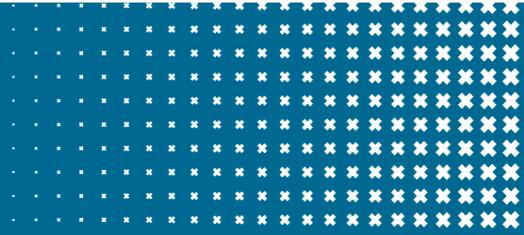




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BARGAINING FOR SOCIAL RIGHTS IN THE PUBLIC SECTOR: SPAIN

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1. Introduction

The public sector in Spain has undergone significant structural transformations over the last three decades, that have reshaped its boundaries and by implication, public sector employment relations. These long-term changes are similar to those observed in most western European countries, but exhibit some national specificities determined by the socio-economic, political and institutional context in Spain. Two of them are particularly important in order to understand its current organizational structure. The first consists in the process of asymmetric regional de-centralization where Autonomous Communities (regions) have acquired increasing responsibility in issues like education, health or municipalities. This process of decentralization means that the central government's role within the public sector is increasingly limited to coordinating the implementation at regional and local levels, rather than to deliver public services.

The second long-term development consists in a significant increase in the private provision of these public services. Even though this process started already in the mid 1980s, recent developments have accelerated both the privatization process as well as the contracting out of certain activities. The privatization of public companies started in the early 1990s and by the early 2000s most of them were in private hands. Moreover, there has been an increase in the contracting out of public education and health services which has further contributed to blur the boundaries between the public and private spheres. As we will explain later with more detail, this process has been particularly intense in the health sector (Sánchez 2013).

These changes have also been accompanied by a transformation of public sector employment relations. These include the expansion in the number of public sector employees since the early 1980s and the de-centralization towards regional and local levels of government in the 1990s and early 2000s. These two trends were accompanied by the gradual introduction of negotiation and collective bargaining as a mechanism to regulate working conditions of public employees. Moreover, since 1992 several attempts were made in order to flexibilize and modernize public sector employment relations along the lines of new public management principles. In spite of these changes, public sector employment relations before the crisis were still characterised by the lack of a common regulatory framework for all public employees, severe coordination problems among the different levels of government, the limited implementation of key human resource policies and practices like now training, career development or effective performance assessment (Jódar et al. 1999: 194-5). Finally, it is also important to mention a long-term re-configuration in trade union representation whereby general trade unions in Spain are losing terrain in the public sector to occupational trade unions (Alos et al. 2015).

The impact of the financial and sovereign debt crises has shared some similarities with other countries, but has also been characterised by some specific developments when it comes to industrial relations. Three of them are particularly important. First, the crisis and austerity policies have triggered an interruption of social dialogue and collective bargaining in the public sector as austerity measures have been decided and implemented unilaterally. Second, new actors have

played a relevant role in mobilizations against cuts in education, health and social policies. These actors have been particularly important in the education and health sectors, and have consisted of civil society actors, trade unions, consumers etc. Finally, austerity policies have also been accompanied by a certain re-centralization, especially when it comes to the local level. This re-centralization has been justified by the need to impose stricter control over local level public spending.

Social dialogue and collective bargaining in the public sector have only experienced some revitalization in the post-crisis period. The improvement in the economic context has allowed some relaxation in the fiscal stance thus contributing to a re-negotiation of working conditions in many policy areas, including education and health. As a matter of fact, the so-called sectoral tables in education and health both at national and regional level have been revitalised in the recent years and important agreements have been reached recently. However, there remains strong tensions, when it comes in particular to the recovery of purchasing power lost by public employees over the crisis years. In this vein, recent negotiations in the general bargaining table for the whole public sector made clear the differences between trade unions and the government in this regard, as trade unions claimed wage increases over the next three years that would help to recover part of the real wage losses experienced during the crisis, whilst the government maintained a discourse focused on wage moderation and fiscal discipline.

