ALTOGETHER
Employers and employees developing effective consultation and participation system to address the COVID19 impact

NATIONAL REPORT FROM: SPAIN

"COUNTRY- SPECIFIC ANALYSIS FOR WORKERS' INFORMATION

CONSULTATION AND PARTICIPATION RIGHTS AND THE COVID19 CRISIS (MANAGING OF THE CRISIS, IMPACT, RECOVER)"

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1. INTRODUCTION

The EU countries, particularly Spain, have, like the rest of the world, suffered from the covid-19 pandemic and took measures against its spread, which affected, among other things, the employment conditions of workers.

For the most part, the national governments only determined the measures adopted to combat the crisis. In some cases, the social partners were also involved in developing anti-crisis measures. The pandemic period was often used as an opportunity to introduce measures unfavourable to workers. Many workers were affected by abuses of their rights, including health and safety at work. Dealing with the impact of the current covid-19 pandemic drains the strength and resources of trade unions and the state, limiting the possibility of full participation in the process of participation and decision-making.

While the institutional environment is important for making all forms of social dialogue work, good practices and a willingness to include the social partners (and workers' representatives in the case of worker participation) in the decision-making process are crucial. Given the scale of collective bargaining, it must be recognised that there are major challenges to the dissemination of social dialogue in the European Union in all its forms.

2. MAPPING THE CURRENT SITUATION

The covid-19 pandemic has highlighted the state's deficits in public services, such as education and health, as well as insufficient digitalisation.

At the same time, the expansion of remote working has made it more difficult for social partners to reach out to workers, conduct social dialogue and bring new members together.

One of the obstacles to social dialogue is the non-recognition of trade unions and other forms of worker representation by business and governments and the reluctance to engage in social dialogue. A major problem is employers' reluctance to create employers' organisations and to associate in their structures, so trade unions are faced with the lack of a representative partner for social dialogue on the employers' side. Changing this situation is difficult.

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3. ASSESSING OTHER POSSIBLE EFFECTIVE MECHANISMS

Social dialogue and employee participation in corporate governance are favourable to socially responsible businesses. They increase the transparency of processes and the consistency of decisions taken, thus their social acceptability. Experience shows that trade union activity in companies is the most effective form of representation of workers' interests. Unfortunately, the state of social dialogue is relatively weak in many countries. The government often does not recognise trade unions and other forms of workers' representation.

In addition, the government does not always have a trade union-friendly approach and does not fulfil its obligation to conduct social dialogue, which translates into economic practices. In many cases, legal barriers or reluctance on the part of employers hinder the formation and activities of trade unions.
The emergence of the covid-19 pandemic has created an additional risk of arbitrary decision-making by the state and business, deteriorated the quality of social dialogue in many EU countries, reduced the rights of workers and trade unions and increased non-compliance with labour law.

The social partners and employee representatives in company bodies should document their work on social dialogue to a greater extent and present it externally. This increases awareness of the positions presented, demonstrates a role in shaping the process and influences public awareness and decision-making processes. The achievements in improving working conditions and increasing the scope for workers' participation have a concrete face of the people who did it: they have to be shown in a modern way. Available ways to disseminate experiences are paper publications, thematic exhibitions, audio-visual recordings available on the web, personal meetings, and participation in radio programmes or TV recordings. Good practices in this area should be included in the current strategy to improve the effectiveness of employee participation in company management.

In the case of trade unions, strength comes from their ability to organise workers, their legal power and their potential to influence the shape of public debate. The level of unionisation is important in assessing unions' potential for social dialogue but does not determine it in practice. The impact of trade unions depends largely on Spain's culture and traditions of social dialogue but also on the ability to mobilise the population to support their demands; obviously, after the pandemic social and political demands and movements are at a high point.

The shortcomings the administrations demonstrated in health and social services have been more than evident.

