or exceeded;
- no sufficient statistical or labour inspection information is provided to establish that such situations are merely theoretical;
- the existence of effective safeguards against the accumulation of flexibility mechanisms is not established;
- it is not demonstrated that all workers are protected against excessive weekly working hours.

In the alternative, the Committee is requested to require Spain to provide additional detailed information on:

- affected sectors, number of workers concerned, frequency of working weeks exceeding 60 hours, labour inspection activities, sanctions imposed and specific measures to protect health and safety;

- specific information on ordinary working time, complementary working time, special working time, on-call duties, stand-by periods, compensatory rest periods, working time records and inspection or administrative action in healthcare, continuous care, ambulance and patient transport services and public employment, indicating the number of persons affected, the frequency of working weeks exceeding 60 hours and the preventive measures applied.

II. Article 2§1. Reasonable daily and weekly working hours: irregular distribution of working time, extensions of working time and lack of effective control

Question raised by the ECSR

The Committee's question on Article 2§1 is not limited to the formal existence of maximum working time limits, but requires an assessment of whether daily and weekly working hours are reasonable in practice. In particular, by requesting information on occupations in which weekly working hours may exceed 60 hours and on safeguards to protect health and safety, the Committee is requiring a substantive assessment of systems for organising working time which allow working hours to be concentrated, extended or made more flexible.

Summary of the response of the Government of Spain

The Government of Spain refers to Article 34§2 of the Workers' Statute, which allows the irregular distribution of working time throughout the year by collective agreement or agreement between the undertaking and workers' representatives. In the absence of an agreement, the undertaking may irregularly distribute 10% of annual working time. The report stresses that such distribution must respect minimum daily and weekly rest periods, requires a minimum notice period of five days and provides for compensation of differences between working time actually performed and ordinary working time.

The Government's report further states that compensation for differences arising from the irregular distribution of working time shall be carried out in accordance with the applicable collective agreement or company-level agreement and, in the absence of such agreement, within twelve months of their occurrence.

In addition, in the part of the report concerning Article 3, the Government states that Article 34 of the Workers' Statute, Article 35 on overtime, Article 36 on night and shift work, Article 37 on rest periods and Article 38 on holidays establish a clear framework for limiting or discouraging work outside normal working hours. It also refers to the right to digital disconnection and to the system of sanctions under the Law on Infringements and Penalties in the Social Order in relation to working time, overtime, rest periods, holidays and working time recording.

1. Trade union assessment of sufficiency

CCOO considers this response to be insufficient, since it presents the irregular distribution of working time as a mere instrument of orderly flexibility, without adequately assessing its real impact on the reasonableness of daily and weekly working hours.

The issue is not simply that irregular distribution of working time exists, but that Spanish law allows the undertaking, in the absence of a collective agreement, to unilaterally dispose of up to 10% of annual working time. This power is not subject to a sufficiently defined objective, technical, organisational or production-related reason, nor does it require proof that the measure is exceptional, necessary or proportionate.

The minimum notice period of five days is also not a sufficient safeguard from the perspective of the Charter. Such a period may be incompatible with the organisation of workers' personal, family and social life, especially where it affects sectors with variable schedules, shift work, part-time work, care responsibilities or limited individual bargaining power.

Nor is the reference to compliance with minimum statutory rest periods sufficient. The Charter requires reasonable daily and weekly working hours; therefore, formal compliance with minimum rest periods does not exhaust the State's obligation if the system allows weeks of high work intensity, extensions of working time or redistributions which hinder the worker's physical and mental recovery.

Furthermore, compensation within a period of twelve months allows excess working time to remain outstanding for an excessively long period. This rule shifts the assessment of reasonableness from the daily or weekly level to the annual level, thereby weakening the protective function of working time limits and rest periods.

2. Regulatory or practical shortcomings

Spanish regulation presents the following shortcomings from the perspective of Article 2§1 of the Charter.

a) Unilateral power of the undertaking to irregularly distribute 10% of annual working time

In the absence of a collective agreement or company-level agreement, the employer may irregularly distribute 10% of annual working time. This power operates without the need for an express reason and without prior scrutiny of necessity, proportionality or exceptional nature. It may therefore transform an ordinary managerial power into a structural mechanism for placing workers' time at the disposal of the undertaking.

b) Absence of sufficiently clear absolute weekly limits

The legislation refers to compliance with daily and weekly rest periods, but does not clearly establish absolute weekly limits applicable to ordinary irregular distribution of working time capable of preventing concentrations of working time incompatible with Article 2§1 of the Charter. Reasonable working time cannot be guaranteed solely by an annual calculation.

c) Excessive compensation period

The possibility of compensating differences, whether by excess or by default, within twelve months of their occurrence allows excess working time to be absorbed within a broad annual cycle. This technique reduces the protective capacity of daily and weekly limits and may lead to prolonged periods of overload before compensation takes place.

d) Insufficient notice

The minimum notice period of five days does not sufficiently guarantee predictability of working time, especially in sectors where workers already face variable schedules, involuntary part-time work, shifts, care responsibilities or difficulties in reconciling work and family life.

e) Lack of effective control

The Government's report invokes the sanctions regime under the Law on Infringements and Penalties in the Social Order, but does not provide specific data on labour inspection actions concerning irregular distribution of working time, extensions of working time, compensation of excess hours, breaches of rest periods or manipulation of working time records. The existence of an administrative offence does not, in itself, establish that the control system is sufficient.

f) Relationship with overtime and complementary hours

Irregular distribution of working time cannot be analysed in isolation. In practice, it may be combined with overtime and, in part-time work, with complementary hours. The Committee has already found Spain not to be in conformity for failing to guarantee an increased rate of remuneration or increased compensatory time off for overtime, and previous trade union analysis highlighted that complementary hours particularly affect part-time work, which is predominantly female, without an equivalent reinforced guarantee.

g) Need to incorporate the standards of international bodies on working time limits

In line with the ILO regulatory framework, it is necessary to establish more precise daily and weekly limits, to restrict variable distribution of working time above 8 hours per day and 48 hours per week to exceptional and duly justified cases, and to define in law the reasons for, and scope of, irregular distribution of working time.

These considerations reinforce the need for the Committee not to accept as sufficient a mere reference to an annual average of 40 hours per week or to the existence of minimum rest periods, unless an effective system is shown to exist which prevents excessive weekly working hours and guarantees the predictability of working time.

Within the ILO supervisory system, the Committee of Experts on the Application of Conventions and Recommendations has addressed observations to Spain in relation to several ratified Conventions concerning hours of work, weekly rest, paid holidays, and working time and rest periods in road transport. Without prejudice to the fact that those instruments belong to their own supervisory system and do not fully coincide with the categories of Article 2§1 of the Revised European Social Charter, those observations point to the persistence of structural problems in the Spanish regulation of working time, particularly where the protection of working time is based on annual averages, broad forms of irregular distribution of working time and insufficient controls over effective daily and weekly limits.

h) Lack of progressive reduction of the statutory maximum working week.

Article 2§1 of the Revised European Social Charter requires not only that a reasonable daily and weekly working time be guaranteed, but also that progress be made towards the progressive reduction of the working week, to the extent permitted by the increase in productivity and other relevant factors.

From this perspective, it should be emphasised that the ordinary statutory maximum working time in Spain remains set at 40 hours of effective work per week on average over the year. Reductions in working time have taken place unevenly through collective bargaining, but not through a general statutory reduction of the maximum working time applicable to all workers.

This distinction is essential. Reductions in working time achieved through collective agreements and statutory reductions in working time do not have the same scope. Collective bargaining may improve working time in many sectors and undertakings, but it does not, by itself, guarantee an effective reduction for groups with lower collective bargaining coverage, weaker trade union presence, greater precariousness, higher turnover, small undertakings, subcontracting, domestic work, platform work or sectors with weak bargaining capacity.

For this reason, the absence of a general statutory reduction of ordinary maximum working time particularly affects workers in areas with weaker contractual power or lower collective protection. In such cases, the statutory maximum working time operates as a real minimum guarantee, so that maintaining it without reduction prolongs a situation of greater exposure to long working hours, irregular distribution of working time, undeclared extensions of working time and difficulties in reconciling work and private life.

Improvements in productivity, the evolution of business margins and the technological and organisational transformation of work are factors that must be taken into consideration when assessing the need to move forward with a statutory reduction of working time. Such a reduction should not be understood merely as a labour policy measure, but as a guarantee linked to the right to fair working conditions, rest, occupational health and safety, work-life balance and effective equality between women and men.

Consequently, conformity with Article 2§1 of the Charter cannot be assessed solely on the basis of the formal existence of a maximum working time of 40 hours per week on average over the year, but also in light of the absence of sufficient progress in the progressive reduction of the statutory working week, especially where that absence has a more intense impact on groups without effective collective bargaining coverage.

i) Complementary hours in part-time contracts: subsequent extension of agreed ordinary working time, lack of predictability and absence of reinforced compensation

It should be stressed that the issue of reasonableness and predictability of working time is not exhausted by the irregular distribution of working time provided for in Article 34§2 of the Workers' Statute. It also arises specifically in relation to the regime governing complementary hours in part-time contracts, regulated by Article 12§5 of the Workers' Statute.

Under Spanish law, a part-time contract is characterised by the fixing of ordinary working time below that of a comparable full-time worker. However, the agreed ordinary working time may be extended through complementary hours, which allow the undertaking to require additional work beyond the working time initially agreed.

This extension cannot be considered neutral from the perspective of Article 2§1 of the Revised European Social Charter. Complementary hours constitute a mechanism of additional availability imposed on the worker, which subsequently alters the ordinary forecast of working time, affects the organisation of personal and family life and entails a greater burden in relation to the agreed working time.

Article 12§5(d) of the Workers' Statute provides that the worker must know the day and time of performance of agreed complementary hours with a minimum notice period of three days, unless a collective agreement establishes a shorter notice period. This rule provides a weaker safeguard than that applicable to irregular distribution of working time under Article 34§2 of the Workers' Statute, where the minimum notice period is five days.

The difference is particularly relevant because part-time contracts require a special degree of predictability of working time. The worker may need to organise other jobs, family responsibilities, care responsibilities, training or personal activities precisely because the agreed ordinary working time is part-time. The possibility of imposing or activating complementary hours with three days' notice — or even less if provided for by collective agreement — significantly weakens that predictability.

A second problem, of a remunerative nature, must be added. Article 12§5(i) of the Workers' Statute provides that "complementary hours actually worked shall be remunerated as ordinary hours, and shall be taken into account for the purposes of Social Security contribution bases and qualifying periods and regulatory bases for benefits". The rule does not expressly formulate ordinary remuneration as a minimum susceptible to improvement, but rather as the legal criterion applicable to such hours.

Thus, the law configures a subsequent extension of the agreed working time, which may be compulsory where there is an agreement on complementary hours and which responds to the undertaking's need for flexibility, but remunerates it as if it were an ordinary hour initially included in the contracted working time. This is problematic from the perspective of the Charter, since additional work beyond the agreed working time entails a greater burden for the worker and should receive specific compensation, at least equivalent to that provided for overtime.

This issue was already identified by CCOO and UGT in the observations submitted in the previous reporting cycle: in part-time contracts, work performed beyond the agreed working time is not considered overtime, but complementary hours, and is remunerated as ordinary time, which is particularly serious because it affects a group made up mainly of women.

This lack of guarantee is especially significant in part-time work, where complementary hours constitute an excess over agreed working time, may be assigned with a minimum notice period of three days — unless a shorter period is set by collective agreement — and are not guaranteed any compensation higher than ordinary pay.

Where excess working time in part-time work is channelled through complementary hours, the problem lies in the fact that they may be remunerated less favourably than overtime where overtime attracts a wage supplement or reinforced compensation, since it is the law itself which provides for payment as ordinary hours.

The justification based on the prior agreement of complementary hours is not sufficient. First, because voluntary complementary hours also exist; they are not agreed in advance, arise subsequently and are likewise not paid as overtime. Second, because even agreed

complementary hours are not equivalent to stable and known ordinary working time: the worker is aware of the possibility that the undertaking may require such hours, but not necessarily of the specific time at which they will be performed. Third, because overtime may also be compulsory where agreed, without this eliminating the need for reinforced compensation when work is performed beyond ordinary working time.

From this perspective, complementary hours present a twofold deficiency:

a) a deficiency of predictability, because they allow agreed working time to be extended with a short statutory notice period which may be reduced by collective agreement;

b) a deficiency of compensation, because the extension of working time is legally remunerated as ordinary time, despite entailing an additional burden and responding to the undertaking's need for flexibility.

The issue also has an evident equality dimension. Part-time work is a feminised form of employment. Therefore, regulation which reduces the cost of, or normalises, excess working time in part-time contracts may have a disproportionate impact on women workers. A rule which makes reinforced compensation depend only on exceeding full-time ordinary working hours, and not on exceeding the agreed working time in a part-time contract, may breach the principle of non-discrimination where it disproportionately affects women workers.

Consequently, the Spanish regime governing complementary hours cannot be considered fully compatible with the requirement of reasonable and predictable working time. Nor is it adequately aligned with the logic of compensating additional work, since a flexible, subsequent and potentially compulsory extension of agreed working time is remunerated as ordinary time, without any statutory guarantee of increased pay or reinforced compensatory rest.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that Spanish regulation of irregular distribution of working time and extensions of working time does not sufficiently establish conformity with Article 2§1 of the Revised European Social Charter.

In particular, the Committee is requested to find that:

- the undertaking's unilateral power to irregularly distribute up to 10% of annual working time is not subject to a sufficiently defined objective reason;

- the minimum notice period of five days does not guarantee sufficient predictability of working time;
- the twelve-month period for compensating excess or shortfall in working time shifts protection from the weekly limit to the annual calculation;
- the State report does not provide sufficient data on labour inspection control, sanctions, sectors affected or the real effectiveness of working time recording;
- the current regulation does not adequately prevent the accumulation of irregular distribution of working time, overtime, complementary hours, on-call periods, availability and other forms of extension or flexibilization of working time, especially in vulnerable forms of employment such as part-time work.
- the absence of sufficient progress in the progressive reduction of the statutory maximum working time, insofar as maintaining ordinary working time at 40 hours per week on average over the year particularly affects workers who do not benefit from effective reductions through collective bargaining and weakens the role of statutory working time as a minimum guarantee of rest, health and work-life balance.

Accordingly, CCOO requests the Committee to require Spain to adopt legislative and practical measures to ensure that irregular distribution of working time is subject to objective reasons, effective daily and weekly limits, sufficient notice, compensation within reasonable periods and real trade union and labour inspection control.

CCOO requests the Committee specifically to assess the compatibility with Article 2§1 of the Revised European Social Charter of the Spanish regime governing complementary hours in part-time contracts, insofar as it allows agreed ordinary working time to be extended with a reduced minimum notice period which may be further reduced by collective agreement, without guaranteeing reinforced compensation for the greater burden which such extension entails for the worker.

CCOO also requests the Committee to require Spain to provide specific information on:

- the number of workers subject to agreements on complementary hours;
- the number of complementary hours actually worked;
- distribution by sex, age, sector and type of contract;
- notice periods applied in practice and in collective bargaining;
- the percentage of agreed and voluntary complementary hours;
- remuneration applied;
- the existence of collectively agreed supplements or, conversely, the generalised application of remuneration as ordinary hours;
- labour inspection actions concerning the irregular use of complementary hours;
- the impact of this regulation on women part-time workers.

CCOO further requests the Committee to urge Spain to adopt legislative measures to ensure that complementary hours:

- do not operate as an ordinary mechanism of managerial availability in part-time contracts;
- are subject to strict and predictable limits;
- require sufficient notice, which may not be reduced by collective agreement below a reasonable standard;
- are subject to recording, trade union control and information to workers' representatives;
- receive reinforced compensation, at least equivalent to that provided for overtime, where they constitute an extension of agreed working time.

In light of the above, CCOO considers that the information supplied by the Government of Spain does not sufficiently establish that the situation in Spain is in conformity with Article 2§1 of the Revised European Social Charter.

The persistence of legal frameworks allowing 60 hours per week to be reached or exceeded, the absence of updated data on their actual use, the undertaking's unilateral power to irregularly distribute working time, the twelve-month period for compensating excess working time, the regime governing complementary hours in part-time contracts and the lack of sufficient information on labour inspection control and working time recording justify a finding by the Committee that a situation of non-conformity persists or, in the alternative, that Spain be required to provide additional information and adopt specific corrective measures.

In particular, complementary hours constitute a subsequent extension of the ordinary working time agreed in a part-time contract. Such extension may be compulsory where an agreement exists, responds to the undertaking's need for flexibility, entails a greater burden for the worker and is nevertheless legally remunerated as ordinary time, without any guarantee of reinforced compensation. This is especially problematic in a form of employment which is predominantly feminised and must therefore also be assessed from the perspective of effective equality between women and men.

Without prejudice to the fact that this matter will be addressed again in the sections concerning Article 4§3 and Article 20 of the Charter, given its impact on equal pay and equal opportunities between women and men, it should already be stressed in the context of Article 2§1 that the regime governing complementary hours directly affects the predictability and reasonableness of working time.

III. Article 2§1. Reasonable daily and weekly working hours: on-call periods, availability and periods of inactivity — insufficiency of the Spanish approach to working time and rest time

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on how inactive on-call periods are treated in terms of working time or rest time. This issue is particularly relevant because the Committee had already requested information in previous cycles on the rules applicable to on-call service and on whether inactive on-call periods are considered, in whole or in part, as rest periods.

The Committee has recalled that considering as rest time an on-call period during which no actual work is performed may infringe Article 2§1 of the Charter, since the absence of actual work, assessed ex post, is not in itself an adequate criterion for classifying such a period as rest time.

The Committee has also considered that equating an on-call period in full with a rest period constitutes a violation of the right to reasonable working hours, both where the on-call period takes place on the employer's premises and where it takes place at home or away from the workplace.

Summary of the response of the Government of Spain

The Government of Spain expressly acknowledges that there is no general rule in the Spanish legal system governing on-call periods. It states that, as a result, on-call arrangements are subject to working time regulation, without prejudice to specific rules for certain sectors, particularly transport and work at sea, contained in Royal Decree 1561/1995.

In particular, the Government's report states that Article 8§1 of Royal Decree 1561/1995 considers as "time of presence", in transport and work at sea, the time during which the worker is at the employer's disposal without actually working, for example in on-call services.

Outside these specific rules, the Government states that the matter is regulated by sectoral or company-level collective agreements, which must respect the statutory minimum standards. It adds that the regime is complemented by the case-law of the Court of Justice of the European Union on Directive 2003/88/EC, especially as regards the distinction between face-to-face and non-face-to-face on-call periods.

The State report reproduces the doctrine according to which time spent on availability must be regarded as working time where the worker is required to be present at the workplace or where, even if not required to remain at a place determined by the employer, the limitations imposed objectively and significantly affect the worker's ability to manage freely the time during which his or her services are not required and to devote that time to personal and social affairs. Conversely, where those limitations do not have such intensity, only the time corresponding to the actual provision of services is regarded as working time.

1. Trade union assessment of sufficiency

CCOO considers that the response of the Government of Spain is insufficient to establish that the situation in Spain is in conformity with Article 2§1 of the Revised European Social Charter.

