WORKING PAPER

Industrial relations and social dialogue

Spain: Working life in the COVID-19 pandemic 2021

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Introduction

The year 2021 has been characterised by massive vaccination in Spain, leaving it as one of the EU countries with highest rate; 87% had received at least one dose and 81.4% had been fully vaccinated by mid-January 2022. This has allowed to face in better conditions the three waves occurring during 2021: the first reached a peak on the 28 January 2021, the second on 29 July and the third caused by the extension of Omicron in December.

Over the course of 2021, restrictions have eased gradually, thanks to a high vaccination rate. Especially those affecting to social interactions and movement as no strict lockdown has been necessary. In the education system, the year started with some restrictions in the number of students and the use of hybrid formats, but the academic year 2021-22 started with 100% in person modality. Regional governments have included some restrictions like curfew or obligation of COVID-19 pass in restaurants and bars, but by the end of 2021, almost no restrictions remained, except for the compulsory use of facemasks. Despite the extremely high incidence of the Omicron wave, few additional restrictions were approved, as the government started to treat it as flu-like.

Most forecasts predicted a high growth during 2021 for Spain, thanks to the easing of restrictions allowing international movements and the reopening of the service sector. As months passed, the figures have proven these estimates to be too optimistic. In December 2021, the Organisation for Economic Co-operation and Development (OECD) has sharply reduced the country's projected growth from 6.8% to 4.5% in 2021, and from 6.6% to 5.5% in 2022.

The underperformance in growth rates contrasts with labour market developments. An unprecedented increase in employment levels, has allowed the unemployment rate to reach pre-2008 financial crisis levels (13.3%). Most importantly, an increase in the number of open-ended contracts has been reported, thus signalling to a change in hiring practices of companies, though it is not clear whether this is related to the evidence of labour shortages in some sectors.

Political context

The year 2021 has been characterised by stability in the coalition government formed by the centre-left Socialist Party PSOE and the left party Podemos in January 2020. Despite minor disagreements between the two partners of the coalition, it has nonetheless proved to be stable and has managed to promote many reforms in areas like pensions, the labour market or housing. Lacking a strong majority, the government has to rely on the support of some of the nationalist parties from the Basque Country and Catalonia.

In May 2021 there were regional elections in Madrid. The centre-right PP won the elections and gave a boost within the party to the current president of Madrid, Mrs. Isabel Díaz Ayuso, who thanks to this, has become a candidate to the Presidency of the PP. On several occasions over the year, conflicts between the PP General Secretary, Mr. Pablo Casado and Mrs. Díaz Ayuso have appeared. In the Madrid elections, the Socialist party lost several seats with respect to the elections in 2019. The results were worst for Podemos, that had high expectations, but results fell short. This caused the resignation of the vice president of the government, Pablo Iglesias, who stepped into the campaign in order to help his party. By contrast, in line with previous elections, the extreme right-wing party Vox achieved a good result and became a key party to ensure the formation of the new regional government by the PP.

Governments and social partners response to cushion the effects

The response of the government and social partners to cushion the effects of the crisis has had two well-defined periods during 2021.

In the first half of the year, still characterised by a strong impact of the pandemic under the third and fourth waves, many of policies enacted in 2020 to combat the social and economic impact of the COVID-19 crisis were extended. These included the two agreements in defense of employment between the Government and the social agents: the IV Agreement[i] in January and the V Agreement[ii] in May 2021. Thanks to these agreements, temporary lay-offs (ERTEs) have been extended until September 30 as a mechanism to protect employment and avoid the use of other external flexibility measures. Companies relying on this mechanism commit to maintain employment, not to distribute dividends or lay off workers due to COVID-19.