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4. NEW DRIVERS IDENTIFIED TO IMPROVE EMPLOYEE REPRESENTATION AND CONSULTATION

Employee participation (understood as the inclusion of employees in the company's decision-making process and their participation in the management of the company) mainly takes the form of the participation of employee representatives in the dialogue with the employer and the tripartite social dialogue institutions.

In Spain, CCOO and UGT are big trade union confederations; the number of members affiliated to a trade union or an employers' organisation and the scale of coverage of collective agreements is an argument that reinforces the power of publicly expressed positions. The social partners also have the capacity to influence public opinion by initiating debates, presenting positions and expertise or campaigning in the media.

The right to information is an elementary and essential form of worker participation in workplace management and contact between the workforce and the employer that underlies worker participation in management and any collective action taken by workers' representatives. In pandemics, this right was essential but rather weak.

Employee participation in companies' management requires workers' consultation in strategic decisions and tools to ensure an effective flow of information on the functioning of companies.

An effective form of employee participation in company management is the participation of employee representatives in company bodies: the supervisory board and the management board.
Public support from society. Public support is, first of all, created by addressing issues important for society and, therefore, not only directly related to industrial relations.

In Spain, thousands of neighbourhood associations, social associations and NGOs actively participate in the socio-economic life of their city, neighbourhood or municipality. Trade unions and

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these organisations often go together to achieve greater pressure on companies or administrations.

Closures of companies with thousands of workers have been stopped, or better conditions for their workers have been negotiated with demonstrations and social pressure, or more recently, the white tides in defence of public health care that is taking place in most Spanish cities so that more is invested in human resources, research and improvement of the quality of this service, which after the pandemic, it has already been demonstrated how important and necessary it is. Employee participation in management means that workers can co-determine the company's activities through their representatives in company bodies.

The social partners must be involved in defining workers' qualification needs, training and re-skilling opportunities.

A very important element in the drive to improve worker representation and consultation has been the learning and use of social media.

Nowadays, in the age of technology, proximity, the sense of globalisation, the ability to know what is happening thousands of kilometres away from you at that very moment, in real-time, means that trade union and business action takes on a different face and a different dimension to what we used to know.

5. PARTICIPATORY AGREEMENTS IN THE WORKPLACE

Employees elect or appoint their representatives to the company's statutory bodies, such as the board of directors or the supervisory board, who influence the company's management by attending meetings of the statutory bodies. Works councils and staff councils in the public sector help, define and make decisions together with employers and administrations, at least, this should be the case, but with the pandemic, we have had serious problems in carrying out this work.

Employee participation is not a widely used form of corporate governance. There is a lack of awareness of this form of corporate governance among employees, employers, and the public.
Employee participation is a form of workplace democracy and a useful instrument for implementing social transformation.

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This is because it makes employees aware of the changes, allows them to influence how they are implemented, and thus reinforces their acceptance.

It increases the responsibility of the employees for the success of the company and of the employer for the well-being of the employees, which contributes to the social responsibility of the company and its sustainability.

An effective post-pandemic occupational activation system can consist of facilitating and supporting workers to find a job through public employment services, preferences for transforming enterprises and their workers to participate in investments in newly created regional specialisations or relocating workers to another workplace to exploit their potential and maintain employment continuity.

Training conditions (financial, logistical, time) must be created for employees, especially after covid, when employment was devastated by the labour, social and health crises. The aim of training must be to ensure that the employee obtains a stable and quality job. The quality of education must be guaranteed (consider a certification system), and training conditions can take the form of paid training leave options for those who improve their professional skills. Training can take place through knowledge sharing (e.g. in the form of mentoring) in companies (organised by employers) and in local communities (public institutions).

6. ANALYSIS OF SURVEYS AND IN-DEPTH CASE STUDIES

In the case of the surveys, we proceed to annexes with graphs of the results. The main characteristics of the surveys are as follows:

1. 87 surveys were carried out;

2. the workers live and have lived through the pandemic very badly, and the crisis is very close to their hearts. The role of trade unions, government and employers is described as bad. They have hardly any knowledge of the efforts of the European Union or of the measures taken that could affect them;

3. employers have the feeling of being abandoned by the government; they are not aware of the Union's regulations and understand that they are the

ones most affected by the crisis;

4. Trade Unions understand that their role has been good and necessary for managing the pandemic; in many cases, they are also unaware of the European regulations and refer to the impossibility of dialogue with employers.

