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COLBAR-EUROPE

EUROPE-wide analyses of COLlective BARgaining agreements

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REPORT 6: Contents and characteristics of the Spanish collective bargaining agreements

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Introduction on the collective bargaining model in Spain, by Mr. Carles Català Pinyol, Comisiones Obreras (CC.OO)



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Management Summary

This report analyzes in detail the contents of 108 Spanish collective bargaining agreements, which have been collected, annotated and analyzed in the framework of the above mentioned COLBAR project, within the years 2019-2021. The agreements cover the period from 2008 to 2020, with the majority of the agreements which were signed in 2017, 2018 and 2019.

Each and every agreement has been analyzed through the WageIndicator Collective Agreements Database codebook² according to twelve macro topics: General CBA data, Coverage of the CBA, Job Titles, Training, Social Security & Pensions, Employment Contracts, Sickness & Disability, Health & Medical Assistance, Work/Family Balance Arrangements, Gender Equality Issues, Working hours, Wages.

Each topic is presented and analyzed through several visual data representations in order to highlight the characteristics, the provisions and the findings coming from the analysis of the Spanish collective agreements dataset.

Resumen del estudio

Este informe analiza en detalle el contenido de 108 convenios colectivos españoles, que han sido recogidos, anotados y analizados en el marco del citado proyecto COLBAR, dentro de los años 2019-2021. Los convenios cubren el período de 2008 a 2020, siendo la mayoría firmados en 2017, 2018 y 2019.

Cada uno de los acuerdos ha sido analizado a través del libro de códigos de la base de datos de convenios colectivos de WageIndicator³, de acuerdo con doce temas principales: datos generales del convenio colectivo; cobertura del convenio colectivo; títulos de trabajo; capacitación; seguridad social y pensiones; contratos laborales; enfermedad y discapacidad; salud y asistencia médica; equilibrio entre el trabajo y la familia; asuntos sobre la igualdad de género; horas de trabajo; salarios.

Cada tema se presenta a través de varias representaciones visuales de datos con el fin de resaltar las características, las disposiciones y los hallazgos provenientes del análisis del conjunto de datos de los convenios colectivos españoles.

Table 1: Overview of coded items by topic

Meta Data	Single/multi-employer agreement, signatories/parties to the agreement, number of employees covered,
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² Ceccon, D., & Medas, G. (2021). Codebook WageIndicator Collective Agreements Database – Version 4 – January 2021. WageIndicator Foundation, Amsterdam. <https://wageindicator.org/documents/publicationslist/publications-2021/210125-wageindicator-cba-codebook.pdf>

³ Ibid.

	geographical scope, start and expiration date, ratification process
Job titles	Job descriptions, Job classification systems
Employment Contracts	Clauses on individual employment contracts and job security, as well as questions about trial periods and severance pay
Health and Medical Assistance	Health and safety policies at the workplace, HIV-related policies and health and safety training, health or medical assistance, health insurance of the employees, health insurance coverage of family members
Training	Training and apprenticeships, employer contributions to a training fund
Sickness and Disability	Sickness and disability clauses, pay during periods of sickness, maximum pay during sick leave, maximum days of sick leave, exclusion of some categories of employees for sick leave, pay in case of work related
Social Security and Pensions	Clauses on social security and pensions, employer contributions to pension fund, employer contributions to disability fund, employer contributions to unemployment fund
Working Hours	Clauses on working, schedules, paid and unpaid leave clauses, paid holidays
Gender Equality	Equal pay clauses, discrimination at work, equal opportunities for promotion and training, gender equality trade union officer, sexual harassment and violence at work, special leave victims of violence, support for workers with disabilities
Work-Family Balance	Clauses on work and family arrangements, weeks of paid maternity leave, wage replacement level of paid maternity

leave, job protection during maternity leave, care for dependent relatives, employer-provided childcare facilities

Wages

Structure of pay scales, wage-setting processes, minimum wages, wages according to pay scales, premium pay for overtime hours / weekend work / night shift

Source: Copied from Table 1 on p. 7 in Besamusca et al. 2018. ⁴

1. Introduction

Prior to the analysis of the Spanish agreements - according to the above mentioned topics – which will reveal the clauses and provisions of the contracts, two introductory sections are dedicated to the collective bargaining model in Spain and to the sampling methodology that has been used for the collection of the agreements.

The Spanish collective bargaining model is presented in the paragraph that follows by Mr. Carles Català Pinyol, representative of the Spanish Trade Union Confederation of Workers (CC.OO., Comisiones Obreras).

1.1 The collective bargaining model in Spain, by Mr. Carles Català Pinyol

Collective bargaining is a right of citizenship in Spain, and it is regulated by the Spanish Constitution itself and, of course, more developed by the law that regulates labor rights; the so-called "Workers' Statute". That is, to begin with, it is important to note that collective bargaining in Spain is considered as a fundamental right. This is important, because this fundamental right does not exist in all of the European countries and, although the negotiating parties have no obligation to reach an agreement, the simple fact of “sitting down” to try to negotiate agreements gives the possibility of developing and establish regulations that are very guaranteeing in many labor aspects.

The structure of collective bargaining in Spain could be said to follow a kind of rank and file. Visually, it would resemble a pyramid, in which we have the first Inter-Confederal Agreements, which are agreed upon between the majority general associations of employers (employers) and the majority general unions (in Spain, CCOO and UGT), all of them more representative, and which serve to coordinate the general rules in sensitive matters (wages, equality policies, etc.). Legally, they should be considered as general recommendations.

Next, we would have the so-called "Framework" Agreements that regulate in a more specific way some strategic issues in specific sectors, such as professional classification or training policies. In the services sectors, for example, which generate a big part of the GDP, there are two important framework agreements: the so-called AMAC in the trade sector, and the so-called ALEH in the hotel and catering sector. According to the current

⁴ Besamusca J, Kahancová M and Tijdens K (2018) Contents of Collective Bargaining Agreements in the Commerce Sector. REPORT 1 of the BARCOM project. Amsterdam etc.: University of Amsterdam-AIAS/CELSI/EUBA/ EuroCommerce/Uni Global Union/ WageIndicator Foundation

times, in the previous negotiation of the ALEH it was possible to regulate that the emerging sector of "riders" should be regulated in the corresponding collective agreement (a sector that had no regulation until that moment).

And finally, in what would be the base of the imaginary pyramid, we would have collective bargaining at the regional level (State, Autonomous Community, province, even at the local level). The levels are complementary and act in "cascade", so that there are sectors whose only regulation is the State agreement and sectors with an agreement for each province. The reason or reason for this is not due to a specific legal guideline, often is a product of historical tradition in each sector. We would also have collective bargaining at the company level, although this issue is developed a little further below.

Until before the very damaging labor reform of 2012, practically 85% of the working population in Spain was covered by collective agreements. As a consequence of the "subprime" crisis we have had a series of neoliberal policies that were taken with the aim of creating jobs and that have only managed to cut rights, and that also affected key aspects of collective bargaining. One very damaging aspect was the obligation that the negotiation of an agreement was limited in time, and that if no agreement was reached the agreement would be considered "fallen", above all this clause together with others have contributed to the fact that from that 85% of the working population with coverage today we have fallen more than 10 percentage points in this respect, and approximately.

Despite the fact that the issue of the temporal limitation of the negotiation of an agreement (called ultra-activity) has managed to be regulated peacefully in many agreements in the end (with the help of more than one court ruling), the other big harmful aspect in collective bargaining that we unions are fighting today is the control of negotiation at the company level. Until the labor reform, collective agreements at the company level could only be regulated if they involved improvements on the minimum basis, which was the sectoral agreement (it doesn't matter if it was state, regional or local). The reform established that the application priority was for the company agreement, so that it was possible to negotiate agreements and contracts that regulated sectoral agreements downwards (with the limit of what was generally stipulated in the Workers' Statute, to which we referred at the beginning).

This means that in practice, in many companies in which there is no union penetration, the employer is little less than "forcing" the workers to sign agreements "downwards" in their working conditions. Although these situations are not occurring massively, since the logic of the market and competitiveness often punish deregulatory situations, it is undeniably a concern that is part of everyday work in this country. This situation has a lot to do with the appearance of companies that are supposedly experts in a multitude of service offers to which a "client" employer grants the management of a service under different or internal conditions to those of the mother company (outsourcing of services), a reality that is unfortunately common in Spain.

Continuing on to more technical issues, it is worth clarifying who or what actors can negotiate. There are two ways. At the company level, the workers' representatives (committees or delegates), but also the union itself if so agreed, in both cases must add up the majority of committee members or delegates. At the sectorial level above the company, the unions that are considered the most representative at the specific geographical level (State, regional), as well as the entities affiliated, federated or confederated to them in their respective areas. Trade unions with at least 10% representation in the functional and geographical area covered by the

agreement. Business associations with at least 10% of the employers in the geographical and functional area covered by the agreement, provided that they employ at least 10% of the workers covered by the agreement.

The validity of the collective bargaining agreement requires the signature of the majority of both union and employer representatives. They must be submitted to the labor authority for deposit and registration. Within the following 10 days it will be published in the Official Gazette, coming into effect on the date agreed by the parties. Normative value of the agreement.

Fundamental characteristics of collective bargaining, some of which have already been noted above:

- Obligation to negotiate in good faith by the parties duly required, but not of result.
- General effectiveness (for members and non-members of a union, that is, for the entire sector regardless of whether the person is affiliated with a union or not).
- They are a matter of negotiation, within the respect to the law, as much matter of economic, labor, union or other type of matter that the parties consider opportune.
- The law marks a minimum content of the agreement (signatory parties, scope, conditions of possible non-application of salary, provision for denunciation and joint commission).
- The agreement supposes a tacit clause of social peace for the agreed matters.

In short, today, collective bargaining is and is an essential instrument for the recovery of working conditions and wages lost with the reform of 2012, but also to address all the changes that the future, and already the present, in the world of work, impact of digitalization, robotics, artificial intelligence and operation of algorithms, recovery from the crisis resulting from the pandemic, adaptation to change without loss of rights, that is the challenge.