- First, the State response itself acknowledges the main deficiency: there is no general legal regulation of on-call periods. This absence of regulation means that a matter directly connected with working time, rest, occupational health and safety and work-life balance is largely left to collective bargaining, company practice and case-by-case judicial interpretation.

- Second, the reference to CJEU case-law is not sufficient. European case-law provides interpretative criteria on Directive 2003/88/EC, but it does not replace the need for clear domestic regulation establishing minimum safeguards on calculation, limits, compensation, subsequent rest periods, recording and control of on-call periods.

- Third, the State's approach is based on a binary logic — working time or rest time — which does not adequately resolve the issue from the perspective of the Charter. Availability may, in some cases, not reach the threshold required by CJEU case-law to be counted in full as working time and yet may substantially restrict recovery, disconnection, family life, work-life balance and physical and mental health. The Government's own report acknowledges that, even where a period of stand-by duty is regarded as a rest period, the obligation to be reachable and to react may in fact be detrimental to workers' health and safety if imposed too often.

- Fourth, the report does not provide practical data. It does not identify the sectors affected, the number of workers subject to on-call periods, the frequency of calls, the response times required, the average duration of on-call periods, the

compensation applied, subsequent rest periods, labour inspection action or relevant litigation. Without such information, it cannot be concluded that the situation in Spain is in conformity with Article 2§1.

- Fifth, trade union experience and the observations submitted in previous cycles show that domestic judicial application may lead to the classification as rest time of periods of availability which significantly affect the worker's life. Previous trade union observations pointed out that the Supreme Court has rejected the classification as working time of certain periods of availability where the worker is not required to remain in a specific place or to respond within a short time, even though he or she must be reachable.

2. Regulatory or practical shortcomings

The situation in Spain presents at least the following shortcomings.

a) Absence of general legal regulation of on-call periods and availability

The Government acknowledges that there is no general rule governing on-call periods. This absence creates legal uncertainty and allows different solutions across sectors, undertakings and collective agreements. A matter which directly affects the right to rest cannot be left essentially to judicial casuistry or collective regulation.

b) Lack of explicit legal criteria to distinguish working time, rest time and conditional availability

Spanish law lacks regulation specifying when an on-call period must be counted in full as working time, when it must give rise to compensatory rest, when it must be limited for occupational health and safety reasons, and what compensation is due where it significantly restricts personal life even if no actual work is performed.

c) Risk of unduly equating inactive on-call periods with rest time

The Committee has held that the absence of actual work during an on-call period is not sufficient to regard that period as rest time and that full equivalence between on-call time and rest time may infringe Article 2§1 of the Charter. However, Spanish regulation does not contain a clear safeguard preventing inactive availability periods from being treated in practice as full rest periods.

d) Insufficiency of collective bargaining as a universal safeguard

The State report refers to collective bargaining, but does not establish that all collective agreements regulate the issue or that they do so with sufficient safeguards. Nor does it provide any analysis of the content of collective agreements on on-call periods, availability, subsequent rest periods, financial compensation or limits on frequency.

e) Lack of recording and control

If on-call periods are not considered working time, they may remain outside ordinary working time recording, making trade union and labour inspection control more difficult. This prevents verification of whether the worker actually enjoys sufficient rest, whether rest periods are repeatedly interrupted, whether working time limits are exceeded or whether availability is used as a form of hidden extension of working time.

f) Lack of specific preventive safeguards

Continuous or frequent availability may generate fatigue, stress, inability to disconnect and impairment of rest. Even where an on-call period is not counted in full as working time, it must be assessed from the perspective of occupational risk prevention, incorporating availability arrangements into risk assessment and guaranteeing sufficient periods of night and weekend rest free from on-call duties.

g) Need for adequate subsequent rest after a call-out

Where a call-out and actual work take place during an on-call period, it is not sufficient merely to count the time of intervention. Adequate subsequent rest periods must be guaranteed, equivalent to the minimum daily rest period where the intervention has interrupted or prevented real rest. The right to rest is directly linked to physical and mental recovery and to workers' health and safety.

h) Gender and work-life balance impact

On-call or frequent availability systems may have a particularly negative impact on persons with family and care responsibilities. Permanent on-call systems may have the effect of excluding women from certain posts or functions, given the greater difficulties in reconciling work, personal and family life which continue to affect women socially.

i) Risk of exceeding working time limits

Where the specific conditions of an on-call period require the entire period to be counted as working time, the maximum annual working time may be exceeded, with consequences

in relation to overtime, social security contributions and administrative liability. If all availability time must be classified as effective working time, this may lead to the exceeding of statutory and collectively agreed limits.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain does not establish the conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter in relation to on-call periods, availability and periods of inactivity.

In particular, the Committee is requested to find that:

- Spain lacks general legal regulation of on-call periods and availability;
- reference to collective bargaining and to CJEU case-law does not, in itself, guarantee the effectiveness of the right to reasonable working hours;
- it has not been established that inactive on-call periods which restrict personal freedom are not treated as full rest periods;
- no data are provided on affected sectors, number of workers, frequency of on-call duties, call-outs, subsequent rest periods, compensation or labour inspection action;
- the existence of sufficient preventive measures against fatigue, stress, lack of disconnection and impairment of work-life balance has not been established.

CCOO also requests the Committee to require Spain to adopt general legal regulation of on-call periods and availability establishing at least:

- clear criteria for determining when on-call duty constitutes working time;
- maximum limits on the frequency and duration of on-call periods;
- an obligation to record periods of availability and call-outs;
- adequate compensation, either financial or in rest time, for periods of availability;
- sufficient compensatory rest after call-outs which interrupt daily or weekly rest;
- specific assessment of the preventive risks associated with on-call duties, availability, fatigue and lack of disconnection;
- safeguards for work-life balance and prevention of indirect impacts on grounds of sex;
- periodic information to workers' representatives and effective control by the Labour Inspectorate.

Accordingly, CCOO requests the Committee to find that a situation of non-conformity persists or, in the alternative, to require Spain to provide additional information and

adopt specific legislative measures to ensure that on-call periods and availability do not undermine the right to reasonable daily and weekly working hours or the effective right to rest.

The insufficiency of the Spanish regime on on-call periods and availability is aggravated by the deficiencies in working time recording and in trade union and labour inspection control of actual working time, periods of availability and rest periods actually enjoyed.

IV. Article 2§1. Reasonable daily and weekly working hours: working time recording, access by trade unions and labour inspection action

Question raised by the ECSR

Although the specific question raised by the European Committee of Social Rights concerns occupations in which weekly working hours may exceed 60 hours, existing safeguards and the treatment of inactive on-call periods, that issue necessarily requires an assessment of the instruments for the effective control of working time.

It is not possible to verify whether daily and weekly working hours are reasonable, whether rest periods are respected, whether extensions of working time exist, whether overtime or complementary hours are performed, or whether on-call periods and availability conceal working time, without a reliable, accessible and controllable working time recording system.

Therefore, the assessment of Article 2§1 of the Revised European Social Charter must necessarily include three elements: working time recording, access by workers' legal and trade union representatives, and labour inspection action.

Summary of the response of the Government of Spain

The Government of Spain refers to the general regulation of working time contained in the Workers' Statute. In particular, it recalls that Article 34 of the Workers' Statute sets the maximum duration of ordinary working time at 40 hours per week of effective work, on average per year, and that irregular distribution of working time must respect minimum daily and weekly rest periods, with a minimum notice period of five days and compensation for differences in working time.

In relation to work outside normal working hours, the State report also states that Spanish legislation recognises the right to digital disconnection, and that Article 88§3 of Organic

Law 3/2018 requires the undertaking to draw up an internal policy, after consultation with workers' representatives, defining the modalities for exercising the right to disconnect and training and awareness-raising actions.

The Government further states that failure to comply with the rules on working time, night work, overtime, complementary hours, rest periods, holidays, working time recording and, in general, working time, constitutes an administrative offence under Article 7§5 of the Law on Infringements and Penalties in the Social Order.

However, in this section, the report does not provide specific and updated data on labour inspection actions relating to working time recording, excessive working hours, irregular distribution of working time, undeclared overtime, complementary hours, on-call periods, availability or breaches of rest periods.

1. Trade union assessment of sufficiency

CCOO considers that the response of the Government of Spain is insufficient.

The formal existence of an obligation to record working time and of a sanctions regime is not sufficient, in itself, to establish conformity with Article 2§1 of the Revised European Social Charter. Effective compliance requires the record to be objective, reliable, accessible, traceable, non-manipulable and useful for trade union and labour inspection control.

The State report presents the sanctions regime as a safeguard, but does not demonstrate its practical effectiveness. It provides no information on the number of labour inspection actions, infringements detected, sectors affected, amounts of sanctions, types of non-compliance, use of manual or digital records, manipulation of records, undeclared hours, excessive working hours or failure to compensate rest periods.

Nor does it establish that workers' legal representatives have sufficient and operational access to the information recorded. The mere general recognition of information and consultation rights is not enough if workers' representatives cannot access, on a periodic, complete and comprehensible basis, the working time data needed to monitor excessive working hours, irregular distribution of working time, overtime, complementary hours and rest periods.

This issue is particularly relevant because several of the problems analysed in the previous sections are difficult to detect without effective documentary control: weekly working hours exceeding 60 hours, irregular distribution of working time, deferred compensation,

on-call periods not counted as working time, unrecorded overtime and complementary hours used as a flexible extension of part-time working time.

From a trade union perspective, the current problem is not only the legal existence of working time recording, but its real effectiveness as an instrument of collective and public control.

2. Regulatory or practical shortcomings

The situation in Spain presents the following shortcomings.

a) Insufficiency of working time recording as a merely formal obligation

The obligation to record working time does not in itself guarantee that actual working time is reflected. In practice, there may be incomplete records, merely declaratory records, records completed ex post, systems which do not include actual breaks, extensions of working time, remote work, digital disconnection, on-call periods or availability, and systems which do not allow verification of the compensation of excess working time.

b) Lack of State information on the reliability of working time recording

The Government's report does not provide data on the systems used, their reliability, the frequency of non-compliance, manipulation of records, the existence of uniform or automatic records, or the labour inspection criteria applied to assess their sufficiency.

c) Lack of effective trade union access

For working time recording to fulfil a guarantee function, workers' legal and trade union representatives must be able to access the necessary information periodically, in a comprehensible and useful manner. The mere existence of a record is not sufficient if representatives can only consult it in a limited, aggregated, incomplete or reactive way. The right of access of representative bodies is one of the central issues for ensuring compliance with working time limits and rest periods.

d) Invisibility of on-call periods and availability

If on-call periods or availability are not classified as working time, there is a risk that they will not be recorded, or that only the actual intervention will be recorded. This prevents

assessment of the real burden of availability, the frequency of interruptions of rest, accumulated fatigue and the impact on personal and family life.

e) Insufficient control of complementary hours

Complementary hours in part-time contracts must appear on the individual payslip and in social security contribution documents, but this does not guarantee that workers' legal representatives have sufficient information to monitor their actual use, notice, distribution, agreed or voluntary nature, incidence by sex and possible use as a structural mechanism of managerial availability. This issue is particularly relevant because complementary hours affect a feminised form of employment and may operate as an extension of working time without reinforced compensation.

f) Lack of sufficient labour inspection data in the State report

The Government invokes the Law on Infringements and Penalties in the Social Order, but does not provide disaggregated data on Labour Inspectorate action concerning working time, rest periods, working time recording, overtime, complementary hours, irregular distribution of working time, availability or on-call periods. The absence of data prevents assessment of whether public control is sufficient, proportionate and effective.

g) Insufficient connection between working time recording and occupational safety and health

Excessive working time is not only a wage or working time compliance issue. It is also a safety and health issue. However, the State report does not establish a systematic connection between working time recording, risk assessment, fatigue, psychosocial risks, digital disconnection, night work, shift work and actual rest periods.

h) Insufficient connection between working time records, the right to disconnect and telework.

The right to disconnect cannot be analysed solely from the perspective of occupational health and safety or the prevention of psychosocial risks. It is also a guarantee directly linked to the effective observance of the limits on working time and rest recognised in Article 2§1 of the Revised European Social Charter.

The State report refers to the legal recognition of the right to disconnect and to the employer's obligation to draw up an internal policy, after prior consultation with the workers' representatives. However, it does not establish how many undertakings actually have disconnection policies, what their real content is, what trade union participation has

taken place in their preparation, what mechanisms exist to monitor communications, instructions, targets or availability outside ordinary working time, or what inspection or sanctioning action has been taken in response to infringements of this right.

This insufficiency is particularly relevant in telework and in digitalised forms of work, where extensions of working time may not appear through physical presence at the workplace, but through connections, communications, digital tasks, permanent availability, targets assigned outside agreed working time or the use of corporate devices. In such cases, working time records must make it possible to verify not only the formal start and end of the working day, but also the existence of actual work performed outside ordinary working time and the real effectiveness of the right to disconnect.

For this reason, the right to disconnect must necessarily be linked to objective, reliable, accessible and non-manipulable working time recording systems. If the record does not make it possible to detect extensions of working time in telework, out-of-hours communications, undeclared digital work or permanent availability, it cannot properly perform its function as a guarantee of the right to reasonable daily and weekly working time.

Likewise, workers' legal and trade union representatives must have sufficient information to monitor the effective application of digital disconnection policies, their connection with working time records, undeclared extensions of working time and their impact on occupational health, work-life balance and equality between women and men.

i) Risk of undeclared extensions of working time and unpaid overtime

The trade union observations submitted in the previous reporting cycle had already highlighted the existence of unpaid and undeclared overtime, pointing out that this practice has serious consequences for workers' rights, social security and public services. The existence of an obligation to record working time does not allow the conclusion that this problem has disappeared unless the State provides updated information demonstrating this.

j) Lack of traceability regarding compensation of excess working time

The Spanish system allows differences resulting from irregular distribution of working time to be compensated within twelve months. Without a record enabling the generation and compensation of such excess working time to be traced, this rule may become a broad authorisation of temporal availability without effective control.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain does not sufficiently establish the conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter in relation to working time recording, trade union access and labour inspection action.

In particular, the Committee is requested to find that:

- the formal existence of a working time recording obligation and of a sanctions regime does not demonstrate practical effectiveness;
- the State report does not provide sufficient data on labour inspection actions, infringements detected, sanctions imposed or sectors affected;
- it is not established that workers' legal and trade union representatives have effective, periodic and sufficient access to working time information;
- it is not established that working time recording allows adequate control of irregular distribution of working time, overtime, complementary hours, on-call periods, availability and rest periods;
- it is not demonstrated that working time recording is used systematically as an instrument for the prevention of occupational risks associated with fatigue, stress and excessive working time.

CCOO also requests the Committee to require Spain to provide detailed information on:

- the number of labour inspection actions concerning working time recording, maximum working time, rest periods, overtime and complementary hours;
- infringements detected and sanctions imposed;
- sectors with the highest number of infringements;
- labour inspection criteria applied to assess the reliability of working time records;
- measures adopted against incomplete, manipulated or merely formal records;
- access by workers' legal and trade union representatives to working time data;
- control of complementary hours in part-time contracts, disaggregated by sex;
- recording and control of on-call periods, availability and call-outs;
- the relationship between working time infringements and occupational risk prevention.
- digital disconnection policies in place in undertakings, the content of those policies, the participation of workers' legal and trade union representatives in their preparation and monitoring, mechanisms for controlling communications and the performance of work outside ordinary working time, their connection with

working time records, and inspection or sanctioning action taken in response to infringements of the right to disconnect.

Finally, CCOO requests the Committee to urge Spain to strengthen the legal framework on working time recording, ensuring that it is objective, reliable, accessible, traceable and non-manipulable, as well as ensuring effective access by workers' legal and trade union representatives and sufficient labour inspection action to secure the effectiveness of the right to reasonable daily and weekly working hours.

V. Article 2§1. Reasonable daily and weekly working hours: seafarers — insufficiency of State information on working weeks of up to 72 hours and effective safeguards

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide specific information on the weekly working hours of seafarers.

This question has its own autonomy within Article 2§1 of the Revised European Social Charter, because work at sea presents specific features in relation to working time, rest periods, on-call duties, safety, isolation, living conditions on board, extended availability and risks to health and safety.

Moreover, the wording of the Committee's question shows that the issue is not limited to identifying the formal regulation applicable, but requires an assessment of whether authorised working hours and the organisation of work at sea are compatible with the right to reasonable daily and weekly working hours.

Summary of the response of the Government of Spain

The Government of Spain states that working time at sea is regulated by Article 16 of Royal Decree 1561/1995 of 21 September 1995 on special working days. The report specifies that this regulation applies to workers providing services on board ships and vessels, although the master or the person exercising command of the ship is not subject to the rules on working time laid down in that Royal Decree where he or she is not obliged to stand guard, and is then governed by the clauses of his or her contract, provided that they do not configure services which significantly exceed those usual in work at sea.

According to the State response, Article 16 of Royal Decree 1561/1995 provides that workers may not work more than 12 hours per day, including overtime, whether the ship

is in port or at sea, except in cases of force majeure linked to the immediate safety of the ship, persons or cargo on board, or to assisting other ships or persons in distress on the high seas, as well as in certain urgent situations related to supplies, urgent unloading or manoeuvres for entering or leaving port, berthing, unloading and anchoring.

The report acknowledges that, except in cases of force majeure, the resulting total working time may in no case exceed 14 hours in each 24-hour period or 72 hours in each seven-day period. It also states that overtime worked beyond the ordinary working time shall be compensated or paid in accordance with Article 35§1 of the Workers' Statute and that, in vessels engaged in fishing, an agreement or supplementary formula for the settlement of overtime may be agreed between undertakings and crew members, unless otherwise provided for in a collective agreement.

1. Trade union assessment of sufficiency

CCOO considers that the information supplied by the Government of Spain is insufficient to establish the conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter.

- First, the State report expressly acknowledges that work at sea is the only case in which Royal Decree 1561/1995 allows weekly working time to exceed 60 hours, with the possibility of reaching up to 72 hours in each seven-day period. This circumstance alone requires reinforced justification from the perspective of the Charter, since it constitutes a very high-intensity working week.

- Second, the Government does not provide sufficient information on the actual use of this possibility. It does not indicate the number of workers affected, the subsectors involved — merchant shipping, fishing, towing, port traffic, auxiliary activities or others — the frequency with which 72-hour working weeks are reached, the duration of periods on board, the distribution of rest periods, or the impact of these arrangements on fatigue, accidents, mental health or work-life balance.

- Third, the Government's response is limited to reproducing the legal framework, but does not establish the existence of effective controls. No information is provided on labour inspection actions, infringements detected, sanctions, control of working time records on board, control of overtime, periods of presence, on-call duties, daily and weekly rest periods, or specific supervision in fishing vessels.

- Fourth, the statement that overtime is compensated or paid in accordance with Article 35§1 of the Workers' Statute is insufficient. As indicated in other sections of

these observations, the general Spanish overtime regime does not necessarily guarantee an increased rate of remuneration or compensatory rest exceeding ordinary time, an issue which the Committee has already found not to be in conformity in previous conclusions. The Committee concluded that Spain was not in conformity with Article 4§2 because an increased rate of remuneration or increased compensatory time off for overtime is not guaranteed.

