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EUROPEAN SOCIAL CHARTER

2nd National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF SPAIN
Articles 2, 3, 4, 5, 6, and 20

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CONTENT

(All articles refer to the revised Charter)

Implementation report of the European Social Charter (ESC) on the questions proposed by the European Committee of Social Rights (ECSR) for 2025

Article 2. The right to just conditions of work

Article 2(1) concerning reasonable daily and weekly working hours.

a) **Please 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.**
- **Information on existing safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.**

In the first place, it should be recalled that Spanish legislation regulates the duration of the working day in Article 34 of the consolidated text of the Law on the Workers' Statute approved by Royal Legislative Decree 2/2015 of 23 October 2015 (hereinafter referred to as the Workers' Statute or ET, by its acronym in Spanish), establishing, in its paragraph 1, in general terms, the limit of 40 hours per week of effective work on average per year.

This regulation of the maximum duration of the working day is combined with the possibility provided for in paragraph 2 of that article that by collective agreement or, failing that, by agreement between the undertaking and the representation of the workers and, therefore, by the joint will of both parties, an irregular distribution of the working day is established throughout the year, as an element of flexibility in the organisation of working time that does not harm the overall sum of the work performed and, therefore, the safety and health of the workers concerned. In the absence of an agreement, such irregular distribution of the working day throughout the year may be decided unilaterally by the company, but this possibility is limited to a maximum of ten percent of the working day.

To guarantee the safety and health of workers, Article 34, paragraphs 1 and 2 of which are transcribed below, provides that such distribution must in any case respect the minimum daily and weekly rest periods and the differences between the working day and the maximum duration of the ordinary working day must be compensated.

“Article 34. Working day. - 1. The duration of the working day will be that agreed in collective agreements or employment contracts.

The maximum duration of ordinary working hours shall be 40 hours per week of actual work on average per year.

2. By collective agreement or, failing that, by agreement between the company and the workers' representatives, the irregular distribution of the working day throughout the year may be established. In the absence of an agreement, the company may distribute ten percent of the working day irregularly throughout the year.

This distribution must in any case respect the minimum daily and weekly rest periods provided for by law and the worker must know with a minimum notice of five days the day and time of the work resulting from it.

The compensation of the differences, by excess or by default, between the working day performed and the maximum duration of the ordinary legal or agreed working day will be due as agreed in the collective agreement or, in the absence of provision in this regard, by agreement between the company and the representatives of the workers. In the absence of an agreement, the differences resulting from the irregular distribution of the working day must be compensated within 12 months of their occurrence.’

Reference should also be made to Royal Decree 1561/1995 of 21 September 1995 on special working days, which aims to regulate extensions and limitations in the organisation and duration of working hours and rest periods in certain sectors of activity and specific work whose peculiarities require it, in accordance with the provisions of Article 34.7 of the Workers’ Statute.

Article 10.a of this Royal Decree, concerning the working time of mobile workers in the road transport sector, provides for a situation in which it is permitted to reach up to 60 hours per week, although not permanently, but as an absolute limit, and provided that the average does not exceed 48 hours per week in a reference period of four months (extendable to six by collective agreement):

'Article 10.bis. Limits on the working time of mobile workers.- 1.Without prejudice to respect for the maximum duration of ordinary working hours provided for in Article 34 of the Workers' Statute and the minimum daily and weekly rest periods provided for in this Royal Decree in order to protect the health and safety of mobile workers and road safety, where a collective agreement or, failing that, an agreement between the undertaking and the workers' representatives has established the irregular distribution of working hours throughout the year, the duration of the actual working time of mobile workers may not exceed 48 hours per week on average over four-monthly periods or in any case exceed 60 hours per week.

The reference period of four months laid down in the preceding subparagraph may be extended to a maximum of six months by means of a sectoral collective agreement at national level, provided that such extension is based on the existence of objective or technical reasons or on the organisation of work.'

The only case where the Royal Decree expressly allows exceeding 60 hours per week is for work at sea, which allows working up to 72 hours per seven-day period in certain cases regulated in Article 16.1 of this regulation, as detailed in the reply to the following section.

However, the above mentioned, it should be noted that the possibility that, with the regulations in force in our country on working time, the weekly working time exceeds 60 hours - a limit that is not provided for in the Charter - is more a theoretical possibility than a real one. This is demonstrated by the treatment of this issue in collective agreements. The irregular distribution of the day is one of the most common clauses in the content of collective agreements, both sectoral and company. These clauses are intended, for the most part, to restrict the possibilities that the Workers' Statute grants to the company in the matter, mainly limiting the number of daily or weekly hours of work whose provision may be required by the company.

b) **Please provide information on the weekly working hours of seafarers.**

Working time at sea is regulated by Article 16 of Royal Decree 1561/1995 of 21 September 1995 on special working days, although it should be borne in mind that, as provided for in Article 15, the provisions contained in this subsection relating to work at sea shall apply to workers providing services on board ships and vessels. In addition, the master or person who exercises command of the ship shall not be subject to the rules on days provided for

in this Royal Decree, provided that he is not obliged to stand guard, which will be governed for this purpose by the clauses of his contract as long as they do not configure services that significantly exceed those that are usual in work at sea.

"Article 16. Working time at sea. - 1. Workers may not work a total of more than 12 hours per day, including, where appropriate, overtime, whether the ship is in port or at sea, except in the following cases:

In cases of force majeure where this is necessary to ensure the immediate safety of the ship or persons or cargo on board, or to assist other ships or persons in distress on the high seas.

b) When it comes to providing the ship with food, fuel or lubricating material in cases of urgent need, urgent unloading due to deterioration of the goods transported or due attention due to manoeuvres of entry and exit to port, berthing, unloading and anchoring.

Except in cases of force majeure referred to in paragraph (a) above, where the working day may be extended for as long as necessary, the resulting total working day may in no case exceed 14 hours for each 24-hour period or 72 hours for each 7-day period.

2. Overtime worked on the ordinary working day agreed in accordance with Article 34 of the Workers' Statute shall be compensated or paid in accordance with Article 35.1.

In vessels engaged in fishing, it may be agreed between companies and crew members to establish an agreement or supplementary form for the settlement of overtime, always except as agreed in a collective agreement."

c) **Please provide information on how inactive on-call periods are treated in terms of work or rest time.**

Regarding the request for information concerning the rules applicable to on-call periods, it is indicated that there is currently no rule in our Spanish legal system governing this issue in general. As a result, on-call regimes are subject to working time regulation.

However, there are specific regulations for certain sectors, among which can be mentioned the rules that for the different transport sectors and for work at sea are contained in Royal Decree 1561/1995, of 21 September, on special working days:

Article 8(1) of Royal Decree 1561/1995 of 21 September 1995 provides that, in the case of transport and work at sea, 'time *in which the worker is at the employer's disposal without actually working for [among others] on-call services' is to be regarded as 'time of presence'.*

Apart from these specific regulations, it is a matter regulated in collective agreements, whether sectoral or company, regulation that must necessarily respect the legal minimums and must be respected both by individual employment contracts and, of course, in the development of the employment relationship.

The relevant rules are complemented by the case-law on guards established by the CJEU in interpretation of Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time. In this respect, and without being exhaustive, the *interpretative communication on Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time* can be reproduced:

> *"The Matzak (6) judgment of 2018 and more recent judgments concerning the consideration of the obligation to be on stand-by duty as 'working time' or 'rest time'. Those judgments address the issue of being on call outside the workplace, i.e. a period during which the worker does not have to remain at the workplace but has to be reachable and ready to respond within a certain period of time. The Court ruled that whether non-face-to-face guards are considered to be 'rest' or 'work' time depends on the intensity of the limitations imposed on the worker that affect the way in which he or she can use the time in which he or she is on standby. The Court also seemed to accept that, even if a period of stand-by duty were to be regarded as a 'rest period', the obligation to be traceable and to react, which results in the deprivation of the right to disconnect, may in fact be detrimental to the health and safety of workers if imposed too often."*

"With regard to the definition of working time, the Court has provided specific guidance in its case-law with regard to the consideration of periods during which workers must remain available to resume their professional activity in case of need, such as 'face-to-face guard' and 'non-face-to-face guard' (15). The Court held that time spent in 'stand-by' must be regarded in its entirety as 'working time' within the meaning of the Directive if the worker is required to be present at the place of work, which is not confused with his home (16). The entire period of 'stand-by time', where the worker is located without being required to be present at a place determined by the employer, is regarded as 'working time', where the limitations imposed by the employer while he is 'stand-by time' objectively and very significantly affect the worker's ability to freely manage the time during which his services are not required and thus the possibility for him to engage in his personal and social affairs (17). On the contrary, where those limitations do not have such an effect on the worker's ability to pursue his or her affairs, only the time corresponding to the actual provision of services (18) should be regarded as 'working time'.

Article 3. The right to safe and healthy working conditions

Article 3(1) health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial risks or new and emerging risks, including:

- **In the gig or platform economy.**
- **as regards telework.**
- **in jobs requiring intense attention or high performance.**
- **in work related to stress or traumatic situations at work.**
- **in jobs affected by climate change risks.**

The occupational risk prevention rules of our legal system include protection against all health risks arising from work, including psychosocial risks. Effective health protection in the broad sense, including both physical and mental health, is a right of the working person and a corresponding corporate duty in the context of industrial relations and, specifically, in the field of prevention of occupational risks.

In accordance with the above, the general obligations set out in Law 31/1995 of 8 November on the Prevention of Occupational Risks (LPRL by its acronym in Spanish), in the Regulation on Prevention Services approved by Royal Decree 39/1997 (RSP by its

acronym in Spanish), and in the implementing regulations are fully enforceable and directly applicable, without the need for further regulatory development.

In relation to psychosocial risks, the LPRL already contemplates them indirectly. Article 4(7)(d) includes within the concept of working conditions *'all other characteristics of work, including those relating to its organisation and organisation, which influence the extent of the risks to which the worker is exposed'*. Likewise, article 15.1 establishes that the employer shall apply the measures that integrate the general duty of prevention, including the adaptation of work to the person, especially in the design of positions, choice of equipment and working methods, with a view to mitigating monotonous and repetitive work, as well as prevention planning, integrating technique, work organization, working conditions, social relations, and environmental factors.

The definition of occupational risk in Article 4 of the LPRL does not limit the types of risks, so any preventive provision covers psychosocial risks. The scope of the right to protection includes rights of information, consultation, and participation (Article 18), preventive training (Article 19), cessation of activity in the face of serious and imminent risk (Article 21) and health surveillance (Article 22). Likewise, article 14 of the LPRL establishes the corporate obligation to guarantee the safety and health of workers in all aspects of work, complying with the obligations of the prevention regulations.

Article 16 of the LPRL provides that the employer must conduct an initial assessment of risks, including psychosocial risks, plan preventive measures, investigate health damage and assign positions compatible with the personal and psychophysical characteristics of workers, including particularly sensitive groups, such as minors and pregnant women. In relation to remote work, Law 10/2021 of 9 July 2021 establishes that risk assessment and preventive planning must consider the risks characteristic of this modality, with special attention to psychosocial, ergonomic, organisational and accessibility factors. For jobs that require intense attention or high performance, Royal Decree 488/1997, on equipment with display screens, foresees the need to assess the mental load and the risks combined, considering the duration and demands of the task and the position.

Regarding the gig economy or digital platforms, studies and technical documents have been developed that analyse the most present psychosocial risk factors, the challenges posed by this form of work for occupational safety and health and emerging risks, such as cyberbullying, as well as the emergence of pre-existing risks such as stress. These

documents include the report on psychosocial risk factors in platform work (2024), the study on the challenges of digitalisation and psychosocial risks associated with digital platforms (2023), and the design of questionnaires to analyse psychosocial and organisational aspects in the activity of delivering fast food through digital platforms (2023).

In relation to teleworking, documents have been published that guide on the positive and negative aspects of this modality, as well as on the integrated management of ergonomic and psychosocial risks. Among them stand out the brochure *Teleworking, where to put the focus?* (2024), *Guidelines for the management of ergonomic and psychosocial aspects in a teleworking situation (2022)* and Technical Note on Prevention 1165 on criteria for the integration of teleworking into the Occupational Safety and Health (OSH) management system (2021).