1.2 Sampling methodology

A total of 108 Spanish collective agreements have been collected, annotated and analyzed for the COLBAR Project.

This makes Spain the most represented country of the COLBAR – EUROPE project within the framework of the European Countries.

The collection of the agreements was done basis the set criteria in order to create a dataset of agreements which could represent all the dimensions of the collecting bargaining in the country: from sectoral agreements to company level ones, in the private as well as in the public sector (even if in a smaller quantity), to state-level and, in a lesser extent, also regional-level agreements. Most of the agreements analyzed for the project have been provided to WageIndicator by the Spanish trade union Confederation of Workers: (CC.OO., Comisiones Obreras), while others have been collected directly through the “Boletín Oficial del Estado” (BOE; English: Official State Gazette) which is the official gazette of the Kingdom of Spain. All the Spanish collective agreements

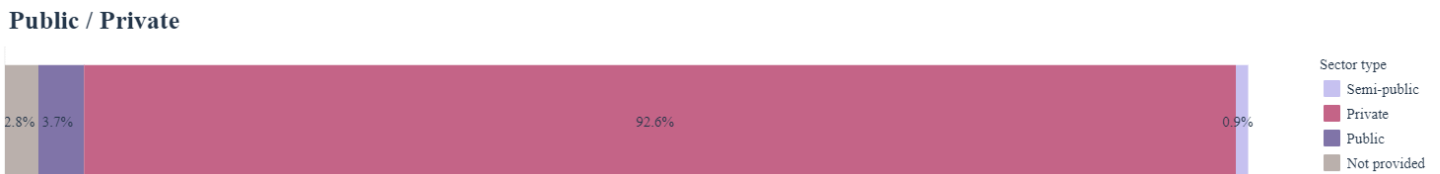
analyzed in our database are officially published by the “Boletín Oficial del Estado” and are published in the WageIndicator website for Spain – Tusalarío.es⁵ - which makes the access to the documents extremely smooth and transparent.

1.3 Sectors and industries of the Spanish collective agreements dataset

As shown below in Graph 1, the vast majority of the Spanish agreements belongs to the private sector, which represents more than 90% of the entire dataset.

Graph 1, Public/Private Sector

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021



As per the sectors covered by the agreements (first level sector), as shown by Graph 2, the vast majority of the Spanish agreements, around 64%, belong to Commerce including retail, hospitality and transport (69 CBAs); the second represented sector of the dataset is Manufacturing including mining and quarrying, with 14% of the agreements (15 CBAs); while the Public sector including education and healthcare represents 11% of the agreements (12 CBAs). The sector of Construction including water supply, sewage, waste, as well as Other sectors represent 5.5% of the agreements.

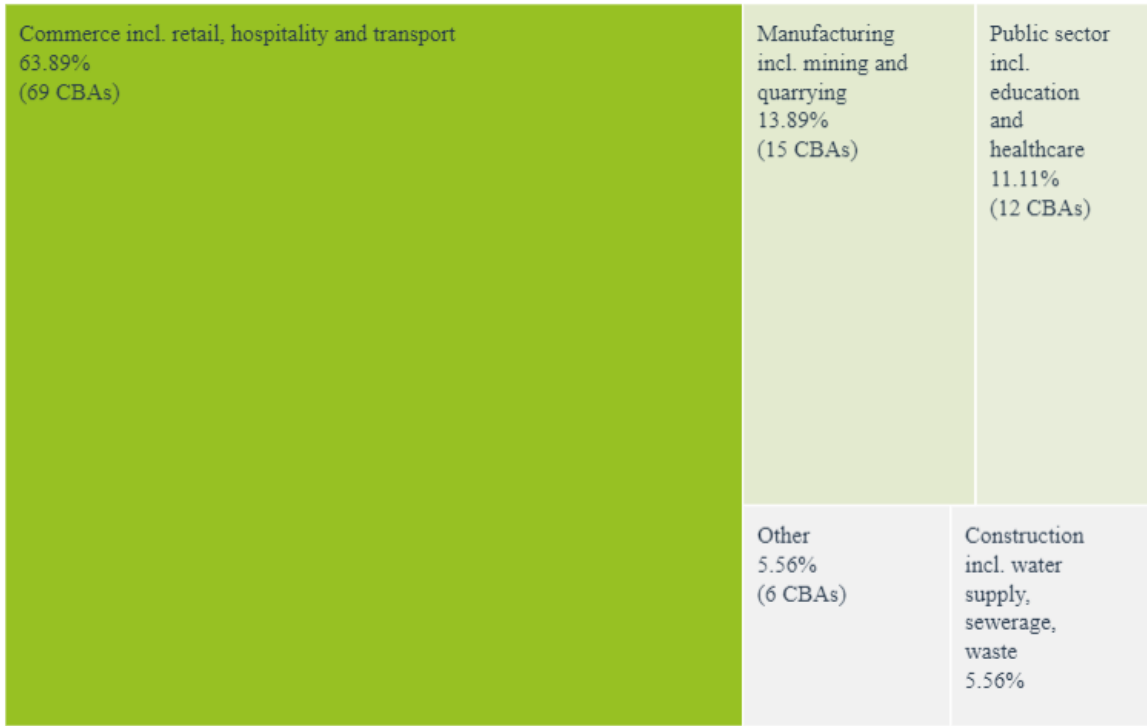
Further analyzing the industries (second level sector), it can be observed that most of the CBAs belong, respectively, to the Retail trade (18.5%) and to Manufacturing (around 14%). Financial services, banking, insurance represents 10% of the dataset; Transport, logistics, communications, 7.4%; Hospitality, catering, tourism, 6.5%. All the other sectors represented in the dataset show a percentage below 6%. The second level sectors analyzed refer to the sectoral classification system NACE 2004.

Graph 2, Industries

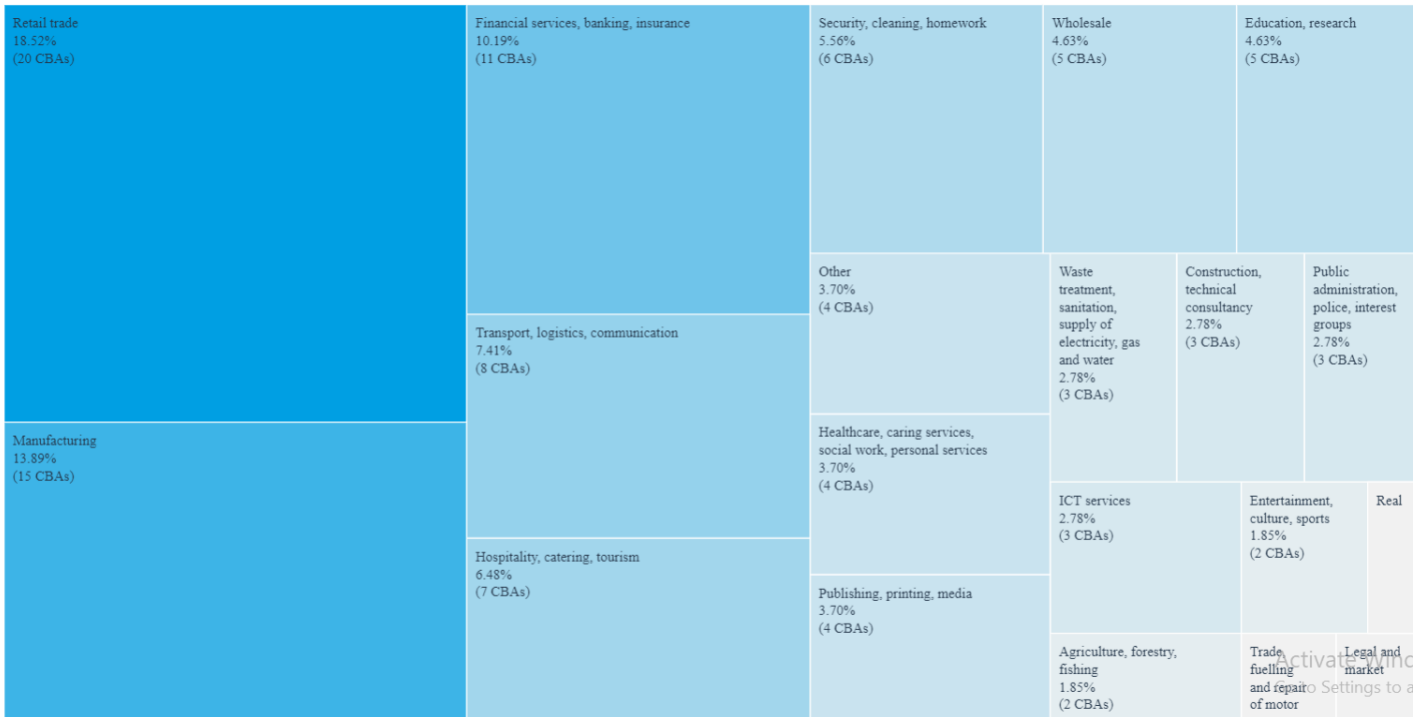
Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

⁵ <https://tusalarío.es/leys-laborales/base-de-datos-de-convenios-colectivos>

CBAs per first-level sector



CBAs per sector



2. Overview of the Spanish dataset according to ten macro topics:

Job Titles, Training, Social Security & Pensions, Employment Contracts, Sickness & Disability, Health & Medical Assistance, Work/Family Balance Arrangements, Gender Equality Issues, Working hours, Wages.

As previously mentioned, all Spanish collective agreements have been analyzed according to a questionnaire which is composed of twelve macro topics. Two of them deal with the general information about the agreement and its coverage (meta data), while the other ten analyze the actual content of the documents. Each and every macro topic is investigated by sub-questions which analyze in detail each specific subject.