B) Case in depth

In Spain, the health sector, as in the rest of Europe, suffered a lot; not knowing what we were facing conditioned each and every one of the measures adopted at work for health professionals; we had no prevention measures, and our health professionals had a very high rate of contagion to the floor, points to the floor. There were not enough personnel to deal with such a number of patients, and there were no means, neither human nor resources, to cope with the situation. A large number of staff were recruited. But the number of infections increased soon after the covid-19 waves, and many colleagues were made redundant, but the volume of patients has not decreased. This creates a lot of problems for our health professionals. Today there have been many demonstrations, strikes, and what more depression to try to get the 20000 health workers dismissed after the pandemic to recover their jobs; this is very necessary, and society supports it in all the communities of Spain.

7. ANALYSIS OF IN-DEPTH INTERVIEWS

Ten very varied interviews were carried out. It should be noted that the data are exact to those of the surveys (see previous point). It suggests that depending on the professional situation of each person, the vision is very different, but almost all agree on the lack of knowledge of European regulations.

8. CONCLUSIONS

Employee participation is a form of worker representation at the company level distinct from trade unions or works councils. The forms differ in legal regulations, including differentiation of functions and competences. Employee participation should be seen in social dialogue as a way of realising the social dimension of economic activity within the company.

Through the public procurement system, the government and public administration should promote companies that respect labour rights and trade union rights and have a collective agreement. Stakeholders should receive timely information on the results of public consultation and the results of public dialogue from the government.

The social partners and their structure can serve as a vehicle for disseminating information on projects and instruments dedicated to company management, communication with trade unions, needs, state of the company, improvements, objectives, etc., after the covid between companies and workers. An objective information policy will raise public awareness of the process, increase transparency, and enable stakeholders to plan their education and career paths or how to heat their homes or businesses.

Various forms of communication should be used within the company, including attention to timely and constructive feedback from employees and their representatives. The way meetings are organised (scope of issues, time allocated to them, schedule) is important.

Public funds (including EU funds) should be used as a lever to promote decent working conditions, social dialogue and quality education and health. Funding of employment-related activities should be conditional, i.e. conditional on the employer respecting workers' rights and the right of workers to form trade unions and their activities. It is worth disseminating knowledge about social dialogue and employee participation in company management to the public through the education system.

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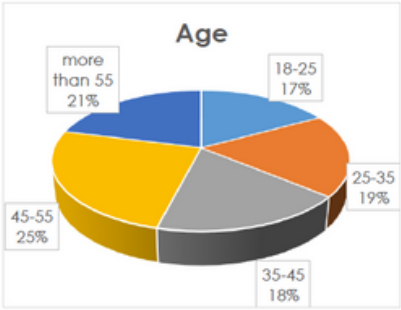
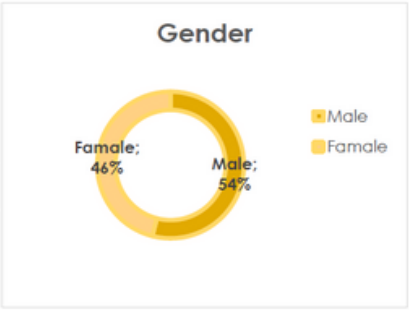
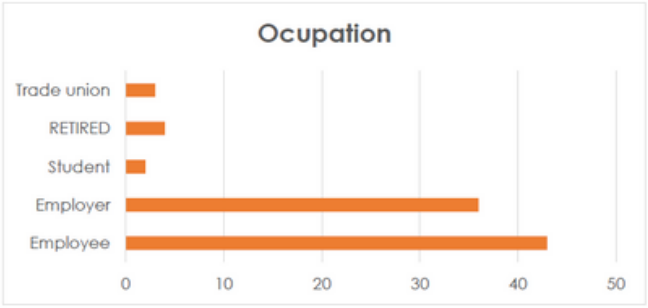
ANNEX I: SURVEY GRAPHS







