



ANTRÀS

EMPLOYMENT & LABOUR LAWYERS

ANTRÀS



**REVIEW OF LATEST SPANISH
LABOUR LEGAL SYSTEM REFORMS**

October 2021



I

BACKGROUND

- **2012 REFORM:**
 - Eased the fair and unfair terminations
 - Unfair terminations become much more affordable
 - In the other hand, some collectives became specially protected against dismissal
 - Incorporated some flexibility tools to adapt labour conditions to needs outcoming from employer difficulties
 - § Timetable and calendar flexibility
 - § Labour conditions modification (even salary decrease)
 - § CBA temporary inapplication
 - § Professional and Geograpghic Movility



- **JURISPRUDENTIAL “COUNTER REFORM”**
 - Superior Court of Spain’s interpretation of such legal reforms has been quite strict and severe.
 - As a result, unfair dismissal seems to have consolidated a reasonably affordable rate, but fair dismissal is still almost a unicorn in Spain



- **2014-2019: 5 YEARS OF WEALTH**
 - Unemployment decreased and thus:
 - § Less concern about employment stability and/or preservation
 - § More concern about some labour rights as will be seen



- **THE PANDEMYC:**

- As everything all of a sudden stops, the sole concern was:
 - § Give out an easy tool to send people home: ERTE
 - § Encourage as many as possible to work from home
 - § Protect employment in view of a huge economy fall I



- **POST PANDEMYC:**
 - Part of the Government intends to retake the counter reform agenda to privilege employees and Unions

 - The real agenda is on:
 - § Teleworking
 - § Flexibility
 - § Retirement system



II

MAIN STREAMS

- **ERTE`S (contract suspension):**
 - Real Decreto Ley 8/2020 and the ones that followed
 - § Force Majeur ERTES
 - Quick and easy
 - Strong assistance in relation with Social Security Costs
 - § ETOP ERTE`s:
 - Also quick but not easy
 - Big issue to differentiate them from Force Majeur
 - Strong tools for Unions (big Companies)



- **TELEWORK + DIGITAL DISCONEXION RIGHT**
 - New Law RDL 28/2020 and lately Ley 10/2021. July 9th
 - § 30%
 - § Voluntary for both parts
 - § Written agreement
 - § Compensations (¿?)
 - § Other multiple rights
 - Training
 - Digital disconexion (art. 18)
 - Representation
 - Hourly register
 - Work safety
 - Others



- **HOURLY REGISTER:**
 - Ley 8/2019, March 8th
 - § Law purpose: stop some fraud and help employees proving extra hours
 - § Includes the need to register everyday working hours
 - § Great problems to resolve the situation of people that spend a part of the working hours out of the Company's offices or facilities
 - § Interference with teleworking



- **EQUALTY LAW:** new obligations
 - Need to negotiate and set up an equality plan
 - § Companies more than 50 employees
 - § Previous study of some parameters regarding:
 - Selection
 - Type of Contract
 - Roles
 - Salaries
 - Promotion
 - Family Conciliation
 - Termination
 - Others
 - § Once again reinforcing the Union's role



- **NEW LIMITS OF THE EMPLOYMENT CONTRACT FRAME: RIDERS**
 - STS September 25th 2021
 - Spreading the limits of the employment contract
 - This is not an inconvenient to keep introducing new types of compensation, especially the variable ones that will be more and more used in the future



III

COMING NEXT

- INFLATION: A NEW AND MORE AGITATED CONTEXT FOR THE LABOUR RELATIONS IN 2022
- TRAFFIC JAM: A CLAIM FOR MORE TELEWORKING
- SOCIAL SECURITY: POSPOONIGN RETIREMENT



EMPLOYMENT & LABOUR LAWYERS

www.antras.net