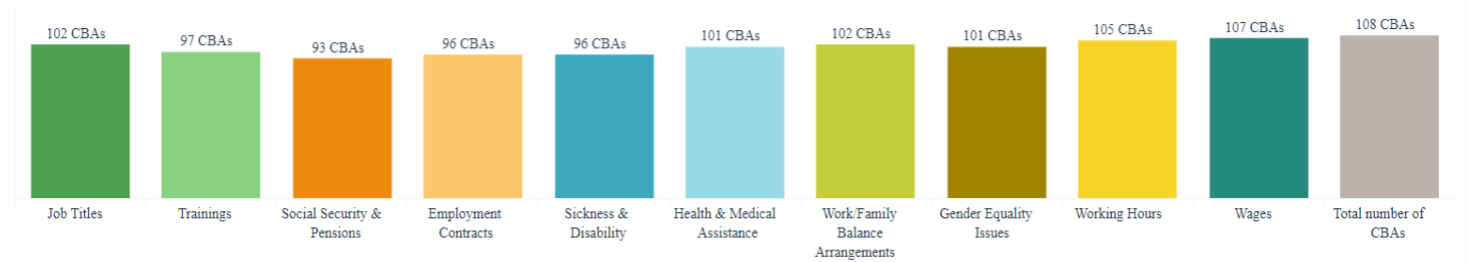
Graph 3 below shows the composition of the Spanish dataset according to the macro topics and reveals the number of CBAs containing at least one clause for each of the following subjects: Job Titles, Training, Social Security & Pensions, Employment Contracts, Sickness & Disability, Health & Medical Assistance, Work/Family Balance Arrangements, Gender Equality Issues, Working hours and Wages.

The graph shows that all the macro topics are highly represented by the majority of Spanish CBAs. Clauses on wages are addressed in basically 100% of the CBAs (107/108 CBAs); contents on working hours can be found in almost all the Spanish agreements (97%). As per all the other macro topics, the percentage never drops under 85%, with the least represented topic, social security and pension, whose clauses can be found in 86% of the CBAs (93/108 CBAs).

Graph 3, Overview of the ten main topics

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Number of CBAs containing at least one clause for each of the main topics



2.1 Job Titles

Graph 3 showed that the main topic 'Job Titles' can be found in around 94% of the agreements (102/108 CBAs).

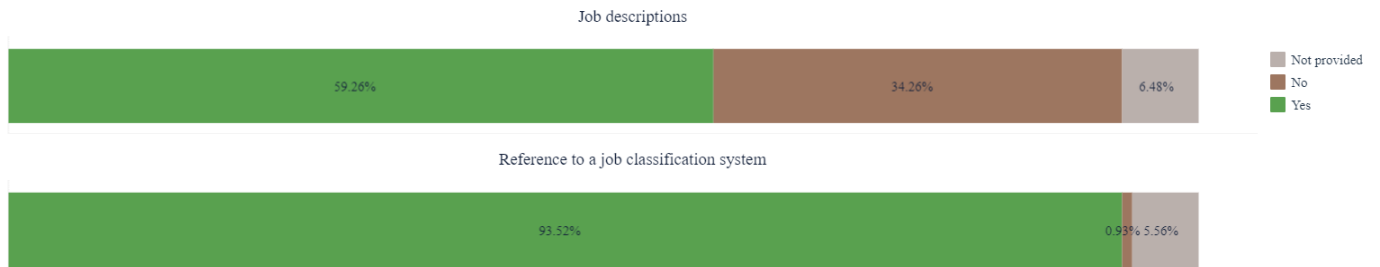
Further analyzing the Job Titles macro topic, Graph 4 shows that 93,5% of the agreements contains clauses which make reference to a job classification system, which generally consists in the organization of the

workforce in professional groups and job titles. More than half of the agreements (59%) provide also for job descriptions, which generally include duties, purpose, responsibilities and scope of a job, along with the job title.

Graph 4, Job Titles

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Job Titles



2.2 Trainings

The macro topic ‘Training’ has been addressed by around 90% of the Spanish agreements (97/108 CBAs).

The majority of the Spanish agreements, around 85%, contain clauses referring to the employer ensuring training programs for the employees, while in only 43.5% of the agreements contents regarding apprenticeships can be found. Around 53% of the CBAs mention a training fund from which the employees can benefit.

Graph 5, Trainings

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Trainings



2.3 Social Security & Pensions

As shown earlier, the macro topic ‘Social Security & Pensions’ is addressed in 86% of the CBAs (93/108 CBAs), and is thus the least represented main topic in Spanish CBAs, according to our questionnaire.

Further analyzing the contents of the topic, as shown below by Graph 6, it can be observed that around 46% of the agreements explicitly refer to the employer paying contributions to a pension fund, while more than half of the agreements do not specify or do not provide information about it. Around 56% of the agreements have clauses about the employer paying contributions to a disability fund, while only 6% of the agreements explicitly refer to the employer paying contributions to an unemployment fund, with the vast majority of CBAs not specifying nor providing information about unemployment funds.

In this regard, it is important to point out that the fact that one CBA does not address a subject, does not necessarily mean that that specific subject (which can be represented by any regulation, bonus, policy, etc.) is not applied and granted by the employer to the employees.

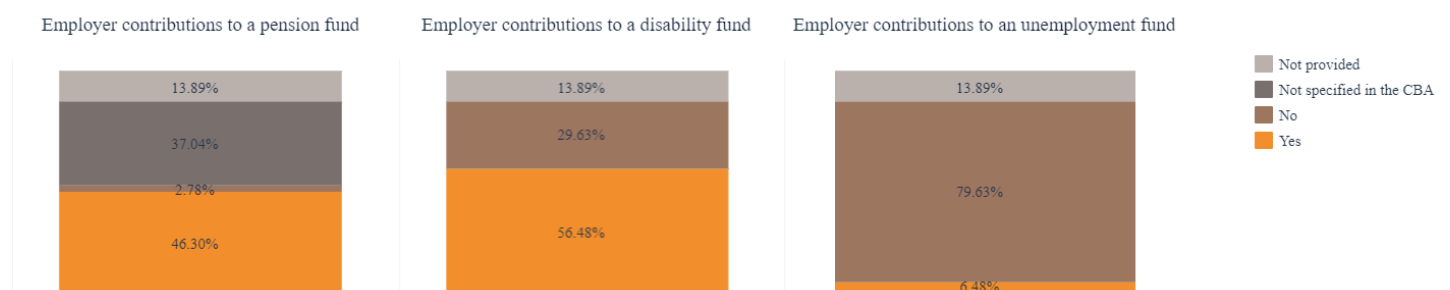
In fact, often, CBAs “take for granted” some topics - especially when they are already very well regulated by the national labor law - and do not mention them openly in the document, or, in some cases, just refer to the law.

What is presented here is based exclusively on the contents that are clearly and explicitly regulated by the collective agreements themselves, in terms of clauses as well as in terms of provisions.

Graph 6, Social Security and Pensions

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Social Security



2.4 Employment Contracts

Overall, around 89% of the Spanish agreements (96/108 CBAs) have addressed the Employment Contracts’ topic. Graph 7 analyzes in detail the topic through three dimensions.

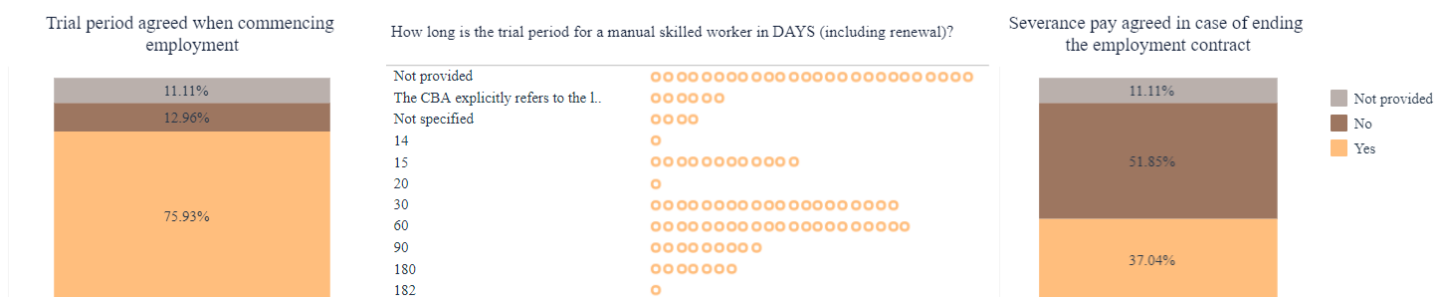
Most of the agreements (around 76%) set a trial period to be completed when commencing the employment. As per its duration, not all the CBAs specify it or provide information about it. When specified, most of the agreements set a trial period within 30-90 days. The duration of the trial period generally goes according to the level of qualification, professional group, responsibilities and job title, so that highly qualified jobs and managerial positions tend to have longer trial periods than lower qualified and non-managerial positions.

Only 37% of the Spanish agreements have clauses regarding severance pay agreed in case of ending the employment contract, while the vast majority do not provide/specify the subject.

Graph 7, Employment Contracts

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Employment Contracts



2.5 Sickness & Disability

The topic ‘Sickness & Disability’ has been addressed by around 89% of the Spanish agreements (96/108 CBAs).

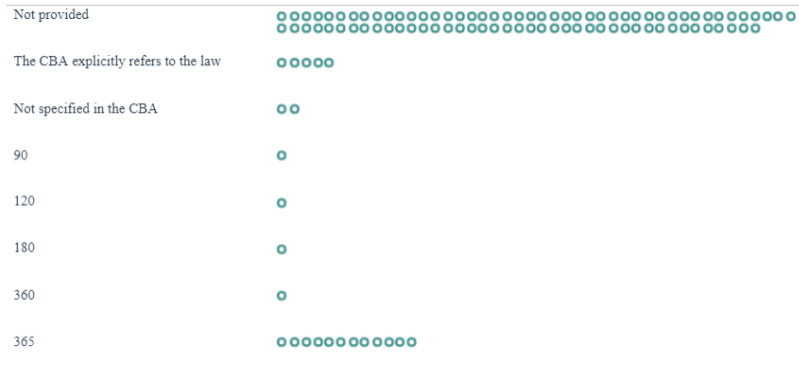
Further analyzing the subject, Graph 8 shows that the vast majority of the Spanish agreements do not set a limit of days of paid sick leave per year. On the other hand, 67.6% of the agreements contain clauses regarding payments in case of disability due to work accidents or working conditions. As per the return to work after long-term illness, only 16.7% of the agreements explicitly mention this concept. Again, the fact that one agreement does not mention one concept, does not mean that it is not applied. In fact, in this last case, the labor law applies and it is likely that the CBA just avoids to mention it, taking it as already granted.