The report is structured in three sections. The first section provides a general overview of the public sector in Spain, and employment relations in particular. This section also analyses general developments in employment relations as a consequence of the economic and financial crisis, but also in the so-called post-crisis period. Section two compares developments in employment relations (including the actors as well as collective bargaining and social dialogue) in three sectors: primary education, hospitals and municipalities. Finally, the third section contains an assessment of the impact of reforms introduced during the crisis on working conditions of public employees, industrial relations and the quality of services provided.

2. The Public Sector in Spain

The public sector in Spain has experienced since the transition to democracy an increase in expenditure levels that was particularly intense in the 1980s. This increase led Spain to gradually converge with neighbouring countries, both in terms of total expenditure as well as in its functional composition. However, this process has so far not delivered convergence. As table 1 shows, total expenditure as a percentage of GDP is still five points lower in Spain compared to the Euro 11 group. These differences are particularly important in the case of health and social protection. Lower expenditure means also lower levels of public employment. Public employment as a percentage of total employment in Spain has historically been below the OECD average. In 2012, it was 13,2% compared to the OECD average of 15,1%.

Table 1: Total Government General Government expenditure by function

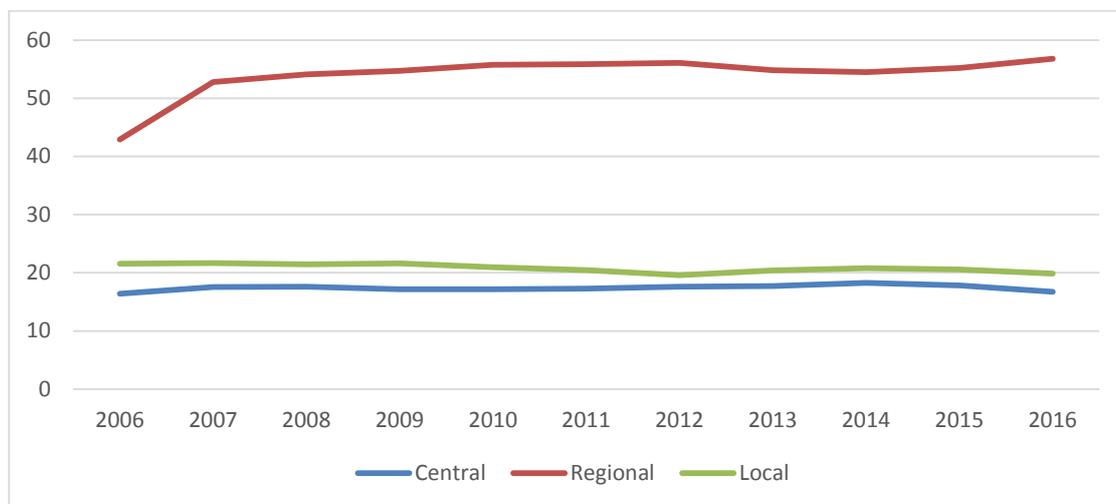
		2007	2015
Total	Euro area 11	45.4	48.5
	Spain	38.9	43.8
Health	Euro area 11	6.7	7.3
	Spain	5.7	6.2
Education	Euro area 11	4.6	4.7
	Spain	4.0	4.1
Social protection	Euro area 11	17.8	20.2
	Spain	12.8	17.1

Source: Eurostat

Changes since the transition to democracy have significantly re-shaped the boundaries of the Spanish public sector, understood as the activities and institutions that allow executives to implement laws. Two of them are particularly important in order to understand its current organizational structure. On the one hand, the 1978 Constitution opened the door to a process of asymmetric regional de-centralization where Autonomous Communities (regions) have acquired increasing responsibility in issues like education and health among others. Some authors have described this configuration in terms of “imperfect federalism” where regions have acquired new competences and roles to different extent and at different paths (Moreno 1993). Moreover, the 1978 constitution also established the local level of government that has also expanded gradually its functions and policy responsibilities that vary nonetheless depending on the size of the municipality. However, as pointed out by Vallés and Brugué (2001), the local government in Spain has not acquired the importance it has in other European countries.