Moreover, the government also extended other policies that created the so-called social shield to protect vulnerable groups during the pandemic. These included the so-called MECUIDA plan until 31 May to facilitate life and work balance,[iii] the moratorium on debts and mortgages[iv] or measures to guarantee unemployment protection.[v] Similarly, the minimum income scheme was modified to make access less restrictive and reach a larger number of persons.[vi]

In addition to these policies, the government signed an agreement with trade unions in the central government administration in relation to telework. According to this agreement, teleworking will be voluntary, reversible, with the same rights and duties for staff in this modality as staff in face-to-face mode, subject to guaranteeing the provision of public services and will have identification of objectives, monitoring plan and evaluation of compliance. The employer will provide for teleworking a computer equipment with data card, applications, and tools. The general rule of teleworking will consist of two days in face-to-face mode and three teleworking.

Another important measure was the Action Plan for the internationalization of the Spanish Economy. The plan aims to promote the internationalization of the Spanish economy and position the foreign sector as a pillar of economic recovery and job generator through the improvement of competitiveness and the greater presence of Spanish companies abroad. This Plan updates the analysis of the situation of the foreign sector, considering the outbreak of the COVID-19 pandemic and its impact on trade flows, and defines the specific measures that seek to influence the aforementioned objectives and the 6 axes of action defined in the Strategy for the Internationalization of the Spanish Economy 2017-2027 (Ministerio de Industria, Comercio y Turismo 2021).

Even though many of the policies in the first half of 2021 were still aimed at cushioning the impact of the crisis, some policies were already developed to help economic reactivation. Most of them were targeted to SMEs and self-employed workers due to their greater problems derived from the COVID-19 crisis. These included a new line of direct aid endowed with €7 billion or a €3,000 financing line for self-employed workers and companies whose activity has been negatively affected by the pandemic and whose income has fallen more than 30% compared to 2019. Moreover a new recapitalization fund endowed with €1 billion, to support viable companies facing liquidity problems derived from COVID-19 has been created.[vii]

In the second half of the year the government has again extended many of the most important social shield policy measures until end of February 2022. These include the VI Agreement in Defense of Employment, extending again the temporary lay-offs mechanism,[viii] measures to help reconcile work and family life for those with caring responsibilities; measures to ensure unemployment protection or to guarantee a safe house for vulnerable groups.[ix]

Together with those policies extending the social shield, the government has implemented a number of policies to help the recovery of the economy. In most cases, the government has extended the duration beyond December 2021 of some of the policy measures to help business stay afloat and invest in this phase of the Recovery. This will be achieved by extending the term for liquidity and solvency aid, excluding losses from 2020 and 2021 for the purposes of business resolution, extending the moratorium on the declaration of insolvency on case of equity imbalances, while the new bankruptcy regime is approved, as well as the establishment of a clear framework during 2022 for direct foreign investments.

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[i] Eurofound (2021), Fourth tripartite agreement in defense of employment, case ES-2021-5/1773 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[ii] Eurofound (2021), Urgent Measures in defense of employment and for economic reactivation - Extension of Temporary Lay-offs, case ES-2021-22/1966 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[iii] Eurofound (2020), Right to flexible schedule and reduction of working hours for workers with care responsibilities, case ES-2020-12/504 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[iv] Eurofound (2020), Mortgage debt moratorium, case ES-2020-12/505 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[v] Eurofound (2020), Extension of protection for unemployment benefits, case ES-2020-12/223 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[vi] Eurofound (2020), New minimum living income introduced, case ES-2020-23/878 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[vii] Eurofound (2021), Direct aids to strengthen the solvency of self-employed and companies, case ES-2021-11/1826 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[viii] Eurofound (2021), VI Social Agreement in Defense of Employment, case ES-2021-40/2040 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

[ix] Eurofound (2020), New aid programme to help vulnerable groups in regular home rentals, case ES-2020-14/607 (measures in Spain), COVID-19 EU PolicyWatch, Dublin
Eurofound (2020), Guarantee of water and energy supply to vulnerable consumers, case ES-2020-12/502 (measures in Spain), COVID-19 EU PolicyWatch, Dublin

Adapting to the pandemic and the return to work: Policies and debates

New occupational health and safety rules

Occupational health and safety rules have evolved in line with developments in the pandemic. Compared to 2020, when companies' priorities in terms of health and safety rules were to prevent contagion at the workplace, the key aspect in 2021 has been in relation to vaccination of workers.