About work that requires intense attention or high performance, tools and technical guides have been developed for the evaluation and management of psychosocial risks. Among them are the evaluation and management of psychosocial risks in the activity of care of elderly people in small companies (2024), the poster *Do we talk? Main psychosocial risks of teleoperator staff* (2023) and the guide for the management and assessment of ergonomic and psychosocial risks in the hotel sector (2019). These publications allow specific preventive measures to be applied in positions of high cognitive demand and continuous attention.

In Spain, jobs affected by climate change risks are subject to a specific regulatory framework governing situation of serious and imminent risk, which provides the legal basis for preventive measures such as the interruption of work, the adoption of alternative organisational arrangements including teleworking, the granting of climate-related leave, the negotiation of preventive protocols through collective bargaining, and the obligation to inform workers' representatives.

Situations of serious and imminent risk are primarily regulated by Article 21 of Law 31/1995 on the Prevention of Occupational Risks, which establishes that *"when workers are exposed to a serious and imminent risk, the employer shall be obliged to (a) inform as soon as possible all workers affected and their workers' representatives about the existence of such risk and the measures adopted or to be adopted to protect them; (b) adopt the necessary measures and give the appropriate instructions so that, in the event of serious, imminent and unavoidable danger, workers may stop their activity and, if*

necessary, immediately leave the workplace." The same provision further recognises that *"workers shall have the right to interrupt their activity and leave the workplace when they consider that such activity involves a serious and imminent risk to their life or health."* This rule constitutes the core legal basis for interrupting work or adopting alternative organisational measures in cases such as heatwaves or extreme weather events.

Regarding teleworking, although Spanish law does not establish an automatic right to work remotely, teleworking may be adopted as a preventive organisational measure under occupational health and safety legislation. In this respect, Article 15 of Law 10/2021 on remote work provides that *"remote work shall be subject to occupational risk prevention legislation. The risk assessment shall consider the characteristic risks of this type of work, paying particular attention to psychosocial, ergonomic and organisational factors."* In situations of serious and imminent climatic risk, teleworking may therefore be prioritised where the nature of the activity allows it, as part of the employer's preventive obligations.

Spanish legislation also provides for climate-related leave. Article 37(3)(g) of the Workers' Statute establishes that *"workers shall be entitled to paid leave for the time necessary when they are unable to access their workplace or to perform their work activity as a result of restrictions or prohibitions imposed by the competent authorities due to situations of serious risk, including extraordinary weather phenomena."* This provision is commonly referred to as "climate-related leave".

The role of collective bargaining and preventive protocols is grounded in Articles 33 and 34 of Law 31/1995 on the Prevention of Occupational Risks. Article 33 states that *"the employer shall consult workers, through their representatives, on the adoption of decisions relating to the planning and organisation of work, the introduction of new technologies, and the organisation and development of preventive activities,"* while Article 34 provides that *"workers shall have the right to participate in matters related to the prevention of occupational risks, through their representatives."* These provisions allow collective bargaining agreements to establish specific protocols addressing extreme heat, climate emergencies, thresholds for action, and related organisational measures.

Finally, the obligation to inform workers' representatives is expressly regulated by Articles 18 and 21 of Law 31/1995. Article 18(1) provides that *"the employer shall adopt*

appropriate measures to ensure that workers receive all necessary information concerning risks to safety and health at work, protective and preventive measures, and emergency measures." As indicated above, Article 21 further requires immediate information to workers' representatives in situations of serious and imminent risk.

As regards jobs affected by the risks of climate change, studies, campaigns, and dissemination materials have been developed to raise awareness of the risks arising from exposure to ultraviolet radiation, high temperatures and vector-borne diseases such as mosquitoes and ticks. These include the technical poster and study on exposure to ultraviolet radiation on fishing vessels (2022 and 2024), the collection of posters and brochures on bite prevention in outdoor activities (2024), the campaign *With sun is time for prevention* on the prevention of heat damage and solar radiation, and the publication of scientific-technical articles related to climate change in the *Journal of Safety and Health at Work* (Nº 118, 2024).

Guidelines for gender-responsive forest and environmental actors and descriptive studies on occupations vulnerable to climate change have also been developed, both of which are pending publication. Videos, posters, leaflets and adaptations for social media were produced in 2023, reaching more than 50 million impressions in national and digital media, and 543 radio wedges were broadcast on different channels in 2024. Finally, in 2025 a web space on adverse weather events was created that includes thermal stress and heat, disseminated through the means of the National Institute of Safety and Health at Work - hereinafter INSST - and a network of collaborating companies.

Article 3(2) health and safety regulation

a) **Please provide information on:**

- **the measures taken to ensure that employers put in place provisions to limit or discourage work outside normal working hours (including the right to disconnect).**
- **how the right not to be penalised or discriminated against for refusing to work outside normal working hours is guaranteed.**

Spanish labour law, through the Workers' Statute, establishes a clear framework for the regulation of working time and the protection of the right to rest, including specific measures to limit or discourage work outside normal hours. In this sense, Article 34 sets a maximum

duration of ordinary working hours of 40 hours per week, while Article 35 regulates overtime, limiting it to a maximum of 80 hours per year, subject to specific exceptions, and establishing that its performance must be voluntary, unless it has been agreed in a collective agreement or individual employment contract. In addition, Article 36 lays down specific measures for those who perform night and shift work, ensuring a level of health and safety protection equivalent to that of other workers in the undertaking, and Article 37 regulates weekly rest, paid leave, and work holidays, while Article 38 guarantees an annual period of paid leave of not less than 30 calendar days, which cannot be replaced by financial compensation.

In this regulatory framework, Article 20 bis of the Workers' Statute expressly recognises the right to digital disconnection, ensuring that workers can exercise their privacy and their right to rest from the use of digital devices:

> *"Article 20 bis. Workers' rights to privacy in relation to the digital environment and to disconnection. - Workers have the right to privacy in the use of the digital devices made available to them by the employer, to digital disconnection and to privacy from the use of video surveillance and geolocation devices under the terms established in the current legislation on the protection of personal data and guarantee of digital rights*."

The purpose of this provision is to preserve rest time, personal and family privacy, and to prevent the use of technologies from covertly prolonging the working day. In this sense, workers must perform the work within the agreed schedule, and companies are obliged to respect the labour rights recognized in the current legislation, as well as the conditions established in collective agreement and individual employment contract.

In no case may the worker be punished or discriminated against for refusing to perform work that exceeds the normal hours, as developed in Article 88 of Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights, which provides in its third section: *"the employer, after hearing the workers' representatives, shall draw up an internal policy for workers, including those in managerial positions, defining the modalities for exercising the right to disconnect and the training and awareness-raising actions for staff on a reasonable use of technological tools that avoids the risk of computer fatigue. In particular, the right to digital disconnection shall be preserved in cases of total or partial remote work, as well as in the home of the employee linked to the use of technological tools for work purposes."*

In addition, non-compliance with the rules on working time is considered an administrative offence in the social order, in accordance with Article 7(5) of the consolidated text of the Law on Infringements and Penalties in the Social Order, approved by Royal Legislative Decree 5/2000 of 4 August 2000 (LISOS by its acronym in Spanish): "*Violation of legal or agreed rules and limits on working hours, night work, overtime, additional hours, breaks, holidays, leave, registration of working hours and, in general, working time as referred to in Articles 12, 23 and 34 to 38 of the Workers' Statute*".

In addition, other measures have been taken to ensure compliance with these provisions and to raise awareness among employers and workers about the digital disconnection and the limitation of work outside regular hours, various initiatives have been developed, including the publication of technical documents such as the *"Basic Guide. Proposals from safety and health – Year 2024",* aimed at raising awareness about the risks of technological overexposure and the advantages of digital disconnection, as well as awareness campaigns under the slogan "*pulsa off to be on*", through posters, brochures and information videos disseminated between 2022 and 2023.

The Journal of Safety and Health at Work has contributed to the scientific and technical dissemination of these issues in issues 105 (2020) and 116 (2023), addressing digitalisation, connectivity and working time, while during 2023 mass communication actions were carried out with more than 48 million impressions in print, digital and social media, including Facebook, Instagram, X, TikTok and LinkedIn, aimed at strengthening the culture of respect for working time and the right to disconnect.

b) **Please provide information on:**

- **the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations.**
- **whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.**

First, it should be pointed out that the LPRL aims to promote the safety and health of workers through the implementation of measures and the development of activities necessary for the prevention of all risks arising from work**.** It should be noted that this law and its implementing rules will be applicable both in the field of industrial relations regulated in the recast text of the Law on the Statute of Workers, and in the field of administrative or

statutory relations of personnel in the service of the Public Administrations, with the peculiarities that, in this case, are contemplated in this Law or in its implementing rules.

Therefore, it will be applicable to all employed persons, regardless of whether they provide their services in person or remotely, including teleworking as defined in Article 2 of Law 10/2021 of 9 July 2021, such as remote work that is carried out through the exclusive or prevalent use of computer, telematic and telecommunication means and systems.

Article 4(1) of Law 10/2021 of 9 July 2021 on remote work provides that persons conducting remote work shall have the same rights as they would have had if they had provided services in the undertaking's workplace and may not suffer any damage to their working conditions. Section 4th of this law expressly regulates the right to the prevention of occupational risks, highlighting its article 15 on the application of preventive regulations in remote work.

> *"Article 15. Application of preventive regulations in remote work. - People who work remotely have the right to adequate protection in terms of safety and health at work, in accordance with the provisions of Law 31/1995 of 8 November 1995 on the Prevention of Occupational Risks and its implementing regulations."*

In relation to domestic workers and in relation to the field of health and safety conditions, it should be noted that Royal Decree-Law 16/2022 of 6 September 2022 amends Law 31/1995 of 8 November 1995, ending the exclusion of this group from the scope of the Law on the Prevention of Occupational Risks, and adding an 18th additional provision, with the following wording:

> *'Eighteenth additional provision. Protection of the safety and health at work of workers in the field of the special employment relationship of the family household service.- In the field of the special employment relationship of the family household service, workers have the right to effective protection in terms of safety and health at work, especially in the field of the prevention of violence against women, taking into account the specific characteristics of domestic work, in the terms and with the guarantees provided for by regulation in order to ensure their health and safety."*

Royal Decree 893/2024, of 10 September, regulating the protection of safety and health in the field of family home service, develops this right of persons employed in the household to safety and health at work.

The main measures included in the standard are the following:

- At a minimum, a risk assessment and subsequent planning of preventive activity is required. To this end, the National Institute of Safety and Health at Work has developed a specific tool to facilitate compliance with these obligations by employers, which is currently available at: https://www.prevencion10.es/.

- The employer shall provide workers with personal protective equipment and work equipment suitable for the performance of their duties, as provided for in the risk assessment.

- With regard to the management of preventive activity, the provisions of the Regulations on Prevention Services are maintained, so that the employer may personally assume this activity, appoint one or more workers to deal with this activity or arrange such service with a specialized entity outside the company. The employer may assume preventive management, provided that it has sufficient capacity to correctly apply the assessment tool established by the INSST or any technique that allows obtaining a risk assessment that provides equivalent protection. In this sense, the reduction of the requirements required of the employer who assumes the preventive activity -as opposed to the requirements that would be required of an ordinary employer-, is compensated by the assumption of support and management functions by other public bodies such as the INSST or the National Institute of Social Security -hereinafter INSST-.

- The right to health surveillance is recognized, which may include an appropriate medical examination that considers occupational risks. The Ministry of Health should promote the inclusion of free medical examinations under Article 8 in the portfolio of common services of the National Health System.

- It is expected that the identification of risks will allow progress in the recognition and prevention of occupational diseases.

- It establishes the full applicability of the precepts of Law 31/1995, of November 8, on the Prevention of Occupational Risks regulating the work of minors, maternity and especially sensitive workers, articles 25, 26 and 27, thus giving the necessary gender perspective to this regulation.