- Fifth, the State report does not sufficiently justify the exclusion or special regime applicable to the master or the person exercising command of the ship. The reference to contractual clauses, with the sole safeguard that they must not configure services which significantly exceed those usual in work at sea, is imprecise and does not make it possible to determine which effective limits apply to working time, on-call duties, rest periods or availability for such persons.

2. Regulatory or practical shortcomings

The situation described presents the following shortcomings.

a) Legal recognition of working weeks of up to 72 hours

The Government acknowledges that, in work at sea, total working time may reach 72 hours in each seven-day period. This limit, in itself, creates serious tension with the right to reasonable weekly working hours, especially if it is not accompanied by reinforced safeguards concerning rest, recovery, control and risk prevention.

b) Lack of statistical information on workers and sectors affected

The report does not identify how many workers are subject to these arrangements, which maritime or fishing activities concentrate the longest working hours, what percentage of crews work more than 60 hours per week, or whether there are relevant differences by type of contract, type of vessel, activity or period on board.

c) Absence of information on occupational health and safety, fatigue and accidents

Long working hours at sea involve specific risks of fatigue, reduced attention, accidents, deterioration of mental health and difficulties in recovery. However, the Government provides no data on risk assessment, health surveillance, accidents, accidents linked to fatigue or specific preventive measures.

d) Insufficient information on recording and control of working time on board

The report does not explain how actual working time on ships and vessels is recorded, who controls such records, how workers' representatives have access to them, what role is played by the Labour Inspectorate and how effective rest periods are verified.

e) Insufficient justification of exceptions

The regulation allows exceptions in cases of force majeure, immediate safety, assistance on the high seas, urgent supplies, urgent unloading and manoeuvres. However, the report does not establish how it is ensured that these exceptions do not operate extensively or structurally, nor what controls exist to prevent them from becoming an ordinary form of extension of working time.

f) Weakness of overtime compensation

The reference to Article 35§1 of the Workers' Statute does not guarantee reinforced compensation, since Spanish legislation allows overtime to be paid at a rate not lower than ordinary working time or to be compensated by equivalent rest time, without requiring a compulsory increase. This deficiency is particularly serious when applied to high-intensity maritime working time.

g) Special regime applicable to the master or person exercising command of the ship

The report states that the master or person exercising command is not subject to the working time rules where he or she is not obliged to stand guard. However, it provides no data or safeguards on the actual control of his or her working time, availability, fatigue and rest, despite the fact that these functions have a direct impact on the safety of the ship and crew.

h) Fishing vessels and settlement of overtime

The report states that in vessels engaged in fishing, an agreement or supplementary formula for the settlement of overtime may be agreed between undertakings and crew members, unless otherwise provided for in a collective agreement. This reference is insufficient unless it is established what such agreements contain, whether they guarantee reinforced compensation, whether trade union or collective involvement exists, and whether the individualisation of the settlement of excessive working time is avoided in a particularly vulnerable sector.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain is insufficient to establish the conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter in relation to the weekly working hours of seafarers.

In particular, CCOO requests the Committee to require Spain to provide additional information on:

- the number of workers affected by weekly working hours exceeding 60 hours in work at sea;
- the subsectors affected, distinguishing merchant shipping, fishing, port activities and other maritime activities;
- the actual frequency of working weeks of up to 72 hours in each seven-day period;
- the duration of periods on board and the effective distribution of rest periods;
- the recording of working time and rest time on board;
- labour inspection control of working time, on-call periods, periods of presence and overtime;
- accidents, fatigue and psychosocial risks associated with long working hours;
- specific preventive measures to avoid fatigue and ensure sufficient recovery;
- the regime applicable to the master or person exercising command of the ship;
- the content and control of formulas for the settlement of overtime in fishing vessels;
- the participation of trade union representatives in the regulation and control of these arrangements.

CCOO also requests the Committee to assess whether the legal possibility of reaching working weeks of up to 72 hours in seven days, in the absence of sufficient information on effective safeguards, controls, rest periods and risk prevention, is compatible with the right to reasonable daily and weekly working hours recognised in Article 2§1 of the Revised European Social Charter.

VI. Closing section on Article 2§1

In light of the foregoing, CCOO considers that the information supplied by the Government of Spain does not establish the full conformity of the situation in Spain with Article 2§1 of the Revised European Social Charter.

The persistence of legal situations allowing 60 hours per week to be reached or exceeded, the broad scope of irregular distribution of working time, the regime governing complementary hours in part-time contracts, the absence of general legal regulation of on-call periods and availability, the insufficiency of working time recording and of trade union and labour inspection control, as well as the possibility of reaching working weeks of up to 72 hours in work at sea, show that the Spanish legal order does not provide sufficient safeguards to ensure reasonable daily and weekly working hours.

CCOO therefore requests the Committee to find that a situation of non-conformity persists or, in the alternative, to require Spain to provide additional information and adopt specific legislative and practical measures guaranteeing effective limits, predictability of working time, reliable recording, trade union and labour inspection control, real rest and protection of workers' health, including workers in the maritime and fishing sectors.

VII. Article 3. The right to safe and healthy working conditions

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on the content and implementation of national policies on psychosocial risks and new or emerging risks, including those linked to the platform economy, telework, jobs requiring intense attention or high performance, work related to stress or traumatic situations, and jobs affected by risks arising from climate change.

The Committee also asks for information on the measures adopted to ensure that undertakings put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect, and on how it is ensured that workers are not penalised or discriminated against for refusing to work outside their normal working hours.

Finally, the Committee requests information on the measures adopted to ensure the preventive protection of self-employed workers, teleworkers, domestic workers, temporary workers, interim workers and workers on fixed-term contracts, as well as on the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers: domestic workers, digital platform workers, teleworkers, posted workers, workers employed through subcontracting, the self-employed and workers exposed to environmental-related risks such as climate change and pollution.

Summary of the response of the Government of Spain

The Government of Spain maintains that the domestic occupational risk prevention framework already includes protection against all risks arising from work, including psychosocial risks. It refers to Law 31/1995 on the Prevention of Occupational Risks, the Regulation on Prevention Services and the general obligations concerning risk assessment, preventive planning, information, consultation, training, cessation of activity in the event of serious and imminent risk and health surveillance.

With regard to psychosocial risks, the State report states that the Law on the Prevention of Occupational Risks covers them indirectly by including within the concept of working conditions the characteristics relating to the organisation and arrangement of work which influence risks, and by requiring the adaptation of work to the person and preventive planning integrating technique, work organisation, working conditions, social relations and environmental factors.

As regards digital platforms, telework and jobs requiring intense attention or high performance, the Government highlights the preparation of studies, guidelines, technical documents, questionnaires and assessment tools. In particular, it refers to reports on psychosocial factors in platform work, the challenges of digitalisation, questionnaires for delivery activities, guidelines on telework and the management of ergonomic and psychosocial risks, as well as materials concerning care activities, call-centre workers and the hotel sector.

In relation to digital disconnection, the Government refers to Article 20 bis of the Workers' Statute and Article 88 of Organic Law 3/2018, which recognise the right to digital disconnection and require undertakings, after consultation with workers' representatives, to draw up an internal policy defining the modalities for exercising this right and training and awareness-raising actions. It also states that workers may not be penalised or discriminated against for refusing to work outside normal working hours.

As regards vulnerable categories of workers, the State report states that teleworkers are protected by occupational risk prevention legislation and by Law 10/2021 on remote work; that Royal Decree-Law 16/2022 ended the exclusion of domestic workers from the scope of the Law on the Prevention of Occupational Risks; and that Royal Decree 893/2024 develops the protection of safety and health in domestic work.

As regards labour inspection, the Government states that the Labour and Social Security Inspectorate is competent to monitor compliance with occupational safety and health regulations. It indicates that there are specific campaigns or actions concerning domestic work, digital platforms, telework, posted workers, subcontracting and environmental risks. In particular, it refers to 2025 campaigns on digital delivery platforms, the preparation of an inspection guide on platforms, the prioritisation of telework in

psychosocial-risk campaigns, actions on transnational posting, campaigns in construction and hospitality linked to subcontracting, and mass communications to undertakings exposed to environmental risks.

1. Trade union assessment of sufficiency

CCOO considers that the response of the Government of Spain is partial and insufficient to establish full conformity with Article 3 of the Revised European Social Charter.

The State response has a common feature across all sub-sections: it describes a general legal framework, technical documents, guidelines, awareness-raising campaigns and lines of labour inspection action, but does not sufficiently establish the actual effectiveness of those measures. Article 3 of the Charter does not require only the existence of general preventive rules, but an effective system of protection against real risks, including emerging risks arising from the transformation of work.

The assertion that the Law on the Prevention of Occupational Risks covers psychosocial risks indirectly is insufficient. Psychosocial risks are not an accessory or residual matter; they are one of the main contemporary factors in the deterioration of occupational health and require specific regulation, assessment, preventive intervention, trade union participation and labour inspection control. Indirect coverage through general concepts of working conditions does not guarantee that undertakings carry out real psychosocial risk assessments, adopt corrective organisational measures, reduce workloads, work pace, availability, algorithmic pressure or exposure to violence and harassment, or that the Labour Inspectorate has sufficient and homogeneous criteria.

In relation to digital platforms, the report mentions studies and guidelines, but does not establish the existence of an effective preventive model addressing the specific risks of algorithmic management, work intensification, reputational assessment of workers, geolocation, time pressure, economic insecurity, false self-employment or dispersed workplaces. The problem is not resolved by technical documents if they are not accompanied by mandatory preventive integration, trade union access to relevant information and labour inspection action with verifiable results.

With regard to telework, the State response stresses the application of preventive legislation, but does not establish that risk assessment effectively covers psychosocial, ergonomic, organisational and digital availability factors. Nor does it provide data on preventive assessments carried out, corrective measures adopted, accidents, occupational diseases or specific labour inspection actions.

In relation to digital disconnection, the legal recognition of the right is positive, but not sufficient. The Committee had already pointed out that telework or remote work may give rise to excessive working hours and that States must ensure that undertakings adopt measures to limit or discourage work outside normal working hours, especially in relation to workers who may feel pressured to maintain higher performance. The Government's response does not establish that the right to disconnect is effective in practice, nor that sufficient controls exist against communications, orders, objectives, availability or performance assessment outside working hours.

With regard to domestic work, the importance of Royal Decree 893/2024 must be acknowledged, but the State report does not yet demonstrate its effective implementation. The Government itself indicates that the entry into force of the measures is gradual and that the planned actions include extensive information activities. Information and technical assistance are necessary, but they are not equivalent to effective preventive supervision in a historically excluded, feminised and dispersed sector, where work is performed in private households and where there are objective difficulties for trade union and labour inspection control.

As regards self-employed workers, the State response recognises that they are excluded from the scope of the Law on the Prevention of Occupational Risks, referring their protection to Law 20/2007, to administrative promotion obligations and to coordination of business activities. This response reveals a significant deficiency: economically dependent self-employed workers, false self-employed workers or self-employed persons integrated into production chains or platforms may remain without preventive protection equivalent to that of employees, even though they are exposed to similar or even greater risks.

Finally, the reference to labour inspection campaigns does not make it possible to assess the sufficiency of control if no results are provided. The State report mentions campaigns, guidelines or strategic lines, but does not provide disaggregated data on actions carried out, infringements detected, sanctions imposed, requirements issued, sectors affected, number of workers benefiting, repeated non-compliance or preventive impact.

2. Regulatory or practical shortcomings

a) Insufficient treatment of psychosocial risks as organisational risks

The Law on the Prevention of Occupational Risks allows psychosocial risks to be included in preventive assessment, but Spanish regulation does not contain sufficiently specific development on the assessment, prevention and correction of risks arising from work

organisation, work pace, workloads, pressure by objectives, external violence, harassment, isolation, hyperconnectivity, digital surveillance or algorithmic management.

The reference to technical documents does not guarantee that undertakings effectively assess these risks or adopt corrective organisational measures. In many cases, psychosocial prevention is reduced to questionnaires, training or recommendations, without intervention on the organisational causes of the risk.

b) Insufficiency of prevention in digital platforms

The State report mentions studies and an inspection guide on digital delivery platforms. However, it does not establish the existence of an integrated preventive policy addressing the specific risks of this form of work: algorithms for task allocation, delivery times, permanent geolocation, reputational assessment, variable incentives, economic pressure, isolation, road risk, climate exposure and violence or harassment by third parties.

Moreover, prevention in platform work cannot be separated from the issue of effective employment status. Where a worker is wrongly classified as self-employed, the applicable preventive system is weakened and the capacity for collective and trade union action is reduced.

c) Telework: formal recognition without sufficient control safeguards

Law 10/2021 recognises that risk assessment in remote work must take account of psychosocial, ergonomic, organisational and accessibility factors. However, the report does not demonstrate that this obligation is generally complied with.

No data are provided on risk assessments carried out in telework, preventive measures adopted, incidents linked to digital fatigue, musculoskeletal disorders, isolation, stress, extension of working time, lack of disconnection or difficulties in trade union access. Nor is it established how preventive control is exercised in the home as a place of work without transferring to the worker the burden of self-managing risk.

d) The right to digital disconnection is insufficiently guaranteed

The recognition of the right to digital disconnection in Article 20 bis of the Workers’ Statute and Article 88 of Organic Law 3/2018 is a formal advance, but its effectiveness depends on the existence of real internal policies, trade union control, limits on employer action, complaint mechanisms and absence of reprisals.

The report does not provide sufficient information on:

- the number of undertakings with digital disconnection policies;
- the actual content of those policies;
- effective trade union participation;
- measures concerning communications outside working hours;
- sanctions for violation of the right;
- connection with working time recording;
- impact on telework, managerial posts, middle management and persons subject to objectives.

The Committee had already warned that telework may generate excessive working hours and that States must guarantee measures to limit or discourage unrecorded work outside normal working hours. Therefore, the mere existence of a rule on disconnection does not establish its effectiveness.

e) Jobs requiring intense attention, high performance or involving traumatic situations

The State report mentions tools and guidelines for care work, call-centre workers and the hotel sector. However, it does not establish a general preventive policy for activities involving high emotional demands, contact with suffering, external violence, continuous attention, repetitive work, time pressure or responsibility for persons.

This deficiency particularly affects feminised sectors — care, health, dependency, cleaning, telephone assistance, social services, early childhood education, home help — where psychosocial risks are combined with low professional recognition, part-time work, temporary work, low pay and limited individual control over work.

f) Climate and environmental risks: legislative advances but insufficient data on effectiveness

The State report describes measures concerning serious and imminent risk, interruption of activity, climate-related leave, collective bargaining of protocols and campaigns on solar radiation, heat or adverse weather events.

However, the response does not sufficiently establish the effective application of those measures. No data are provided on stoppages of activity due to extreme heat, adaptation of working hours, negotiated protocols, sanctions, accidents or diseases linked to heat stress, or preventive assessment in particularly exposed sectors such as agriculture, construction, street cleaning, delivery, maintenance, fishing, forestry work or outdoor hospitality.

g) Domestic work: recent legislative recognition, but still insufficient implementation

The inclusion of domestic work within preventive protection and Royal Decree 893/2024 are relevant advances. However, the report shows that implementation is at an initial stage and that the planned action focuses on information and technical assistance.

It must be recalled that this is a particularly feminised and dispersed sector, performed in private households, with risks of isolation, violence, harassment, physical overload, exposure to chemical products, manual handling of loads, emotional work and difficulty of access to collective representation. It is therefore not sufficient to recognise the right formally; a specific model of guarantee, inspection and public support is required.

h) Self-employed workers: insufficient preventive protection

The State report recognises that self-employed workers are excluded from the scope of the Law on the Prevention of Occupational Risks. This exclusion raises a significant deficiency where economically dependent self-employed workers, false self-employed workers, platform workers or self-employed persons integrated into subcontracting chains are concerned.

Protection based on administrative promotion or coordination of business activities does not guarantee an equivalent level of safety and health where the self-employed person is materially subject to economic, organisational or technological dependence.

i) Subcontracting and posting: recognition of vulnerability without sufficient results

The Government recognises that subcontracting creates particular vulnerability, including in relation to safety and health, and refers to campaigns in construction and hospitality. However, it does not provide data on results, infringements, sanctions, accidents, diseases, preventive coordination, employer liability or effectiveness of the campaigns.

Subcontracting remains a structural factor in the externalisation of risks, fragmentation of prevention and weakening of trade union control, especially in construction, hospitality, cleaning, logistics, private security, home help and auxiliary services.

j) Lack of indicators of labour inspection effectiveness

The State response identifies the Labour Inspectorate as the competent authority and lists campaigns, but does not provide sufficient impact indicators. Without data on actions carried out, non-compliance detected, sanctions, requirements, sectors and time trends, it is not possible to assess whether supervision is sufficient to guarantee Article 3 of the Revised European Social Charter.

k) Hidden occupational cancer as a structural deficit of preventive effectiveness

In addition to the risks expressly mentioned by the Committee, CCOO considers it necessary to include in the assessment of Article 3 the situation of hidden occupational cancer, as one of the main indicators of the structural insufficiency of the Spanish preventive system in relation to serious, deferred, invisibilised and difficult-to-recognise risks.

Occupational cancer is one of the clearest examples of the insufficiency of the preventive system where serious and deferred risks are not properly identified, assessed and controlled.

Cancer of occupational origin is currently the leading cause of work-related death in the European and national context. According to CCOO trade union documentation, cancer accounts for 53% of work-related deaths in the European Union, compared with 28% caused by cardiovascular diseases and 6% by respiratory diseases.[1]

The problem does not lie in the absence of scientific knowledge or in the total absence of preventive rules, but in the insufficient identification, assessment and effective control of occupational exposures to carcinogenic agents. According to CCOO's analysis, between 4% and 10% of cancers are of occupational origin, linked to exposure to carcinogenic agents present in workplaces, and such cancers can be prevented and avoided by eliminating such exposures.

This reality reveals a very significant gap between actual risk, administrative recognition and effective prevention. For 2026, trade union estimates project nearly 16,000 new cancer cases attributable to occupational exposures in Spain and more than 6,100 deaths attributable to work. However, in 2025 only 119 occupational disease reports due to carcinogenic agents were communicated.

The disproportion between estimated cases and recognised reports shows that occupational cancer remains largely hidden in the preventive, health, statistical and social protection systems. This invisibility not only deprives affected persons of social security

[1] https://www.ccoo.es/258d76f67cb9bd1b44093d0ffb5255fb000001.pdf

and reparatory rights, but also weakens the preventive system, because it prevents knowledge of the real scale of exposures, planning of adequate measures and enforcement of responsibility against undertakings which fail to eliminate or control carcinogenic risks.

From the perspective of Article 3 of the Revised European Social Charter, the decisive element is not only the ex post recognition of cancer as an occupational disease, but the capacity of the preventive system to act before the damage occurs, where there are reasonable indications of possible exposure to carcinogenic agents. The core of the problem of hidden occupational cancer is the omission of identification, assessment and prevention where the risk is plausible.

CCOO therefore considers that undertakings must be required to justify and demonstrate adequate preventive control of occupational cancer risk. Where there is a reasonable, plausible and contextualised suspicion of possible exposure, the undertaking must explain in a reasoned, verifiable and controllable manner how it has identified relevant processes, tasks or substances, how it has specifically assessed the risk and what preventive measures it has adopted, prioritising the elimination of the risk at source.