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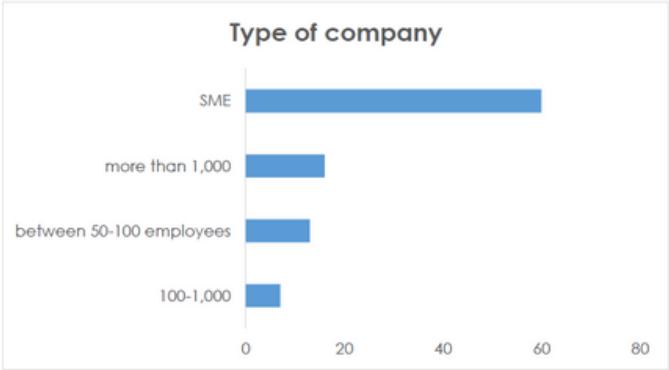

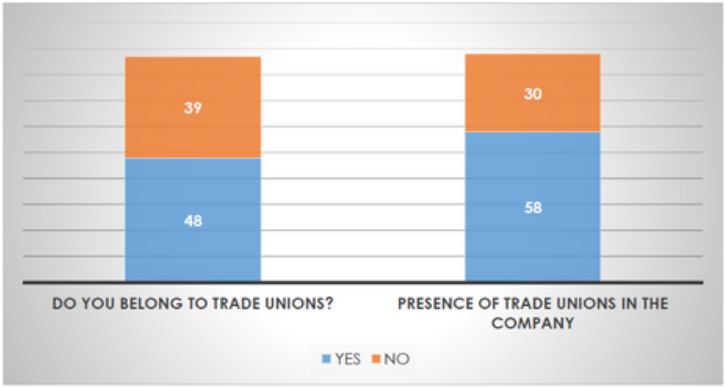

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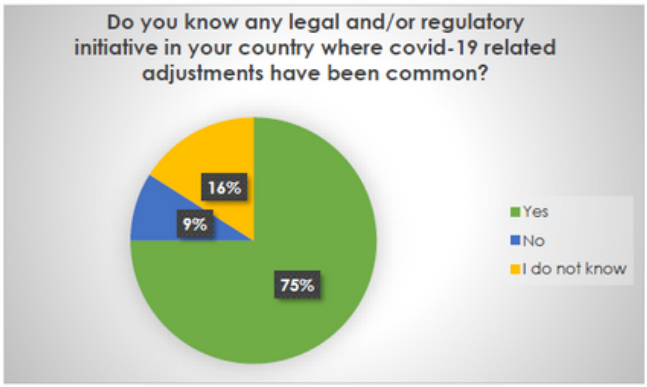