- The right to information, participation and preventive training of workers is recognized.

The right of workers and the duty of employers to stop work in the event of a serious and imminent risk are regulated.

Based on the above, it is considered that the Spanish legislation has already taken effective measures to guarantee the right of domestic workers to a safe and healthy working environment considering the peculiarities of the sector.

With regard to self-employed workers, it is indicated that they are excluded from the scope of the Law on the Prevention of Occupational Risks. Article 4(3)(e) of Law 20/2007 of 11 July 2007 on the Statute of Self-Employment recognises the right of self-employed workers to their physical integrity and adequate protection of their safety and health at work. This right is mainly reflected in a duty of promotion on the part of the competent Public Administrations and, at another level, through the coordination of business activities.

Regarding temporary workers and fixed-term contracts, Article 15(6) of the Workers' Statute provides that: *'Persons with fixed-term and temporary contracts shall have the same rights as persons with contracts of indefinite duration, without prejudice to the specificities of each of the contractual arrangements for the termination of the contract and those expressly provided for by law in relation to training contracts. Where appropriate in view of their nature, such rights shall be recognised in laws, regulations, and collective agreements on a pro rata basis, depending on the time worked."* This Article therefore guarantees them the same rights as persons on contracts of indefinite duration, including the right to effective protection of safety and health at work,

The same right is enshrined in Article 4(2)(d) of the Workers' Statute. - *'Persons on fixed-term and temporary contracts shall have the same rights as persons on contracts of indefinite duration, without prejudice to the specific features of each of the contractual arrangements relating to termination of the contract and those expressly provided for by law in relation to training contracts. Where appropriate in view of their nature, such rights shall be recognised in laws, regulations, and collective agreements on a pro rata basis, depending on the time worked."*

Article 28 of the LPRL contains provisions similar in substance to those of that provision:

1. Workers with temporary or fixed-term employment relationships, as well as those employed through temporary employment agencies, shall enjoy the same level of protection in terms of safety and health as other workers in the undertaking in which they provide their services.

The existence of an employment relationship as referred to in the preceding paragraph shall in no circumstances justify any difference in treatment as regards working conditions, in particular with respect to any aspect of the protection of workers' safety and health.

This Law and its implementing provisions shall apply in full to the employment relationships referred to in the preceding paragraphs."

Article 3(3) of Revised Charter (Article 3(2) of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers, such as:

- **domestic workers.**
- **digital platform workers.**
- **teleworkers.**
- **posted workers.**
- **workers employed through subcontracting.**
- **the self-employed.**
- **workers exposed to environmental-related risks such as climate change and pollution.**

It is hereby reported that the Spanish State Labour and Social Security Inspectorate (hereinafter referred to as the OEITSS) is the body responsible for ensuring respect for the rights of all workers, including rights relating to occupational safety and health.

Law 23/2015 of 21 July, regulating the Labour and Social Security Inspection System, together with LPRL, entrust the OEITSS with monitoring compliance with social legislation — including occupational risk prevention regulations — and with and with enforcing the

corresponding liabilities. Consequently, the OEITSS is the body responsible for supervising compliance with the regulations applicable to workers, including those in the most vulnerable situations.

To this end, annual campaigns are planned by this body, following agreement with the Autonomous Communities, aimed at guaranteeing safe and decent working conditions for these groups, or specific actions are carried out targeting them. In particular:

Domestic workers

The recent adoption of Royal Decree 893/2024 of 10 September, regulating the protection of safety and health in the field of domestic service, and the gradual entry into force of the measures provided therein, have led to the inclusion of a specific measure in the Strategic Plan of the Labour and Social Security Inspectorate 2025–2027, under Line 3.4, "*Promoting information and technical assistance actions in the field of safety and health*". This measure consists of extensive information activities, in collaboration with the National Institute for Safety and Health at Work, to inform employers of the obligations laid down in Royal Decree 893/2024.

Digital platform workers

In 2025, a specific campaign was launched to ensure safety and health conditions linked to new occupations, with priority given to digital platform delivery workers, as provided for in the Spanish Strategy for Safety and Health at Work 2023–2027.

As supporting material for these actions, the OEITSS approved and published in 2025 an *Inspection Action Guide for Work on Digital Delivery Platforms*, which can be consulted on the Inspectorate's website.

Teleworkers

Within the framework of the campaign on psychosocial risks, since 2025 the annual planning guidelines drawn up by the Directorate of the OEITSS have prioritised actions linked to remote work, especially teleworking.

Work is currently under way on rules, through the Anti-Fraud Tool, to select cases of companies that make use of teleworking for the purposes of carrying out these actions.

Posted workers

With regard to this group of workers, the OEITSS has created a Unit for Combating Fraud in Transnational Work. This Unit coordinates the actions of the OEITSS units relating to the posting of workers. These actions concern compliance with labour legislation forming the core set of employment conditions applicable to all posted workers, which includes occupational safety, health and hygiene regulations. This is established in Article 3.1 of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and in Article 3.1 of Law 45/1999, which transposes that Directive into Spanish legislation.

Currently, within the framework of the activities of the European Labour Authority, efforts are being made to agree on common guidelines on the monitoring of occupational safety and health with the Authority for Working Conditions (ACT), which performs labour inspection functions in Portugal, with regard to monitoring the training requirements in occupational risk prevention for workers posted between the two countries who work in the construction sector.

Workers employed through subcontracting

Although subcontracting is primarily monitored through campaigns in the field of labour relations, the OEITSS is aware that this situation gives rise to particular vulnerability, including in terms of safety and health, for many workers. In this regard, the following campaigns are being carried out in 2025:

- a campaign on safety and health linked to subcontracting in the construction sector.
- a campaign on safety and health conditions in the hospitality sector, focused on hotel room attendants, a group particularly affected by outsourcing.

Workers exposed to environmental risks, such as climate change or pollution

Of particular significance is the concern of this public service regarding risks linked to workers' exposure to adverse environmental conditions.

Thus, in 2021 extensive actions were launched, consisting of sending letters to companies carrying out activities in which there is a higher risk of exposure, especially in the case of outdoor work.

These extensive actions have been repeated annually since then, and in 2025 this was

done by sending 112,620 communications to the following companies:

- companies in which non-compliance in this area was detected in 2024.
- companies operating at street markets with at least two workers.
- newly established companies in the construction and agricultural sectors (pre-existing companies had already received communications in previous years).
- retail trade companies and petrol stations employing between 3 and 100 workers.

In addition, in 2023 a specific inspection campaign was launched on adverse environmental conditions which, although intensified during the summer period, extends throughout the year, covering any adverse meteorological phenomenon, such as, for example, isolated high-altitude depressions, also known as cut-off low systems (in Spanish DANA — Depresión Aislada en Niveles Altos).

Finally, in 2025 the State Labour and Social Security Inspectorate approved and published a *Guide on Inspection Action in the Face of Adverse Meteorological Phenomena*, which can be consulted on the Labour Inspectorate's website.

Article 4. Right to fair remuneration

Article 4(3) right of men and women to equal pay for work of equal value

a) **Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.**

Article 28(1) of the Workers' Statute first enshrines the right to equal pay for work of equal value, without any discrimination on grounds of sex. And in the second paragraph he defines work of equal value.

> *"Article 28. Equal pay on grounds of sex. - 1. The employer is obliged to pay for the performance of work of equal value the same remuneration, paid directly or indirectly, and whatever the nature of the same, salary or extra-salary, without there being any discrimination on grounds of sex in any of the elements or conditions of the same.*
>
> *Work shall have the same value as other work where the nature of the functions or tasks actually assigned, the educational, professional or training conditions required*

for their exercise, the factors strictly related to their performance and the working conditions under which those activities are actually carried out are equivalent."

It is also necessary to mention Royal Decree 902/2020 of 13 October 2020 on equal pay for women and men, which aims to establish specific measures to give effect to the right to equal treatment and non-discrimination between women and men in pay matters, developing mechanisms to identify and correct discrimination in this area and to combat it. Article 4 of this Royal Decree refers to Article 28(1) of the Workers' Statute, pointing out in paragraph 1 that the principle of equal pay for work of equal value binds all undertakings and developing in its paragraph, in accordance with Article 28(1) of the Workers' Statute, the definition of work of equal value:

"Article 4. The obligation of equal pay for work of equal value. - 1. The principle of equal pay for work of equal value in the terms established in Article 28.1 of the Workers' Statute binds all companies, regardless of the number of workers, and all collective agreements and agreements.

2. According to Article 28.1 of the Workers' Statute, work shall have the same value as other work when the nature of the functions or tasks actually assigned, the educational, professional or training conditions required for their exercise, the factors strictly related to their performance and the working conditions in which such activities are actually carried out are equivalent:

a) The nature of the functions or tasks is understood to be the essential content of the employment relationship, both in terms of the provisions of the law or the collective agreement and in terms of the actual content of the activity performed.
b) Educational conditions are those that correspond to regulated qualifications and are related to the development of the activity.
c) Professional and training conditions are those that can serve to prove the qualification of the worker, including experience or non-regulated training, provided that it has a connection with the development of the activity.
d) Working conditions and factors strictly related to performance are understood to be those different from the previous ones that are relevant in the performance of the activity.

3. For these purposes, arduousness and difficulty, forced postures, repetitive movements, dexterity, thoroughness, isolation, responsibility both financially and in

relation to people's well-being, versatility or broad definition of obligations, social skills, care and attention skills, conflict resolution capacity or organisational capacity may be relevant, among other factors and conditions, in so far as they satisfy the requirements of adequacy, completeness and objectivity referred to in the following paragraph in relation to the job they value."

b) **Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.**

Article 22 of the Workers' Statute regulates the system of professional classification, which must in any case respect the principle of equal pay on grounds of sex in Article 28.1 of the same rule and guarantee the absence of discrimination, both direct and indirect, between men and women.

"Article 22. Professional classification system. 1. Through collective bargaining or, failing that, agreement between the company and the workers' representatives, the system of professional classification of workers through professional groups will be established.

2. A professional group shall be understood as grouping together the professional skills, qualifications, and general content of the service, and may include different tasks, functions, professional specialties or responsibilities assigned to the worker.

3. The definition of professional groups will be adjusted to criteria and systems that, based on a correlational analysis between gender biases, jobs, framing criteria and pay, aim to ensure the absence of discrimination, both direct and indirect, between women and men. These criteria and systems shall, in any event, comply with the provisions of Article 28.1.