The absence of specific assessment, the use of generic methodologies, the failure to identify carcinogenic agents or the absence of coherent preventive measures cannot be considered merely formal breaches. In relation to serious and deferred risks such as occupational cancer, such omissions constitute substantive preventive breaches of particular seriousness, with administrative, civil and, where appropriate, criminal implications.

Trade union analysis also identifies recurring deficiencies in the preventive management of carcinogenic agents: deficient, outdated or incorrect information in safety data sheets; lack of knowledge of, or disinterest in, the application of Royal Decree 665/1997; shortcomings in the identification of carcinogenic agents; deficient risk assessments; inadequate description of jobs; absence or lack of updating of lists of exposed workers; and the erroneous idea that, if exposure is below limit values, there is no obligation to adopt measures or apply the specific regulations.

It must be stressed that, in relation to carcinogenic agents, preventive strategy cannot rely on merely tolerating exposures below limit values. There is no safe level of exposure to carcinogenic agents in the strict sense, since they have stochastic effects: the greater the exposure, the greater the likelihood of harm. Therefore, the preventive objective must be the elimination of risk and the substitution of carcinogenic agents whenever technically possible.

The issue also has an equality and vulnerability dimension. Trade union analysis points to a double invisibility of occupational cancer among women workers: of the 119 cancer cases reported in 2025, only 14 concerned women. This cannot be explained solely by the sectoral distribution of exposures, but also by the lack of a gender perspective in the investigation, prevention and recognition of occupational cancer.

The Spanish list of occupational diseases includes diseases and activities predominantly associated with male-dominated sectors, while feminised activities — hairdressing, cleaning, health, care and social-health sectors — are underrepresented, even though they may involve exposure to carcinogenic agents.

Specific attention must also be paid to the vulnerability of migrant, temporary, part-time and subcontracted workers. These groups may suffer more invisibilised “socially discriminatory” cancers, since their exposures are underrepresented in data and intervention strategies.

Consequently, hidden occupational cancer must be included as a particularly serious indicator of insufficient effective prevention in Spain. The formal existence of preventive legislation on carcinogenic agents does not in itself establish compliance with Article 3 of the Revised European Social Charter unless it is demonstrated that undertakings identify and specifically assess exposures, eliminate or substitute dangerous agents, inform workers and their representatives, maintain exposure records, guarantee health surveillance and allow trade union intervention and labour inspection control.

k.1) Hidden occupational cancer and structural under-reporting

The difference between estimates of cancer attributable to work and cases actually reported as occupational disease reveals a structural problem of under-reporting. For 2026, nearly 16,000 cancers attributable to occupational exposures are estimated in Spain, whereas in 2025 only 119 occupational disease reports due to carcinogenic agents were communicated. This gap shows that the system is not properly identifying or recognising occupational cancer, thereby weakening prevention, public control and the rights of affected persons.

k.2) Generic or insufficient preventive assessments of carcinogenic agents

Hidden occupational cancer reveals a specific deficit in risk assessment. Where there are activities, processes or tasks involving plausible exposure to carcinogenic agents, the undertaking must justify how it has identified, assessed and controlled that risk. The

absence of specific assessment or the use of generic methodologies constitutes a substantive preventive breach, not a merely formal deficiency.

k.3) Insufficient records of exposed workers

The absence or lack of updating of lists of workers exposed to carcinogenic agents prevents health surveillance, post-occupational follow-up, occupational recognition of the harm and collective preventive memory. CCOO proposes the creation of a register of undertakings and workers exposed to carcinogenic agents as a central tool for post-occupational surveillance and recognition of occupational cancers.

k.4) Lack of a gender perspective in the prevention and recognition of occupational cancer

The very low reporting of occupational cancers among women — 14 out of 119 reports in 2025 — reveals possible invisibility of exposures in feminised sectors. The preventive system and the list of occupational diseases remain predominantly oriented towards male-dominated activities, leaving insufficiently addressed exposures in hairdressing, cleaning, health, care and social-health sectors.

k.5) Need to reinforce the principle of substitution and elimination of risk

In relation to carcinogenic agents, prevention must be primarily directed at eliminating risk at source and substituting dangerous agents whenever technically possible. Mere reduction below limit values must not be used to trivialise risk or to exclude the application of specific regulations.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain does not sufficiently establish the full conformity of the situation in Spain with Article 3 of the Revised European Social Charter.

In particular, CCOO requests the Committee to find that:

- Spanish regulation deals with psychosocial risks mainly indirectly and does not guarantee specific and effective prevention of organisational, digital, psychosocial, climate-related and platform-related risks;

- formal recognition of the right to digital disconnection does not establish its effective implementation or the existence of sufficient measures to prevent work outside normal working hours;
- insufficient information is provided on the actual effectiveness of prevention in telework, digital platforms, jobs requiring intense attention, care work, traumatic situations and feminised sectors;
- domestic work has recently been subject to legislative progress, but its effective implementation has not yet been established;
- self-employed workers remain outside the general scope of the Law on the Prevention of Occupational Risks, creating protection deficits for economically dependent self-employed workers, false self-employed workers and persons integrated into platforms or subcontracting chains;
- insufficient data are provided on labour inspection actions, infringements detected, sanctions, requirements, sectors affected and the actual impact of the campaigns announced;
- Spain should be urged to strengthen the preventive system against occupational cancer through the adoption and effective implementation of a National Agenda for the Prevention of Cancer of Occupational Origin, the creation of effective registers of undertakings and exposed workers, the strengthening of labour inspection, the updating of the list of occupational diseases, the guarantee of post-occupational health surveillance and the requirement that undertakings carry out specific assessments and substitute carcinogenic agents whenever technically possible.

CCOO also requests the Committee to require Spain to provide additional information and adopt specific measures on:

- the number of psychosocial risk assessments carried out and corrective measures adopted;
- labour inspection action on psychosocial risks, telework, platforms, digital disconnection, subcontracting, domestic work and climate-related risks;
- sanctions and requirements issued in these matters;
- actual implementation of digital disconnection policies and trade union participation in their preparation;
- preventive assessment of telework, including psychosocial, ergonomic, organisational and isolation-related risks;
- effective preventive protection of platform workers, including those affected by algorithmic management;
- actual application of Royal Decree 893/2024 in domestic work;
- protection of economically dependent self-employed workers, false self-employed workers and self-employed workers integrated into production chains;

- specific measures against climate-related risks, heat stress, solar radiation and extreme weather events;
- data disaggregated by sex, sector, age, type of contract and form of work organisation.

CCOO also requests the Committee to require Spain to provide specific information on occupational cancer and exposure to carcinogenic agents, including:

- official estimates of cancer attributable to work;
- number of cases reported and recognised as occupational disease due to carcinogenic agents;
- data disaggregated by sex, age, sector, occupation, causal agent and territory;
- specific labour inspection actions concerning carcinogenic agents;
- infringements detected and sanctions imposed;
- degree of application of Royal Decree 665/1997;
- existence and updating of lists of exposed workers;
- specific and post-occupational health surveillance;
- measures for substitution of carcinogenic agents;
- specific campaigns on asbestos, respirable crystalline silica, radon, diesel fumes, wood dust, solar radiation, hazardous medicinal products and other relevant agents;
- incorporation of a gender perspective in the recognition and prevention of occupational cancer;
- measures to protect temporary, subcontracted, migrant and part-time workers and workers in feminised sectors.

Accordingly, CCOO requests the Committee to urge Spain to strengthen the legal, preventive and labour inspection framework in order to guarantee effective protection against psychosocial and emerging risks, ensuring that occupational health and safety effectively covers work organisation, digitalisation, disconnection, algorithmic management, subcontracting, climate-related risks and the special vulnerability of feminised and precarious sectors.

VIII. Article 4§3. The right to fair remuneration: the right of men and women to equal pay for work of equal value

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on three main issues.

- First, whether the notions of equal work and work of equal value are defined in domestic law or case-law.

- Second, whether job classification and remuneration systems reflect the equal pay principle, including in the private sector.

- Third, what measures exist to bring about measurable progress in reducing the gender pay gap within a reasonable time, also requesting statistical trends on the gender pay gap.

The question raised by the Committee requires an assessment not only of the formal existence of equal pay rules, but also of their real capacity to detect, correct and eliminate direct and indirect pay differences between women and men.

Summary of the response of the Government of Spain

The Government of Spain refers, first, to Article 28§1 of the Workers' Statute, which enshrines the right to equal pay for work of equal value, without discrimination on grounds of sex, and defines work of equal value by reference to the nature of the functions or tasks, educational, professional or training requirements, factors strictly related to performance and the working conditions under which the activities are carried out.

The State report also refers to Royal Decree 902/2020 on equal pay between women and men. According to the Government, this rule develops the obligation of equal pay for work of equal value, binding all undertakings and all collective agreements and agreements. The report reproduces the legal assessment criteria, including functions, training, qualifications, experience, working conditions and factors strictly related to performance.

As regards job classification, the Government refers to Article 22 of the Workers' Statute, which requires the professional classification system to be established through collective bargaining or company-level agreement and to comply with criteria based on a correlational analysis between gender bias, jobs, classification criteria and pay, with the aim of guaranteeing the absence of direct and indirect discrimination between women and men.

As regards pay transparency measures, the report highlights the pay register and the pay audit. The pay register is presented as mandatory for all undertakings and must include average values of wages, salary supplements and extra-salary payments broken down by sex. The pay audit is configured as a mandatory instrument for undertakings required to

have an equality plan, aimed at verifying whether the pay system complies transversally and comprehensively with the principle of equality between women and men.

Finally, as regards statistical trends in the gender pay gap, the report relies on the Annual Wage Structure Survey of the National Statistics Institute and states that in 2023 a downward trend continued, reaching the lowest figure in the series since 2015, 1.4 points lower than in 2022. However, the report itself acknowledges that, on a daily basis, the pay gap increases in part-time employment.

1. Trade union assessment of sufficiency

CCOO considers that the response of the Government of Spain establishes the existence of a relevant legal framework, but does not sufficiently demonstrate the actual effectiveness of that framework in guaranteeing the right recognised in Article 4§3 of the Revised European Social Charter.

The insufficiency of the State response is particularly clear in the light of the CCOO report "The key factors of the gender pay gap: discrimination, part-time work and salary supplements", prepared in June 2026. Based on microdata from the 2022 Wage Structure Survey, that report places the annual gender pay gap at 20.6%, meaning that women's average annual pay would have to increase by that percentage to reach men's average annual pay[2].

The report underlines that the hourly pay gap, standing at 8.8%, does not reflect the full scale of the problem, because it excludes one of the main factors of inequality: women's lower paid working time intensity, resulting from feminised and, to a large extent, involuntary part-time work. Therefore, from a trade union perspective, the annual pay gap is an essential indicator for assessing real pay inequality between women and men.

The document shows that part-time work is the main factor behind the gender pay gap. According to the 2022 Wage Structure Survey, 69% of part-time employment is held by women, with a female part-time rate of 32.1%, compared with 13.1% for men. This reality shows that part-time work does not operate as a neutral form of working time organisation, but as a feminised form of labour market insertion which reduces annual pay, career progression, salary supplements and future rights.

Salary supplements are particularly relevant. The CCOO report concludes that salary supplements account for 4 out of every 10 euros of the gender pay gap, and that the gap in salary supplements, 28.5%, is twice the gap in basic salary, 15.5%. This shows that pay

[2] https://estudios.ccoo.es/898963d887fdf0b262421d784df53dc6000001.pdf

inequality is not exhausted by basic salary or formal job classification, but is strongly reproduced through supplements linked to availability, extensions of working time, shift work, night work, responsibility, objectives, physical presence or other apparently neutral factors.

The persistence of the gap is confirmed even when comparing homogeneous employment profiles. In the main profile in the private sector — permanent contract and full-time work — there remains a gender pay gap of 11.1%, and salary supplements account for two out of every three euros of that gap. Therefore, even where factors such as contract type, working time and institutional sector are partially neutralised, pay inequality persists, requiring specific analysis of pay systems and salary supplements.

These data show that the response of the Government of Spain cannot be limited to describing Article 28 of the Workers' Statute, Royal Decree 902/2020, pay registers, pay audits and equality plans. It is necessary to demonstrate whether these instruments are capable of identifying and correcting the gap where it is produced: part-time work, sectoral and occupational segregation, career progression and salary supplements.

The legislative progress represented by Article 28 of the Workers' Statute and Royal Decree 902/2020 must be assessed positively. However, the ECSR's question is not satisfied by a mere description of rules. The State must demonstrate that those rules make it possible to identify and effectively correct pay inequalities, including those arising from job classification systems, salary supplements, part-time work, occupational segregation, availability, shift work, physical presence or the undervaluation of feminised work.

The State response presents the pay register and pay audit as transparency instruments, but does not provide sufficient information on their actual implementation, technical quality, labour inspection control, corrective results or measurable impact on the reduction of the gender pay gap.

Nor does it report how many undertakings required to do so actually have an updated pay register, how many have carried out a pay audit, how many have detected unjustified differences, what corrective plans have been adopted, what sanctions have been imposed or what role workers' representatives and trade unions have played.

It must also be stressed that the gender pay gap is not explained solely by direct discrimination. It is structural in nature and is fed by horizontal and vertical segregation, greater female part-time work, unequal distribution of care responsibilities, the undervaluation of feminised sectors and the configuration of salary supplements linked to availability, physical presence, night work, arduousness, formal responsibility or extensions of working time.

CCOO therefore considers that a response limited to stating that the gap is decreasing is insufficient. It is necessary to analyse whether the decrease is occurring with sufficient intensity, whether it affects all groups, whether it persists in part-time work, whether it is being reduced in salary supplements, and whether pay transparency instruments are generating real corrections.

It should be emphasised that the State report itself acknowledges that the pay gap increases in part-time employment. This reference is particularly relevant because part-time work is a highly feminised form of employment and, as noted in the analysis of Article 2§1, the regime governing complementary hours allows agreed working time to be extended with limited predictability and remuneration as ordinary time. This issue has an impact not only on working time, but also on equal pay and equal opportunities.

2. Regulatory or practical shortcomings

a) Sufficient legal definition, but insufficient evidence of effective application

The legal definition of work of equal value contained in Article 28 of the Workers' Statute and developed by Royal Decree 902/2020 is formally broad and adequate. It includes functions, training, qualifications, experience, factors related to performance and working conditions.

However, the existence of this definition does not establish that undertakings are applying objective job evaluation methodologies, or that collective agreements have generally reviewed their job classification systems and salary supplements in order to eliminate gender bias.

The central question is not only whether the concept exists, but whether it is actually used to compare feminised and masculinised jobs of equal value, detect historical undervaluations and correct them through collective bargaining, equality plans and labour inspection action.

b) Risk of persistent bias in job classification

Article 22 of the Workers' Statute requires professional classification systems to comply with criteria guaranteeing the absence of direct and indirect discrimination. However, the State report does not establish how many collective agreements have reviewed their classifications from a gender perspective or what results such review has produced.

In practice, biases may persist, such as:

- undervaluation of care, assistance, cleaning, administrative support or personal service tasks;
- overvaluation of traditionally masculinised factors, such as physical effort, availability or formal command;
- limited valuation of relational, emotional, organisational or continuous-attention skills;
- broad classifications which invisibilise functions actually performed;
- lack of correspondence between actual tasks and assigned professional group.

The risk is that professional classification may retain a neutral appearance while reproducing historical pay hierarchies between masculinised and feminised sectors and jobs.

c) Salary supplements as a central vehicle for the transmission of the pay gap

The gender pay gap is particularly intense in salary supplements. The CCOO report of June 2026 finds that salary supplements account for 4 out of every 10 euros of the gender pay gap and that the gap in supplements, 28.5%, is twice the gap in basic salary, 15.5%.

This finding requires the analysis to move from basic salary to the full structure of remuneration. Salary supplements may operate as mechanisms of indirect discrimination where they remunerate apparently neutral factors — availability, physical presence, extensions of working time, objectives, responsibility, shift work or night work — which are distributed unequally by gender or fail to value adequately skills present in feminised work.

The State must therefore demonstrate not only that pay registers and pay audits exist, but that they make it possible to detect differences in salary supplements, identify their cause, justify their objectivity and gender neutrality, and adopt effective corrective measures.

The Government mentions that the pay register must include wages, salary supplements and extra-salary payments, but does not provide data on specific differences in supplements or on corrective measures adopted.

Information should be requested separately on supplements linked to:

- availability;
- extension of working time;
- night work and shift work;
- arduousness, toxicity or dangerousness;
- physical presence;
- objectives or productivity;
- responsibility or command;
- seniority;
- collective agreement or company supplements with unequal distribution.

These supplements may produce indirect discrimination when they are configured on patterns of availability, career continuity or prolonged presence which are less accessible to women due to the persistent unequal distribution of care responsibilities.

d) Pay register: formal existence without sufficient information on effectiveness

The pay register is mandatory for all undertakings and must include average values of wages, salary supplements and extra-salary payments broken down by sex.

However, the report does not provide data on:

- the number of undertakings actually complying with the obligation;
- the quality and updating of pay registers;
- access by workers' representatives and trade unions;
- the existence of incomplete or merely formal registers;
- differences detected;
- labour inspection actions;
- sanctions;
- corrective measures resulting from pay registers.

Without such information, the pay register may operate as a documentary obligation but not necessarily as a real instrument for correcting inequalities.

e) Pay audits and equality plans: absence of evaluation of results

The pay audit is required for undertakings obliged to draw up an equality plan. Its purpose is to verify whether the pay system complies with the principle of equal pay.

However, the Government does not establish:

- how many undertakings required to do so have a valid pay audit;
- what methodology has been used;
- how many audits have detected pay gaps or discrimination;
- what action plans have been approved;
- what correction periods have been set;
- what results have been achieved;
- what control has been exercised by the labour authority or the Labour Inspectorate.

Compliance with Article 4§3 of the Revised European Social Charter requires verifiable results, not only formal instruments.

f) Part-time work, complementary hours and feminisation of the pay gap

The trade union report finds that the annual gender pay gap is 20.6%, while the hourly pay gap is 8.8%. This difference shows that unequal paid working time is a central element of the pay gap.

Part-time work is clearly feminised: 69% of part-time employment is held by women, and the female part-time rate reaches 32.1%, compared with 13.1% for men.

From this perspective, part-time work cannot be treated as a neutral variable. It is connected with occupational segregation, the unequal distribution of care responsibilities and reduced access to salary supplements, promotion and upward pay trajectories. In addition, the regime governing complementary hours allows agreed working time in part-time contracts to be extended subsequently with short notice and remuneration as ordinary time, reinforcing a cheap form of managerial flexibility in a feminised form of employment.

This regulation may have a double negative consequence:

- it keeps many women in part-time working hours, with lower annual pay, weaker career progression and lower future protection;
- it allows additional managerial flexibility without reinforced compensation, even though the extension of agreed working time entails a greater burden for the worker.

The issue of complementary hours should therefore be taken up here as an element of equal pay, without repeating the full analysis under Article 2§1.

g) Lack of sufficiently disaggregated data

The report provides a general downward trend in the pay gap, but does not sufficiently disaggregate data by factors that are decisive for assessing real equal pay.