Law 2/2021, of 29 March on Urgent Measures of prevention, containment, and coordination to face the COVID-19 health crisis, included several measures in relation to companies. First, this law established the compulsory use of facemask in open and closed spaces. This applied also to companies. But the law included a series of specific obligations for companies. Among others, ventilation, cleaning and disinfection measures appropriate to the characteristics and intensity of use of the work centres or availability to workers of water and soap, or hydroalcoholic gels or disinfectants with viral activity, authorized and registered by the Ministry of Health for hand cleaning. Moreover, the law also established the need to adapt working conditions, including the organization of shifts, as well as the use of common places in a way that guarantees the maintenance of a minimum interpersonal safety distance of 1.5 meters among the workers. When this is not possible, workers must be provided with protective equipment appropriate to the level of risk. Finally, the law also provided for the gradual return to the workplace whilst promoting the use of teleworking whenever possible. The Labour Inspection is the body in charge of monitoring the correct implementation of this law, and can implement sanctions in case companies do not comply with it.

There has been some debate about compulsory vaccination for workers in Spain, but the government has never attempted to implement it. Hence, companies cannot oblige their employees to vaccinate. Not even in the case of health workers. Trade unions were against any type of obligation for workers to vaccinate. By contrast, many employer organisations have campaigned for it. In October, the largest Catalan employer organisation, member of the most representative employer confederation in Spain (CEOE) initiated a campaign to make compulsory vaccination for attending the workplace, but no regulation has been made in this regard. There has been at least one Court Ruling sanctioning the right not to vaccinate. In Bilbao, it was declared null the cease of a woman working in a care centre for people with disabilities who refused to vaccinate. Vaccination cannot be imposed as a condition for going to work in person, as it would discriminate against workers who choose not to be vaccinated. Thus, if the employee refuses to be vaccinated, the company must guarantee that they can carry out the work with the measures considered necessary in the office.

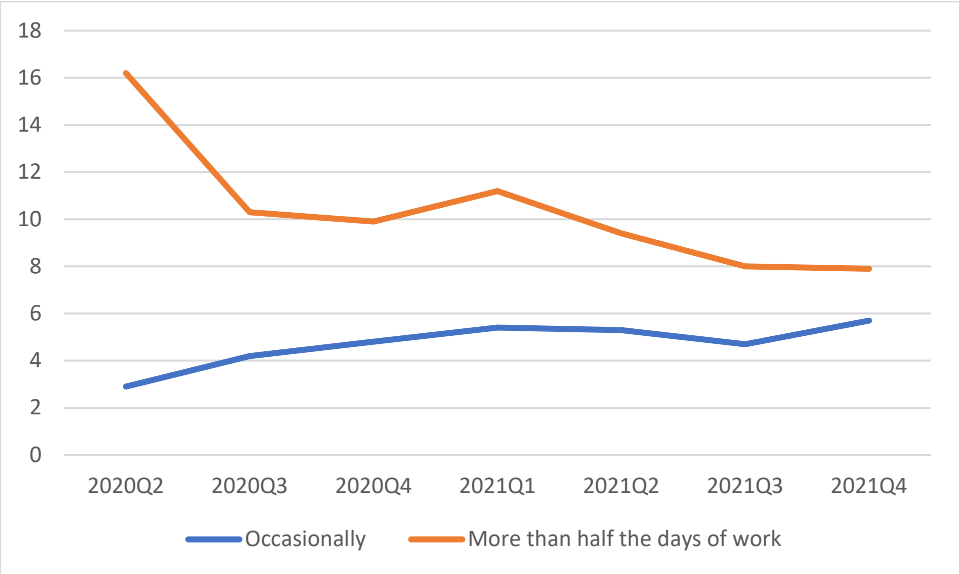
However, companies can, if required, ask a worker if they are vaccinated or not. It is considered part of its role in terms of occupational risk prevention to guarantee safety in their offices. Since it is very sensitive medical information, the employee has the right to not answer. Moreover, workers may also be required to take a test or submit a negative result if their presence in the office is required. If this option is chosen, the tests must be paid for by the company as guarantors of job security and if the worker pays out of pocket, they are entitled to reimbursement. Again, the requirement to submit to this test must be justified on grounds of job security.