4. By agreement between the worker and the employer, the worker shall be assigned a professional group and the performance of all or only one of the functions corresponding to the assigned professional group shall be established as the content of the work subject to the contract of employment. When the functional versatility or the performance of functions specific to more than one group is agreed, the equivalence shall be carried out by virtue of the functions that are performed for

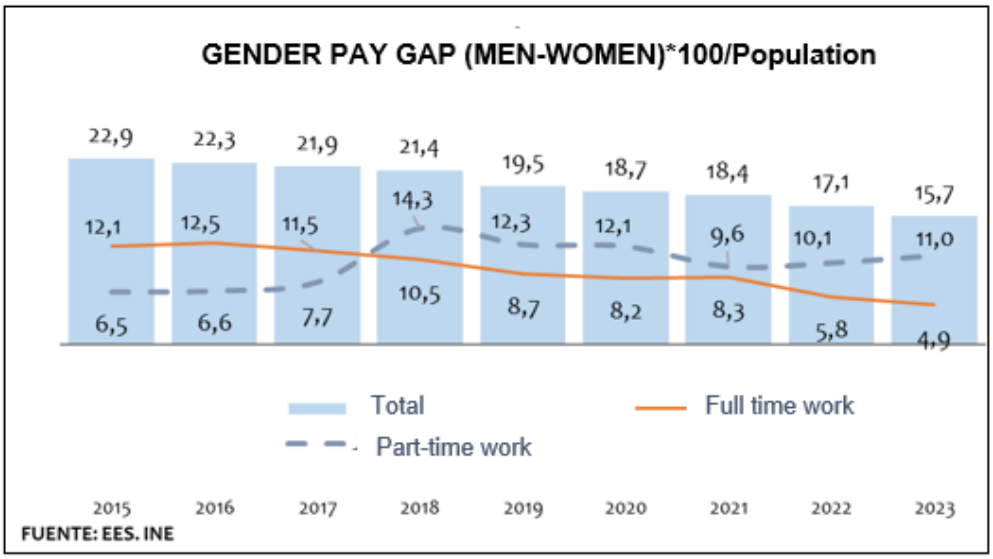
the longest time."

c) **Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.**

The wage gap between men and women has a multicausal origin, one of its causes being pay discrimination, which should be highlighted as it is related to the area of competence of this unit. With regard to measures aimed at reducing pay discrimination, which contributes to the reduction of the pay gap: reference has already been made in the previous paragraphs to Article 28 of the Workers' Statute in relation to Royal Decree 902/2020 of 13 October 2020 on equal pay for women and men, which aims to establish specific measures to give effect to the right to equal treatment and non-discrimination between women and men in pay matters. Chapter III of this Royal Decree regulates pay transparency instruments that help to detect and correct situations of pay discrimination between men and women:

- The remuneration register, which aims to ensure transparency in the configuration of receipts, in a faithful and up-to-date manner, and adequate access to the remuneration information of companies, regardless of their size, through the documented production of averaged and disaggregated data. The pay register is mandatory for all companies and must include the average values of salaries, salary supplements and extra-salary perceptions of the workforce disaggregated by sex and distributed in accordance with the provisions of Article 28.2 of the Workers' Statute.
- The pay audit, which aims to obtain the necessary information to verify whether the company's pay system, in a transversal and complete manner, complies with the effective application of the principle of equality between women and men in terms of pay. Companies that develop an equality plan must include in it a pay audit, in accordance with article 46.2.e) of Organic Law 3/2007, of March 22, for the effective equality of women and men, prior to the negotiation that these equality plans require.

As for the wage gap and taking as a source the data of the Annual Wage Structure Survey (EAES) of the National Statistics Institute (INE by its acronym in Spanish), 2023 maintains the downward trend, noting the lowest figure in the historical series since 2015. It is 1.4 percentage points lower than in 2022. Per day, the pay gap increases in part-time employment.



Article 5. Right to organize

a) **Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g. the gig economy).**

The Spanish legal system gives a prominent role to trade unions of workers and business associations in the defence and promotion of their economic and social interests (Article 7 of the Spanish Constitution) and recognises the fundamental right to freedom of association (Article 28(1) of the Spanish Constitution):

> *"Article 7. Workers' unions and employers' associations contribute to the defence and promotion of their own economic and social interests. Its creation and the exercise of its activity are free with respect for the Constitution and the law. Its internal structure and functioning must be democratic."*

> *"Article 28. 1. Everyone has the right to organize freely. The law may limit or exempt the exercise of this right to armed forces or institutes or to other corps subject to military discipline and shall regulate the peculiarities of its exercise for public officials. Freedom of association includes the right to form and join trade unions of their choice, as well as the right of trade unions to form or join confederations and*

international trade union organizations. No one may be compelled to join a trade union."

The right to freedom of association, generically expressed in this Article 28.1, for all Spaniards, both in its positive aspect – the right to freedom of association – and in its negative aspect – the right to non-union –, as well as the express constitutional recognition that Article 7 makes of trade union organisations, requires a legal development that is justified and welcomed in Article 9.2 of the Constitution, which establishes that *'it is for the public authorities to promote the conditions so that the freedom and equality of the individual and the groups in which he is integrated are real and effective; remove obstacles that prevent or hinder their fullness and facilitate the participation of all citizens in political, economic, cultural and social life"*. The legislative development of this fundamental right is mainly specified in Organic Law 11/1985, of August 2, on Freedom of Association -hereinafter LOLS by its acronym in Spanish-. This organic law enables a progressive development of the essential content of the right to free association recognized in the Constitution.

The Workers' Statute includes, among the basic rights of workers included in Article 4.1, the right to freedom of association.

Furthermore, without prejudice to practical measures aimed at fostering freedom of association, the 28th Additional Provision of the Workers' Statute, which sets out specific rules applicable to artists, may be reproduced as follows: 'By*way of derogation from Article 69(2), persons engaged in artistic activities, as well as technical and auxiliary activities necessary for their development, falling within the scope of Royal Decree 1435/1985 of 1 August 1985 regulating the special employment relationship of artists engaged in performing, audiovisual and musical arts, as well as persons engaged in technical or auxiliary activities necessary for the development of that activity, shall be voters when they are over 16 years of age and eligible when they are 18 years of age and provided that, in both cases, they have a length of service in the undertaking of at least 20 days.'*

b) **Please describe the legal criteria used to determine the recognition of employers' organisations for the purpose of engaging in social dialogue and collective bargaining.**

Article 87 of the Workers' Statute regulates the rules of standing to participate in collective

bargaining, on behalf of workers and on behalf of the company:

> Article 87. Legitimation. *"3. On behalf of employers, they shall be entitled to negotiate:*
>
> *a) In agreements of company or lower field, the entrepreneur himself.*
>
> *b) In group agreements of companies and in which they affect a plurality of companies linked for organizational or productive reasons and nominatively identified in their scope, the representation of said companies.*
>
> *c) In sectoral collective agreements, employers' associations that in the geographical and functional scope of the agreement have ten percent of the employers, within the meaning of Article 1.2, and provided that they give employment to the same percentage of the affected workers, as well as those employers' associations that in that scope give employment to fifteen percent of the affected workers.*
>
> *In those sectors in which there are no business associations that have sufficient representativeness, as provided for in the previous paragraph, business associations at the state level that have ten percent or more of companies or workers at the state level, as well as business associations in the autonomous community that have a minimum of fifteen percent of companies or workers, will be entitled to negotiate the corresponding sector collective agreements.*

The sixth additional provision of the Workers' Statute provides in this regard:

> *'For the purpose of holding institutional representation in defence of the general interests of employers vis-à-vis public administrations and other entities or bodies of a state or autonomous community that have such representation, this representative capacity shall be understood to be enjoyed by business associations that have ten percent or more of companies and workers at the state level.*

Likewise, business associations of the autonomous community that have a minimum of fifteen percent of employers and workers in it may also be represented. Business associations that are part of federations or confederations at state level will not be included in this case.

Business organisations that have the status of more representative under this additional provision shall have the capacity to obtain temporary assignments of the use of public property under the terms established by law."

There is no public register in Spain containing the data necessary to assess the representativeness of employers' associations. For this reason, the Supreme Court has established a line of case law whereby an *iuris tantum* presumption of representative legitimacy is granted to employers' organizations that are signatories to a collective bargaining agreement. This presumption may be rebutted by the party challenging the agreement on those grounds (Judgment of the Labour Chamber of the Supreme Court No. 889/2019 of 20 December 2019).

c) **Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of social dialogue and collective bargaining.**

Article 87 of the Workers' Statute regulates the rules of standing to participate in collective bargaining, on behalf of workers and on behalf of the company:

Article 87. Legitimation. *"1. On behalf of the workers, they shall have the right to negotiate in company and lower-level agreements, the works council, the staff delegates, where appropriate, or the trade union sections if they are made up of a majority of the members of the committee as a whole.*

Intervention in the negotiation shall be the responsibility of the trade union sections where they so agree, provided that they comprise a majority of the members of the works council or of the staff delegates.

In the case of agreements for a group of undertakings, as well as agreements

concerning a plurality of undertakings linked for organisational or productive reasons and named in their scope, the right to negotiate on behalf of employees shall be that laid down in paragraph 2 for the negotiation of sectoral agreements.

In agreements addressed to a group of workers with a specific professional profile, they will be entitled to negotiate the union sections that have been designated by their representatives through personal, free, direct and secret voting.

2. In sectoral agreements, the following shall be entitled to negotiate on behalf of workers:

a) The trade unions that are considered to be most representative at the state level, as well as, in their respective areas, the trade union organizations affiliated, federated or confederated to them.

b) The trade unions that are considered more representative at the level of the autonomous community with respect to the agreements that do not transcend this territorial scope, as well as, in their respective areas, the trade union organizations affiliated, federated or confederated to them.

c) Trade unions that have a minimum of ten percent of the members of the works councils or staff delegates in the geographical and functional scope to which the agreement refers. [...]

4. Likewise, unions of the autonomous community that are considered more representative in accordance with the provisions of article 7.1 of Organic Law 11/1985, of August 2, on Freedom of Association, and business associations of the autonomous community that meet the requirements indicated in the sixth additional provision of this law shall be legitimized in agreements at the state level.

5. Any trade union, federation or confederation of trade unions, and any business association which satisfies the requirement of standing, shall have the right to be part of the special negotiating body.'

The criteria used to determine state and regional representativeness are included in Title III of the LOLS, which provides:

- "Article*6.2 of the LOLS: "The following shall be regarded as more representative trade unions at state level:*

  a) Those that demonstrate significant representativeness, evidenced by obtaining, within the relevant scope, 10 percent or more of the total number of staff delegates, members of works councils, and the corresponding bodies of the Public Administrations.

  b) Trade unions or trade union bodies affiliated, federated or confederated to a trade union organisation at State level which is considered to be the most representative in accordance with point (a)."

- *'Article 7 of the LOLS: "1. They will be considered the most representative trade unions at Autonomous Community level: Trade unions in this field that demonstrate a significant representativeness expressed in obtaining at least 15 per cent of staff delegates and workers' representatives in works councils, and in the corresponding bodies of public administrations, provided that they have a minimum of 1,500 representatives and are not federated or confederated with trade union organizations at the State level; trade unions or trade union bodies affiliated, federated or confederated to a trade union organisation at Autonomous Community level which is considered to be the most representative in accordance with point (a).* [...]

  2. Trade union organisations which, although not considered to be more representative, have obtained, in a specific territorial and functional area, 10 per cent or more of staff delegates and members of works councils and the corresponding bodies of public administrations, shall be entitled to exercise, in that functional and territorial area, the functions and powers referred to in Article 6(3) (b), (c), (d), (e) and (g), in accordance with the rules applicable to each case.'

d) **Please provide information:**

- **on the status and prerogatives of minority trade unions**.
- **on the existence of alternative representation structures at enterprise-level, such as elected employee representatives.**

The LOLS guarantees that all trade unions, including minority ones, can exercise the basic rights of trade union action, such as setting up trade union sections in the company, convening meetings, distributing information or collecting quotas (Article 8 LOLS). However, the LOLS establishes a privileged status for the most representative trade unions, which enjoy additional prerogatives. Despite these differences, minority unions are still able to run for trade union elections and exercise representation if they obtain delegates or committee presence.

> *Article 8 LOLS. - 1. Workers affiliated to a trade union may, at the level of the undertaking or establishment:*
>
> *a) To establish Trade Union Sections in accordance with the provisions of the Trade Union Statutes.*
> *b) Hold meetings, after notifying the employer, collect quotas and distribute union information, outside working hours and without disturbing the normal activity of the company.*
> *c) Receive the information sent to you by your union.*
>
> *2. Without prejudice to what is established by collective agreement, the Trade Union Sections of the most representative trade unions and those represented on works councils and representative bodies established in public administrations or with staff delegates, shall have the following rights:*
>
> *a) In order to facilitate the dissemination of those notices that may be of interest to union members and workers in general, the company will make available to them a bulletin board that must be located in the workplace and in a place where adequate access to it by workers is guaranteed.*
> *b) Collective bargaining, under the terms established in its specific legislation.*
> *c) To the use of an adequate place where they can develop their activities in those companies or workplaces with more than 250 workers.*

The Workers' Statute, in Title II, Section 1a, regulates the representative bodies as a parallel and complementary route to the trade union. These bodies are composed of staff delegates (in companies with fewer than 50 employees) and works councils (from 50 employees), elected by free and secret suffrage from among the entire workforce, regardless of trade union membership (arts. 62 and 63 ET). They have broad powers of

information, consultation and control over business decisions affecting working conditions (art. 64 ET). Thus, workers have channels of direct participation in the company that do not depend on their union membership, guaranteeing plurality and the balance between union and democratic representation in the workplace.