CCOO considers it necessary to have data by:

- sector;
- occupation;
- professional group;
- age;
- type of contract;
- full-time or part-time work;
- salary supplements;
- extra-salary payments;
- seniority;
- undertaking size;
- existence or absence of an equality plan;
- trade union presence;
- work in contractors and subcontractors;
- migrant origin or nationality, where appropriate and with adequate statistical safeguards.

Without this information, the aggregate trend may conceal persistent inequalities in feminised sectors, part-time work, precarious employment or vulnerable groups.

h) Insufficient connection between equal pay and collective bargaining

Equal pay cannot be guaranteed solely at the level of the individual undertaking. Job classification systems and pay structures are largely established through sectoral and company-level collective bargaining.

The State report does not sufficiently establish what measures have been adopted to ensure that collective agreements review:

- professional groups;
- pay levels;
- salary supplements;
- promotion criteria;
- job evaluation;
- bias in feminised categories;

- incentive systems;
- pay effects of part-time work.

Collective bargaining is essential for correcting structural inequalities, but it requires sufficient information, shared methodologies, effective trade union participation and monitoring of compliance.

i) Persistence of the gap in comparable employment profiles and centrality of salary supplements

The pay gap does not disappear when more homogeneous employment profiles are compared. In the main employment profile — private sector, permanent contract and full-time work — a gender pay gap of 11.1% persists, and salary supplements account for two out of every three euros of that gap.

This evidence is particularly relevant for Article 4§3 of the Revised European Social Charter, because it shows that inequality cannot be justified solely by differences in working time, contract type or sector. Even under comparable conditions, pay differences persist and must be investigated and corrected through real pay audits, review of salary supplements, job evaluation with a gender perspective and collective bargaining.

It should also be noted that equal pay under Article 4§3 cannot be assessed entirely in isolation from wage adequacy. In these areas, insufficient wages and pay inequality may operate together. The concentration of women in lower-paid jobs, with higher levels of part-time work, more limited access to wage supplements and more discontinuous career paths, affects not only the gender pay gap but also the real possibility of receiving remuneration sufficient to ensure a decent standard of living. This dimension is particularly relevant in a context of rising living costs and difficulties in accessing housing. CCOO considers that the Committee should assess equal pay under Article 4§3 by taking into account its material connection with low wages, feminised part-time work, occupational segregation and the real adequacy of wage income in the sectors where women workers are concentrated.

j) Need to strengthen pay transparency as an instrument for guaranteeing equal pay.

The effectiveness of the right of women and men to equal pay for work of equal value requires the strengthening of pay transparency instruments. Although the Spanish legal system contains relevant rules on pay records, pay audits and equality plans, that regulation does not exhaust the requirements needed to ensure the effective identification of direct and indirect pay discrimination.

The relevance of this issue is also illustrated by Directive (EU) 2023/970, on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.
From this perspective, and for the purposes of assessing the real effectiveness of Article 4§3 of the Revised European Social Charter, pay transparency should comprise a sufficient set of substantive and procedural guarantees capable of identifying, preventing and correcting pay discrimination on grounds of sex.

- In particular, the standard of effectiveness required should include, at least, transparency of pay conditions before recruitment, preventing a candidate's previous pay from operating as a factor reproducing pre-existing pay inequalities; access for workers to clear information on the criteria used to determine pay, pay levels and pay progression; and the right to know, in appropriate and protected terms, their own pay level and the average pay levels, broken down by sex, for workers performing the same work or work of equal value.

- Likewise, the effectiveness of the right to equal pay requires that confidentiality clauses cannot be imposed to prevent workers from disclosing their own pay or to hinder the detection of discriminatory pay differences. It also requires the existence of periodic, comparable and accessible information on gender pay gap indicators, including gaps in supplements, variable components, pay bands or progression systems, particularly where those elements may operate as indirect mechanisms of discrimination.

- This standard must necessarily include a collective dimension. Workers' legal and trade union representatives must participate in the preparation, monitoring and evaluation of pay transparency instruments and have sufficient information on the methodologies used by the employer to evaluate jobs, determine supplements, establish progression criteria and calculate pay gap indicators. Without such collective intervention, transparency is reduced to an individual guarantee that is insufficient to detect structural discrimination.

- Finally, pay transparency is effective only if accompanied by appropriate enforcement mechanisms. This requires sufficient administrative control, an effective sanctions regime for breaches of information and transparency obligations, full compensation for damage arising from discrimination or from the impossibility of detecting it, and rules of evidence preventing the lack of information from the employer from placing the worker in a position of procedural disadvantage.

These elements are relevant to Article 4§3 of the Charter because they make it possible to overcome a merely formal conception of equal pay. Without sufficient, accessible,

understandable and controllable information, workers and their representatives cannot properly identify pay differences, assess whether they are based on objective and neutral criteria, challenge discrimination or correct biases in supplements, job classification, promotion or pay progression.

This issue is particularly important in the public sector and in public-sector institutional bodies, where the practical application of equality instruments, pay records and pay audits does not always appear sufficiently clear, homogeneous or assessed. It is also relevant in feminised sectors, undertakings with complex pay structures and areas in which supplements, allowances, variable pay or non-transparent professional progression systems carry significant weight.

For this reason, CCOO considers that the absence of sufficiently effective pay transparency guarantees constitutes an additional element preventing the real effectiveness of the right recognised in Article 4§3 of the Revised European Social Charter from being sufficiently established.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to find that the information supplied by the Government of Spain does not sufficiently establish the full conformity of the situation in Spain with Article 4§3 of the Revised European Social Charter.

CCOO requests the Committee to urge Spain to strengthen the effectiveness of pay transparency instruments, ensuring that pay registers, pay audits, equality plans and collective bargaining specifically address salary supplements, feminised part-time work, complementary hours and the persistence of pay gaps in homogeneous employment profiles.

In particular, CCOO requests the Committee to find that:

- although Spain has a legal definition of work of equal value, its effective application in undertakings and collective agreements is not sufficiently established;
- insufficient information is provided on the actual review of job classification systems from a gender perspective;
- the practical effectiveness of pay registers, pay audits and equality plans is not established;
- insufficient data are provided on labour inspection actions, infringements detected, sanctions and corrective measures in the field of equal pay;

- the pay gap remains significant, particularly in part-time employment;
- the impact of salary supplements, availability, part-time work, occupational segregation and complementary hours on pay inequality between women and men is not sufficiently analysed.

CCOO also requests the Committee to require Spain to provide additional information on:

- the number of undertakings with an updated pay register;
- the number of undertakings required to carry out a pay audit and the actual degree of compliance;
- the results of pay audits;
- corrective measures adopted and implementation deadlines;
- labour inspection actions and sanctions in the field of equal pay;
- review of job classification systems in collective agreements;
- the impact of salary supplements on the gender pay gap;
- the pay gap in full-time and part-time work;
- the impact of complementary hours on the remuneration of women part-time workers;
- data disaggregated by sector, occupation, type of contract, working time, age, professional group and undertaking size.

CCOO further requests the Committee to require Spain to provide specific information on:

- the annual pay gap and the hourly pay gap, avoiding exclusive reliance on hourly pay where this conceals the effect of feminised part-time work;
- the pay gap in the private sector and in the public sector;
- the pay gap by working time, especially in part-time work;
- the gap in basic salary and the gap in salary supplements;
- the weight of salary supplements in the total gap;
- pay differences in homogeneous profiles, especially private sector, permanent contract and full-time work;
- the impact of supplements for availability, physical presence, shift work, night work, objectives, responsibility and extensions of working time;
- measures adopted to correct gaps of more than 5% not justified by objective and gender-neutral criteria, in line with Directive (EU) 2023/970;
- the degree of trade union participation in pay audits and pay assessments;
- sanctions, requirements and corrective measures arising from equal pay infringements.
- measures envisaged to strengthen pay transparency, including pre-employment pay transparency, individual access to pay information, criteria for determining pay and pay progression, publication of pay gap indicators, participation of workers' legal representatives, application in the public sector, the sanctions regime, effective

compensation and reversal of the burden of proof in the event of non-compliance with transparency obligations.

Finally, CCOO requests the Committee to urge Spain to strengthen equal pay instruments through:

- mandatory and verifiable job evaluation methodologies with a gender perspective;
- effective control of pay registers and pay audits;
- sufficient trade union access to pay information;
- review of job classification systems and salary supplements in collective bargaining;
- specific measures addressing the pay gap in part-time work;
- guarantees ensuring that complementary hours do not operate as a cheap managerial flexibility mechanism in a feminised form of employment;
- specific labour inspection actions, with public and disaggregated data, on equal pay.

IX. Article 5. The right to organise

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on the measures adopted to encourage or strengthen the positive freedom of association of workers, particularly in sectors traditionally characterised by low unionisation rates or in new sectors such as the platform economy.

The Committee also requests information on the legal criteria used to determine the recognition of employers' organisations and trade unions for the purposes of social dialogue and collective bargaining, as well as on the situation of minority trade unions and the existence of alternative representation structures at enterprise level.

The Committee's question is raised in a European context of concern about the long-term decline in trade union density, productive fragmentation, precarious contractual situations, the emergence of new forms of employment, deindustrialisation, globalisation and the weakening of mechanisms of collective representation.

Summary of the response of the Government of Spain

The Government of Spain states that the system of trade union recognition and representativeness is structured on the basis of Organic Law 11/1985 on Freedom of Association and the Workers' Statute.

The State report recalls that the most representative trade unions at State level are those which demonstrate significant representativeness by obtaining 10% or more of the total number of staff delegates, members of works councils and corresponding bodies in public administrations. Trade unions are also considered most representative at Autonomous Community level where they obtain at least 15% of representatives in their scope, with a minimum of 1,500 representatives, and are not federated or confederated with State-level trade union organisations.

The Government adds that trade union organisations which, although not considered more representative, have obtained, in a specific territorial and functional area, 10% or more of staff delegates, members of works councils or corresponding bodies in public administrations, may exercise certain representative functions and powers in that area.

In the field of collective bargaining, the report recalls that the following are entitled to negotiate sectoral collective agreements: the most representative trade unions at State level, the most representative trade unions at Autonomous Community level in their respective scope, and trade unions with at least 10% of the members of works councils or staff delegates in the geographical and functional scope of the agreement.

As regards minority trade unions, the Government states that Organic Law 11/1985 guarantees all trade unions basic rights of trade union action, including setting up trade union sections, convening meetings, distributing trade union information, collecting subscriptions and receiving trade union information. It adds that, where trade union sections belong to the most representative trade unions or to trade unions represented in workers' representative bodies, they have additional rights, such as a bulletin board, collective bargaining and the use of suitable premises in undertakings or workplaces with more than 250 workers.

Finally, the Government describes staff delegates and works councils as bodies of elected worker representation, chosen by free and secret suffrage by the whole workforce, regardless of trade union membership, and presents them as a parallel and complementary channel to trade union representation.

1. Trade union assessment of sufficiency

CCOO considers that the Government's response correctly describes the basic elements of the Spanish system of trade union representativeness, but should be completed in order to avoid an erroneous interpretation according to which the Spanish system grants arbitrary privileges to certain trade union organisations.

The Spanish model is not based on an unjustified legal preference for particular trade unions, but on a democratic principle of proven representativeness. The additional powers granted to the most representative or sufficiently representative trade unions derive from electoral support obtained in trade union elections held under conditions of free competition, with workers' participation and with guarantees of publicity, control and administrative certification.

The system therefore does not deny or undermine the freedom of association of minority trade unions. All trade unions may be formed, adopt their programme of action, affiliate workers, set up trade union sections, distribute information, convene meetings, collect subscriptions, stand in trade union elections, promote disputes, call strikes and bring legal actions where they prove sufficient presence in the relevant scope.

What the system establishes is a gradation of representative powers according to the democratic representativeness achieved. This gradation makes it possible to organise social dialogue, collective bargaining, institutional participation and representation in the undertaking, avoiding a degree of trade union fragmentation that could weaken the effectiveness of collective representation.

From this perspective, the trade union position must maintain two ideas simultaneously:

1. The criterion of most representative status is compatible with Article 5 of the Revised European Social Charter, provided that it does not empty the essential content of the freedom of association of minority trade unions.

2. The State must adopt more effective measures to strengthen unionisation and trade union action in sectors with low trade union presence, small workplaces, platforms, domestic work, subcontracting, telework and precarious employment.

The Government's response is insufficient precisely in relation to this second aspect. It describes the legal model, but does not sufficiently establish which concrete measures have been adopted to foster positive freedom of association in sectors where trade union action faces greater structural obstacles.

2. Regulatory or practical shortcomings

a) Need to distinguish between arbitrary privilege and democratic representativeness

Any interpretation according to which the Spanish system unduly favours majority trade unions must be rejected. The prerogatives attached to most representative status respond to an objective and democratic criterion: the support obtained in trade union elections.

Trade union representativeness is determined by the electoral results obtained by each trade union option in trade union elections, and those results determine entitlement to negotiate collective agreements and the status of most representative or sufficiently representative trade union.

This criterion is essential in order to preserve the correspondence between representative power and the actual support of workers. It cannot be equated with an excluding privilege, since any trade union may compete in elections and gradually acquire greater powers as its presence increases.

b) Gradation of trade union rights and preservation of the essential content of freedom of association

The Spanish system establishes a scale of rights:

- basic rights of all trade unions;
- rights of trade union sections;
- reinforced rights of trade unions represented in elected worker representation bodies;
- bargaining entitlement when a certain representative threshold is reached;
- most representative status when the general statutory thresholds are reached;
- institutional participation according to proven representativeness.

This gradation is compatible with freedom of association provided that the essential content of the right of all organisations is preserved. The State report itself acknowledges that all trade unions, including minority trade unions, may set up trade union sections, hold meetings, distribute information, collect subscriptions and receive trade union information.

The trade union position must insist that additional prerogatives do not deny trade union pluralism, but organise democratically the exercise of functions of general representation.

c) Lack of specific measures to strengthen positive freedom of association in sectors with low unionisation

The Government's response describes the legal system, but does not establish sufficiently concrete measures to foster affiliation and trade union presence in sectors with low unionisation rates or with particular difficulties for collective organisation.

These sectors include, in particular:

- digital platforms;
- domestic work;
- multi-service undertakings;
- contractors and subcontractors;
- small undertakings and micro-undertakings;
- temporary work;
- part-time work;
- telework and dispersed work;
- feminised and low-paid sectors;
- migrant workers;
- false self-employed workers and economically dependent self-employed workers.

In these areas, the problem is not merely formal. Workers may formally enjoy the right to join a trade union, but lack the real conditions to do so without fear of reprisals, isolation, loss of calls, termination of contract, disconnection from platforms, non-renewal or deterioration of working conditions.

d) Obstacles arising from business and productive fragmentation

Business fragmentation weakens trade union action. Subcontracting, groups of companies, platforms, multi-service undertakings, rotation of contracts and dispersion of workplaces reduce the capacity of trade union organisations to access workforces, call elections, set up trade union sections and exercise information and consultation rights.

The Government's report does not establish sufficient measures to overcome these structural barriers. Nor does it provide data on trade union presence in precarious sectors, trade union elections in small workplaces, presence in platforms or disputes arising from anti-union reprisals.

e) Elected worker representation: complementary, not a substitute for freedom of association

Staff delegates and works councils are an essential part of the Spanish model, but they must not be presented as a substitute alternative to freedom of association.

The Government states that elected worker representation bodies constitute a parallel and complementary channel to trade union representation, chosen by free and secret suffrage by the whole workforce. This statement is correct if understood in a complementary sense. However, the existence of elected worker representation must not be used to dilute the constitutional and Charter-based role of trade union organisations.

Elected worker representation performs information, consultation and representation functions in the undertaking, but freedom of association has a broader organisational, collective and claims-based dimension: affiliation, trade union programme, trade union action, collective bargaining, collective disputes, strike action, legal defence and institutional participation.

f) Risk of alternative structures controlled by the employer

The ECSR expressly asks about alternative representation structures which may be more prone to being controlled by the employer. In Spain, elected worker representation is legally configured as democratic representation of workers, not as an employer-controlled structure.

However, practical risks must be identified:

- candidatures informally promoted by the employer;
- employer pressure in election processes;
- obstruction of trade union candidatures;
- use of ad hoc committees in substantial modification, opt-out or restructuring procedures;
- negotiation with non-union interlocutors in undertakings without elected representation;
- replacement of trade union bargaining by individual consultations or by internal mechanisms of employer-led participation.

The Committee should request information on effective safeguards against employer interference in election processes and representation structures.

g) Trade union sections, trade union delegates and statutory thresholds

Freedom of association in the undertaking is conditioned by statutory thresholds for access to certain prerogatives. Trade union section rights exist generally, but reinforced rights — bulletin board, collective bargaining, appropriate premises in undertakings or workplaces with more than 250 workers — are linked to representativeness or presence in elected worker representation bodies.

This system may be justified by the need to organise collective representation, but it also requires assessment of whether existing thresholds create excessive barriers in sectors characterised by small workplaces, fragmented undertakings, telework, subcontracting or high turnover.

The State report does not provide sufficient information on the actual capacity of trade unions to set up sections and appoint trade union delegates in sectors with weak trade union presence.

h) Trade union elections as a democratic mechanism for acquiring representativeness

Trade union elections are the democratic mechanism through which trade unions acquire representativeness in Spain. This mechanism must be defended because it allows workers to determine, periodically and collectively, which trade union organisations have sufficient support to represent them.

However, this electoral mechanism must also be effective in practice. It requires access to workplaces, guarantees against employer interference, protection of candidates, adequate information, sufficient time for electoral activity and effective remedies against anti-union conduct.

In fragmented or precarious sectors, the mere formal possibility of holding elections is not enough if workers cannot effectively promote candidatures, vote freely or maintain representation without reprisals.

i) Exclusion or limitation of confederal trade unionism in police forces: specific restriction of freedom of association in the National Police — trade union exclusivity and prohibition of confederal integration

Restrictions on confederal trade unionism in police forces raise doubts from the perspective of Article 5 of the Revised European Social Charter, insofar as they may limit the possibility of affiliation, trade union action and the articulation of professional interests through general or confederal trade union organisations.

The Committee had already requested information on the right of members of the Armed Forces to organise in previous conclusions, which makes it possible to connect this matter with the need for complete information on groups subject to specific restrictions.

Article 8§2 of Organic Law 9/2015 establishes a rule of trade union exclusivity: National Police officers may only join trade union organisations formed exclusively by National Police officers, and those organisations may not federate or confederate with others which are not made up exclusively of members of the same force.

CCOO considers that this restriction raises relevant doubts from the perspective of Article 5 of the Revised European Social Charter. It is not disputed that the National Police, as an armed body of a civil nature and hierarchical structure, may be subject to specific functional limits in the exercise of collective rights. It is reasonable that there should be specific rules on continuity of service, institutional neutrality, professional secrecy, use of weapons, uniforms, trade union activity in police premises or prohibition of strike action if that is maintained by law.

However, the issue here is different. The rule does not merely regulate how trade union activity is exercised in view of police functions; rather, it determines which trade unions may exist, which organisations National Police officers may join and with whom police trade unions may establish organic links.

The rule of trade union exclusivity is not merely a functional modulation of the exercise of freedom of association, but a limitation on the core of the right, since it affects free trade union choice, organisational autonomy and the right of federation or confederation.