In the context of the National Mental Health Strategy for 2022-2026 (Ministerio de Sanidad, 2021), the government has for the first time included explicit references to the role of companies in safeguarding mental health of workers. The document defines work and the work environment as a determinant of people's mental health and establishes that "interventions" in this area within companies "must be part of an integrated health and safety strategy encompassing prevention, early detection, support and re-entry or rehabilitation". However, the document doesn't detail which policies and initiatives and more importantly, which resources, will deploy to achieve these goals.

New working arrangement policies

The sudden extension of telework that occurred in the early months of the pandemic, has gradually retrenched in 2021. It has experienced some ups and downs since then, but with an overall declining trend and showing some peaks along the waves occurring in 2021 (see Figure 1).

Figure 1: Evolution of occasional and regular remote work



Source: INE, Labour Force Survey

According to ONTSI (2021), using data from the Spanish Labour Force Survey, the number of people teleworking has fluctuated during 2021. The strict confinement decreed as a consequence of COVID-19 in the second quarter of 2020 multiplied by three the percentage of people who regularly telework (telework more than half of the days worked), going from 4.8% of those employed in 2019 (951,800 people) to 16.2% in the second quarter of 2020 (3,015,200 people). The progressive relaxation of the lockdown has led to a significant reduction of regular teleworking to 7.9% in the fourth quarter of 2021 (1,586,700 people), a value that is still double than before confinement. The indicators anticipate successive falls in this indicator as companies increase their percentage of face-to-face work over telework.

On the other hand, occasional teleworking (teleworking less than half of the days works) has been increasing during the pandemic and is stabilizing around 5.7% of the employed (1,155,200 people) from 2.9% (539,000 people) in the second quarter of 2020. It can therefore be said that the adoption of frequent teleworking in Spain shows signs of stabilization in the second quarter of 2021 around 9-10%.

Regarding the gender gap, previous trends are confirmed in 2021. Telework is higher among women than among men. In a second quarter of 2021, 10% of women frequently teleworked compared to 8.9% of men. This pattern is also repeated (although in a more moderate way) in occasional telework (5.3% in women compared to 5.2%) in men. The report also shows the existence of important differences in levels of telework across regions, most likely related to the predominant economic activities.

In July 2021, the Royal Decree 28/2020 on telework was turned into Law with some minor changes. Among others, to guarantee that companies will take the necessary measures to avoid direct and indirect discrimination among those who do distance work, ensure that persons with disabilities receive adequate support to telework.

Despite the new law, and the remittance to collective agreements in order to set the conditions for remote work, trade unions have complaint that companies continue to fail to comply with the law on distance work. Using data from the CIS (Centre for Social Sociological Research) survey on the use of technology during the pandemic, they show how there is a widespread violation of some of the rights included in the law, which affects practically all aspects of the employment relationship (CIS 2021). In fact, 62.5% of those surveyed confirm that the company has not provided them with the essential laptop for teleworking, an obligation that companies must satisfy, by law, since September 2020, when the law was passed. Moreover, only 80% of workers confirm that their internet connection is paid for, a percentage that rises to 91% in the case of administrative staff. Finally, employers are also not fulfilling their duty to provide technical support for teleworking, as confirmed by 28% of those asked (33.5% in the case of service personnel and store salespeople).

Labour shortages

For some years now, Spain had experienced some labour shortages for high-skilled professionals, especially in high-tech sectors. As a matter of fact, what has changed during 2021 is the appearance of labour shortages in low skilled activities.

There are no official statics on the number of unfilled vacancies in the labour market. Some sources allow to approach the issue of labour shortages indirectly. According to the Bank of Spain activity survey, when it comes to labour shortages, 27.2% of companies are perceiving a negative impact on their activity associated with this factor, 14 points above the previous quarter of 2021. In some activities such as construction and agriculture, that proportion is close to 40%. and in some branches of services it exceeds 30%, namely hospitality (36.2%), information and communications (34.7%), and transportation (31.1%) (Bank of Spain, 2021).