Article 6. Right to collective bargaining

Article 6(1) Joint consultation

a) **Please state what measures are taken by the Government to promote joint consultation.**

The Spanish legal system guarantees the right to collective bargaining in its supreme norm (Article 37 of the Spanish Constitution):

> *"Article 37. 1. The law shall guarantee the right to collective bargaining between workers' and employers' representatives and the binding force of agreements.'*

In furtherance of this mandate, the Workers' Statute recognises, among the basic rights of workers included in Article 4.1, the right to collective bargaining and devotes Title III to defining the framework within which this collective bargaining takes place and includes, throughout its text, numerous references to collective bargaining in different articles to regulate aspects such as working time (Article 34.2), pay (Article 26.3), disciplinary regime (Article 58.1), geographical mobility (Article 40.2), substantial changes in working conditions (Article 41.4) or collective redundancy procedures (Article 51.2), among others. These references show how the legislator has opted for an industrial relations model in which the social partners – the representation of workers and companies – are involved in the setting of working conditions, thereby encouraging collective bargaining.

b) **Please describe which issues of mutual interest have been the subject of joint consultations during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.**

The bipartite agreement adopted on 12 March 2020 was transformed, through tripartite dialogue, into the six Social Agreements in Defence of Employment (ASDE by its acronym in Spanish). These were implemented through royal decree-laws that progressively

incorporated into the legal system the measures agreed at the social dialogue tables, including the implementation of Temporary Employment Regulation Schemes (ERTE by its acronym in Spanish) and their extensions, as well as extraordinary benefits for self-employed workers who ceased their activity.

In November 2020, as a result of dialogue between the social partners, the VI Agreement on the Autonomous Resolution of Labour Conflicts (ASAC by its acronym in Spanish) was signed. This agreement establishes a framework for mediation and the resolution of labour disputes in Spain, including the promotion of collective bargaining and mediation and arbitration through the Interconfederal Mediation and Arbitration Service (SIMA by its acronym in Spanish). Among its main new features, the VI ASAC extends its scope of application to include public employees and economically dependent self-employed workers.

The labour reform approved by Royal Decree-Law 32/2021 of 28 December, on urgent measures for labour reform, the guarantee of employment stability and the transformation of the labour market, was the result of an agreement reached after a lengthy negotiation process involving the trade unions CCOO and UGT, the employers' organizations CEOE and CEPYME, together with the national government. The reform restores the predominant role of open-ended contracts, reduces temporary hiring to two modalities (due to production circumstances and replacement of workers), strengthens the open-ended discontinuous contract, creates the RED Mechanism as an instrument for flexibility and employment stabilization in the face of general macroeconomic crisis situations and sectoral changes generating reskilling needs, streamlines ERTE procedures and makes their management more flexible by introducing the possibility of extensions. It also gives priority to sectoral collective agreements in pay matters, which prevail over company-level agreements. The reform includes other new features, all of which emphasize the role of collective bargaining.

In January 2021, Royal Decree 901/2020 of 13 October, regulating equality plans and their registration, entered into force. This regulatory provision is the result of social dialogue between the Government and the most representative trade union and employers' organizations at the national level. As a result of this regulation, all companies with 50 or more employees are required to have an equality plan, which must be negotiated with workers' representatives.

Law 10/2021 of 9 July on remote work is also the result of social dialogue. The agreement

reached between the Government, the trade unions CCOO and UGT, and the employers' organizations CEOE and CEPYME establishes the legal framework for regulating remote work and largely refers the configuration and regulation of key aspects of this form of work to collective bargaining.

Law 12/2021 of 29 September, which amends the consolidated text of the Workers' Statute Act, approved by Royal Legislative Decree 2/2015 of 23 October, in order to guarantee the labour rights of persons engaged in delivery work within the scope of digital platforms—known as the "Rider Law"—is based on a shared diagnosis and solution agreed upon by the most representative social partners, as reflected in the agreement adopted on 10 March 2021 between the Government, CCOO, UGT, CEOE and CEPYME. Among its key points, the law requires digital delivery platforms to hire their couriers as employees, recognizing their status as salaried workers, and obliges these companies to ensure transparency regarding the algorithms that manage couriers' work.

In May 2023, the social partners reached the V Agreement for Employment and Collective Bargaining (V AENC by its acronym in Spanish), which establishes the foundations and guidelines for collective bargaining between trade unions and employers' organizations for the period 2023–2025. Among its contents, it seeks to develop, through collective bargaining, the matters addressed in the 2021 Labour Reform; it sets criteria for determining wage increases with the aim of restoring wages; it addresses the need to analyse, at the different levels of action, the evolution of indicators of temporary incapacity due to common contingencies and to establish measures to improve workers' health. It also advocates strengthening internal flexibility mechanisms within companies while preserving employment stability and quality, as well as anticipation, continuous training and reskilling in sectors affected by major technological, digital and ecological transformations.

On the other hand, more recently Royal Decree 1026/2024, of 8 October, also the result of the social dialogue between the Government and the social partners, has been approved, which regulates the planned set of measures for equality and non-discrimination of LGTBIQ+ persons in companies. According to this regulation, all companies with more than 50 workers have the duty to negotiate planned measures to ensure equality and non-discrimination of workers belonging to these groups. This obligation is implemented through collective bargaining agreements, either at company level or at sectoral level, or, failing both, through company-level agreements.

c) **Please state if there has been any joint consultation on matters related to (i) the digital transition or (ii) the green transition.**

Royal Decree-Law 8/2024 of 28 November amended Article 85(1) of the Workers' Statute in order to establish the following duty in the context of the negotiation of collective agreements: *"It is also through collective bargaining that action protocols will be negotiated that include risk prevention measures specifically related to action against disasters and other adverse weather events."* This is an obligation of means (must negotiate), but not of results, since the protocol must not be part of the mandatory minimum content of the conventions defined in Article 85(3) of the Workers' Statute.

With regard to issues related to the digital transition, first of all, Law 10/2021 of 9 July on remote work, with reference to teleworking, establishes that it "shall be voluntary for both the worker and the employer and shall require the signing of a remote work agreement" (Article 5), setting out a mandatory minimum content "without prejudice to the regulation provided for in collective agreements or collective bargaining agreements" (Article 7). In turn, the first additional provision of Law 10/2021 recognizes the role of collective bargaining in developing certain aspects, such as the identification of jobs and functions that may be carried out through teleworking, the conditions for access to and performance of work under this modality, its maximum duration, as well as additional content in the remote work agreement or a minimum on-site working time.

In implementation of this legislation, while also taking into account the 2003 European Framework Agreement on Telework, a preliminary analysis of the Register and Deposit of Collective Agreements, Collective Labor Agreements and Equality Plans (REGCON) of the Ministry of Labour and Social Economy makes it possible to note that, since 2003, approximately 568 collective agreements and 183 company agreements have been signed, of which around 325 collective agreements and approximately 172 company agreements would be in force in 2025.

As the main finding of the aforementioned preliminary analysis, although it is most common for collective agreements and company agreements to refer directly to the provisions of Law 10/2021 itself, without further specification, several sectoral agreements and agreements in relevant companies that are currently in force and more recent do set out in greater detail the characteristics, benefits and organizational criteria of telework[1],

[1] Among these collective agreements, the following may be highlighted, for example:

- State-level Collective Agreement for the Travel Agencies Sector (LEG\2025\32616)

establishing, for example, equipment inventories (computers, software, monitors, mice, keyboards, tablets and mobile phones, and in some cases also ergonomic chairs, footrests or headsets). These agreements also establish financial compensation for teleworking expenses, ranging from the conversion of previous financial contributions for commuting to workplaces into "teleworking allowances" of the same amount (to compensate, for example, energy or connectivity costs instead of covering travel to company premises), as well as flat-rate monthly remuneration.

Secondly, with regard to issues related to collective bargaining on the digital transition in the field of the collaborative economy or so-called work on digital platforms, it is worth highlighting the signing of the first collective agreement in Spain between trade unions and the digital delivery platform Just Eat on 17 December 2021. This agreement was reached following the approval of Law 12/2021 of 28 September, which amends the consolidated text of the Workers' Statute Act, approved by Royal Legislative Decree 2/2015 of 23 October, in order to guarantee the labour rights of persons engaged in delivery work within the scope of digital platforms. The Just Eat collective agreement was renewed on 16 January 2025 for a period of one year to allow for the collective negotiation of a new agreement.

Thirdly, in relation to collective bargaining on the digital transition, although there is not yet comprehensive legislation in force regarding employers' obligations concerning the use of Artificial Intelligence (AI)[2]—which is why collective agreements are not, as of the date of this report, required to establish measures governing its use in certain circumstances—there are nevertheless some pioneering agreements that regulate this matter. By way of example, two collective agreements that establish rights in relation to AI or measures regarding its implementation are highlighted below.

On the one hand, the XXV Collective Agreement for the Banking Sector stands out. In its

- National Collective Agreement for Engineering Companies; Technical Study Offices; Technical Inspection, Supervision and Quality Control (RCL\2023\472)
- Third State-level Collective Agreement for the Audiovisual Production Industry (Technicians) (RCL\2024\654)
- Third State-level Collective Agreement for the Contact Centre Sector (RCL\2023\1132)
- Nineteenth State-level Collective Agreement for Consulting Companies, Information Technologies, and Market and Public Opinion Research (LEG\2025\11015)
- Collective Agreement for Savings Banks and Financial Savings Institutions for the period 2024–2026 (RCL\2024\1072)
- Twenty-fifth Collective Agreement for the Banking Sector (LEG\2024\38284)
- Collective Agreement for Companies Linked to Bolsas y Mercados Españoles (Spanish Stock Exchanges and Markets) (LEG\2024\15430)
- Collective Agreement for the Department Store Sector (RCL\2023\1131)

[2] The aforementioned corporate obligations for implementers and users of high-risk AI under Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, which establishes harmonized rules on artificial intelligence, will not enter into force until 2 August 2026

Chapter XV on “digital transformation and digital rights,” in addition to establishing the right to digital disconnection, the right to privacy with regard to the use of digital devices, video surveillance, voice recording and geolocation, and the right to digital education, Article 80 also establishes, in paragraph 5, the right in relation to artificial intelligence. It provides that “workers have the right not to be subject to decisions based solely and exclusively on automated variables, except in those cases provided for by law, as well as the right to non-discrimination in relation to decisions and processes when both are based exclusively on algorithms.”

On the other hand, the XXI General Collective Agreement for the Chemical Industry, in addition to developing provisions on remote work and teleworking, sets out specifications regarding the use of “new technologies and artificial intelligence.” Article 10 stipulates that “when new technologies are introduced in a company that may entail a substantial modification of working conditions for workers, or a period of training or technical adaptation of no less than one month,” the representatives of the workers must be informed in advance so that they may analyse and foresee their consequences in terms of “employment, occupational health, training and work organization, aspects on which they must be consulted.” It also establishes that the affected workers shall be provided with appropriate and specific training.

However, the collective agreement adds that where these new technologies are based on AI systems, the representatives of the workers shall be informed, at a minimum, about: (i) the AI system to be implemented; (ii) the objectives and reasons for its implementation; (iii) the assessment of its impact on employment, identifying positions that may be affected; (iv) the analysis of possible changes in working conditions; and (v) the obligation of algorithmic information legally established in Spain. With regard to this latter aspect highlighted in the collective agreement for the chemical industry, Article 10 of the agreement literally includes the legal obligation—established by the aforementioned Law 12/2021—to inform works councils of the “parameters, rules and instructions on which the algorithms or AI systems that affect decision-making are based, insofar as they may have an impact on working conditions, access to and maintenance of employment, including profiling, for the purpose of assessing their impact on employment and working conditions.”

