



Employment, Social Affairs and Inclusion
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***DIGITALISATION AND COLLECTIVE
BARGAINING IN SPAIN***



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Second Transnational Workshop

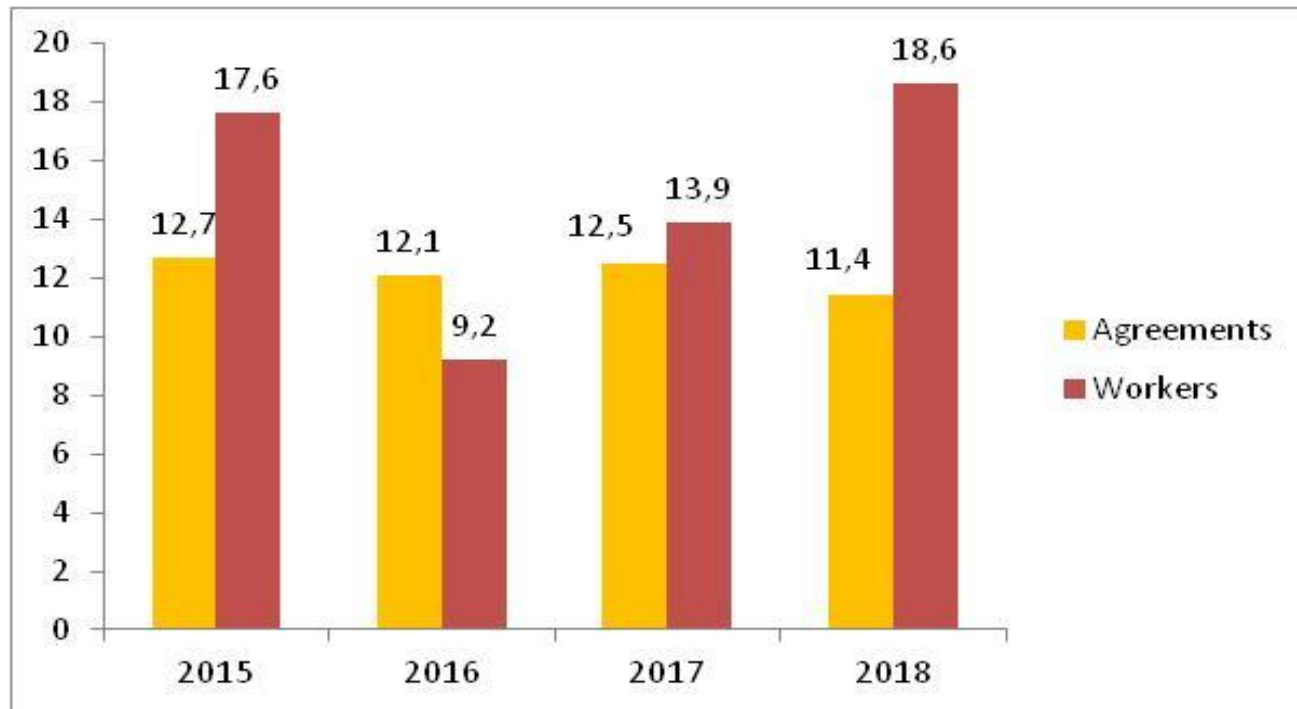
Rome, 25 June 2018

INCREASING AWARENESS OF SOCIAL PARTNERS



BUT A POOR PERFORMANCE OF CB

Collective agreements with provisions on new technologies related to work organisation in Spain (% over total agreements)



Source: Statistics of Collective Agreements, Annual data

CONSTRAINTS TO THE ROLE OF CB (1)

- The characteristics of the **Spanish productive model**, with a high level of SMEs and micro-companies and a low level of technological innovation, leading to a **concentration of the most advanced digitalization processes in a small number of big companies**.
- The development of **technological innovations** identified as a as an **exclusive competence of the employers**, not submitted to negotiation with workers' representatives.
- The **labour law reforms** of the crisis –in particular, that of 2012- strongly deepened the **power asymmetry between capital and labour**, leading towards a more authoritarian pattern of industrial relations in Spain.