This process of decentralization means that the central government’s role within the public sector is increasingly limited to coordinating the implementation at regional and local levels, rather than to deliver public services. This applies particularly to two of the sectors discussed with more detailed in this report, i.e., primary education and hospitals. In both cases there has been devolution of powers to the Autonomous Communities. In the case of the health sector, some autonomous communities created their own regional health systems in the 1980s (Catalonia, Andalusia, Basque Country, Valencia, Galicia and Navarre) and the remaining did so in 2001. The role of the central state in the case of the health sector is limited to coordinating the regional health services and granting quality standards across them. Regions have full autonomy in managing and organizing health activities.

Graph 1: Percentage of employment by type of Public Employment Administration



Source: EPA, INE

A similar process characterised the education sector, where some regional administrations have the resources and legal capacity to manage their education system (namely Catalonia and the Basque Country). The remaining regions did so over the 1980s and by 2000 all Autonomous Communities had acquired the competences allowed by the Constitution regarding education at graduate and under-graduate level. The role of the central state in education has accordingly been limited to setting the structure of the different academic levels as well as the conditions to access and obtain the different academic titles.

This trend mirrors into the distribution of public employment across levels of government (Graph 1). Public employment at regional level exhibits an increasing trend since the early 2000s, whilst there is some decline in the case of the local level, and stability in the case public employees of the central government. The effect of the crisis has not been significant in terms of employment levels as in the private sector, but as we will discuss with more detail in the following sections, the impact on the quality and type of employment has been more important, though with differences across sectors.

The second long-term development consists in a significant increase in the private provision of these public services. Even though this process started already in the mid 1980s, recent developments have accelerated both the privatization process as well as the contracting out of certain activities. The privatization of public companies started in the early 1990s and by the early 2000s most of them were in private hands. Moreover, there has been an increase in the contracting out of public education and health services which has further contributed to blur the boundaries between the public and private spheres. As we will explain later with more detail, this process has been particularly intense in the health sector (Sánchez 2013).

2.1 Public Employment in Spain: Structure and Evolution

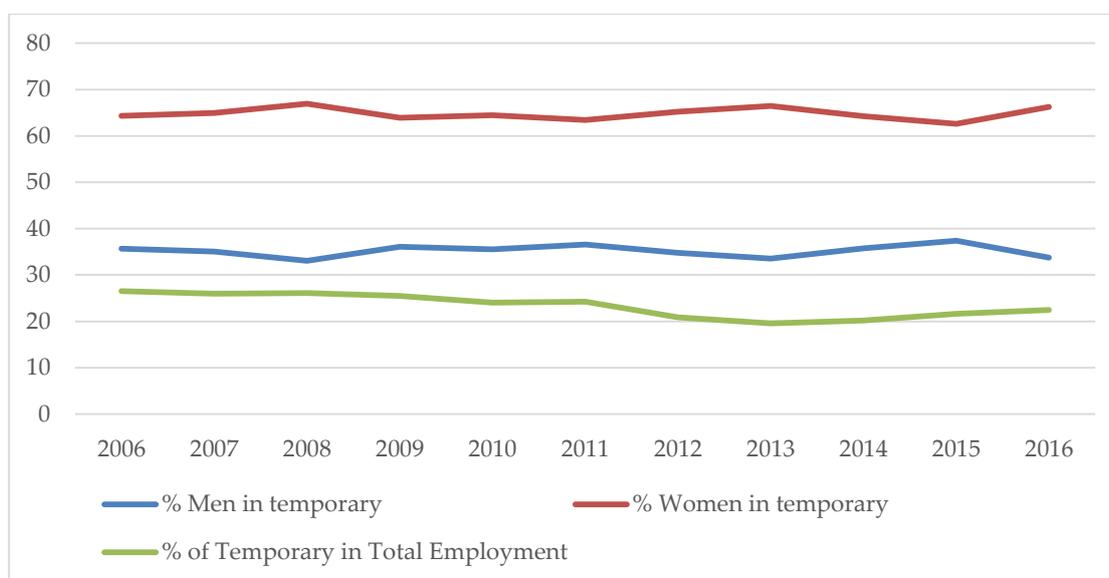
Before entering into the detailed analysis of workforce structure and trends in Spain, it is important to consider the three types of contracts that can be found in the public sector as laid out in the 2007 EBEP (Estatuto Básico del Empleado Público, Basic Law for Public Employment)