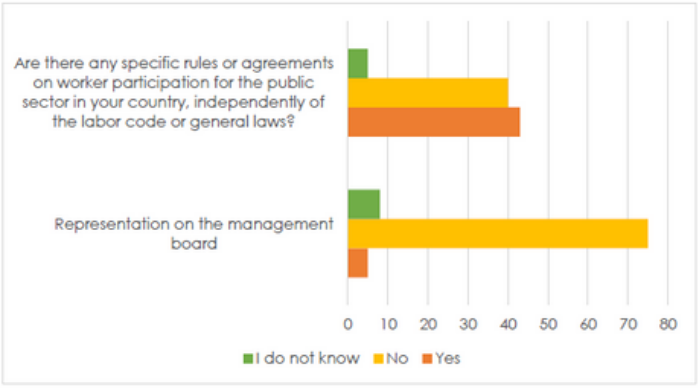

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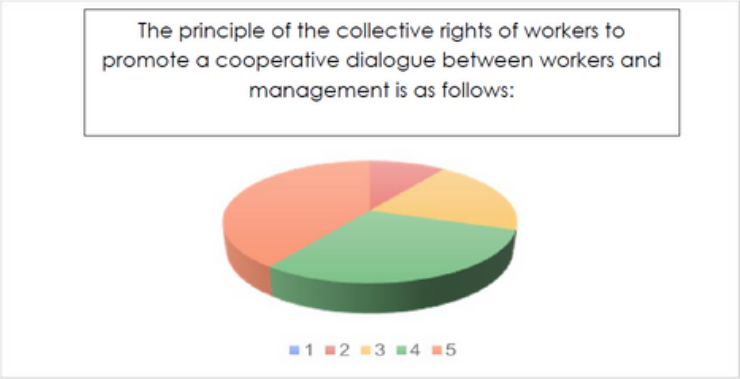

Are there rules or agreements on worker participation specific to the public sector in your country, separate from the labour code or general laws?

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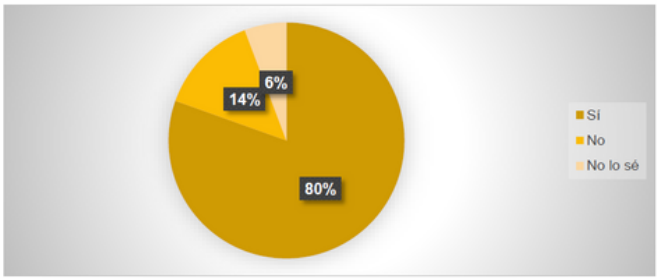
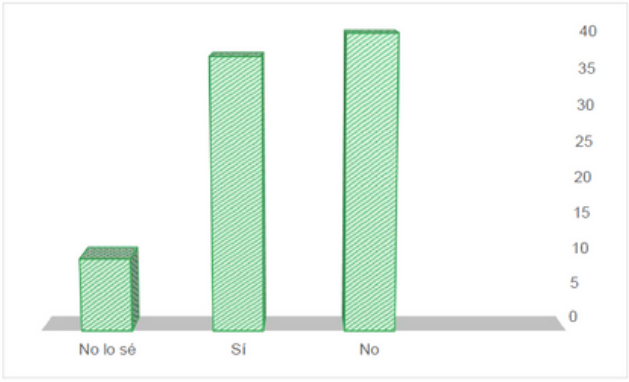
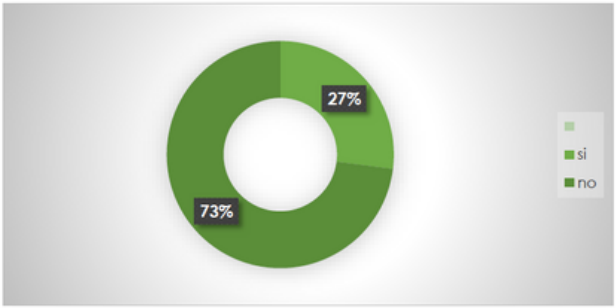


Does your company have employee representation at the company or board level?