Article 6(2) Collective bargaining

a) **Please provide information on how collective bargaining is coordinated between and across different bargaining levels, including information on:**

- **the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements.**
- **the operation of favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.**

Title III of the Workers' Statute regulates collective bargaining and recognizes the binding force of collective agreements as a fundamental instrument of the Spanish system of industrial relations. An essential feature of these agreements is their effectiveness erga omnes, i.e. their ability to apply not only to persons affiliated to the signatory trade unions, but to all workers included in their functional and territorial scope. This general effectiveness is recognised in Article 82(3) of the ET, which states that statutory agreements – negotiated in accordance with the ET rules – *'obligate all employers and workers within their scope and for the entire duration of their validity'.*

For a collective agreement to have this general effectiveness, it is necessary that it be negotiated by subjects legitimized in accordance with Articles 87 and 88 of the ET, which requires that the representation of workers and the representation of the company have a certain level of representativeness. When these requirements are met, the agreement is officially registered and published, and its clauses apply in a binding manner to all employment relationships within the agreed scope, regardless of the trade union or business affiliation of the parties concerned.

The principle of a more favourable rule implies that, in the event of competition between several rules applicable to an employment relationship – laws, collective agreements, individual agreements – the one most beneficial to the worker must prevail in the terms indicated in Article 3.3 of the Workers' Statute: *'Conflicts arising between the provisions of two or more labour standards, both state and agreed, which must in any case respect the minimum standards of law necessary, shall be resolved by applying what is most favourable to the worker assessed as a whole, and on an annual basis, with respect to quantifiable concepts.'*

Reference should also be made to Article 84 of the Workers' Statute, which expressly regulates situations of concurrence between collective agreements in different fields:

> *"Article 84. Concurrence. 1. A collective agreement, during its validity, may not be affected by the provisions of agreements of different scope unless otherwise agreed,*

negotiated in accordance with the provisions of Article 83.2, and except as provided in the following section.

2. The regulation of the conditions established in a company agreement, which may be negotiated at any time during the period of validity of higher-level collective agreements, shall have priority with respect to the State, Autonomous Community or lower-level sectoral agreement in the following matters:

a) The payment or compensation of overtime and the specific remuneration of shift work.

Time and distribution of working time, shift work arrangements and annual holiday planning.

Adaptation of the occupational classification system for workers to the enterprise level.

d) The adaptation of the aspects of the modalities of contracting that are attributed by this law to the company agreements.

Measures to promote co-responsibility and reconciliation between work, family and personal life.

f) Those other that provide for the collective agreements and agreements referred to in Article 83.2.

In these matters, collective agreements for a group of companies or a plurality of companies linked for organisational or productive reasons and nominatively identified as referred to in Article 87(1) shall have the same application priority.

The collective agreements and agreements referred to in Article 83.2 may not have the application priority provided for in this paragraph.

3. Notwithstanding the provisions of the previous article, in the context of an autonomous community, trade unions and business associations that meet the conditions for standing laid down in Articles 87 and 88 may negotiate collective agreements and interprofessional agreements of the autonomous community that shall have priority over any other sectoral agreement or agreement at State level, provided that such agreements and agreements obtain the support of the majorities required to constitute the negotiating committee in the corresponding negotiating unit and their regulation is more favourable to workers than that laid down in State agreements or agreements.

4. Provincial collective agreements may have the same application priority as provided for in the previous paragraph when this is provided for in interprofessional agreements at regional level signed in accordance with Article 83.2 and provided that their regulation is more favourable to workers than that established in state agreements or agreements.

5. In the cases provided for in the two preceding paragraphs, the probationary period, the recruitment procedures, the professional classification, the maximum annual working time, the disciplinary regime, the minimum standards for the prevention of occupational risks and geographical mobility shall be considered non-negotiable matters."

Article 82(3) of the Workers' Statute provides for a mechanism for *lowering wages* or disapplying the provisions of the applicable collective agreement:

'The collective agreements governed by this law are binding on all employers and workers falling within their scope and for the entire duration of their term.

Notwithstanding the foregoing, where there are economic, technical, organizational or production causes, by agreement between the company and the representatives of the workers entitled to negotiate a collective agreement in accordance with the provisions of Article 87.1, it may proceed, after a period of consultations under the terms of Article 41.4, to disapply in the company the working conditions provided for in the applicable collective agreement, whether sector or company, affecting the following matters:

a) *Working day.*
b) *Schedule and distribution of working time.*
c) *Shift work arrangements.*
d) *Remuneration and salary system.*
e) *Working system and performance.*
f) *Functions, when they exceed the limits for functional mobility provided for in article 39.*
g) *Voluntary improvements in the protective action of the Social Security.*

It is understood that economic causes occur when the results of the company show a negative economic situation, in cases such as the existence of current or expected losses, or the persistent decrease in its level of revenue or sales. In any case, it will be understood that the decrease is persistent if for two consecutive quarters the level of revenue or sales for each quarter is lower than that recorded in the same quarter of the previous year.

It is understood that technical causes occur when there are changes, among others, in the field of means or instruments of production; organizational causes when there are changes, among others, in the scope of the systems and working methods of the personnel or in the way of organizing the production, and productive causes when there are changes, among others, in the demand for the products or services that the company intends to place on the market.

Intervention as interlocutors before the management of the company in the consultation procedure shall correspond to the subjects indicated in Article 41.4, in the order and conditions indicated therein.

When the consultation period ends with agreement, the justifiable reasons referred to in the second paragraph shall be presumed to exist and may only be challenged before the social jurisdiction for the existence of fraud, wilful misconduct, coercion, or abuse of rights in its conclusion. The agreement must precisely determine the new working conditions applicable in the undertaking and their duration, which may not extend beyond the time at which a new agreement becomes applicable in that undertaking. The disapplication agreement may not give rise to non-compliance with the obligations laid down in the agreement relating to the elimination of discrimination on grounds of gender or of those which were provided for, where appropriate, in the equality plan applicable in the undertaking. The agreement must also be notified to the Joint Committee of the collective agreement.

In case of disagreement during the consultation period, any of the parties may submit the discrepancy to the committee of the agreement, which will have a maximum period of seven days to decide, starting from the moment the discrepancy was raised. Where the committee has not been requested to intervene or has not reached an agreement, the parties shall have recourse to the procedures established in the inter-branch agreements at national or regional level, provided for in Article 83, to effectively resolve the discrepancies arising in the negotiation of the agreements referred to in this paragraph, including the prior commitment to submit the discrepancies to binding arbitration, in which case the arbitration award shall have the same effectiveness as the agreements during the consultation period and shall only be open to appeal in accordance with the procedure and on the basis of the grounds set out in Article 91.

When the consultation period ends without agreement and the procedures referred to in the previous paragraph are not applicable or they have not resolved the discrepancy, either party may submit the solution of the same to the National Consultative Commission on Collective Agreements when the non-application of the working conditions affects workplaces of the company located in the territory of more than one autonomous community, or to the corresponding bodies of the autonomous communities in other cases. The decision of these bodies, which may be taken within themselves or by an arbitrator appointed for that purpose by them with due guarantees to ensure their impartiality, must be made within a period not exceeding twenty-five days from the date of submission of the dispute before these bodies. Such a decision shall have the effectiveness of the agreements reached during the consultation period and shall be subject to review only in accordance with the procedure and based on the grounds set out in Article 91.

The outcome of the proceedings referred to in the preceding paragraphs which has ended with the non-application of working conditions shall be communicated to the labour authority for the sole purpose of deposit.'

b) **Please provide information on obstacles hindering collective bargaining at all levels and in all sectors of the economy** (e.g. decentralization of collective bargaining).

The only real obstacle that can hinder collective bargaining in certain areas or sectors of the economy is the lack of partners with sufficient legitimacy in this sector, for example, due to the lack of legal representation of workers. This occurs in sectors where high

temporality and staff turnover prevent the holding of trade union elections. This is the case for public performance artists.

In any event, it is necessary to recall the provisions of the Workers' Statute in the following provisions:

- Article 87 (Legitimation), paragraph 3(c), second subparagraph:

  "In sectors in which there are no sufficiently representative business associations, as provided for in the previous paragraph, state-level business associations with 10 per cent or more of companies or workers at state level, as well as business associations in the autonomous community with at least 15 per cent of companies or workers, shall be entitled to negotiate the corresponding sector collective agreements."

- Article 88 (*Negotiating Committee),* paragraph 2, second, third and fourth subparagraphs:

  "In those sectors in which there are no workers' representative bodies, the special negotiating body shall be deemed to be validly constituted when it is composed of the trade union organisations which have the status of most representative at State or Autonomous Community level.

  In those sectors in which there are no business associations that have sufficient representativeness, the special negotiating body shall be considered validly constituted when it is composed of the state or regional business organizations referred to in the second paragraph of Article 87(3)(c).

  In the cases referred to in the two preceding paragraphs, the members of the special negotiating body shall be apportioned in proportion to the representativeness of the trade unions or employers' organisations in the territorial scope of the negotiation.'

c) **Please provide specific details on:**

- **the measures taken or planned to address those obstacles.**
- **the timelines adopted in relation to those measures.**
- **the outcomes achieved/expected in terms of those measures.**

In recent years, the Spanish model of collective bargaining has faced two main challenges. First, the establishment of company-level agreements' priority over sectoral agreements of broader application, and second, the elimination of "ultra-activity," which meant the radical disappearance of the legal effects of a collective agreement once its validity period had

ended and it had been terminated by one of the parties, both of which were legal changes introduced by the 2013 reform.

These aspects have been addressed by Royal Decree-Law 32/2021. In one case, ultra-activity was reinstated, maintaining the validity of the normative contents of collective agreements until they are replaced by new ones, while introducing mechanisms to encourage negotiation without freezing content. In the other case, the priority of company agreements over higher-level agreements was removed regarding the most significant matters, such as wages and working hours, while maintaining the possibility for company agreements to establish their own rules on organizational matters, such as work time distribution.

Beyond these specific changes, the collective bargaining model remains highly flexible. Its general rule—the preferential application in a personal and productive scope—depends on temporal priority. Even a small territorial activity agreement applies preferentially over a broader, later-negotiated sectoral agreement. This general rule is accompanied by others, such as the more favorable application of regional agreements over national sectoral agreements, the option to derogate agreements at the company level, and the broad powers granted to the most representative trade unions and employers' organizations to establish general rules on the structure and content of collective bargaining. This framework has enabled coverage rates exceeding 90% of active workers (specifically 92.05% as of June 30, 2025).

In addition, the law establishes specific mechanisms to support and promote collective bargaining in areas where initiating or maintaining an agreement is particularly difficult, namely the extension and adhesion mechanisms for collective agreements, which are rarely used due to their exceptional nature and lack of demand from potential negotiating parties.

Specifically, Article 92 of the Workers' Statute provides:

"*Article 92. Adhesion and extension.*

1. In the respective negotiating units, the parties entitled to negotiate may adhere, by mutual agreement, to the entirety of an existing collective agreement, provided they are

not affected by another, communicating it to the competent labor authority for registration purposes.

2. The Ministry of Employment and Social Security, or the corresponding body of the autonomous communities with competence in the matter, may extend, with the effects provided in article 82.3, the provisions of a collective agreement in force to a plurality of companies and workers or to a sector or subsector of activity, due to the damages derived for them from the impossibility of subscribing to a collective agreement within this scope, as provided in this Title III, due to the absence of parties authorized to do so

The extension decision shall always be adopted at the request of a party and through the procedure that is determined by regulation, whose duration may not exceed three months, with the absence of an express resolution within the established period having dismissive effects on the request.

Those entitled to initiate the extension procedure are those entitled to promote collective bargaining in the corresponding scope pursuant to the provisions of Article 87.2 and 3."

d) **Please provide information on measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent persons (self-employed) persons showing some similar features to workers and (ii) self-employed workers.**

Law 20/2007 of 11 July 2007 on the status of self-employed workers recognises the possibility of negotiating so-called 'agreements of professional interest' (AIEs) for the regulation of the conditions for carrying out the activity of economically dependent workers. These agreements have a contractual legal nature (subject to Civil Law, not Labor Law) and are therefore of limited effectiveness.