(De la Villa 2007). First, civil servants (*funcionarios*) are appointed with open-ended contracts according to public sector rules and regulations. Secondly, those employees that carry out a paid professional service for the Public Administration but are employed following general labour law regulations laid down in the Workers' Statute, either with open-ended or temporary contract (*personal laboral*). Finally, those civil servants who are appointed for a certain period (*personal eventual*), or occupy interim positions (*funcionarios interinos*), but under public sector regulations. In the last two categories, employees enjoy similar job protection than a civil servant, meaning that they can't be dismissed until their contract expires (*personal eventual*) or the job position is announced and assigned (*funcionarios interinos*). There is no rule determining the percentage of workers under these different contracts in each sector, but in parallel to what has happened in the private sector since the mid 1990s, some agreements and pacts include a maximum number of workers with a temporary contract. This was for instance the case of the last general agreement signed in 2009 for the period 2010-2012 and that contained an 8% limit to temporary employment in the public sector. Or the most recent agreement signed in 2017 also establishing 8% as the ceiling for temporary employment in the public sector. Each of these contractual arrangements differs in terms of recruitment rules, determination of working conditions and more importantly, job security. In this regard, the dualization that is very often used to characterize the labour market in Spain can also be found in the public sector. It is important to bear in mind these differences because, as we will see later on, the adjustment undertaken in public sector employment has mirrored this duality.

The EBEP regulates the following aspects of public employment: access to public employment under principles of equality, merits and ability, as well as transparency and agility in the selection processes; specific right of civil servants to irrevocability, but conditional upon performance assessment; professional career and promotion under criteria of objectivity and transparency; functional and geographical mobility; continuous training; non discrimination on reasons of origin, race or ethnicity, gender, sex or sexual orientation, religion, etc.; conciliation of personal, familial and work life; remuneration, including autonomy in the determination of complementary remunerations, which can vary by Administration bodies and be related to professional career, specific occupation and performance; right to social dialogue, representation and participation, including the role of collective agreements in establishing working conditions of all the public personnel.

Graph 2 shows the distribution of public employees according to their contractual status and gender. In line with what happens in the private sector, women are also more affected by temporary jobs in the public sector than men. Moreover, there has been a reduction in the number of employees with temporary contract from a peak high of 26,5% in 2006 down to 22,4% in 2016. We accordingly observe that similarly to what has happened in the private sector of the economy, the lion's share of job losses in the public sector have occurred among workers under general labour law regulations and in particular those with temporary contracts.

Graph 2: Temporary Employment in the Public Sector as % of total, by gender, 2006-2016



Source: INE, EPA

Each of the four sub-sectors analyzed exhibit different reliance upon the different contract modalities mentioned earlier (see table 2). In the case of the local government, 55% of all employees are under general labor law regulations, that contrasts with only 3,4% in the health sector. Moreover, the health sector is characterized by a greater proportion of workers under general labor law regulations, with almost 33,5% of all employees.

Table 2: Public Employment Structure in Spain, 2009, 2014, 2016

	2009						%Women
	Civil Servants	Salaried employees	Other (1)	Total			
Central Government (Excl. Military)	309456	129075	7140	445671		34.5	
Regional Government	876691	148222	307931	1332844		65.8	
Education (Excl. Universities)	407442	36900	95013	539355		67.4	
Health	298891	18254	167579	484724		70.3	
Local Government	213985	371331	44189	629505		47.2	
Total	1400132	648628	359260	2408020		55.1	
	2014						% Women
	Civil Servants	Salaried employees	Other (1)	Total			
Central Government (Excl. Military)	317577	92627	10402	420606		36.1	
Regional Government	866993	134847	275102	1276942		67.8	
Education (Excl. Universities)	394967	43209	83009	521185		69.9	
Health	301038	16281	160018	477337		73.2	
Local Government	211988	305052	38680	555720		46	