Graph 8, Sickness & Disability

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Sickness and Disability

How many maximum days of paid sick leave per year are provided?



Pay in case of disability due to work accidents or working conditions



Provisions regarding return to work after long-term illness, e.g. cancer treatment



2.6 Health & Medical Assistance

The macro topic ‘Health & Medical Assistance’ is addressed in 93.5% of the Spanish agreements (101/108 CBAs). The subject is analyzed through all the sub-questions that compose the main topic.

As shown below by Graph 9, only 21% of the CBAs refer to access to free or subsidized medical assistance for sick employees. This data refers to “alternative” and additional medical care provided by the employer and not to the National Health System. Around 38% of the agreements mention the employer contribution to a health insurance. The vast majority of the agreements have a health and safety workplace policy: 87%. Only around 30% refer to the employer providing protective clothing to the employees. This data is clearly highly dependent on the kind of work performed, so that it is much more likely to find a construction company providing with protective clothes rather than an insurance agency or a bank. Around 80% of the Spanish CBAs also clearly state the adherence to the relevant occupational safety and health law or code of practice. Around 40% provide a health and safety training for the employees and around 36% provide for a regular or yearly medical checkup or visit.

As per the monitoring by the employer of specific health related issues due to the work, more than half of the agreements have clauses about it: around 22% refer to the monitoring of professional risks and the employee involvement in the monitoring (combination of the two); around 18% have clauses regarding professional risks and around 9% refer to the employee involvement in the monitoring. Around 3% refer to the combination of professional risks and musculoskeletal solicitation of workstations; another 3% refer to the combination of professional risks and the relationship between work and health.

Around half of the agreements (44.5) refer to the employer providing funeral assistance or related benefits for employees or their relatives.

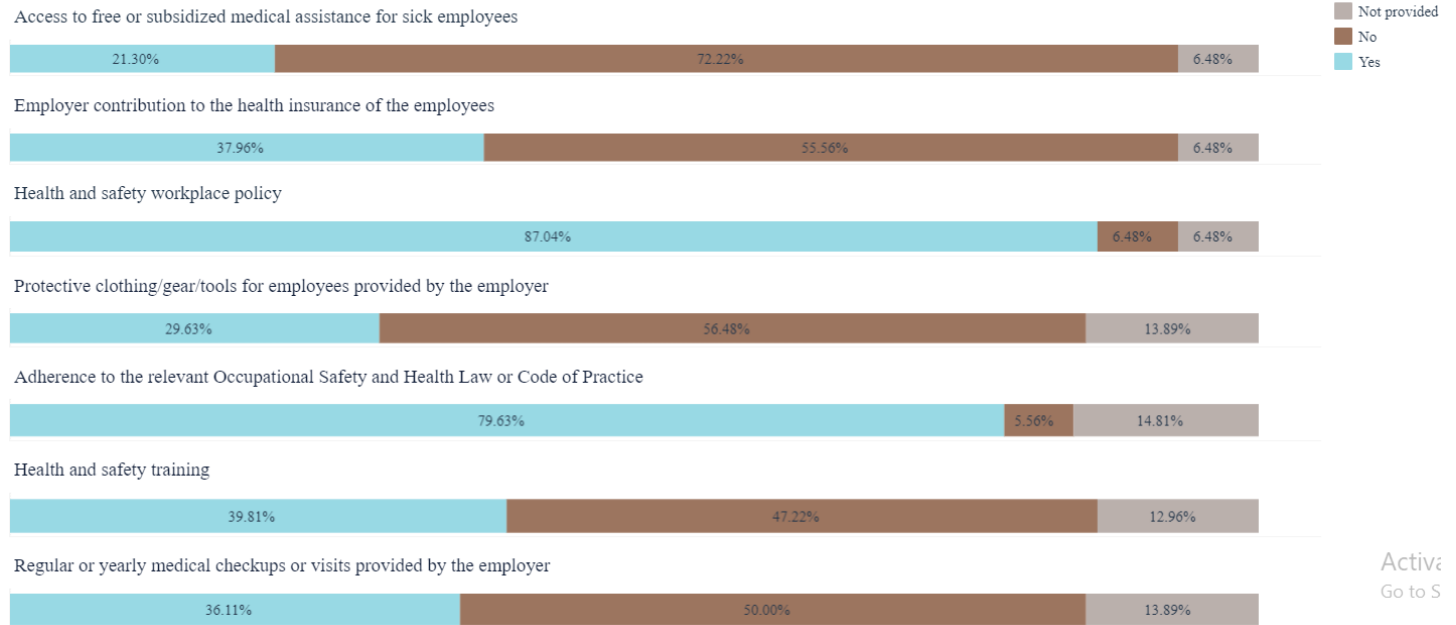
Going into details about the health and safety provision contained in the agreements, it can be observed that more than half (54.6%) do not provide any or the data is insufficient. While the most represented health provisions contained in the agreements deal with work accidents (10.2%); occupational disease (6.5%) and general improvements in working conditions (5.6%). The combination of work accidents and general

improvements in working conditions is also present in 5.6% of the agreements. As per the rest of the health measures taken into consideration, they all show percentages lower than 5%.

Graph 9, Health & Medical Assistance

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Health and Medical Assistance

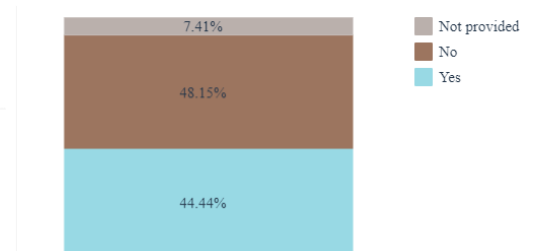


Active
Go to 5

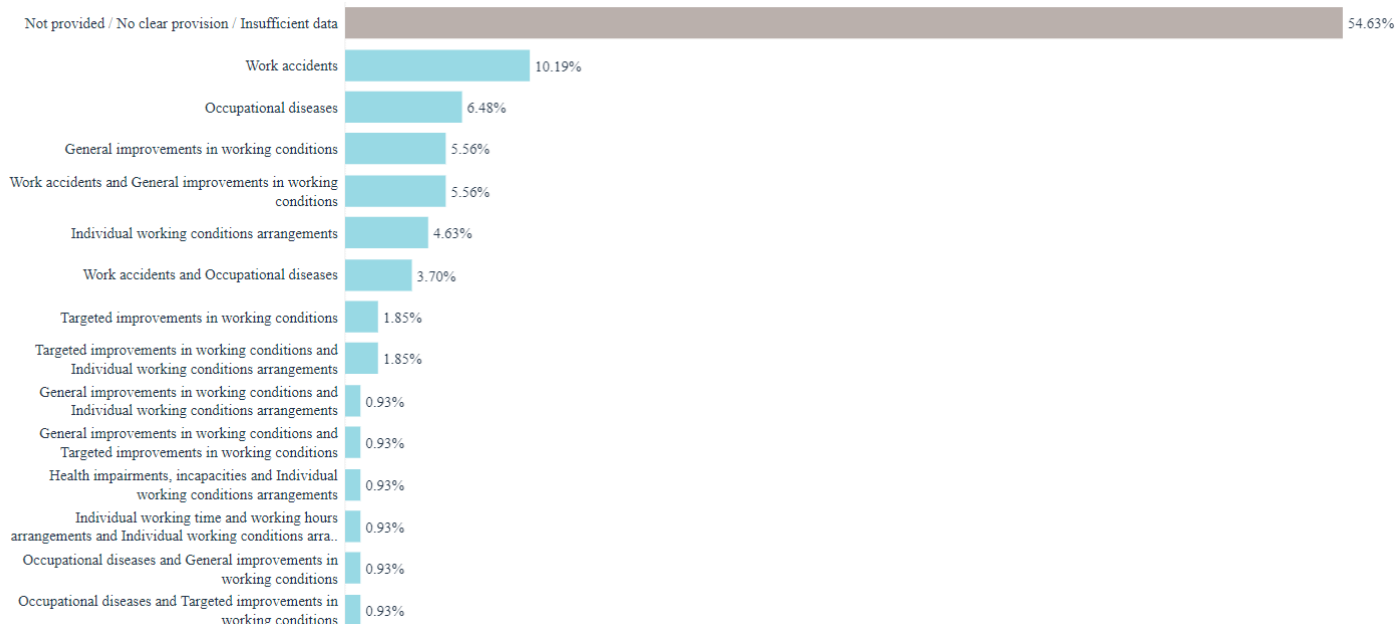
Monitoring of: (Note: combination of the first two options selected)



Funeral assistance or related benefits for employees or their relatives



Health and safety provisions regarding: (Note: combination of the first two options selected)



2.7 Work/Family Balance Arrangements

Clauses regarding the main topic ‘Work/Family Balance Arrangements’ have been detected in around 94% of the overall Spanish dataset (102/108 CBAs).

In Graph 10, the sub-sections of the main subject have been analyzed in detail and shown in several visual data representations.

Around 77% of the Spanish CBAs contain the concept of paid maternity leave; similarly, 75% contain clauses regarding paid paternity leave.

Around 40% of the agreements have contents regarding job security for women wishing to return after maternity leave, and around 14% also contain clauses which explicitly prohibit any form of discrimination related to maternity.

More than half of the Spanish agreements (51%) contain health and safety clauses: the most common are the time off for prenatal examinations - with around 35% of the agreements mentioning this concept - and the availability to pregnant or breastfeeding workers of alternative to dangerous or unhealthy work, such as elimination of risks, adaptation of working conditions or transfer to another working position (22%).

The majority of the agreements (around 65%) contain clauses regarding breastfeeding breaks for nursing mothers, which in most cases consist of a daily one-hour break in the first nine months of life of the child.