The results from the survey already point out to increasing problems to recruit workers. In some sectors of the Spanish economy almost half of the companies have problems finding workers. These are companies with a high component of intensive use of human capital such as hotels, agriculture and construction. Specifically, close to 40% of the companies dedicated to agriculture and construction acknowledge that they are struggling when making contracts in the Survey of Spanish companies on the evolution of the Bank of Spain's activity.

Employers fear that this situation will put a stronger pressure on their labour costs, which would indicate that this shortage of workforce would have a reflection on the amount of wage increases. This would fuel the inflationary spiral and jeopardize the recovery. This is already reflected in the survey, where companies that currently perceive greater difficulties in the availability of labour anticipate greater pressure on their labour costs, which would indicate that this shortage of labour force would have a reflection on the amount of salary increases.

More importantly, employers believe that labour shortages in sectors like construction or transport, will put into serious risks the implementation of the projects contained in the Recovery and Resilience Plan using the NextGen Funds. The Ministry of Transport, Mobility and Urban Agenda estimates that in between 420,000 and 480,000 workers are necessary for implementing European funds. The largest employer organisation in the construction sector CNC, estimates that 700,000 additional employees are necessary to avoid the risk that the projects remain unexecuted and the European Commission forces the money to be returned.

The government has already given some steps in order to reduce shortages. In early January 2022, the government approved an order introducing more flexibility in the hiring of foreigners at origin to work in Spain. This order extends from 9 to 12 the number of months foreign workers can be hired. This law, that promotes circular migration projects to be developed with third countries and in sectors where there is a shortage of labour is one of the most valuable tools to promote regular, safe and orderly migration, according to the Spanish Ministry of Inclusion, Social Security and Migration. In this way, employers make job offers to hire workers who do not reside or are in Spain to carry out temporary activities in positions that are difficult to fill in the internal labour market. In addition, it incorporates a regulation of the conditions of the accommodation that the employer must offer to the worker, with the appropriate health, habitability, and hygiene recommendations.

Wages and wage-setting

Compared to 2020, when wage freezes were the norm, during 2021 wages have experienced moderate nominal increases. However, the increase in inflation, reaching a record high level of 6.7% in 2021, has provoked a decline in real wages of most workers.

Negotiated wages in collective agreements rose by an average of 1.47% until December 2021, according to data published by the Ministry of Labor (Ministry of Employment and Social Economy 2021). The figure is however below the average inflation rate for 2021, that reached 3.1%, more than double the negotiated wage increases until December in collective bargaining. This means that for a majority of workers, wages have lost purchasing power. In line with general developments in collective bargaining, the number of collective agreements including opting out and non-application clauses for wages have also declined in 2021. It is still too early to assess whether this decline is proportional to the number of collective agreements signed, or it reflects an underlying downward trend.

Moreover, the increase in the statutory minimum wage for 2022 is still pending. The increase set in September 2021 was 1.57% raising from €950 per month (14 monthly payments) to €965 per month. Again, this increase is below the inflation registered for 2021, this meaning real wage losses for those at the bottom of the wage scale. Negotiations for a new increase in 2022 are still ongoing tripartite social dialogue in the last two months of 2021 were focused on the negotiation of new labour market reform. Trade unions have already advanced that the minimum wage should be set at

€1,000, in line with the recommendation made by the Expert Committee on the Minimum Wage. This would mean an increase of 3.6%. Just as in September 2021, the government has made clear its preference for a negotiated increase in the minimum wage but has also reaffirmed its capacity to set it in case it is not possible.

The most representative trade unions and employer organisations started to negotiate a new framework agreement for collective bargaining in January 2022. The so-called ANC (Acuerdos para la Negociación Colectiva) are peak cross-sectoral agreements between trade unions and employers that include recommendations on wage increases and the rest of the working conditions to be included in collective agreements for the period 2022-2024. These agreements have become a central piece for coordinating collective bargaining in Spain. Proposals on wage increases will be, as usual, the main axis of the negotiations, especially in the current situation of high inflation. The last ANC was in force between 2018-2020 but the pandemic prevented negotiations for its renewal and, after the total paralysis of the negotiation of collective agreements between mid-2020 and the first months of 2021, employers and unions dedicated exclusively to negotiating the labor and pension reforms, for which they left aside the talks for the next ANC.