The restriction is particularly problematic because affiliation to a general trade union or the integration of a police trade union into a confederation does not bring the service to a halt, does not eliminate the operational hierarchy, does not authorise strike action, does not permit the improper use of weapons or uniforms and does not remove duties of secrecy or neutrality. The risks inherent in police functions can be controlled through specific functional limits, without the need to impose absolute trade union isolation.

Moreover, comparison with local and regional police forces weakens the justification for the prohibition. Other civil police forces, also subject to functional discipline and in many cases armed, may be integrated into general trade union organisations. This requires the State to provide reinforced justification as to why the National Police must be subject to an exclusively corporate trade union model.

For this reason, CCOO considers that the Committee should require Spain to provide specific information on the compatibility of Article 8§2 of Organic Law 9/2015 with Article 5 of the Revised European Social Charter, in particular on:

- the specific reasons that would justify preventing National Police officers from joining general trade unions;

- the need to prohibit police trade unions from federating or confederating with general trade union organisations;
- the proportionality of that prohibition in relation to the aims of public security, functional discipline and continuity of service;
- the existence of less restrictive measures based on functional limits to the exercise of trade union activity;
- the impact of trade union exclusivity on the autonomy of police organisations and on their capacity for bargaining and collective defence.

3. Conclusion requested from the Committee

For the reasons set out above, CCOO requests the European Committee of Social Rights to assess positively that the Spanish system of trade union representativeness is based on objective, democratic and verifiable criteria derived from free trade union elections, and not to regard the powers attributed to the most representative trade unions as arbitrary privileges, but as graduated legal consequences of the support obtained among workers.

CCOO also requests the Committee to examine specifically whether the rule of trade union exclusivity applicable to the National Police, which prevents affiliation to general trade unions and the federation or confederation of police trade unions with general trade union organisations, constitutes a necessary and proportionate restriction of Article 5 of the Revised European Social Charter, or whether, on the contrary, it amounts to trade union isolation incompatible with effective freedom of association.

Nevertheless, CCOO requests the Committee to find that the information supplied by the Government of Spain does not sufficiently establish the full conformity of the situation in Spain with Article 5 of the Revised European Social Charter, insofar as:

- insufficient concrete measures are provided to foster positive freedom of association in sectors with low unionisation;
- it is not demonstrated how trade union action is guaranteed in digital platforms, domestic work, small workplaces, contractors, subcontractors, telework and precarious employment;
- insufficient information is provided on practical obstacles to affiliation, creation of trade union sections, promotion of elections and protection against reprisals;
- no data are provided on employer interference in election processes or on the use of alternative structures susceptible to employer control;
- the situation of groups subject to specific restrictions on freedom of association, such as the Armed Forces and police forces, is not sufficiently established.

CCOO also requests the Committee to require Spain to provide additional information on:

- trade union membership rates by sector, sex, age, type of contract and undertaking size;
- trade union presence in digital platforms, domestic work, multi-service undertakings, contractors and subcontractors;
- the number of trade union elections promoted in small undertakings and sectors with low representation;
- obstacles detected in promoting trade union elections;
- complaints, sanctions and judicial decisions concerning anti-union discrimination or reprisals;
- safeguards against employer interference in election processes;
- the use of ad hoc committees or other non-union structures in undertakings without representation;
- rights of trade union sections in small undertakings and dispersed workplaces;
- the situation of minority trade unions in practice, not only in law;
- specific restrictions on trade unionism in police forces and the Armed Forces.

Finally, CCOO requests the Committee to urge Spain to adopt positive measures to strengthen real freedom of association in the most vulnerable sectors, guaranteeing effective trade union access to workforces, protection against reprisals, promotion of trade union elections, information rights and trade union action in digital and dispersed environments, and effective control of any form of employer interference in worker representation.

CCOO considers it necessary to clarify that the Spanish system of most representative trade union status does not constitute a mechanism of arbitrary privilege in favour of certain organisations, but a democratic system of gradual attribution of representative powers according to the support obtained in free and competitive trade union elections. That system is compatible with Article 5 of the Revised European Social Charter insofar as it preserves the essential content of freedom of association for all organisations: formation, self-organisation, trade union programme, affiliation, standing of candidates, trade union action, freedom of expression and information, calling of strikes and bringing of legal actions where sufficient presence exists. The critical issue therefore does not lie in the existence of prerogatives linked to proven representativeness, but in the need to ensure that all workers, especially in precarious and low-unionisation sectors, can effectively exercise their freedom of association.

X. Article 6§1. Joint consultation and social dialogue

Question raised by the ECSR

The European Committee of Social Rights asks Spain to provide information on the measures adopted to promote joint consultation; on the matters of mutual interest submitted to consultation during the last five years, the agreements reached and their implementation; and on whether joint consultations have been held on matters relating to the digital transition and the ecological transition.

This question requires an assessment not only of the existence of social dialogue forums or formal agreements, but also of their effectiveness, continuity, the matters addressed, the degree of implementation and their capacity to be projected onto sectoral and company-level collective bargaining.

Summary of the response of the Government of Spain

The Government of Spain refers to Article 37§1 of the Constitution, which recognises the right to collective bargaining and the binding force of collective agreements, as well as to the Workers' Statute, which contains multiple references to collective bargaining in matters such as working time, remuneration, disciplinary rules, geographical mobility, substantial modifications of working conditions and collective dismissal.

As regards joint consultation processes, the State report highlights the six Social Agreements in Defence of Employment — ASDE — arising from social dialogue during the pandemic, implemented through Royal Decree-Laws which incorporated measures concerning temporary lay-off schemes and extraordinary benefits for self-employed workers. It also mentions the VI Agreement on Autonomous Settlement of Labour Disputes — VI ASAC — signed in November 2020, which extends its scope of application to public employees and economically dependent self-employed workers.

The report also refers to the agreement on remote work, Law 12/2021 — the Rider Law — arising from the agreement of 10 March 2021 between the Government, CCOO, UGT, CEOE and CEPYME, and the V Agreement for Employment and Collective Bargaining — V AENC 2023-2025 — which establishes criteria for collective bargaining, recovery of purchasing power, internal flexibility, employment stability, continuing training, reskilling and adaptation to technological, digital and ecological transformations.

As regards the ecological and digital transitions, the Government highlights, first, the amendment of Article 85§1 of the Workers' Statute by Royal Decree-Law 8/2024, which introduces the negotiation of protocols for disasters and adverse weather events, although as an obligation of means, not of result. Secondly, it refers to Law 10/2021 on remote work, which assigns to collective bargaining the specification of essential aspects of telework, and indicates that the preliminary analysis of REGCON makes it possible to identify collective agreements and company-level agreements on telework in force in 2025.

1. Trade union assessment of sufficiency

CCOO considers that the State report establishes the existence of a relevant framework of social dialogue and of important agreements reached in recent years. In particular, the ASDE, the 2021 labour reform, the Remote Work Law, the Rider Law, the VI ASAC and the V AENC are significant examples of joint consultation and social concertation.

However, the Government's response is insufficient in three respects.

- First, the report presents social dialogue agreements as evidence of conformity, but does not sufficiently assess their degree of effective implementation. The ECSR does not request only a list of agreements, but information on how they were implemented, what results they produced and what obstacles were detected.

- Second, the response does not sufficiently distinguish between centralised social dialogue and effective translation into sectoral and company-level collective bargaining. Many State-level agreements require subsequent development through collective agreements, plans, protocols, company-level agreements or labour inspection action. Without data on such translation, the effectiveness of the system cannot be fully assessed.

- Third, in relation to the digital and ecological transitions, the State response shows legislative progress, but does not demonstrate that collective bargaining has generally incorporated sufficient clauses on algorithms, telework, digital disconnection, training, reskilling, artificial intelligence, energy transition, climate adaptation, heat stress or productive reorganisation.

The value of the V AENC 2023-2025 must be recognised. This agreement has served to guide wage increases and strengthen collective bargaining, with recommended increases of 4% in 2023, 3% in 2024 and 3% in 2025, together with wage review clauses of up to 1% per year if inflation exceeds the agreed increases. However, precisely because of its importance, monitoring and information mechanisms are needed on its effective implementation in the different bargaining areas.

2. Legal or practical shortcomings

a) Insufficient evaluation of the results of social dialogue

The State report lists agreements, but does not provide a complete assessment of implementation, compliance, impact indicators, sectors affected, number of collective agreements developed or obstacles detected.

b) Insufficient connection between joint consultation and real collective bargaining

Social dialogue agreements require translation into collective agreements and other agreements. Without data on such translation, there is a risk that joint consultation will remain concentrated at State level and will not sufficiently reach sectors, undertakings and the most vulnerable groups.

c) Digital transition: uneven development through collective bargaining

Law 10/2021 refers numerous aspects of remote work to collective bargaining, but the report does not establish whether collective agreements sufficiently regulate telework, digital disconnection, compensation of expenses, risk prevention, working time control, the right to privacy, the use of algorithms or trade union access to technological information.

d) Ecological transition: obligation to negotiate, but not to achieve a result

The amendment of Article 85§1 of the Workers' Statute by Royal Decree-Law 8/2024 introduces an obligation to negotiate protocols for disasters and adverse weather events, but the Government itself acknowledges that this is an obligation of means, not of result. This requires the Committee to request data on the number of collective agreements which have incorporated such protocols, their content and their effectiveness.

e) Need to monitor the V AENC

The V AENC performs a central role in guiding collective bargaining, but its effectiveness depends on its incorporation into bargaining tables. Information should be required on its degree of implementation, especially in relation to wages, review clauses, occupational health and safety, digital and ecological transition, training and employment stability.

3. Conclusion requested from the Committee

CCOO requests the Committee to assess positively the existence of intense social dialogue in Spain in recent years, but to require the State to provide additional information on the effective implementation of the agreements reached.

In particular, the Committee is requested to require information on:

- the degree of implementation of social dialogue agreements;
- the number of collective agreements which have incorporated content derived from the V AENC;
- collective bargaining development of telework, digital disconnection, algorithmic management and digital transition;
- collective bargaining development of protocols for disasters and adverse weather events;
- monitoring, evaluation and inspection measures;
- effective participation of trade union organisations in the sectoral and company-level implementation of those agreements.

XI. Article 6§2: Collective bargaining

Question raised by the ECSR

The Committee requests information on how collective bargaining is coordinated between and across different bargaining levels, the operation of erga omnes clauses and mechanisms for the extension of collective agreements, the favourability principle, the extent to which local or workplace agreements may derogate from legislation or from collective agreements agreed at a higher level, the obstacles to collective bargaining and the measures taken to address them.

The Committee also requests specific information on the right to collective bargaining of economically dependent self-employed persons, or persons showing some similar features to workers, as well as of self-employed workers.

Summary of the Spanish Government's response

The Spanish Government describes the legal model of collective bargaining under the Workers' Statute and emphasises the role of the general binding effect of statutory collective agreements, bargaining legitimacy and the mechanisms for accession and extension provided for in Article 92 of the Workers' Statute. The Government's own report states that these mechanisms for extension and accession are exceptional in nature and are rarely used, due to the lack of demand from potential bargaining parties.

As regards obstacles, the Government states that the only real obstacle which may hinder collective bargaining in certain areas or sectors is the absence of bargaining parties with sufficient legitimacy, for example where there is no legal representation of workers, referring to the case of performing artists. It adds that the Workers' Statute contains special rules for sectors lacking sufficient representation, through the involvement of the most representative trade unions and employers' organisations.

The report also describes the regime for derogation from collectively agreed conditions under Article 82.3 of the Workers' Statute, including the possibility of intervention by the National Consultative Commission on Collective Agreements or by the corresponding autonomous regional bodies where no agreement is reached during the consultation period.

With regard to economically dependent self-employed workers, the Government refers to Law 20/2007, which recognises the possibility of negotiating professional interest agreements, noting that such agreements are contractual in nature, are governed by civil law rather than labour law, and have limited effect.

1. Trade union assessment of sufficiency

CCOO considers that the State report provides a formal description of the Spanish collective bargaining model, but does not sufficiently demonstrate full conformity with Article 6§2 of the Revised European Social Charter.

The main insufficiency lies in the fact that the Government reduces the obstacles to collective bargaining to the absence of bargaining parties with sufficient legitimacy. That approach is excessively narrow. Collective bargaining faces much broader structural obstacles: business fragmentation, subcontracting, value chains, small undertakings, digital platforms, bogus self-employment, domestic work, telework, contractual turnover, part-time work, temporary employment, dispersed workplaces and feminised low-paid sectors.

Furthermore, the existence of legal mechanisms for extension or accession does not demonstrate their effectiveness where the Government itself acknowledges that they are rarely used. From the perspective of Article 6§2, the State must not only allow collective bargaining, but must actively promote it where there are areas without effective bargaining.

The 2021 labour reform should be assessed positively, since it partially corrected some of the most harmful effects of the 2012 reform, in particular the priority of company-level

agreements in wage matters and the regime governing the continued validity of expired collective agreements. Previous trade union submissions had already highlighted that the wage priority of company-level agreements introduced in 2012 reduced the binding effectiveness of sectoral bargaining and limited the capacity of the most representative trade union and employers' organisations to structure the bargaining system.

Nevertheless, significant problems remain. In particular, the regime for derogation from collectively agreed conditions still allows, in certain circumstances, collectively agreed conditions to be displaced through procedures which may end without agreement and with decision-making intervention by external bodies. The ECSR had previously found Spain not to be in conformity on the ground that employers were allowed not to apply unilaterally conditions agreed in collective agreements, an issue addressed in the trade union submissions in the previous reporting cycle.

As regards economically dependent self-employed workers, the Government's response confirms the deficit: professional interest agreements are contractual agreements governed by civil law and have limited effect. They therefore do not provide protection equivalent to labour collective bargaining, particularly for persons who, although formally self-employed, are economically, organisationally or technologically dependent on a client or platform.

2. Regulatory or practical shortcomings

a) An excessively formal presentation of the Spanish model.

The report describes rules on bargaining legitimacy, general binding effect, extension and accession, but does not demonstrate actual coverage, sectors without an effective collective agreement, bargaining difficulties, the evolution of coverage or the results of promotional measures.

b) Undue reduction of obstacles to the absence of bargaining parties.

The absence of legal representation is a relevant obstacle, but not the only one. Collective bargaining is also weakened by business fragmentation, subcontracting, productive decentralisation, platforms, bogus self-employment, domestic work, micro-enterprises, high turnover, temporary employment and territorial dispersion.

c) Exceptional and insufficient use of mechanisms for extension and adhesion to collective agreements.

Article 92 of the Workers' Statute allows accession to and extension of collective agreements, but the report acknowledges that these mechanisms are rarely used. This requires an assessment of whether the State has sufficiently active instruments to guarantee bargaining in sectors without legitimate bargaining parties or with weak coverage.

d) Derogation from collectively agreed conditions.

The regime under Article 82.3 of the Workers' Statute allows derogation from collective agreement conditions on economic, technical, organisational or production-related grounds and provides for dispute-resolution mechanisms where no agreement is reached, including intervention by the National Consultative Commission on Collective Agreements or by autonomous regional bodies. This regime should be examined by the Committee in the light of the binding force of collective bargaining and of the previous finding of non-conformity.

e) Continuing effects of bargaining decentralisation.

The 2021 labour reform corrected the priority of company-level agreements in wage matters, but areas of bargaining decentralisation and fragmentation remain and may weaken actual coverage, especially where the undertaking lacks strong trade union representation.

f) Sectors without effective representation.

The Government itself acknowledges problems in sectors with high temporary employment and turnover, which prevent the holding of workplace elections. The analysis should be extended to performing artists, platforms, domestic work, agriculture, hospitality, care work, contractors, subcontractors, logistics and micro-enterprises.

g) Economically dependent self-employed workers and self-employed workers.

Professional interest agreements are not equivalent to collective bargaining in the strong sense. Their civil-law nature, limited effect and dependence on weak representative actors prevent the guarantee of an effective right to collective bargaining for economically dependent self-employed workers, bogus self-employed workers and platform workers.

h) Digital platforms and algorithmic management.

The Rider Law was a significant step forward, but the report does not demonstrate that collective bargaining sufficiently covers the algorithmic organisation of work, task-allocation criteria, reputation systems, disconnection, automated sanctions, transparency and trade union control.

i) Domestic work and feminised sectors.

Collective bargaining has very limited penetration in domestic work and in other feminised low-paid sectors. The State response does not provide specific measures to promote effective collective bargaining in these areas.

j) National Police: connection between freedom of association and effective collective bargaining.

The exclusion of confederal trade unionism in the National Police should also be mentioned here, albeit briefly, because it affects not only Article 5 but also Article 6. An isolated police trade union, without the possibility of integration into a confederation, has less capacity for legal support, bargaining, solidarity, institutional pressure and coordination with other public employment disputes. For this reason, the prohibition on affiliation to, or integration within, confederal trade union organisations may operate as a structural deficit in bargaining effectiveness within the police sector.

k) Mechanisms for promoting collective bargaining.

From the perspective of Article 6§2 of the Revised European Social Charter, the promotion of collective bargaining requires the State to identify the areas in which there are real gaps in coverage, absence of effective bargaining or structural difficulties in the exercise of the right, and to adopt appropriate measures to remove such obstacles, while respecting collective autonomy, trade union freedom, the representativeness of the parties and trade union and employers' pluralism.

Such measures need not follow a single institutional model, but they must ensure that collective bargaining is effectively accessible in fragmented sectors, sectors with high turnover, low representation, small undertakings, subcontracting, domestic work, platform work and other forms of employment involving particular vulnerability.
In this respect, intersectoral agreements, autonomous systems for the settlement of disputes and other social dialogue instruments may play a relevant role in promoting, coordinating and unblocking collective bargaining, provided that they are used to favour effective coverage, the existence of genuine bargaining processes and the improvement

of working conditions, without emptying the autonomy of each bargaining level of its content or replacing the will of the duly entitled parties.

This logic of promotion is particularly relevant where deficits in collective bargaining affect structural matters such as insufficient wages, equality, occupational health and safety, the digital transition, the ecological transition, precarious employment or sectors with low collective organisation capacity. In such cases, the absence of effective collective bargaining may result in a real loss of protection for workers, even where the legal framework formally recognises the right to bargain collectively.

3. Conclusion requested from the Committee

CCOO requests the European Committee of Social Rights to declare that the information provided by the Spanish Government does not sufficiently demonstrate the full conformity of the situation in Spain with Article 6§2 of the Revised European Social Charter.

In particular, CCOO requests the Committee to find that:

- the State report presents an excessively formal view of the Spanish collective bargaining model;
- insufficient data are provided on actual coverage, sectors without an effective collective agreement, the evolution of collective bargaining and the results of promotional measures;
- the mechanisms for extension and accession are rarely used and do not, by themselves, guarantee effective coverage;
- structural obstacles persist in fragmented, precarious, feminised and low-representation sectors;
- the regime for derogation from collectively agreed conditions must be assessed in the light of the binding force of collective bargaining;
- professional interest agreements for economically dependent self-employed workers do not guarantee equivalent collective bargaining;
- restrictions on confederal trade unionism in the National Police may weaken bargaining effectiveness in that field.