CONSTRAINTS TO THE ROLE OF CB (2)

- The **quick pace of digitalisation**, and the uncertainties about the scope and intensity of their social impacts, **does not match easily with the current institutional framework of industrial relations**, which usually cover a limited range of specific and traditional- topics.
- **Low level of training of the negotiating parties**, both workers and HR management. regarding to **technological changes and their potential social impacts**
- Emerging topics related to digitalisation are mostly **out of the priorities of the current bargaining agenda** of the workers representatives, due to the need to face the **lasting impacts of the crisis**

TOPICS IN COLLECTIVE AGREEMENTS (1)

Topics	Agreement
Training	<p>XIX collective agreement of the chemical Industry (2018-2020)</p> <p>XIX collective agreement of Seat SA (2016-2020)</p> <p>Inter-province collective agreement of Renault Spain (2017-2020)</p> <p>VII collective agreement of Robert Bosh España Fábrica Aranjuez S.A.U. (2015-2017)</p> <p>I collective inter-centres of Navantia (2018-2021)</p>
Teleworking	<p>XIX Collective Agreement of the chemical Industry (2018-2020)</p> <p>Collective agreement of AXA Spain (2017-2020)</p> <p>VI collective agreement of Generali Group (2017-2020)</p>
Productivity	<p>I collective inter-centres of Navantia (2018-2021)</p>
Restructuring	<p>Framework Agreement of Transformation and Employment (2018-2020) of AXA Spain</p>

TOPICS IN COLLECTIVE AGREEMENTS (2)

Topics	Agreement
Right to disconnection	Collective agreement of AXA group (2017-2020) IX Framework Agreement of Repsol Group (2017-2019) XXVIII collective agreement of Philips Ibérica S.A.U. 2018-2020 I collective agreement of AUTOAMTAX (2019-2023)
Platform work	Modification of the V State level Agreement of Hostelery (2015-2019), 2019: “Likewise, the scope of the agreement will include the meal delivery services (..) as a provision of the establishment's own service or on behalf of another company, including digital platforms or through them ”

LAW 5/2018 OF PERSONAL DATA PROTECTION AND GUARANTEE OF DIGITAL RIGHTS: ROOM FOR CB

- Art. 88: **Right to digital disconnection:** The modalities of exercise of this right will address the nature and purpose of the employment relationship, enhance the right to work-life balance and personal and family life and *will be subject to the provisions of collective bargaining or, failing that, to what is agreed between the company and the workers' representatives*
- Article. 91. **Digital rights in collective bargaining:** *Collective bargaining may establish additional guarantees in relation to the processing of personal data and the safeguarding of digital rights in the labour sphere.*



**ROYAL DECREE-LAW 6/2019, OF 1 MARCH, ON URGENT MEASURES TO
GUARANTEE EQUAL TREATMENT AND OPPORTUNITIES FOR WOMEN AND
MEN IN EMPLOYMENT AND OCCUPATION**

- Modification of **article 34.8** of the Workers' Statute:
- Employees may request the adaptation of the **duration** and **distribution** of their **working hours, including remote working**, in order to make effective their right to the conciliation of personal, family and working life, including. Such adaptations must be reasonable and proportionate in relation with both the employees' and the companies' organizational or productive needs.

This right will be effective under the terms agreed by the collective bargaining. Otherwise, the company must open a negotiation process with the employee for a maximum period of 30 days, which will conclude with a written communication in response to the employee's request.

PROPOSALS TO REINFORCE THE ROLE OF CB IN SPAIN

- The reestablishment of a **more fair and balanced legal framework for industrial relations**
- The creation of **bipartite bodies composed of representatives of employers and workers** both at sectoral and company level, aimed to promote **shared diagnosis and joint guidelines** regarding to digitalisation
- The improvement of the levels of **training** received by the bargaining actors (both management and workers)
- The enrichment of the **contents of collective agreements** regarding to those **topics linked technological changes** and their repercussions on **employment and working conditions**

FURTHER INFORMATION



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WHAT IT IS ABOUT

The DIRESOC project is implemented by members of Irene network, composed of independent experts' organizations and individuals: universities, research centers, NGOs, trade unions, consultants etc. Their work is focused on the social and economic dimensions of corporate restructuring in Europe. The aim - to promote working models, responsible and innovative practices. The project's specific objectives are: to improve the expertise and the knowledge on industrial relations through analysis and research at EU level and to identify convergences and differences in the industrial relations systems in different EU member states. The countries that will be investigated in the partner countries are tourism

<http://diresoc.eu/>



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