Article 6(4) Collective action

a) **Please indicate:**

- **the sectors in which the right to strike is prohibited.**
- **the sectors for which there are restrictions on the right to strike.**
- **sectors for which there is a requirement of a minimum service to be**

maintained.

Please provide details on the relevant rules concerning the above and their application in practice, including relevant case law.

The Spanish Constitution expressly recognizes this right in its article 28.2, which states that: «*The right to strike of workers is recognized for the defence of their interests. The law governing the exercise of this right shall establish the necessary guarantees to ensure the maintenance of the essential services of the community.* This precept gives constitutional status to the right to strike and leaves its normative development in the hands of the legislator, although this development remains pending since the approval of the Constitution in 1978.

In the absence of a specific organic law, the right to strike continues to be regulated by Royal Decree-Law 17/1977 of 4 March 1977 on labour relations, a pre-constitutional rule which has been interpreted and applied in accordance with the Constitution by the jurisprudence of the Constitutional Court. In addition, the Workers' Statute recognizes this right in its article 4.1, by including among the basic labour rights the right to strike. Thus, the current legal framework establishes the right to strike as an essential pillar of the democratic system of industrial relations in Spain, although with significant limitations in certain sectors to guarantee essential services.

The prohibition and restrictions on the right to strike in certain sectors are not expressly provided for in Royal Decree-Law 17/1977 of 4 March, but stem mainly from the case-law of the Constitutional Court and the systematic interpretation of other rules, referred to below:

Sectors where the right to strike is prohibited:

- Armed Forces
- Civil Guard
- Judges, magistrates and prosecutors
- Members of the State Security Corps and Forces

This prohibition is based on article 28.2 of the Spanish Constitution, which recognizes the right of workers to strike, and the Constitutional Court has interpreted that these groups

are not considered workers in the strict sense, given their essential functions for the maintenance of constitutional order.

Sectors with restrictions on the right to strike:

There are limitations and restrictions on the exercise of the right to strike in sectors whose activity affects the security, health or basic functioning of the State. These include:

- Transport (air, rail, sea and land)
- Health
- Public education
- Public media
- Essential public services in general

In these sectors, the strike is not prohibited, but its exercise is limited by the imposition of minimum services, as permitted by the second paragraph of Article 28(2) EC.

Sectors where minimum maintained services are required:

The establishment of minimum mandatory services during a strike is a standard measure in sectors providing essential services to the community. There is no closed list, but the most common are: health, public transport, security and emergencies, telecommunications, water, electricity and gas supplies, among others.

The establishment of these minimum services should be done by the relevant governmental authority, ensuring a balance between the right to strike and the right of citizens to essential services. If the minimum services are considered excessive or disproportionate and violate the essence of the right to strike, they can be challenged in court.

By way of example, *Article 4 of Royal Decree-Law 17/1977 of 4 March 1977 provides: 'Where the strike concerns undertakings in charge of any kind of public service, the notice of the start of the strike to the employer and the labour authority must be at least 10 calendar days. Workers' representatives must give the strike, before its initiation, the necessary publicity to make it known to the users of the service. Article 10 of the same*

provision also provides: 'Where the strike is declared in undertakings responsible for the provision of any kind of public service or of recognised and unapproachable necessity and circumstances of gravity arise, the Government Authority may agree on the measures necessary to ensure the functioning of the services. The Government may also take appropriate measures to that end.'

b) **Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions taken in the last 12 months.**

In the Spanish labour legal system there is no possibility of prohibiting the exercise of the right to strike by administrative authorities or bodies other than the courts. The prohibition of a strike would not be constitutional, and this follows from the interpretation of Royal Decree-Law 17/1977, of 4 March, by the Constitutional Court, which has established that the right to strike can only be limited by judicial decisions and only in absolutely exceptional circumstances. In that context, the suspension of the exercise of the right to strike may be ordered by means of interim measures issued exclusively by the courts, as was the case in 2015 in relation to a strike in the professional football league, an example that reflects its extraordinary nature.

Article 10 of Royal Decree-Law 17/1977 provides that, in extreme situations and always considering "*the duration or consequences of the strike, the positions of the parties and the serious damage to the national economy*", the Government may agree on compulsory arbitration aimed at the termination of the conflict and the resumption of activity. This measure must also respect the requirement of impartiality of the arbitrators, in accordance with Judgment 11/1981 of the Constitutional Court. However, due to its exceptional nature, this mechanism has not been used in recent years. This instrument is not a ban on strikes either, but an extraordinary means of resolving a labour dispute in particularly serious circumstances.

Precautionary measures to suspend a strike may be requested by the employer in collective action or in proceedings for the protection of fundamental rights, including the right to strike. In accordance with Articles 79 and 180 of the Law Regulating Social Jurisdiction, the adoption of these measures requires the strict assessment of the danger of procedural delay and the appearance of good law, and their purpose must be limited to ensuring the possible effectiveness of judicial protection without preventing or hindering it.

Their nature is temporary, temporary and conditional, and they may be modified or rendered ineffective when the circumstances that led to their adoption change.

In relation to the scope and number of decisions taken during the last 12 months, no decisions have been issued agreeing on the prohibition of a strike, as this figure does not exist in the Spanish legal system. Nor has recourse been had to the compulsory arbitration provided for in Article 10 of Royal Decree-Law 17/1977. Suspension injunctions remain exceptional and of very limited application, restricted to cases where the courts consider the legally required requirements to be proven.

Article 20. Right to equal opportunities between women and men

a) **Please provide information on the measures taken to promote greater participation of women in the labour market and reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women´s participation in a wider range of jobs and occupations.**

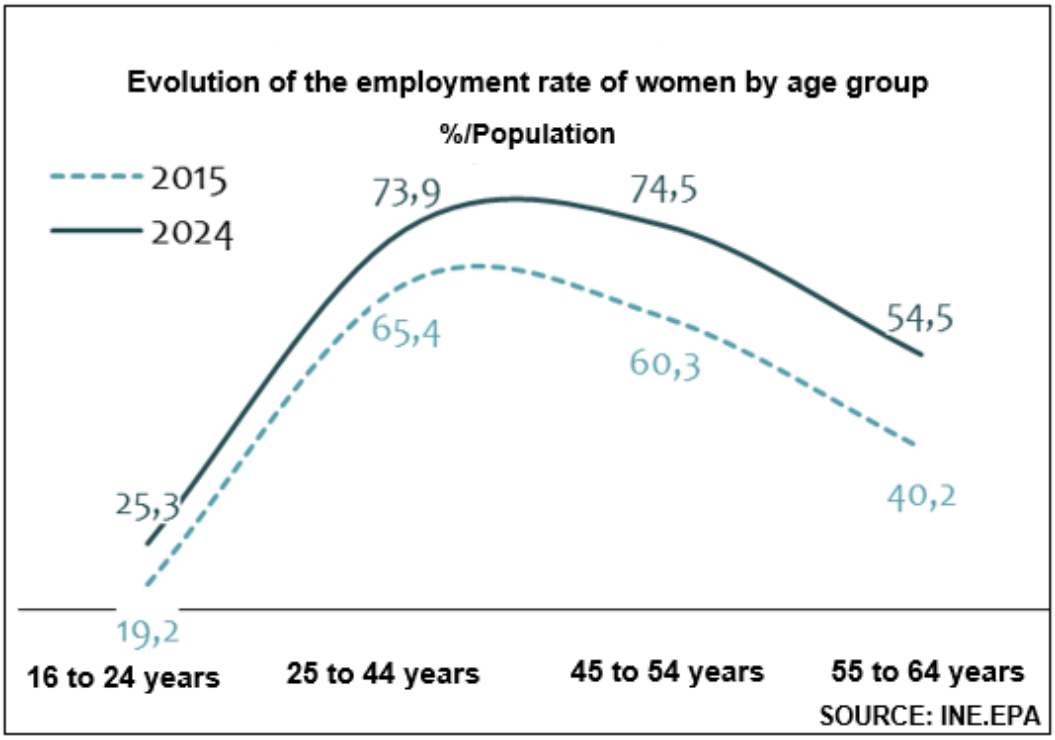
Organic Law 3/2007 of 22 March 2007 on effective equality between women and men establishes a general framework for action to promote women's participation in employment and combat gender segregation in all its forms. Article 14 includes within the general criteria for action by public authorities: *"The integration of the principle of equal treatment and opportunities into all economic, labour, social, cultural and artistic policies, with a view to preventing occupational segregation and eliminating pay gaps, as well as enhancing the growth of female entrepreneurship in all areas encompassing all policies and the value of women's work, including domestic work."*

A key tool introduced by this law is equality plans (arts. 45 and 46), which are mandatory for companies with 50 or more workers. These plans should include a diagnosis of the gender situation in the company, and include specific measures to correct inequalities, including those related to the underrepresentation of women in certain positions or levels of responsibility.

For its part, Organic Law 2/2024, of 1 August, on equal representation and balanced presence of women and men, reinforces this approach with more direct and enforceable measures such as those referred to in the following section.

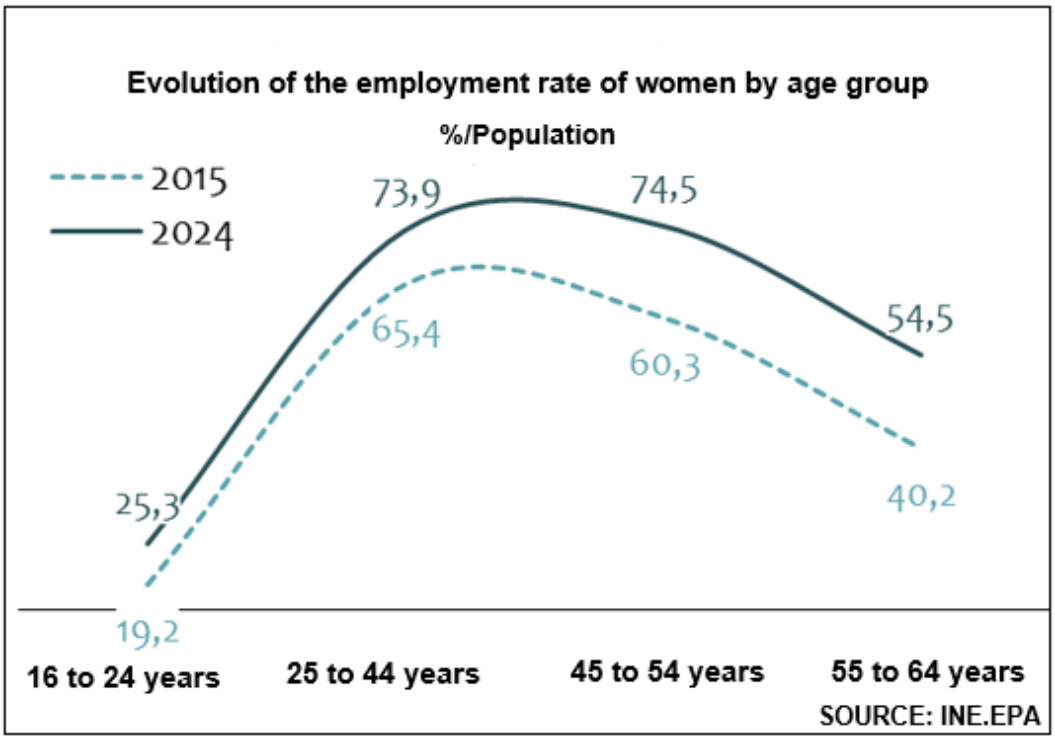
Thus, according to the report the situation of women in the labour market3, the employment rate of women aged 16-64 stood at 62.6% in 2024, the highest figure in the series. The gender gap in the employment rate started in 2015 at 10.6 percentage points, reaching a minimum of 9.2 percentage points in 2024.

Comparing data for 2024 with data for 2015, the employment rate has increased in 2024 across all age brackets. The largest increase was recorded for women aged 55-64 (14.3 percentage points), followed by the 45-54 age group (14.2 percentage points).