Total	1396558	532526	324184	2253268	56.5
2016 (January 2017)					
	Civil Servants	Salaried Employees	Other (1)	Total	% Women
Central Government (Excl. Military)	424427	87271	10894	522412	30.7
Regional Government	821722	132040	353596	1307358	69.1
Education (Excl. Universities)	369851	43606	129125	542582	70.5
Health	289492	16320	184697	490509	74.3
Local Government	204692	289610	48808	543110	48.1
Total	1450841	508921	413298	2372880	55.8
2009-2014 Percentage change					
	Civil Servants	Salaried Employees	Other (1)	Total	
Central Government (Excl. Military)	2.6	-28.2	45.7	-5.6	
Regional Government	-1.1	-9	-10.7	-4.2	
Education (excluding universities)	-3.1	17.1	-12.6	-3.4	
Health	0.7	-10.8	-4.5	-1.5	
Local Government	-0.9	-17.8	-12.5	-11.7	
Total	-0.3	-17.9	-9.8	-6.4	

The adjustment in public sector employment as a consequence of the crisis has had two characteristics. First, a fall in the number of public employees between 2008 and 2016 of around 6,4% (Table 2). This decrease contrasts with the steady growth experienced since the transition to democracy. Notwithstanding the overall reduction in public employees during the 2009-2016 period, the impact of the 2008 crisis on public employment was not immediate. In the years 2008-2009, the neo-keynesian response carried out by the Socialist executive allowed small increases in public employment in a context of rapidly growing unemployment. However, the severe deterioration in the economic context and public finances led the government to implement the first austerity package in 2010, hence opening the door to public sector layoffs and the limitation in the replacement rate for retiring civil servants to 10%. The second characteristic of public sector adjustment has consisted in an accumulated decline in the average wage of public employees of around 15-20% in the period 2008-2014 (nominal wages). We can accordingly conclude that for the whole public sector, the adjustment has been more intense on the wage side. This notwithstanding, the public sector wage premium has experienced little variation during the crisis due to the decrease experienced also on private sector wages as a consequence of the internal devaluation process (Hospido and Moral-Benito 2014).

Job losses in the public sector have not been distributed evenly across the three sectors considered. In particular, the decrease in employment in the local government has been 11,7% compared to 5,6% in central government and only 1,5% in the health sector (see table 2). But we also find significant differences across the four sub-sectors in the extent to which this decrease has affected different categories of workers. Thus in the case of the central and local governments, the reduction has been particularly important among employees under general labour law regulations, with a decrease of 28,2% and 17,8 respectively.

The improvement in the economic context, with Spain registering positive growth since 2013, have

also translated, though with some delay, to public employment. Public employment policies have thus recently gained momentum in Spain, within the framework of the process of discussion of the General State Budgets (PGE) for 2017. For a part, the public employment offer that has been approved is the highest since 2008. On the other hand, the replacement rate has either remained at 100% or has increased up to that percentage for a set of sectors considered priorities, while for the rest of the sectors the replacement remained at 50%. These two actions consolidate the change of trend in the public administration employment policies observed since 2015, in relationship with those observed during the crisis years. Finally, with regard to recent economic policy actions in the field of public employment, the central Government has signed an agreement with the main trade union organizations to limit temporary work in the Public Administrations in essential public services such as education, health, justice, social services or local police, among others, with the aim of reducing, over the next three years, and at a maximum of 90%, the interim positions and the number of temporary public employees existing at the date of signature of the agreement. The purpose is to reduce the temporality rate of these sectors down to 8%. According to the Labor Force Survey (EPA), this rate was 23% in 2016, for all of the Public Administrations, although it was higher in sectors like public education and health (24% and 33%, respectively). (Martinez and Pérez 2017: 1).