As per the duration of the maternity leave, in most cases Spanish agreements tend to refer to the law in force on the subject, while, when more precise provisions are provided, the majority of the agreements refer to 16

weeks of paid maternity leave, which correspond exactly to the minimum statutory leave currently granted by the Spanish law on the matter. Only few agreements grant a longer maternity leave than what already established by the law, with the best provision in the Spanish dataset represented by an agreement granting 20 weeks of paid maternity leave.

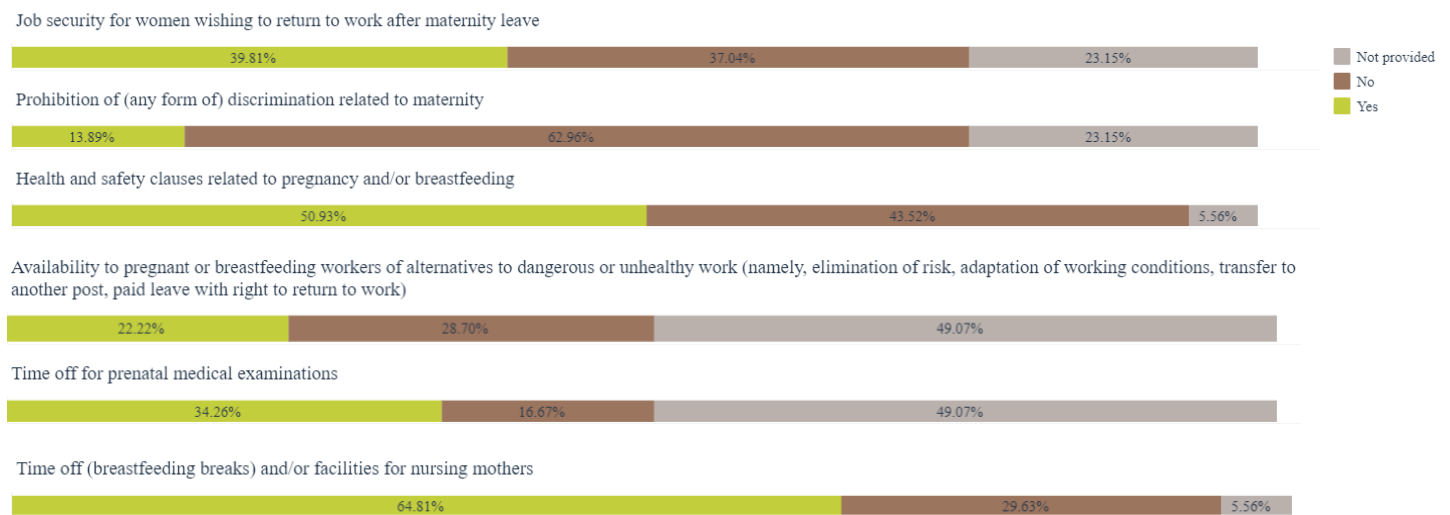
As previously mentioned, paternity leave is also addressed by most of the CBAs, with the majority of the agreements providing three days of paid leave for the male worker after the birth of the child. Few agreements provide for a longer paternity leave, with the best provision represented by an agreement which grants 15 days of paid paternity leave.

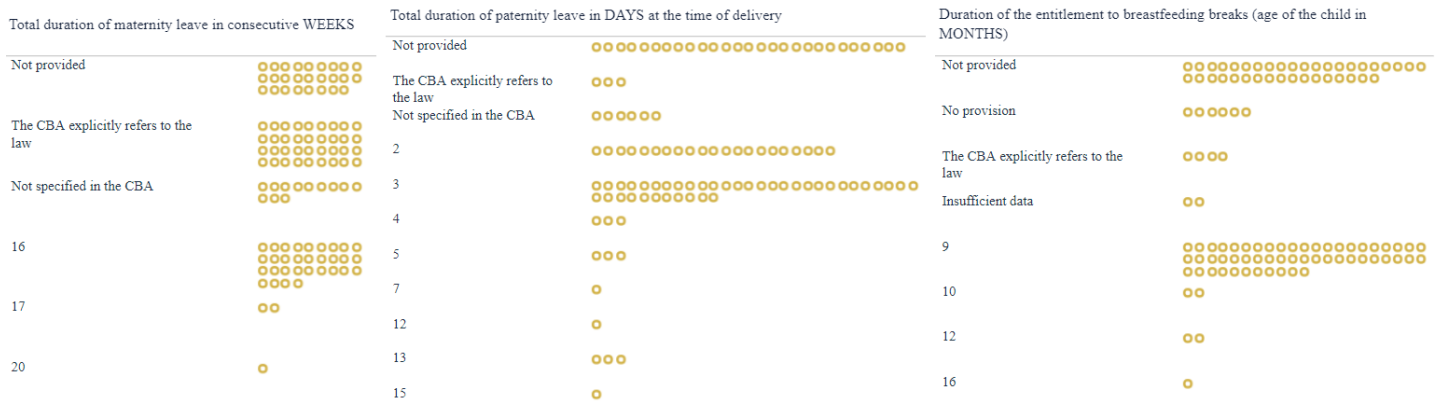
Graph 10, Work/Family Balance Arrangements

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021



Work/Family Balance Arrangements





2.8 Gender Equality Issues

Overall, clauses regarding the main topic ‘Gender Equality Issues’ have been addressed by 95.5% of the Spanish agreements (101/108 CBAs). The subject is further analyzed in its sub-contents by Graph 11, below.

37% of the agreements clearly state the principle of equal pay for work of equal value. When stated, this principle always refers also to gender equality.

The vast majority of Spanish CBAs (87%) contain clauses addressing discrimination at work: all kinds of discrimination are taken into consideration here. Around 55% of the agreements state the principle of equal opportunities of promotion for women workers, while around 29% refer to equal opportunities of training for woman workers. Around half of the agreements (49%) not only mention the principle of gender equality but take concrete measures in order to achieve it: many companies develop and apply “Equality Plans” aimed at avoiding any type of employment discrimination between women and men.

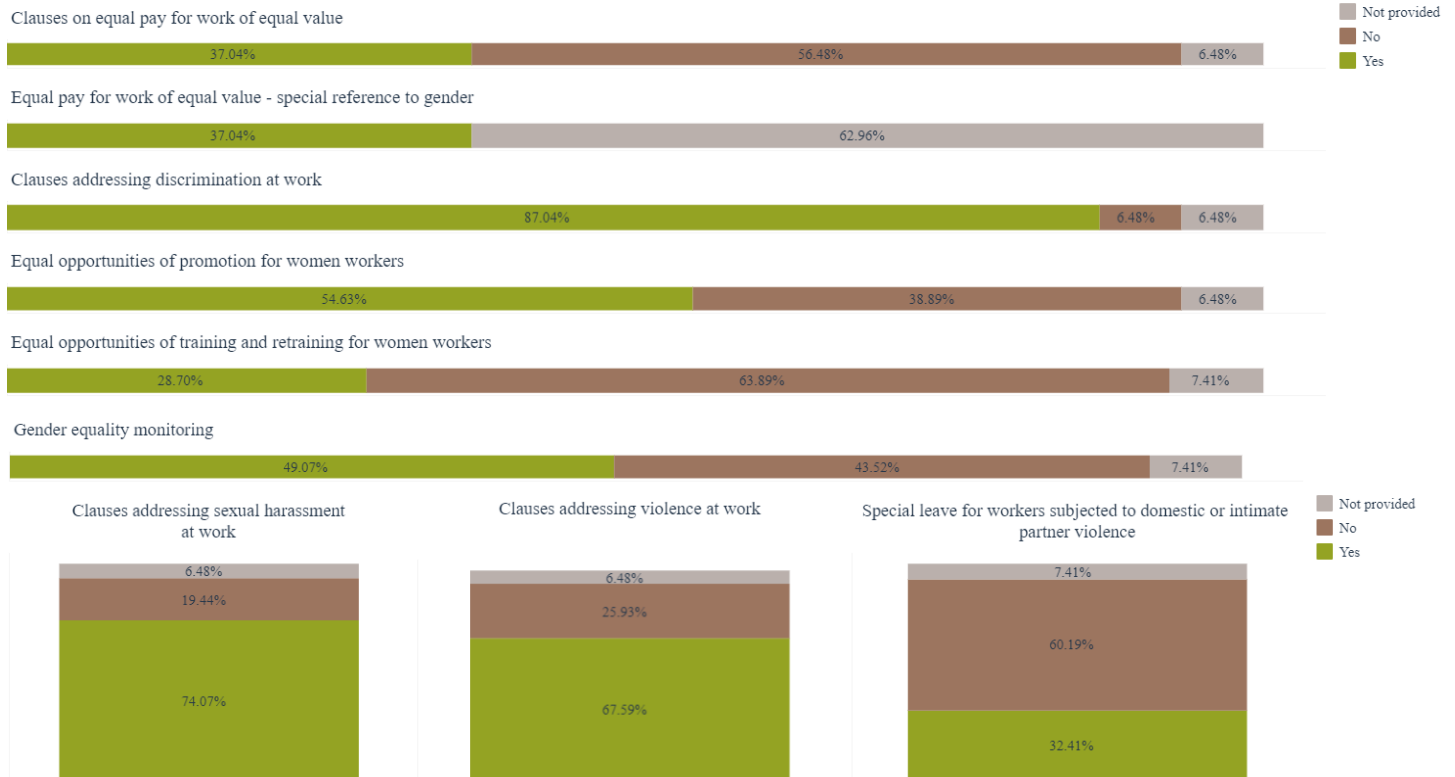
Another subject which is addressed by the vast majority of the CBAs is sexual harassment at work: 74% of the agreements contain clauses about this issue.

Around 68% of the agreements contain clauses addressing violence at work, and around 32% contain clauses regarding a special leave for workers subjected to domestic or intimate partner violence.

Graph 11, Gender Equality Issues

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Equality and violence in the workplace



2.9 Working hours

Overall, 97% of the Spanish agreements address the topic 'Working Hours' (105/108 CBAs).

The vast majority of the agreements, around 79%, set the working hours on a yearly basis, with an average of 1758 hours per year. 37% of the agreements set the working hours on a weekly basis, with an average of 39.3 hours per week. Only 23% refer to the working hours per day, with an average of eight hours per day agreed. Spanish collective agreements tend not to set the working hours on a monthly basis, in fact, only 2% do it, with an average of 167 hours per month.