Impacts on the social dialogue and collective bargaining

Social dialogue remained strong during 2021, with a strong involvement of social partners in many policy areas. This has been a continuation of the trend in 2020, where social partners showed their commitment to support policy measures to face the pandemic and crisis and help recovery. In that sense, one could talk of stronger social dialogue in the pandemic, supported by a government favourable to involve social partners in the policy process. No significant changes can be observed in relation to the topics of social dialogue, with mechanisms to respond to the crisis and the minimum wage having an important role. However, the negotiation of a labour market reform or discussions around a new peak cross sectoral collective bargaining pact, point towards a normalization of social dialogue in Spain, no longer focused on responses to the pandemic crisis.

In many cases, social dialogue has led to signing important agreements including the two tripartite agreements for the defence of employment that contributed to extend the use of temporary lay-offs until February 2022 or the bipartite agreement for out of court conflict resolution in April 2021. Moreover, in December 2021 social partners and the government signed after several weeks of negotiations, a major reform of the labour market and collective bargaining that tries to reduce temporary and overcome some of the impacts of the 2021 labour market reform.

Some tensions have however arisen in relation to other topics. In particular, tripartite negotiations failed to deliver an agreement in two cases. First, in relation to pensions, trade unions and the government signed a pact in November 2021 after employers rejected the proposal for a mechanism of intergenerational equity to replace the sustainability factor. The mechanism proposes by the government consisted in increasing social security contributions for ten years, in order to provide a buffer to be able to pay pensions of baby boomers. Employers argued that this mechanism is not enough to solve the problem and that the pension will anyway require additional reforms in the future.

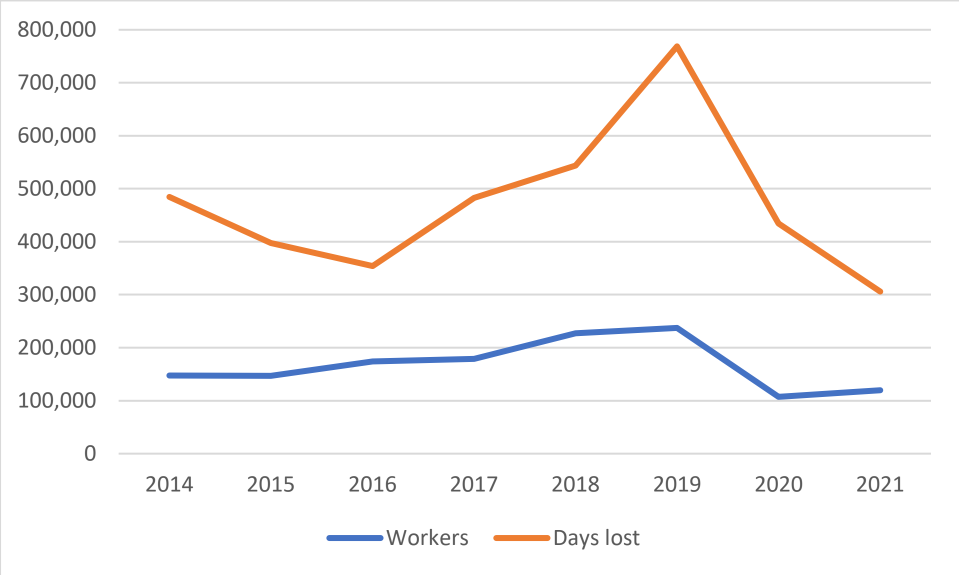
Secondly, employers also opted out from the agreement on the minimum wage between trade unions and the government in September 2021. Once negotiations failed in December 2020-January 2021, the government decided to freeze the minimum wage, and restart negotiations with social partners in the summer. Once negotiations resumed, employers opposed any increase, since too many uncertainties remained in the economy. This led trade unions and the government to negotiate a 1.57% increase.