3. INDUSTRIAL RELATIONS IN THE PUBLIC SECTOR¹

The 1978 Spanish Constitution laid down a number of general principles that should guide public sector employment. These included among others, the need to hire according to objective and publicly known rules, access according to merit and qualifications as well as equal opportunities. However, no mention was made of the regulatory instruments to be used, that depended on the legal status of public employees, i.e., whether they were civil servants, salaried employees under general labour law regulations, or other personnel. For salaried employees, collective bargaining plays the same role as in the private sector. This means they have the right to sign collective agreements at any level (local, regional or state). However, this different legal status also generated uncertainty about whether those principles orienting employment of civil servants (including access and promotion rules) applied to salaried employees.

The Constitution did not recognise the right of civil servants to collectively negotiate their working conditions that were accordingly regulated unilaterally by the government. A first step in granting civil servants the possibility to bargain on working conditions and work organization, came with the 1984 Civil Service Reform Act that for the first time included the collective bargaining principle for public sector employees. Later on, the 1987 law on the institutions of Representation and Determination of Working Conditions for Public Sector Employees (LORAP) regulated with more detail the right to negotiate the working conditions of civil servants. In particular, this law provided for the creation of a centralized bargaining table and some sectoral tables, but the number of issues subject to collective regulation was limited. Later on there has been a gradual opening of spaces for collective bargaining in setting up working conditions of civil servants.

¹ This section draws heavily from a previous work by the author: Molina, O. (2016) Rationalization without Modernization. Public Sector Employment Relations in Spain under Austerity, in Bach, S. and Bordogna, L. (eds.) *Emerging from the Crisis? Public Service Management and Employment Relations in Europe*, pp. 57-83, Routledge: London

More recently, the 2007 EBEP has made a detailed regulation of collective bargaining in the public sector and has opened up new opportunities for the collective regulation of working conditions for both civil servants and non-civil servants. In particular, rather than detailing the issues that can be negotiated, the law simply defined those issues that do not necessarily have to be negotiated, i.e., issues where the government retains its capacity to regulate unilaterally, but that could also be subject to negotiations and eventually be regulated through a collective agreement. These issues are among others, the general organization of the Public Administrations, the determination of working conditions for public sector managers and the regulation of procedures for accession and promotion. Thus, as pointed out by De la Villa (2007: 3), since the early 1990s there has been a twofold process of mutual influence between civil servants and salaried public employees whereby some of the principles that have traditionally characterised the civil servant employment relationship are increasingly applied to salaried employees. This process of upward harmonization has occurred in issues like pay scales and work organization. But at the same time, the right to collective bargaining which applied only to salaried employees has been gradually extended to civil servants, though in a limited number of areas.

3.1 Collective bargaining structure

Changes in public sector collective bargaining have paralleled those occurring in the private sector. First, a gradual decentralization of collective bargaining has occurred whereby the number of issues negotiated by lower level bargaining forums has gradually increased. This process has occurred in a coordinated way due to the strongly hierarchical character of public sector collective bargaining whereby the issues that can be negotiated at lower level are decided by the higher instances. Secondly, the spaces for collective regulation of working conditions have also widened since the return to democracy. Particularly important in this regard has been the 2007 EBEP. Moreover, this law also reinforced the importance of local level bargaining. This trend however has reversed in the context of the crisis, where unilateral state regulation has gained new momentum, both in the private and public sectors of the economy (Molina 2014). Finally, the creation of new voluntary bi-partite institutions aimed at helping to autonomous dispute resolution has also characterised the public sector collective bargaining developments. In this vein, the EBEP has also regulated in detail the process to be followed in case of disagreement, including the extra-judiciary conflict resolution mechanisms and the cases of unilateral regulation by the state.