As per the number of weekly working days, around 56% of the agreements do face the topic, with an average of five working days per week.

After recalculating the working hours provided by the agreements in daily, monthly and yearly hours into hours per week, it can be observed that the majority of the agreements establish 40 working hours per week. In two cases the recalculated hours per week drop to 35 working hours per week, which represent the best provision of the Spanish dataset regarding this specific subject.

Around 32% of the agreements regulate the subject of the maximum overtime hours allowed to be worked by the employees. Overall, overtime working hours are gradually less and less encouraged in the Spanish collective agreements. When the topic is addressed, in most cases, the CBAs refer to the labor law. Overtime hours can be compensated with rest time, with a bonus on top of the regular wage, or both. According to the Spanish law,

workers may work a maximum of 80 hours of overtime per year. This does not include overtime compensated with rest time, or work carried out to prevent or repair extraordinary and urgent damage. The latter is obligatory for the worker and must be paid as overtime.⁶

91% of the agreements refer to clauses on paid annual leave for the employees: most of the agreements grant 22 and 23 working days of paid leave (30 and 31 calendar days, respectively); the best provision comes from an agreement which grants 31 working days of paid annual leave.

The vast majority of the agreements also have clauses on schedules and rest periods (82.4%). The same number of agreements clearly state that the employees are entitled to weekly rest periods of at least one day per week. As per paid leaves, around 55% of the CBAs mention a paid leave for trade union activities, and 60% refer to a paid leave to attend court or administrative duties.

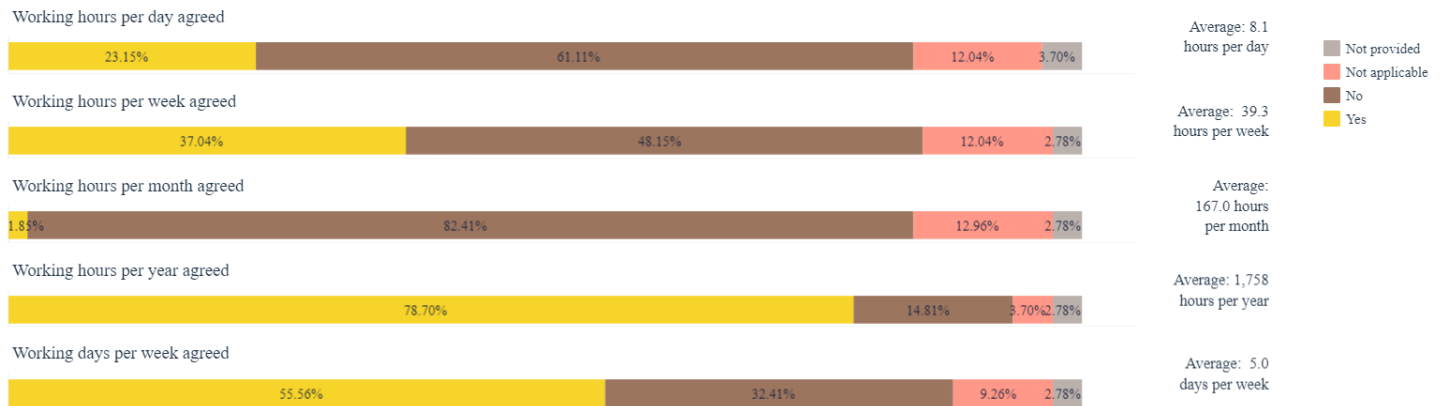
As per the options regarding flexible work arrangements, 55 CBAs refer to flexible working hours and 51 CBAs refer to the possibility of changing the work status, e.g., from full time to part time. Nine agreements explicitly refer to the possibility of tele-work.

Only two agreements out of 108 contain clauses regarding platform workers.

Graph 12, Working Hours

Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Working Hours

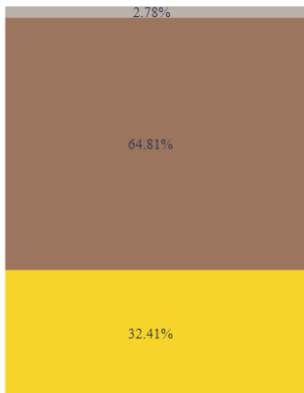


⁶ [BOE-A-2015-11430](http://www.boe.es/eli/es/rdlg/2015/10/23/2/con), Agencia Estatal Boletín Oficial del Estado. Available online at: <https://www.boe.es/eli/es/rdlg/2015/10/23/2/con>

Working hours per week (recalculated from working hours per day, per week and per month)

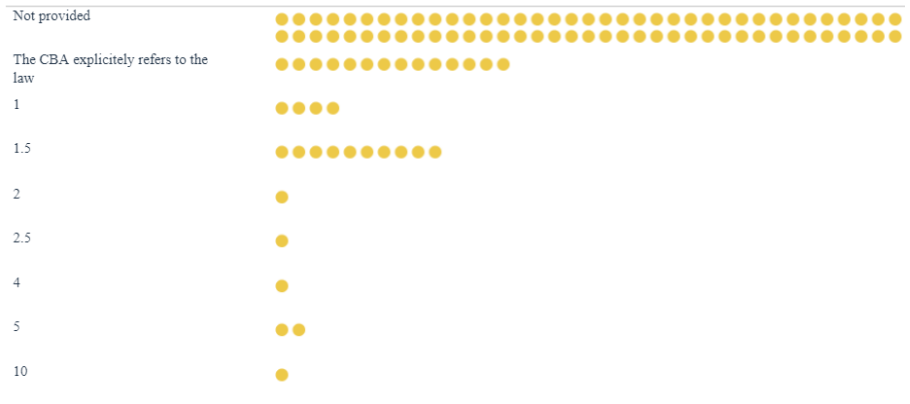


Maximum overtime hours agreed



■ Not provided
■ No
■ Yes

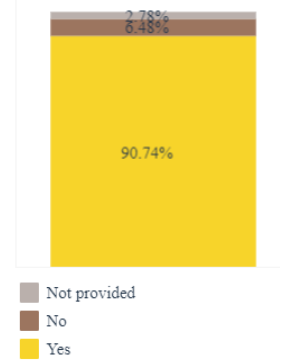
Maximum overtime hours per week (above the agreed hours per week)



Days of paid annual leave (for a worker with one year of service)