Finally, in relation to collective bargaining, 2021 hasn’t yet delivered full normality. The number of collective agreements signed in 2021 remains low compared to pre-pandemic figures. A total of 908 agreements were signed, only two more than in 2020 and 817 less compared to 2019.

Labour disputes in the context of the pandemic

Conflict levels have shown signs of stabilization in 2021 after the peak reached in 2019 and the dramatic fall experienced in 2020. Figure 2 shows the number of workers involved and the days lost due to strikes in every year until October. In the case of days lost, there seems to be a continuation with the fall experienced in 2020. The picture is different in the case of workers involved, with a slight increase. These two indicators contrast with the number of conflicts, that showed an increase in the number of strikes accumulated until October for 2021 (495) in relation to 2020 (385). This suggests a pattern of more, though smaller and shorter strikes over 2021.

Figure 2: Days lost and Workers involved in Strikes



Source: Ministry of Employment and Social Affairs

There hasn't been any collective dispute directly related to the pandemic in 2021. However, the increase in inflation and electricity prices have been a major source of labour disputes, especially in the second half of the year. The impact of inflation led metalworkers in the province of Cadiz to start a conflict in the context of the renewal of their collective agreement. Trade unions asked for higher wage increases in order to keep pace of developments in prices. Employers on their side maintained their commitment to wage moderation in a context of high uncertainty and difficulties to meet production goals due to interruptions in global value chains. As a consequence, trade unions called for an open-ended strike that lasted for nine days, until an agreement was signed, with the mediation of the regional government.

Another example was the conflict with road carriers. In November, the main associations of road carriers announced a strike for 20-22 December, key days of traffic due to Christmas festivities. There were many reasons behind this call, but the increase in oil prices was very important. The impact of this increase was particularly damaging for self-employed road carriers, that had limited capacity to translate higher costs into higher prices for their services. Finally, an agreement was reached and the strike was called off.

Agriculture workers and farmers also carried out some mobilizations against the government, asking to implement measures to help them to wave the problems derived from higher production costs.

Commentary and outlook

The year 2021 was expected to bring normality in a context characterised by rapid vaccination of the population that reached high levels compared to other EU countries. Even though GDP growth has fallen short of expectations, the labour market has outperformed expectations. Employment has recovered in 2021 the levels prior to the outbreak of the pandemic and with record employment creation figures, similar to those registered in the years preceding the Great Recession. Moreover, unemployment fell by 616,000 people, leaving the unemployment rate at 13.33%, the lowest since the start of the financial crisis.

A high vaccination rate has facilitated the return to work and according to the government, made unnecessary to impose vaccine requirements to companies. The use of mask and social distancing measures have been considered enough by health authorities, whilst the extension of telework shows signs of decline after the peak reached in the early months of the pandemic.

Government and social partners have maintained a strong commitment towards social dialogue, in an attempt to sustain recovery. Even though an agreement has not always been possible, the year 2021 has confirmed the vitality of social dialogue in Spain during the pandemic. Moreover, a shift in priorities of social partners and the government can be observed. The negotiation of an intergenerational equity pact for pensions, or a labour market reform, suggest a return in the agenda of social dialogue of the structural challenges affecting the Spanish labour market.

Social dialogue and collective bargaining will face important challenges in 2022, being high inflation levels the most important one. Especially in a context where signs of labour shortages in some activities are emerging, thus putting additional pressures on wage increases. Negotiations of a new peak cross-sectoral agreement for collective bargaining will prove difficult in this context. For trade unions, recovering purchasing power of wages lost during 2021 will be a key priority. By contrast, employers have made calls to maintain moderation in wage negotiations in order to avoid a negative impact on recovery.

Positive economic and labour market developments are expected to gain momentum in 2022 with the boost from Next Generation Funds. The European Commission has predicted a 5.6% GDP growth, lower than the 7% forecast from the government, but the second highest among the EU. Though all the indicators suggest 2022 will consolidate growth and the recovery, it will very much depend on how the government and social partners will manage inflationary pressures in the economy and the impact of Next Generation Funds.

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WPEF22028