In the case of salaried employees, collective bargaining is regulated by general labour laws and can take place at any level where worker representation structures exist. However, in the case of civil servants, the gradual opening of spaces to negotiate working conditions lacked legal support and has been characterised by ambiguity around the structure of collective bargaining. The EBEP establishes a series of common bargaining forums for both civil servants and salaried employees, but it also contains specific regulations of negotiation structures for civil servants. According to this law, the collective bargaining structure for public employees consists of three main levels (see figure 2). In the more centralized level, there is a joint bargaining forum comprising public employees (civil servants as well as salaried employees) from any level of the public administration (General State Administration, Autonomous Communities and the Local level). These joint bargaining forums deal with common issues for civil servants and salaried employees. Thus for instance, general increases in salaries of public employees are set and then included in the budget law. Moreover, agreements reached on other issues like now work organization or training are taken as a baseline for negotiations at lower levels. In the second level, there is a bargaining forum for each administration, i.e., one for the general administration, one for each of the Autonomous Communities and one for each local government. Finally, the third level consists of sec-

toral bargaining forums created by the general bargaining forums at higher level. Collective bargaining in the sectoral bargaining forums will deal with any issue not covered by the general bargaining forums, or that the general tables explicitly delegates to the sectoral bargaining forums. Finally, the EBEP also considers the existence of specific bargaining forums for civil servants only, that could be formed at State level (The General Bargaining Forum of the Public Administrations) as well as at the level of the Autonomous Communities and Local government. In spite of the possibility to rely upon different bargaining forums, what we have seen in recent years is a trend consisting in a narrowing down of the gap in the conditions negotiated for civil servants and salaries employees. In this vein, the negotiation in the general bargaining forum for civil servants plays the role of a pattern for negotiations in the joint general bargaining forum of salaried employees and civil servants.

The coverage of collective regulation in the public sector is generally very high, if only because ultimately employees all covered by the general principles laid down in the agreements reached at the general bargaining forum for the public administration or the ones in each autonomous community. However, where trade unions find more obstacles to create bargaining forums is at local level, and here is precisely where most coverage gaps are found. This notwithstanding, the unilateralism that has accompanied austerity policies has led many collective agreements to expire without having been renewed. As a consequence, and similarly to what has happened in private sector, where collective bargaining coverage has declined significantly, the number of workers covered by 'alive' collective agreements has decreased substantially.

3.2 Public employers

3.2.1 State policy and reforms of public sector employment regulation

Reforms in the organization and structure of the Spanish public sector have changed their focus, rationale and instruments since the return to democracy until nowadays (Jódar et al. 1999). In the first half of the 1980s, the objective of these legal reforms consisted in re-organizing the public sector and the civil service after the dictatorship, and in particular, adapting the public sector to the new territorial organization of the state and the process of political and administrative de-centralisation. This was accompanied by an expansion in the number of public sector employees, but without paying much importance to other aspects related to their performance, career development, etc. Thus modernization in the 1980s was to a large extent synonymous of de-centralization and a quantitative expansion in public employment. Since the early 1990s reforms have moved in two directions. First, to introduce changes in the structure of public services, organizational change and the transformation of the traditional bureaucratic logic by introducing flexibility in management and NPM principles (Villoria 1996). Secondly, to develop and consolidate a coherent and well defined personnel policy. Negotiations among the most representative trade unions and employers since the early 1990s attempted to remove some of the traditional characteristics of personnel policy, including the hierarchical authority principle etc. Particularly important in this regard was the 1992 plan for the Modernization of the Central Government, which aimed at enhancing the efficiency, quality and effectiveness of the public administration by simplifying administrative procedures, extending the use of ICTs and improving recruitment and training of public managers, among other issues. In spite of its ambitious character, the reform fell short of the high expectations due to the impact of the early 1990s crisis and the resistance of some groups of civil servants to the introduction of new public management (NPM) techniques and principles (Alonso and Clifton 2013).