CCOO also requests the Committee to require the Spanish State to provide additional information on:

- the collective bargaining coverage rate by sector, size of undertaking, sex, age, type of contract and working-time arrangement;

- sectors without an applicable collective agreement or with insufficient coverage;

- the effective use of mechanisms for the extension of and accession to collective agreements;

- the number of procedures for derogation from collective agreement conditions and their outcomes;

- the intervention of the National Consultative Commission on Collective Agreements and autonomous regional bodies;

- collective bargaining in digital platforms, domestic work, contractors, subcontractors, micro-enterprises and feminised sectors;

- measures to promote workplace elections and representation in sectors with high turnover;

- professional interest agreements for economically dependent self-employed workers, including the number of agreements, coverage, matters regulated and practical effectiveness;

- collective bargaining on the digital transition, the green transition, algorithms, telework, disconnection, training and reskilling;

- the situation of collective bargaining in the National Police and the effects of trade union exclusivity on bargaining capacity.

Finally, CCOO requests the Committee to call on the Spanish State to strengthen the active promotion of collective bargaining through specific measures for sectors without sufficient coverage, more effective extension mechanisms, protection of the binding force of what has been collectively agreed, reinforcement of trade union representation in precarious sectors and a guarantee of effective collective bargaining for economically dependent self-employed workers, platform workers and groups situated on the boundary between self-employment and dependent employment.

XII. Article 6§4. Collective action

Question raised by the ECSR

The European Committee of Social Rights requests the Spanish State to provide information on:

a) the sectors in which the right to strike is prohibited;

b) the sectors in which there are restrictions on the right to strike;

c) the sectors in which there is an obligation to maintain minimum services;

d) the applicable rules and their application in practice, including relevant case law;

e) the possibility of prohibiting a strike by means of interim measures or other measures adopted by courts, administrative bodies or arbitration bodies, as well as the number and scope of the decisions adopted during the last twelve months.

The Committee’s question must be interpreted in the light of the previous conclusions of non-conformity concerning Spain. In particular, the ECSR has already found Spain not to be in conformity with Article 6§4 on account of the provision for compulsory arbitration to end a strike in terms exceeding the admissible limits, and on account of the absolute prohibition of the right to strike of the police.

Summary of the Spanish Government’s response

The Spanish Government acknowledges that the right to strike is still regulated, in essence, by Royal Decree-Law 17/1977 of 4 March, a pre-constitutional provision interpreted by constitutional case law.

The State report identifies the sectors or groups in which the right to strike is prohibited as follows: the Armed Forces, the Civil Guard, judges, magistrates and prosecutors, and members of the State Security Forces and Corps. The Government maintains that this prohibition is linked to their essential functions in maintaining the constitutional order.

As regards restrictions, the report refers to sectors whose activity affects security, health or the basic functioning of the State, such as air, rail, maritime and road transport, healthcare, public education, public media and essential public services in general. In these areas, the right to strike would not be prohibited, but would be limited by the imposition of minimum services.

With regard to minimum services, the Government indicates that there is no closed list of sectors, but mentions healthcare, public transport, security and emergency services, telecommunications, water, electricity and gas supply, among others, as usual areas. It adds that the determination of minimum services falls to the competent governmental authority and that minimum services may be challenged before the courts where they are excessive or disproportionate.

As regards the possibility of prohibiting a strike by means of interim measures, the report maintains that administrative authorities cannot prohibit the exercise of the right to strike and that an administrative prohibition would be unconstitutional. However, it acknowledges that courts may order interim suspension measures in absolutely exceptional circumstances, citing as an example a strike in the professional football league in 2015.

1. Trade union assessment of sufficiency

CCOO considers that the Spanish Government's response is insufficient to establish conformity with Article 6§4 of the Revised European Social Charter.

The State report presents the Spanish regime as if restrictions on the right to strike were sufficiently controlled by constitutional case law and by the possibility of judicial challenge. However, that presentation does not adequately address the objections already raised by the ECSR.

The first problem is the persistence of Article 10 of Royal Decree-Law 17/1977, which allows the imposition of compulsory arbitration to end a strike. The non-conformity does not disappear because the Government states that it has not been used recently. The incompatibility stems from the very existence of a broad and vague legal authorisation capable of neutralising the strike as an instrument of collective pressure.

The ECSR already found the Spanish practice to be contrary to Article 6§4 in Conclusions XX-3 (2022).

The second problem concerns minimum services. Subsequent judicial challenge does not guarantee the effectiveness of the right to strike. Where minimum services are set in an abusive or disproportionate manner, the strike is already conducted in a neutralised form; any subsequent judgment upholding the challenge does not fully remedy the loss of effectiveness of the dispute.

Previous trade union submissions had already pointed out that the minimum services imposed in essential services have on occasion reached percentages of 80%, 90% or even

100%, and that, even where the courts subsequently recognise the excess, the right to strike has already been irreversibly curtailed.

The third problem is the breadth with which a service is classified as essential. Previous trade union submissions correctly stressed that no service is essential in the abstract and for every type of strike; essentiality depends on the scope, duration, impact and context of the dispute. A general strike is not the same as a sectoral or company-level strike.

The fourth problem concerns absolute prohibitions. The ECSR has already found non-conformity on account of the absolute prohibition of the right to strike of the police. ORC 15/2026 on trade union freedom in the National Police recalls that the Committee requires particularly strong reasons to justify absolute prohibitions in the police sphere and that it does not accept automatic restrictions based solely on police status.

2. Regulatory or practical shortcomings

a) Compulsory arbitration under Article 10 of Royal Decree-Law 17/1977

The main shortcoming is the formal persistence of compulsory arbitration.

The ECSR has already found that Spain was not in conformity with Article 6§4 because the legislation authorises the Government to resort to arbitration to end a strike in cases that exceed the admissible limits.

This situation has not been corrected by legislation. Article 10 of Royal Decree-Law 17/1977 continues to allow the Government to impose compulsory arbitration in broadly formulated cases — for example, serious harm to the national economy, prolongation of the dispute or irreconcilability of the parties' positions. ORC 12/2025 highlights that this provision allows public interference in the dispute which may prevent the effective exercise of the right to strike.

The absence of recent use does not eliminate the non-conformity. A legal restriction incompatible with the Charter remains problematic as long as it remains in force and may be applied.

b) Minimum services: risk of practical neutralisation of the right to strike

The State report acknowledges that the setting of minimum services is common in essential sectors and that there is no closed list.

CCOO considers that the problem is not the existence of minimum services in itself, but their disproportionate, insufficiently reasoned or expansive determination.

Minimum services must ensure only the preservation of constitutionally indispensable rights or interests of the community, without emptying the content of the right to strike. However, in practice, the governmental authority may impose activity levels that substantially reduce the strike's capacity for pressure. Any judicial challenge is usually late, because the decision is issued when the strike has already ended or when the harmful effect has already occurred.

c) Expansive concept of essential service

The State report lists broad sectors — healthcare, transport, public education, public media, telecommunications, supplies — but does not sufficiently explain how essentiality is determined in each case, nor how scope, duration, intensity, availability of alternative services and affected rights are weighed.

Essentiality must not be predicated in the abstract of the sector, but on the specific impact of the strike on fundamental rights, public freedoms or basic constitutional interests. The indiscriminate expansion of essential sectors turns the exception into the rule and unduly restricts the right to strike.

d) Late judicial challenge and insufficient remedy

The possibility of challenging minimum services before the courts does not in itself guarantee the effectiveness of the right. The essential problem is temporal: the strike has an effectiveness linked to the moment of the dispute. If the judgment arrives after the strike, the remedy is incomplete.

For this reason, the State must demonstrate urgent, effective and materially remedial judicial mechanisms, as well as measures to prevent the administrative repetition of minimum services that have been annulled.

e) Determination of minimum services and participation of the strike committee

In strikes in essential services, the administrative decision cannot specify the exact number of workers or identify the specific workers who must provide minimum services,

although it may set criteria or general guidelines in certain strikes. It is also stressed that the undertaking cannot unilaterally determine the workers assigned to essential services either, and that the participation of the strike committee is necessary.

This line of case law is relevant, but it also shows the need to strengthen safeguards. If the undertaking unilaterally specifies the persons designated, if it selects workers identified with the strike, or if it exceeds the criteria set by the governmental authority, the right is infringed. The State report does not provide data on these situations or on proceedings for the protection of fundamental rights brought on this ground.

f) Replacement of strikers, diversion of production and employer neutralisation

The effectiveness of the right to strike is not affected only by minimum services or compulsory arbitration. It may also be neutralised through employer practices such as internal or external replacement of strikers, diversion of production, abusive use of contractors, artificial reorganisation of tasks, reinforcement of managerial staff or outsourcing of activity.

The State report does not provide sufficient information on inspection actions, court proceedings, sanctions or preventive measures against these practices.

g) Absolute or quasi-absolute prohibitions in certain groups

The Government identifies groups excluded from the right to strike, including the Armed Forces, the Civil Guard, judges, magistrates and prosecutors, and members of the State Security Forces and Corps.

CCOO considers that these restrictions must be examined in accordance with the principle of democratic necessity and proportionality. In particular, the absolute prohibition concerning the police has already been found not to be in conformity by the ECSR.

It may be requested that the Committee reiterate that it is not sufficient to invoke public security, constitutional order or armed status in generic terms; the State must justify why less intensive restrictions, guarantees of essential services or effective alternative mechanisms of collective action are not possible.

CCOO considers that the Committee should require a specific and differentiated justification for each of these prohibitions or restrictions, avoiding a generic invocation of public security, constitutional order or the functioning of the State.

3. Conclusion requested from the Committee

CCOO requests the European Committee of Social Rights to declare that the information provided by the Spanish Government does not sufficiently establish the full conformity of the situation in Spain with Article 6§4 of the Revised European Social Charter.

In particular, CCOO requests that the Committee find that:

- compulsory arbitration under Article 10 of Royal Decree-Law 17/1977, already found by the ECSR to be contrary to Article 6§4, remains in force;

- the absence of recent use of compulsory arbitration does not correct the non-conformity while the legal authorisation remains in force;

- the minimum services system allows disproportionate restrictions that may neutralise the effectiveness of the strike;

- subsequent judicial challenge to minimum services does not sufficiently remedy the violation where the strike has already taken place;

- insufficient information is provided on employer practices involving replacement of strikers, diversion of production, abusive use of contractors or neutralisation of the dispute;

- the proportionality of absolute or quasi-absolute prohibitions of the right to strike in certain groups, especially the police, is not sufficiently justified;

- complete information is not provided on judicial interim measures requested or ordered during the last twelve months.

CCOO also requests that the Committee require the Spanish State to provide additional information on:

- the number of strikes affected by minimum services during the last five years;

- affected sectors and percentages of activity or staff included in minimum services;

- judicial decisions annulling or correcting minimum services;

- the average time taken to resolve judicial challenges;

- remedial mechanisms where the judgment is delivered after the strike has taken place;

- proceedings concerning replacement of strikers, diversion of production, abusive outsourcing or employer neutralisation;

- inspection actions and sanctions in relation to infringement of the right to strike;

- applications and decisions concerning interim measures suspending or limiting strikes during the last twelve months;

- application or non-application of Article 10 of Royal Decree-Law 17/1977 and reasons for keeping it in force;

- specific justification of absolute prohibitions of the right to strike in police forces and other groups.

Finally, CCOO requests the Committee to call on the Spanish State to adopt updated, democratic regulation fully compatible with the Revised European Social Charter, which:

- repeals or reformulates compulsory arbitration under Article 10 of Royal Decree-Law 17/1977;

- guarantees that minimum services are strictly necessary, proportionate, reasoned and negotiated with the participation of the strike committee;

- establishes urgent and remedial judicial mechanisms;

- prevents the replacement of strikers and other employer practices aimed at neutralisation;

- reviews absolute prohibitions of the right to strike in accordance with criteria of necessity and proportionality;

- ensures that restrictions on the right to strike do not empty the constitutional, trade union and treaty-based function of collective action.

XIII. Article 20. Right to equal opportunities between women and men

Question raised by the ECSR

The European Committee of Social Rights requests the Spanish State to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation, both horizontal and vertical. It also requests information and statistical data enabling an assessment of the impact of such measures and of the progress achieved in incorporating women into a wider range of jobs and occupations.

The Committee also requests information on the measures designed to promote effective parity in the representation of women and men in decision-making positions, both in the public and private sectors; on the implementation of those measures; and on the progress achieved in guaranteeing such parity.

Finally, the Committee requests statistical data on the proportion of women on the boards of directors of the largest listed companies and in management positions in public institutions. The draft submissions already expressly identify these three issues as the subject matter of Article 20.

Summary of the Spanish Government's response

The Spanish Government invokes Organic Law 3/2007 on effective equality between women and men as the general framework for promoting women's participation in employment and combating gender segregation. The report highlights equality plans, mandatory in companies with 50 or more workers, as an instrument aimed at diagnosing inequalities and adopting corrective measures, including those relating to the under-representation of women in certain posts or levels of responsibility.

The report also invokes Organic Law 2/2024 of 1 August on equal representation and balanced presence of women and men, as legislation strengthening parity obligations in decision-making bodies. According to the State response, in the private sector, large companies must seek to ensure that their boards of directors comply with the principle of balanced presence, understood as a minimum participation of 40% women and 40% men.

As regards labour market participation data, the Government states that the employment rate of women aged 16 to 64 reached 62.6% in 2024, the highest figure in the series, and that the gender gap in the employment rate stood at 9.2 percentage points in 2024. It also

indicates that, comparing 2024 with 2015, the female employment rate increased in all age groups, especially among women aged 55 to 64 and 45 to 54.

With regard to occupational segregation, the Government report states that women are particularly concentrated in accounting, administrative and other clerical occupations —67.3%—, catering, personal services, security and sales —59.7%—, and that in the category of directors and managers they account for 34.4%, with an increase of 3 percentage points in 2024 compared with 2015.

1. Trade union assessment of sufficiency

CCOO considers that the Spanish Government's response demonstrates regulatory progress and certain statistical improvements, but does not allow the conclusion that Spain sufficiently guarantees the full effectiveness of Article 20 of the Revised European Social Charter.

The increase in the female employment rate is relevant, but it is not sufficient to establish genuine equality of opportunity. The central issue is not only whether more women participate in the labour market, but under what conditions they participate, in which sectors they are concentrated, what type of working time and contract they have, what opportunities for career advancement they obtain, what access they have to positions of responsibility, and how care responsibilities, part-time work, temporary employment and occupational segregation affect their career paths.

The State response relies on important regulatory instruments —equality plans, Organic Law 3/2007 and Organic Law 2/2024—, but does not provide sufficient information on their effective implementation. It does not indicate how many companies subject to the obligation have registered and valid equality plans, how many plans contain effective measures against horizontal and vertical segregation, what results they have produced, what inspection measures have been adopted, what sanctions have been imposed, or what real impact they have had on promotion, job classification, training and access to management positions.

Furthermore, occupational segregation persists to a significant extent. The Government's own report recognises very high female concentrations in administrative and service occupations, while women account for only 34.4% in management and executive positions. This information confirms that the overall increase in female employment has not yet translated into a balanced distribution of women and men across sectors, occupations and hierarchical levels.

Equal pay depends on equal opportunities: if women are concentrated in feminised sectors, part-time employment, lower-valued jobs, posts with less access to allowances and lower levels of responsibility, the pay gap is reproduced even where pay registers or pay audits formally exist. The trade union report on the pay gap used under Article 4§3 precisely supports the conclusion that part-time work, segregation and salary supplements are structural factors of inequality.

2. Regulatory or practical shortcomings

a) Female participation in employment: quantitative improvement, but persistence of structural inequality

The female employment rate has improved and stood at 62.6% in 2024, with an employment gap of 9.2 percentage points. However, these data do not in themselves establish equality of opportunity.

The Committee must assess not only access to employment, but also the quality of labour market integration: working time, stability, pay, promotion, occupational health, work-life balance, qualifications, sector, occupation and access to responsibilities. An aggregate improvement in the employment rate may coexist with segregation, involuntary part-time work, concentration in low-wage sectors and fewer career opportunities.

b) Persistence of horizontal segregation

The State report confirms the concentration of women in certain occupations. Women account for 67.3% of administrative and clerical jobs, and 59.7% in catering, personal services, security and sales.

This concentration shows that the measures adopted have not eliminated horizontal segregation. Women remain over-represented in care, assistance, administration, cleaning, commerce, hospitality and personal services, and continue to be under-represented in industrial, technological, technical, energy, transport, construction, maintenance and certain high-remuneration sectors.

The State must demonstrate specific measures to diversify women’s career paths, including educational and vocational guidance, training, reskilling, access to technological sectors and the ecological transition, the elimination of bias in recruitment and promotion, and sectoral collective bargaining measures.

c) Persistence of vertical segregation and the glass ceiling

The Government figure indicating that women represent 34.4% in the category of directors and managers shows clear under-representation in management positions, despite the 3-point improvement since 2015.

This shows that vertical segregation persists. Equal opportunities require an analysis of access to middle management, management, senior management, boards of directors, selection bodies, discretionary appointment posts, leadership posts, career progression and internal promotion.

The report does not provide sufficient information on the obstacles preventing promotion: availability requirements, penalties linked to care responsibilities, bias in performance assessment, reduced access to informal power networks, career breaks, part-time work, segregation in entry-level posts and lack of co-responsibility.

d) Equality plans: regulatory existence without sufficient evaluation of results

Equality plans are a central instrument, but their effectiveness depends on their content, negotiation, diagnosis, measures, timetable, indicators and monitoring. The Government merely describes their mandatory nature for companies with 50 or more workers.

CCOO considers it necessary for the Committee to request information on:

- the number of companies subject to the obligation and the number of registered plans;
- expired or non-renewed plans;
- plans negotiated with trade union representation as opposed to imposed or blocked plans;
- specific measures against horizontal and vertical segregation;
- compliance indicators;
- career promotion and training measures;
- co-responsibility measures;
- inspection actions and sanctions;

- effective results in terms of the presence of women in positions of responsibility.

Without these data, the formal existence of equality plans does not establish material compliance with Article 20.

e) Parity in decision-making positions: regulatory progress, but insufficient information on implementation

Organic Law 2/2024 introduces a strengthened framework for balanced presence and establishes the 40% benchmark on the boards of directors of large companies. This progress should be assessed positively.

However, the report does not sufficiently establish its actual implementation. The Committee requests data on the proportion of women on the boards of directors of the largest listed companies and in management positions in public institutions. The State response must provide disaggregated, updated and verifiable information on:

- companies subject to the obligation;
- degree of compliance with the 40% threshold;
- annual evolution;
- sectors with the highest levels of non-compliance;
- corrective measures;
- sanctions or legal consequences;
- presence of women in chairmanships, executive directorships and senior management, not only on boards;
- presence of women in management positions in Administrations, public bodies, public companies and universities.

The mere invocation of Organic Law 2/2024 does not make it possible to determine its effectiveness.

f) Feminised part-time work and care responsibilities as a structural obstacle

As indicated under Article 4§3, feminised part-time work is a central factor of inequality. The trade union report on the pay gap finds that 69% of part-time employment is held by women, with a female part-time employment rate of 32.1%, compared with 13.1% for men.

Under Article 20, this issue must be analysed not as a pay problem, but as an obstacle to equality of opportunity. Part-time work reduces income, accumulated experience, promotion, access to training, allowances, stability and social protection. Furthermore, when it is linked to care responsibilities or to the absence of sufficient public services, it reflects an unequal social distribution of reproductive work.