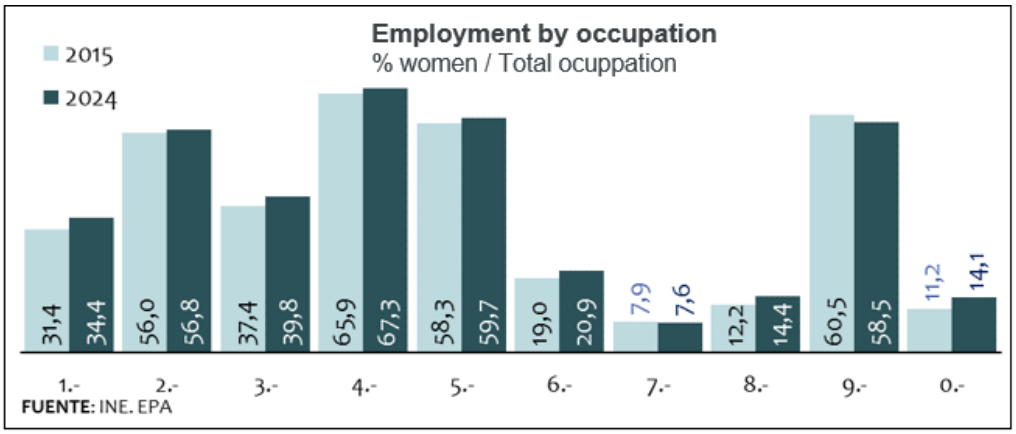


As regards the gender gap in the employment rate, the population aged 45-54 has fallen the most (-4.7 percentage points) in 2024 compared to 2015, followed by those aged 25-44 (-1.3 percentage points), while the population aged 16-24 is the only one to widen the gap (2.9 percentage points).

[3] https://www.mites.gob.es/es/sec_trabajo/analisis-mercado-trabajo/situación-mujeres/index.htm



By occupations, "Accounting, administrative and other office employees" is where the highest representation of women is observed (67.3%), followed by "Restaurant, personal, protection and salesmen" with 59.7% women. In "directors and managers" they represent 34.4%, although it has increased by 3 percentage points in 2024 compared to 2015.



1. Directors and managers
2. Technicians and scientific and intellectual professionals
3. Technicians; support professionals
4. Accounting, administrative, and other office employees
5. Workers in the catering, personal, security and sales services sectors
6. Skilled workers in the agricultural, livestock, forestry and fishing sectors
7. Craftspeople and skilled workers in the manufacturing and construction industries (excluding plant and machinery operators)
8. Plant and machinery operators, and assemblers
9. Elementary occupations
10. Military occupations

b) **Please provide information on:**

- **measures designed to promote an effective parity in the representation of women and men in decision-making positions, in both the public and private sectors.**
- **the implementation of those measures.**
- **progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.**

Both Organic Law 3/2007 of 22 March 2007 on the effective equality of women and men and the most recent Organic Law 2/2024 of 1 August 2007 on equal representation and balanced presence of women and men have consolidated a regulatory framework that promotes the balanced presence of women and men in the workplace.

Organic Law 3/2007, of 22 March, already included relevant provisions in this regard: Article 45 obliges all undertakings to take measures to ensure effective equality, and Article 46 regulates the content of equality plans for obliged undertakings, stating that they must include specific measures to correct inequalities in career advancement and access to positions of responsibility.

Organic Law 2/2024 of 1 August strengthens this framework by introducing more specific obligations to ensure the balanced presence of both sexes in decision-making bodies. The equal representation and balanced presence of women and men in the public and private sectors is guaranteed.

In the private sphere, it establishes that large companies must ensure that the composition of their board of directors complies with the principle of balanced presence, understood as a minimum participation of 40% of women and 40% of men.

Furthermore, pursuant to Royal Legislative Decree 5/2015 of 30 October 2015 approving the consolidated text of the Law on the Basic Statute for Public Employees, the principle of a balanced presence between women and men in selection bodies is reinforced, in accordance with Article 60(1) thereof.

In the public sphere, and specifically in the field of the General State Administration (AGE), the III Plan for Gender Equality in the AGE and in the public bodies linked or dependent on it, approved by Agreement of the Council of Ministers on 9 December 2020, incorporated various measures aimed at:

- Ensure the balanced presence of women and men in the commissions, councils and collegiate bodies of a technical nature, as well as in the negotiating and participation bodies of the general state administration.
- Ensure the application of the principle of balanced presence in the provision of teachers of the training courses taught by the general state administration.

According to the final evaluation report of the Third Plan, it is noted that, in general, the balanced composition of the selection boards and bodies is guaranteed in the general state administration, in accordance with the instructions issued by the Directorate-General for the Civil Service. Significant progress has been made on parity, with even 50% of women chairing the selection bodies, showing significant progress on equality.

The application of the principle of balanced composition has been extended to all ministerial departments, which have developed internal instructions or their own resolutions to adapt this principle to their organizational structure and ensure its effective implementation.

In line with the achievements, the recently approved IV Equality Plan in the general state administration, adopted by the Council of Ministers on 7 October 2025, following agreement with the trade union organisations represented in the General Negotiating Table of the general state administration, incorporates a measure aimed at consolidating the balanced presence of women and men in pre-management and managerial positions.

This measure reinforces the progress achieved, promoting equality at the leadership and responsibility levels, by monitoring and regularly updating data on the representation of women and men in these positions in each ministerial department, in order to identify possible imbalances and implement the necessary corrective actions.

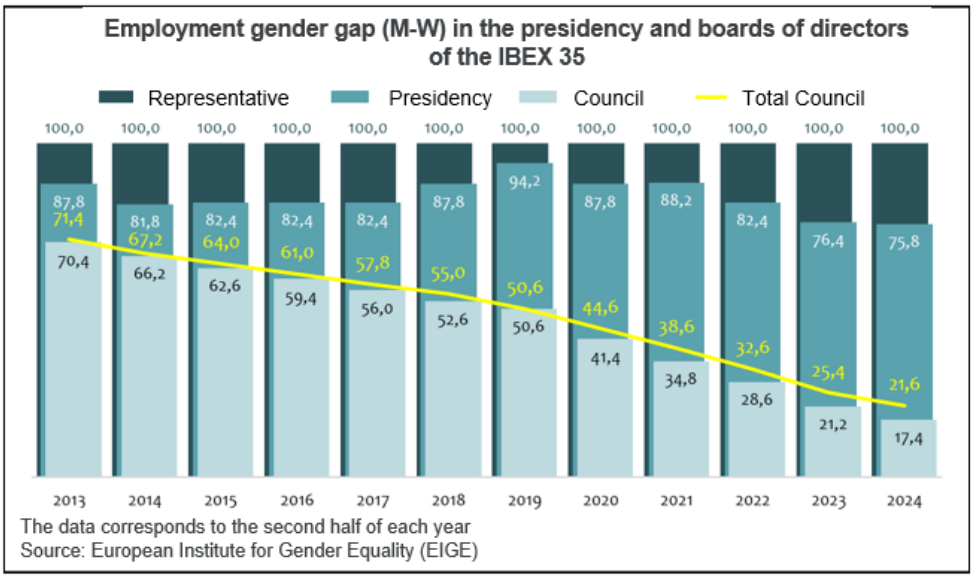
Overall, the results achieved reflect sustained progress in integrating the principle of gender equality into the structure and functioning of the general state administration.

c) **Please provide statistical data on the proportion of women on management boards of the largest listed companies and on management positions in public institutions.**

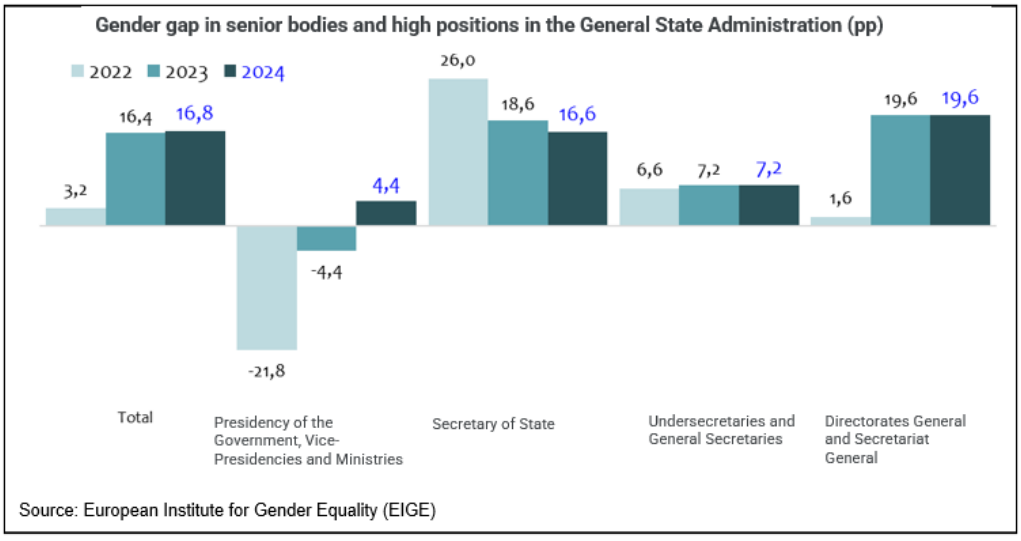
In this sense, and according to data from the European Institute for Gender Equality (EIGE), collected by the National Institute of Statistics[4] (INE by its acronym in Spanish), 2024 is the year of the historical series where the lowest gender gaps are recorded in the presidency and boards of directors of companies of the IBEX-35.[5]

[4] *https://www.ine.es/ss/Satellite?L=es_ES&c=INESeccion_C&cid=1259925595694&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout&param1=PYSDetalle&param3=1259924822888*

[5] IBEX 35: is the main benchmark stock market index of the Spanish stock market. It is formed by the 35 companies with the most liquidity that are listed in the Spanish Stock Exchange Interconnection System.



On the other hand, the gender gap in the higher and senior organs of the General State Administration shows a generalized reduction of the gap, especially marked in the positions of President of the Government, Vice-Presidents, and Ministries.



For those employed in the public sector, and according to the latest data published by the EPA (INE), for the second quarter of 2025, of the first four occupation groups, the number of women is higher than that of men in three of them[6].

[6] https://www.ine.es/jaxiT3/Tabla.htm?t=65185&L=0

Public sector employed, by sex and occupation (thousands)

Public sector employees, by sex and occupation (thousands)

	Men	Women
Total	1.481,4	2.040,5
1. Directors and managers	38,9	31,4
2. Technicians and scientific and intellectual professionals	553,4	1.110,1
3. Technicians; support professionals	139,5	204,4
4. Accounting, administrative, and other office employees	112,2	267,5
5. Workers in the catering, personal, security and sales services sectors	343,4	298,1
6. Skilled workers in the agricultural, livestock, forestry and fishing sectors	18,0	3,1
7. Craftspeople and skilled workers in the manufacturing and construction industries (excluding plant and machinery operators)	59,6	7,4
8. Plant and machinery operators, and assemblers	56,2	6,0
9. Elementary occupations	73,3	101,7
10. Military occupations	86,9	11,0

According to the data in the Central Personnel Register (hereinafter CPR), on 1 September 2025 there were 983 posts of career civil servants for management staff: 444 of them were occupied by women, 442 by men and 97 positions were vacant.

The data has been provided to that date because it is the first date from which reliable data can be obtained (the categorization of posts as managers was carried out throughout 2025 and has so far only covered central services).

It should be noted that this data does not include senior officials, whose data are not included in the CPR, and corresponds to the bodies of the General State Administration, among others, referring to ministries, autonomous bodies, state agencies, independent

administrative authorities whose data are listed in the Central Personnel Register are: Nuclear Safety Council (CSN), Spanish Data Protection Agency (AEPD), National Commission for Markets and Competition (CNMC), Independent Authority for Fiscal Responsibility (AIReF), Council for Transparency and Good Governance (CTBG) and Independent Authority for the Protection of Informants (AIPI), as well as certain public law entities (e.g. National Heritage, National Museum Center of Art Reina Sofía, and Court of Auditors).