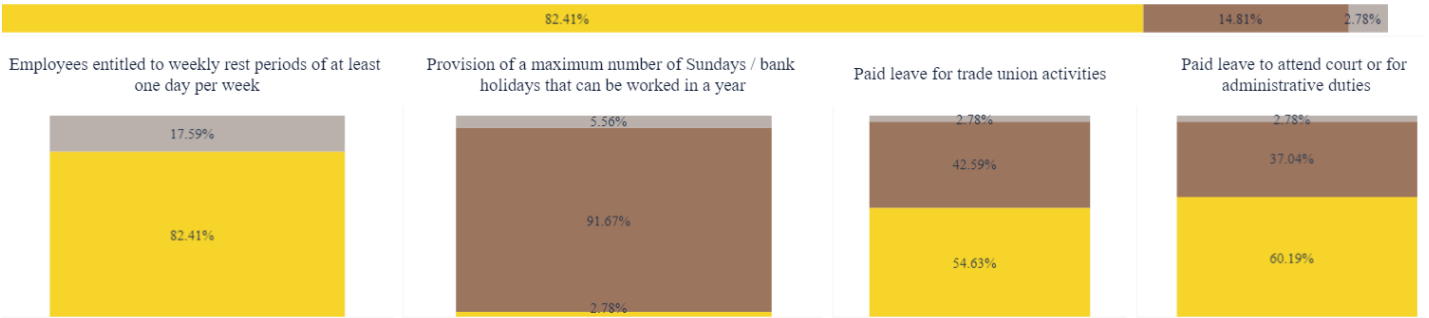


Clauses on paid annual leave

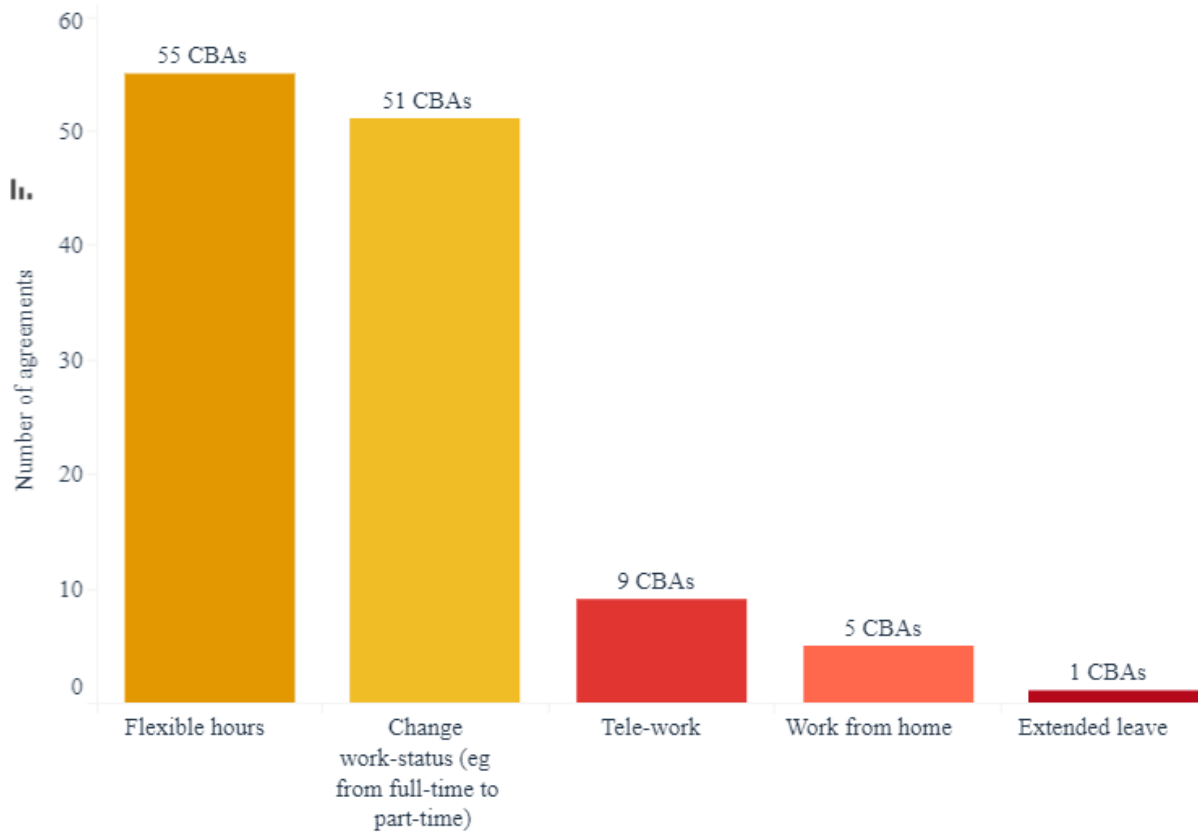


■ Not provided
■ No
■ Yes

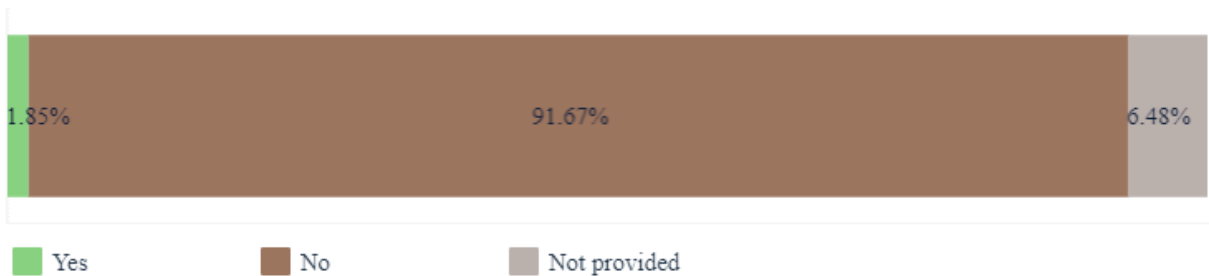
Clauses on schedules and rest periods



Options of flexible work arrangements: (Note: More than one option selected per agreement)



Clauses regarding platform workers



2.10 Wages

Basically, all the Spanish collective agreements analyzed contain clauses regarding the main topic 'Wages' (107/108 CBAs).

Wages are determined in 47% of the agreements at company level, in around 34% at sectoral level and in 7% are set by individual contracts.

62 agreements, around 57%, contain at least one wage table in order to set the different wage levels according to professional groups and professional titles, while 31 CBAs, around 29%, contain more than one table (two or more). This is because Spanish agreements often refer to different years of applicable wage tables, e.g., one wage table for 2019 and another one for 2020.

The majority of the agreements do not explicitly mention a minimum/lowest wage to be paid (beside the information that can be found within the wage tables). This is because, in Spain, the minimum wage is already set at national level by the law. However, when agreements do address the topic (10%) they tend to give better provisions in terms of monthly wages when compared to the law.⁷ The analyzed agreements show a range from 950 euros to 1472 euros per month.

On the other hand, while analyzing the values contained in the wage tables, it can be observed that the lowest wages in the lowest pay scales (in euros, per month, recalculated from hourly or yearly wage) show a range from 630 euros to over 3000 euros. These values refer to the lowest wage agreed according to the pay scales contained in the agreements, not to the minimum wage, which has been previously analyzed. Furthermore, wages below the actual legal minimum wage refer to agreements that were signed several years ago, when the legal minimum wage settings were different.

Around 80% of the agreements (86/108 CBAs) agree on a structural wage increase, i.e., a rise of the basic pay on a permanent basis. In most cases, around 54%, the increase is calculated as a percentage of the regular wage: the average increase per month is 1.7%. This means that, for instance, one employee, from one year to another, will receive an average increase of the monthly salary of 1.7%.

Another very common trait of Spanish agreements is that they refer in 87% of the cases to, at least, one extra payment. This is because in Spain, in most collective agreements, there are also two extra paychecks, typically in June or July and December. 13th and 14th salaries are usually pro-rated over 12 payments. However, it varies depending on the collective agreement. Many collective agreements do include 13th and 14th salaries.⁸ These payments are not related to the company's performance.

⁷ The minimum interprofessional salary for 2021 in Spain has been set at 950 euros per month, taking into account that in Spain it is customary to publish the SMI (salario mínimo interprofesional) divided into 14 annual payments. Royal Decree 231/2020 of 4 February 2020.

⁸ [BOE-A-2015-11430](https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430), Ley del Estatuto de los Trabajadores, Artículo 31. Gratificaciones extraordinarias. Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430>

67% of the agreements (73 CBAs) make reference to a premium for evening or night work, which in 42% of the cases is remunerated with a percentage of regular wage on top of the regular working hour.

Similarly, 75% of the agreements (82 CBAs) make reference to extra compensation for overtime work. In most cases the overtime hour is compensated with 175% of the regular working hour, meaning 75% on top of the agreed working hour rate. The average bonus for an extra working hour is 160%.

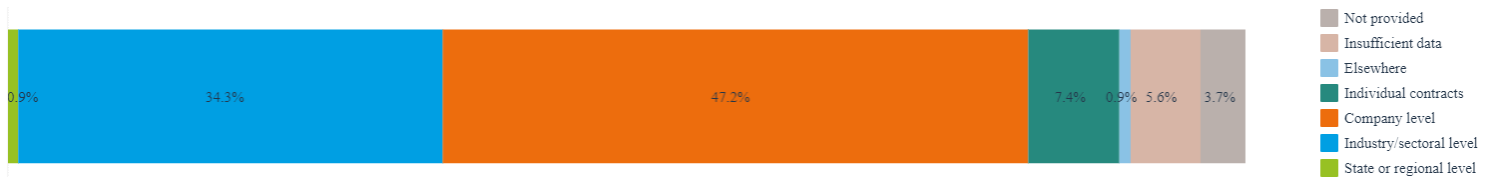
As per other premiums and allowances, only 10% of the agreements refer to a premium for hardship work (e.g., physically difficult and challenging in terms of circumstances/tasks). Almost 40% of the CBAs refer to a premium for Sunday work. Almost half of the agreements (48%) contain clauses regarding seniority allowances. Around 45% refer to commuting transport allowances and around 17% refer to meal allowances: meal allowances are considered as provided for normal working days, not for trips or on special occasions.

Graph 13, Wages

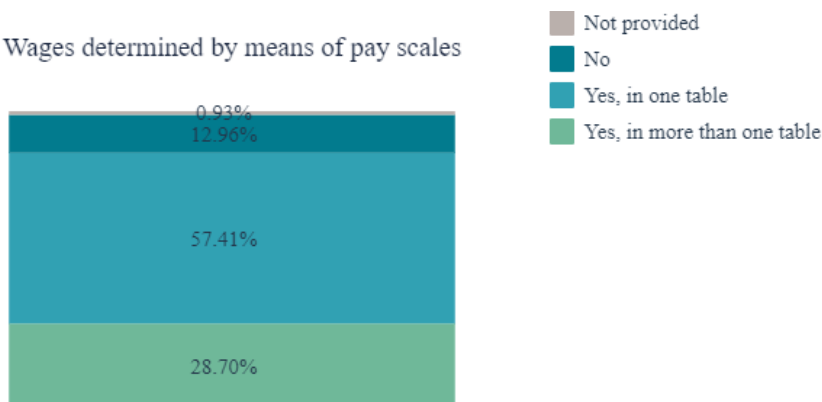
Source: WageIndicator CBA Database, selection Spain, accessed 20 Jan 2021

Wages

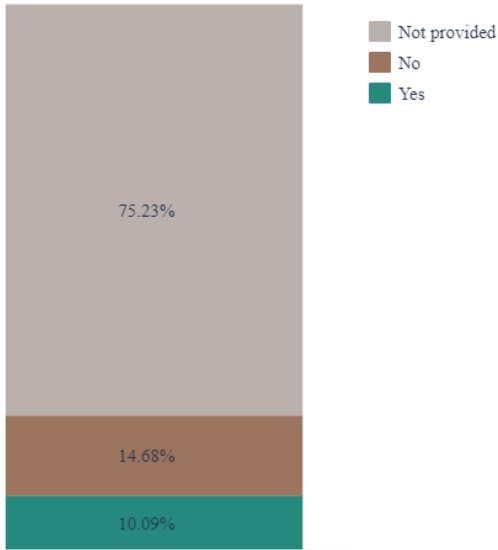
According to the CBA, where are wages determined?