Equal opportunities require co-responsibility measures, public care services, sufficient paid leave, working-time adjustments without penalty, career promotion compatible with family responsibilities and the elimination of employer bias against those exercising work-life balance rights.

g) Work-life balance rights and risk of professional penalty

The exercise of work-life balance rights may have adverse effects on career progression, promotion, allowances or performance assessment. Allowances or target-based systems linked to absenteeism counted work-life balance leave, generating indirect discrimination on grounds of sex, since they mostly affected women workers.

This issue must be incorporated into Article 20 because it directly connects equal opportunities and career progression. If the exercise of leave, reductions in working time, adaptations or absences for care purposes harms targets, productivity, bonuses or promotion, formal equality is neutralised by apparently neutral mechanisms that penalise those who assume care responsibilities, mostly women.

h) Digital and ecological transition: risk of reproducing segregation

Equal opportunities must extend to the digital and ecological transitions. It is not enough to promote female employment in general terms; it is necessary to ensure that women have access to emerging, technological, industrial, energy and high added-value sectors.

The report does not sufficiently establish measures to prevent new opportunities linked to digitalisation, artificial intelligence, data, cybersecurity, energy transition, renovation, sustainable mobility or the green economy from being assigned predominantly to men, thereby reproducing horizontal segregation in new sectors.

i) Lack of sufficiently disaggregated data

The State response provides some aggregate data, but this is not sufficient to assess the effectiveness of Article 20.

CCOO considers it necessary to have information disaggregated by:

- age;
- sector;
- occupation;
- professional level;
- type of contract;
- full-time/part-time work;
- nationality or migrant origin, with appropriate statistical safeguards;
- disability;
- company size;
- existence of an equality plan;
- public/private sector;
- autonomous community;
- trade union presence;
- family responsibilities.

Without this disaggregation, aggregate improvements may conceal persistent inequalities in specific groups.

3. Conclusion requested from the Committee

CCOO requests the European Committee of Social Rights to declare that the information provided by the Spanish Government does not sufficiently establish the full conformity of the situation in Spain with Article 20 of the Revised European Social Charter.

In particular, CCOO requests that the Committee find that:

- the increase in the female employment rate does not in itself establish genuine equality of opportunity;

- significant horizontal and vertical segregation persist;

- women remain concentrated in administrative and service occupations, care work and feminised sectors, and continue to be under-represented in management and executive positions;

- insufficient information is provided on the real effectiveness of equality plans;

- the practical implementation of Organic Law 2/2024 on boards of directors, senior management and public management positions is not sufficiently established;

- feminised part-time work and the unequal distribution of care responsibilities continue to operate as structural obstacles;

- insufficient data are provided on professional penalties arising from the exercise of work-life balance rights;

- a sufficient strategy to guarantee female presence in emerging technological, industrial, digital and ecological sectors is not established.

CCOO also requests that the Committee require the Spanish State to provide additional information on:

- evolution of the female employment rate and employment gap by age, sector and type of working time;

- horizontal segregation by branches of activity and occupations;

- vertical segregation by professional levels, middle management, management and senior management;

- number of registered, valid, expired or pending equality plans;

- measures included in the plans addressing segregation and career promotion;
- inspection actions and sanctions for breaches relating to equality plans;
- presence of women on the boards of directors of the largest listed companies;
- presence of women in chairmanships, executive directorships and senior management;
- presence of women in management positions in public institutions;
- impact of Organic Law 2/2024 and degree of compliance with the 40% threshold;
- involuntary part-time work, care responsibilities and the exercise of work-life balance rights;
- measures to prevent penalties in promotion, targets, allowances or performance assessment;
- participation of women in sectors linked to the digital and ecological transition.

Finally, CCOO requests the Committee to call on the Spanish State to strengthen equal opportunities policies through effective co-responsibility measures, reduction of involuntary part-time work, guarantee of public care services, review of promotion and performance assessment systems, effective monitoring of equality plans, elimination of bias in classification and career progression, and specific measures to ensure the balanced presence of women and men in public and private decision-making positions.

In conclusion, CCOO considers that Spain has developed a relevant regulatory framework on equal opportunities, but the information provided by the Government does not sufficiently demonstrate its effectiveness. The persistence of horizontal and vertical segregation, female under-representation in management and executive positions, feminised part-time work, penalties associated with care responsibilities, and the lack of sufficient data on the actual implementation of equality plans and Organic Law 2/2024 justify the Committee requesting additional information and specific corrective measures.

XIV. Cross-cutting issue. Effectiveness of the rights protected by the Revised European Social Charter and structural delays in the social courts (labour and social security courts).

General approach

CCOO considers it necessary to include a cross-cutting issue that affects the real effectiveness of the set of labour and social rights protected by the Revised European Social Charter: structural delays in the judicial response of the social courts.

The Revised European Social Charter cannot be assessed solely from the perspective of the formal existence of labour legislation, public policies, inspection activity or collective bargaining mechanisms. The effectiveness of rights also requires that, when such rights are infringed, workers, beneficiaries of benefits and trade union organisations have access to judicial remedies that are accessible, swift and effective in order to obtain protection, reparation and enforcement.

Furthermore, the effectiveness of the rights recognised in the Revised European Social Charter requires that the interpretative standards established by the European Committee of Social Rights be genuinely taken into consideration by public authorities and by the domestic bodies responsible for applying labour and social rights.

In the Spanish system, the social jurisdiction constitutes the ordinary institutional guarantee for the enforceability of labour rights, trade union rights, Social Security rights, equality, occupational health, anti-discrimination protection, freedom of association, collective bargaining and collective action. For this reason, structural delays in that jurisdiction have a direct impact on the effectiveness of the rights protected by the Charter.

According to the data available to CCOO's Legal Services, judicial delay in the social jurisdiction is a structural problem that goes beyond isolated situations in specific courts and reveals a persistent insufficiency in the system's capacity to provide responses within time limits compatible with the nature of the rights concerned. The social jurisdiction has become a critical point for the effectiveness of the rule of law in the labour field, insofar as structural delay erodes effective judicial protection and reduces the real enforceability of individual and collective labour rights.

1. Relevance for the monitoring system of the Revised European Social Charter

CCOO considers that this issue should be assessed by the European Committee of Social Rights within the framework of the periodic monitoring of compliance with the Charter.

The assessment of conformity should not be limited to verifying whether the State has formally adequate labour legislation. It should also assess whether effective mechanisms exist to enforce the protected rights. A labour rule may recognise a right, but if the judicial response to its infringement arrives late, in a territorially unequal manner or when the damage has already become consolidated, protection is materially weakened.

This dimension affects, among others, the rights examined in these submissions:

- the right to reasonable working time and effective rest;
- the right to safe and healthy working conditions;
- equal pay and equal opportunities between women and men;
- freedom of association;
- collective bargaining;
- the right to strike and collective action;
- protection against dismissals, substantial modifications, reprisals or violations of fundamental rights;
- social protection and Social Security benefits.

Judicial delays are therefore not an issue external to the Charter. They constitute a factor that conditions the practical effectiveness of all socio-labour rights protected by it.

2. Data evidencing the structural dimension of the problem

The use of official data from the General Council of the Judiciary together with internal data from CCOO’s Legal Services —SERVIJUR— makes it possible to assess not only the average duration of concluded cases, but also the real delay in ongoing proceedings and its territorial dimension.

According to the CGPJ, in 2024 the estimated duration of cases before the Social Courts increased from 11.1 months in 2023 to 11.4 months in 2024. The breakdown by subject matter reveals particularly high timeframes: 19.8 months in work accidents, occupational disease and occupational risk prevention; 16.3 months in challenges to administrative labour and Social Security acts; 14.5 months in monetary claims; 12.8 months in Social Security matters; and 8.2 months in dismissals, despite their preferential nature.

The SERVIJUR-CCOO 2026 data show an even more expressive situation from the perspective of real protection: they analyse exclusively the delay in holding the trial, without including the time required to issue the judgment, or appeals — which, where lodged, add months or years until the decision becomes final — nor the timeframes for enforcement.

In wage claims and recognition of rights, the average State-wide delay in holding a trial reaches 450.4 days —15 months—; in individual dismissal, 375.3 days —12.5 months—; in Social Security, 389.7 days —13 months—; in fundamental rights, 215.1 days —7.2 months—; and in substantial modification and geographical mobility, 204.4 days —6.8 months—.

- In wage claims and recognition of rights, the average State-wide delay reaches 450.4 days, equivalent to 15.0 months, with 1,676 cases analysed and 41 provinces in functional collapse. This is the largest block of the data analysis and shows that ordinary proceedings through which wages, pay differences, the existence of an employment relationship, transfer of undertaking and other economic or professional rights are channelled reach trial within timeframes incompatible with swift and effective protection.

- In individual dismissal, despite its urgent and preferential nature, the average State-wide delay reaches 375.3 days, equivalent to 12.5 months, with 1,155 cases analysed and 29 provinces in functional collapse. This figure reveals a material loss of effectiveness of the procedural preference: the challenge to the dismissal is judicially resolved when the loss of employment has already produced its economic and professional effects for months.

- In Social Security, the aggregate average delay stands at 389.7 days, equivalent to 13.0 months, with 583 cases and 36 provinces in functional collapse. The seriousness of this figure derives from the protective nature of the benefits concerned: unemployment, retirement, permanent incapacity, contingencies, medical discharges and other benefits linked to situations of need or loss of income.

- Matters involving enhanced protection also show timeframes incompatible with their function. In fundamental rights cases, the average State-wide delay is 215.1 days, equivalent to 7.2 months, placing this procedural category in functional collapse despite its urgent and preferential nature. In substantial modification and geographical mobility, the average reaches 204.4 days, equivalent to 6.8 months, so that judicial review of immediately applicable employer decisions arrives when the measure has already produced its effects for a prolonged period.

A strong territorial inequality can be observed. Certain autonomous communities and provinces repeatedly appear in situations of harmful delay or functional collapse, so that the same labour or Social Security claim may obtain a trial date within reasonable timeframes in some territories and be deferred for more than a year, or even nearly two years, in others.

The situation is not temporary. In 2025, 452,786 cases were filed before the Social Courts and 408,173 were resolved, leaving a negative difference of 44,613 cases. The final backlog increased from 389,639 cases in 2023 to 442,302 in 2024 and to 483,334 in 2025, confirming that the system is not reducing the accumulation of cases, but is consolidating a growing stock of pending cases.

3. Material effects on the labour rights protected by the Charter

Judicial delay produces harm that is not merely procedural. It affects the material content of labour and social rights.

- In wage claims, judicial delay deprives the right to wages of its reparatory effectiveness and may force settlements at a lower amount due to immediate economic need.

- In dismissal cases, a delayed judicial response arrives only after the loss of employment has already produced its economic, professional and personal effects for months. In such cases, the length of the proceedings may place the worker, for months or even years, in a position of uncertainty, without knowing whether the employment relationship will ultimately be restored through reinstatement or terminated with compensation.

  The seriousness of this effect is increased when account is taken of the fact that the European Committee of Social Rights has already established, in respect of Spain, a substantive standard of adequate and sufficiently dissuasive redress for dismissal without valid reason, in its decisions on the merits in the collective complaints UGT v. Spain, No. 207/2022, and CCOO v. Spain, No. 218/2022, and that the Committee of Ministers has called on the State to adopt the necessary measures to give effect to those decisions.

  In this context, the lack of effective incorporation of those standards into domestic legislation and judicial practice, in view of the refusal by the Supreme Court — Labour Chamber, sitting in plenary, judgment No. 736/2025 of 16 July 2025, appeal for unification of doctrine No. 3993/2024, ECLI: ES:TS:2025:3387— to give effect to the Committee's finding of non-conformity, is a factor which aggravates the effects of structural delays in the labour courts. Where the judicial response comes late, where redress remains predetermined without sufficient regard to the actual damage suffered or to the dissuasive effect required, and where the employer retains until the end of the proceedings the power to choose between reinstatement and compensation without, as a general rule, bearing interim

wages, the excessive length of the proceedings may deprive judicial protection of an essential part of its effectiveness.

- In Social Security, delays affect benefits linked to situations of need, incapacity, unemployment, retirement or loss of income.

- In fundamental rights, freedom of association, equality, reprisals, work-life balance or anti-discrimination protection, judicial delay may consolidate the damage and reduce the deterrent effectiveness of protection.

- In collective disputes, although timeframes are comparatively shorter, the delay continues to affect the capacity to swiftly restore collective working conditions and trade union rights.

The delay even alters the balance of out-of-court dispute resolution systems. When the judicial alternative is many months or years away, conciliation may cease to operate as a balanced solution and become a route conditioned by the material need to obtain an immediate response, especially in wage claims, benefits or dismissals.

4. Structural delay is not justified by the workload of judicial bodies

Recent constitutional case law — Constitutional Court Judgments 125/2022, 31/2023 and 135/2024 — has declared a violation of the fundamental right to proceedings without undue delay in the social jurisdiction, even where the delay is due to structural causes. The Constitutional Court has reiterated that workload, insufficient resources or organisational limitations do not neutralise the violation of the fundamental right, because citizens are not responsible for those circumstances and the State is required to organise the judicial system in such a way as to guarantee a decision within a reasonable time.

This doctrine is fully transferable to the field of the Revised European Social Charter. The effectiveness of social rights cannot depend on the residual capacity of the judicial system or on the unequal availability of resources in each territory.

CCOO considers that the State must organise the social jurisdiction in such a way that labour and social rights can be enforced within timeframes compatible with their protective, subsistence-related, restorative and collective nature.

However, CCOO considers that the mechanism of State liability for damages is currently insufficient to guarantee effective reparation. Compensation is not easily accessible to the affected workers; there are no clear and uniform quantification criteria; it normally

requires a subsequent autonomous claim before the Ministry of Justice; and, in practice, it does not adequately repair the material damage caused by judicial delay, especially where the delay has affected wages, employment, benefits, fundamental rights, equality, freedom of association or collective action. In reality, it is a non-existent practice due to the lack of criteria and judicial doctrine, as well as the costs of the subsequent contentious-administrative proceedings and their own delay in processing.

5. Need for specific assessment by the ECSR

CCOO considers that structural delays in the social jurisdiction should be the subject of specific assessment by the European Committee of Social Rights within the reporting system.

This would make it possible to complete the monitoring of compliance with the Charter on three levels:

First, the normative level: whether the legal system formally recognises the rights.

Second, the administrative and inspection level: whether sufficient public policies, inspection and monitoring mechanisms exist.

Third, the level of judicial effectiveness: whether persons and organisations holding rights have judicial protection within a reasonable time when those rights are infringed.

This third dimension is essential. Without effective judicial protection, the protection of the Charter may be weakened, especially in relation to rights whose effectiveness depends on the response to employer or administrative non-compliance.

6. Announcement of a specific collective complaint

CCOO places on record that the seriousness, general nature and persistence of this issue justify the preparation of a specific collective complaint before the European Committee of Social Rights concerning structural delays in the Spanish social jurisdiction and their impact on the effectiveness of the labour and social rights protected by the Revised European Social Charter.

Without prejudice to that collective complaint, CCOO considers that the problem should already be taken into consideration in the present monitoring cycle, at least as a cross-

cutting issue conditioning the real effectiveness of the rights examined in these submissions.

7. Specific request for information from the Spanish State

CCOO requests the European Committee of Social Rights to require the Spanish State to provide specific, updated, disaggregated and verifiable information on judicial response times in the social jurisdiction, insofar as such timeframes condition the real effectiveness of the rights protected by the Revised European Social Charter examined in the present cycle.

The information should refer, in particular, to the year 2026, with territorial disaggregation at least at provincial level, and with regard to the matters directly linked to the articles covered by these submissions: working time, rest periods, occupational health, equal pay, equal opportunities between women and men, freedom of association, collective bargaining, collective action, protection of fundamental labour rights, reprisals, work-life balance, dismissal, wage claims and Social Security benefits connected with labour rights.

Specifically, CCOO requests that information be required on the average and median processing times in the following stages of proceedings:

- time elapsed between the filing of the claim and the listing of the trial hearing;

- time elapsed between the holding of the trial and the delivery of judgment;

- processing time for appeals on points of law before the High Courts of Justice and, where applicable, cassation appeals;

- time for enforcement of final judgments, especially in wage matters, fundamental rights, dismissal, Social Security, equality, freedom of association and collective disputes.

This information should be provided by distinguishing, at least, between ordinary proceedings, dismissals, wage claims, Social Security, fundamental rights, collective disputes, protection of freedom of association, equality and work-life balance, as well as any other procedural category directly related to the Charter rights examined in this cycle.

CCOO also requests that the Committee require the Spanish State to provide information on emergency plans, reinforcement measures or organisational actions implemented or planned to correct delays in the social jurisdiction, indicating:

- territories and judicial bodies affected;
- date of implementation or planned implementation;
- personal and material resources allocated;
- expected duration of the measures;
- quantified objectives for reducing timeframes;
- results obtained, where available;
- criteria used to select priority territories or matters.

CCOO considers it especially necessary for the State to report on the measures adopted in those territories where judicial listings in essential labour matters stand at levels of harmful delay or functional collapse.

Finally, CCOO requests that the Committee require specific information on the mechanisms of reparation for undue delays in the social jurisdiction.

REQUEST

IN VIEW OF THE FOREGOING, the TRADE UNION CONFEDERATION OF WORKERS' COMMISSIONS submits to the European Committee of Social Rights the foregoing submissions to the Second Report submitted by the Government of Spain in the 2026 monitoring cycle, and requests that the Committee, within the framework of its supervisory functions concerning the application of the Revised European Social Charter, take note of these observations as duly submitted and find:

1. ***The persistence of situations of non-conformity with the Revised European Social Charter in the terms set out in these submissions, especially with regard to those instances of non-compliance already identified in previous conclusions of the Committee.***

2. ***The insufficiency of the information provided by the Government of Spain to establish the full effectiveness of the rights recognised in the articles under examination, in particular in relation to Articles 2, 3, 4§3, 5, 6§1, 6§2, 6§4 and 20 of the Revised European Social Charter.***

3. ***The existence of regulatory, implementation-related, inspection-related and practical-effectiveness deficits in the areas analysed, in the terms developed in each of the preceding sections.***

4. ***The need for the Spanish State to provide additional, complete, disaggregated and verifiable information on the matters covered by these submissions, including statistical data, inspection activities, measures adopted, results obtained and monitoring mechanisms.***

5. ***The need for the Spanish State to adopt such regulatory, administrative, inspection, preventive, budgetary and collective-bargaining promotion measures as may be necessary to effectively guarantee the labour and social rights recognised in the Revised European Social Charter.***

6. ***CCOO also requests that the Committee take into account, as a cross-cutting issue of effectiveness, the structural delays existing in the Spanish social jurisdiction, insofar as they condition the real enforceability of the labour and social rights protected by the Revised European Social Charter, and agree to request detailed information.***

Consequently, CCOO requests that the European Committee of Social Rights declare, in the terms it deems appropriate, non-conformity or, in the alternative, the insufficiency of the State information in the aspects indicated, and require the Government of Spain to adopt appropriate measures to ensure full compliance with the Revised European Social Charter.

Madrid, 19 June 2026.

** *** **