Do you have the right to elect or appoint one or more members of the company's supervisory board/management board?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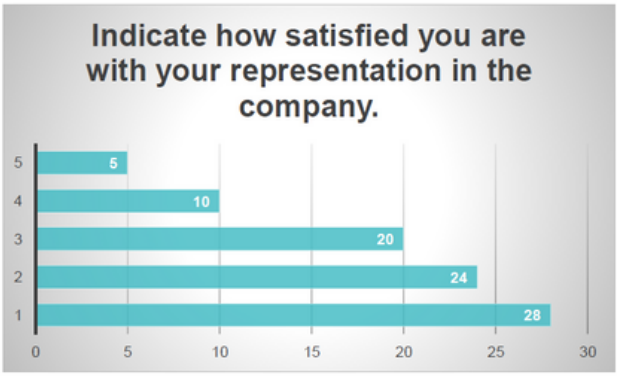
Indicate how satisfied you are with your representation in the company.
5
4
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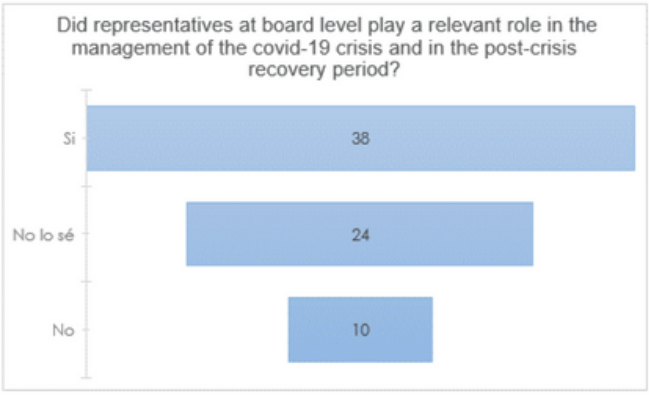

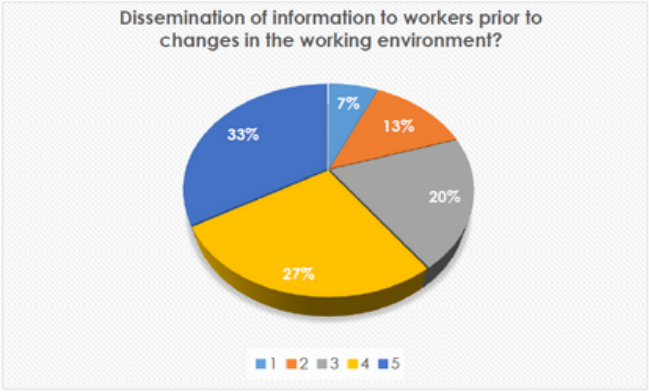

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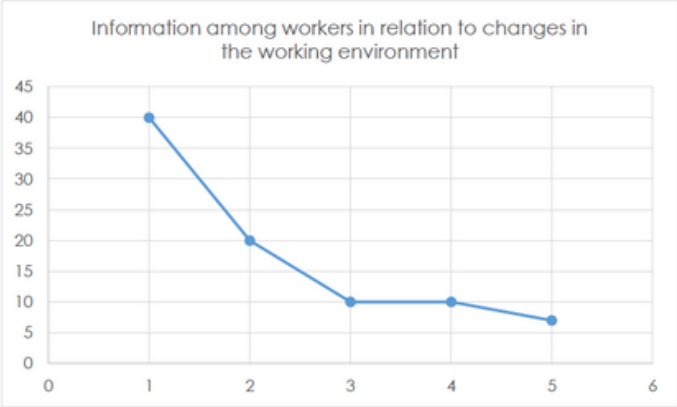

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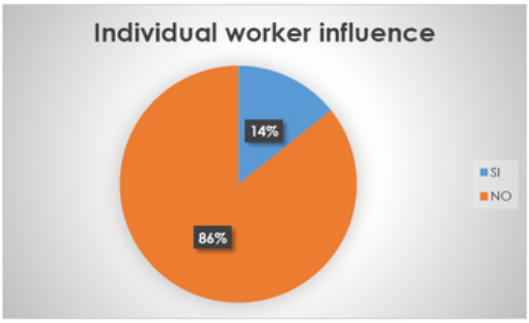

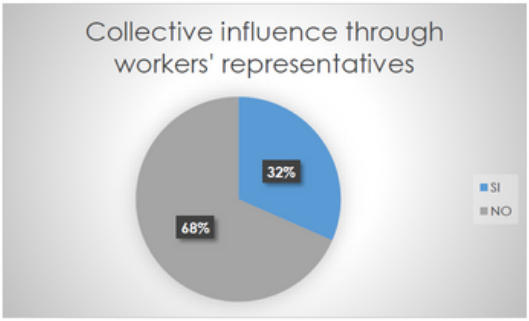

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