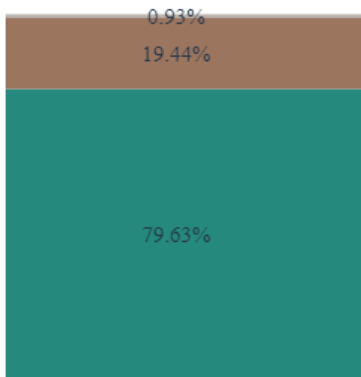
Wages determined by means of pay scales



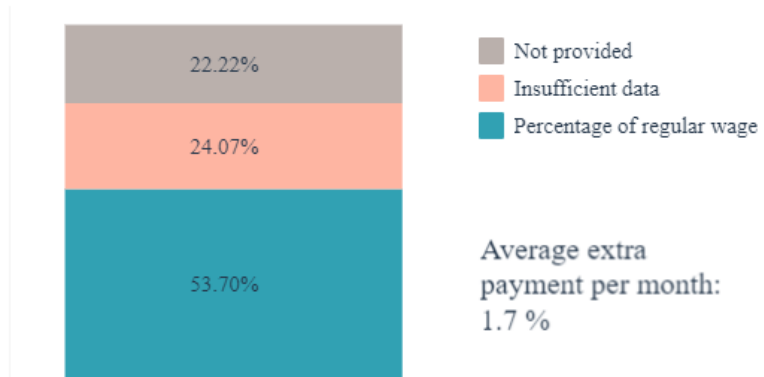
The agreement sets a minimum/lowest wage

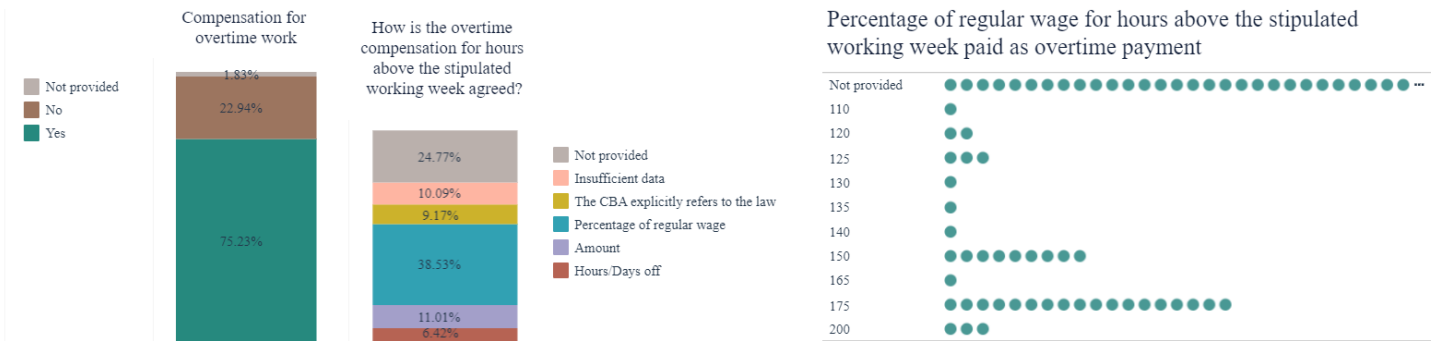
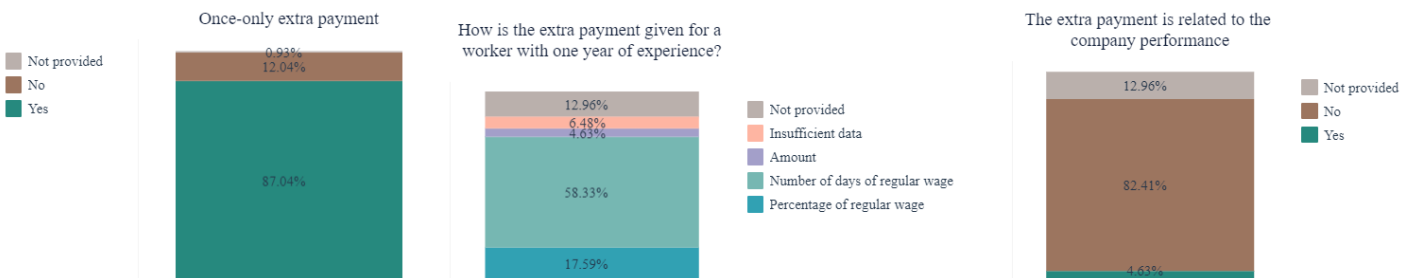
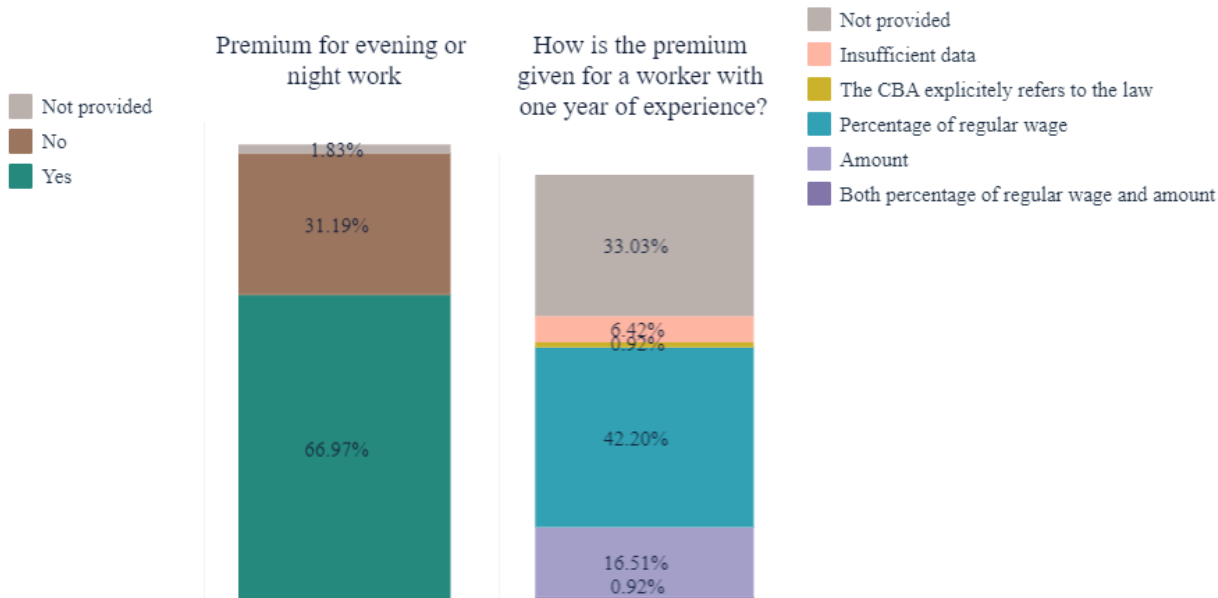


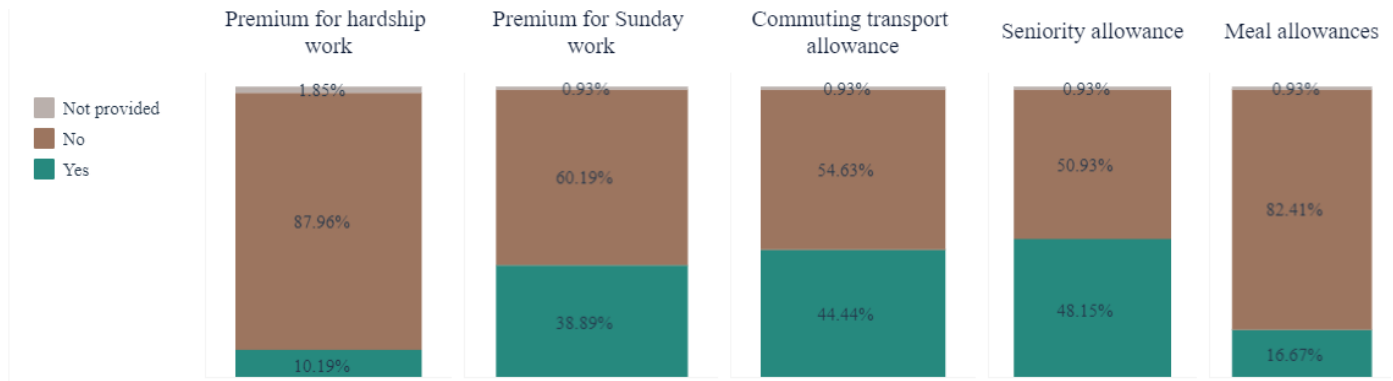
Structural wage increase (=an increase that increases the basic pay on a permanent basis)



How is the extra payment given for a worker with one year of experience?







Conclusions

Spanish collective agreements are public and easily accessible by the public through the “Boletín Oficial del Estado” (BOE; English: Official State Gazette), which is the official gazette of the Kingdom of Spain. The 108 Spanish collective agreements analyzed for the COLBAR- EUROPE project cover the period from 2008 to 2020, with the majority of the agreements signed in 2017, 2018 and 2019. Most of the Spanish agreements are in force for over a year, which makes the clauses and provisions presented in this report up to date at the time of writing.

The vast majority of the agreements analyzed in this report belong to the private sector, which represents more than 90% of the entire Spanish agreements’ dataset. As per the industries covered by the agreements, the vast majority of the agreements (first level sector), around 64%, belong to the Commerce including retail, hospitality and transport, with 69 CBAs over 108. The most represented industry (second level sector) is Retail trade (18.5%) followed by Manufacturing (around 14%) and Financial services, banking, insurance (10%).

Spanish collective agreements are, overall, very well structured and provide a lot of information in terms of clauses and provisions: all the macro topics of the codebook are highly represented by the majority of Spanish CBAs. Clauses on wages are addressed in basically 100% of the CBAs (107/108 CBAs); contents on working hours are also present in almost all the Spanish agreements (97%). As per all the other macro topics, the percentage never drops under 85%, with the least represented topic, social security and pension, whose clauses are present in 86% of the CBAs (93/108 CBAs). When a subject is not explicitly addressed by the agreement itself, the agreement often refers to the law.

What was presented here is based exclusively on the contents that are clearly and explicitly regulated by the collective agreements themselves. In this regard, it is important to point out that the fact that one CBA does not address a subject, does not necessarily mean that that specific subject (which can be represented by any regulation, bonus, policy, etc.) is not applied and granted by the employer to the employee.

In fact, sometimes, CBAs might “take for granted” some topics - especially when they are already very well regulated by the national labor law - and do not mention them openly in the document, or, in some cases, they just refer to the law.

Collective agreements in Spain are an effective tool for improving the employees’ working conditions, in fact they tend to provide better clauses and provisions than what already granted by the labor law. In doing so, they accelerate the process of change towards a working conditions improvement.

References

Ceccon, D., & Medas, G. (2021). Codebook WageIndicator Collective Agreements Database – Version 4 – January 2021. WageIndicator Foundation, Amsterdam.

Besamusca J, Kahancová M and Tijdens K (2018) Contents of Collective Bargaining Agreements in the Commerce Sector. REPORT 1 of the BARCOM project. Amsterdam etc.: University of Amsterdam-AIAS/CELSI/EUBA/ EuroCommerce/Uni Global Union/ WageIndicator Foundation

[BOE-A-2015-11430](#), Agencia Estatal Boletín Oficial del Estado. Ley del Estatuto de los Trabajadores.