The main events in the reform of public sector employment relations in Spain are on the one hand Law 30/1984 on the reform of civil service (*Medidas para la Reforma de la Función Pública*) and more recently, Law 7/2007 on the Public Employment Statute (EBEP). As pointed out by Jódar et al. (1999: 172), the 1984 law was aimed at defining rights and working conditions of civil servants. However, it opened the door for the public administration to hire employees under general labour law regulations. Since then, several piecemeal reforms have been passed with the twofold objective of filling in gaps and legal loopholes whilst at the same time, modernizing public sector employment and personnel policy. With the objective of introducing more rational and modern criteria in the regulation of public sector employment as well as to fill regulation gaps, the 2007 EBEP was approved by the Socialist government just some months before the crisis started. The government highlight how its intention was not to overhaul public sector employment, but to consolidate into a single piece of regulation some of the changes either formal or informal that had been occurring since the early 1990s in the management of personnel policies in the public sector. However, the importance of this law does not stem only from this stock-taking exercise consolidating existing practices that have developed in a rather unstructured way. On the contrary, this law contained a very ambitious modernizing agenda, including issues like now limiting an excessive reliance upon temporary employment, greater flexibility in managing human resources, a simplification of recruitment procedures and a greater emphasis on training, performance appraisal and career development of public employees, hence consolidating some of the principles of New Public Management.

Notwithstanding its importance, the impact of the 2007 EBEP on public employment relations remains still limited because the required implementation at both central and regional level has not yet occurred. This means that many potential innovations contained in this law remain in the paper, due to the uncertainty of the new context characterised by austerity measures that have precluded the national and regional governments from enacting further administrative regulations based on it. As a consequence, it can be argued that austerity policies have interrupted the modernization of public employment relations in Spain, but not necessarily led to its abandonment. This can be observed particularly in the case of individual performance assessment and appraisal practices, which was one of the key innovations introduced by the EBEP and that has been implemented to a very limited extent (Pablos and Biedma 2013). In particular, management by objectives was very loosely established in the law as the principle that should guide HRM practices in the Spanish public sector in the coming years. Some authors have accordingly criticised the fact that too much emphasis is placed in objective which contrasts with the lack of references to skill acquisitions and mechanisms to enhance individual performance (Villoria and Del Pino 2009).

Reforms in public sector organization have accelerated since 2012 under the right-wing Popular Party's government. The 2012 National Reform Program already contained a number of policy recommendations in this regard, that later that year led to the creation of a Commission to Reform the Public Administration (so-called CORA, *Comisión para la Reforma de la Administración Pública*) with the objective of enhancing efficacy and efficiency whilst at the same time improving the quality of services delivered. Four main lines of action were identified: avoid overlapping competencies among levels of administration, simplify administrative procedures, re-establish centralized management in those cases where there are common resources and gains to be achieved and finally, a revision of the institutional typologies in the public administration (i.e., a revision of the adequacy of existing legal entities to the activities they carry out, leading eventually to their simplification). In 2013, a report containing more than 200 specific recommendations and policy actions was published. In order to monitor the implementation of these recommendations a number of specific technical commissions have been created. A recent report by the OECD, that contains an assessment of the characteristics of the plan and its potential impact pointed out, the objective of this plan is to move beyond the short-term cost-saving goals

imposed during the crisis towards a more ambitious modernization of the public administration in Spain (OECD 2014).

Probably the most important outcomes at the moment of the proposals made by the CORA has been law 27/2013 for the rationalization and sustainability of the local government. This law has provided a new framework for the articulation of local government within the regional and central ones. In particular, this reform moves around four principles (Arenilla 2015). First, the need to better articulate the different levels of the public administration, and in particular, to avoid overlapping competences and duplicities with the regional and central governments under “the principle of one administration, one competence”. Secondly, putting the citizen at the centre of public service delivery and guaranteeing equal access to these services. Thirdly, guaranteeing the financial sustainability of the services delivered at local level. Finally, the law also addresses the issues of transparency and accountability as the two sides of the same coin, which have become particularly important in the context of the crisis and the unveiling of several cases of corruption and misuse of public money. Summing up, the reform emphasises the need to put the citizen back to the centre of the local government and enhance the efficiency of services delivered. The most important implication of this reform for public employment relations is that it sanctions the re-centralization of selection processes by the National Public Administration Institute (INAP) in the case of civil servants. The rationale of this reform has been multifarious. Even though it is expected to save financial resources, hence contributing to alleviate fiscal pressures in the context of adjustment provoked by the sovereign-debt crisis, it nonetheless addresses some structural problems of the public administration in Spain. However, the centripetal and re-centralizing characters of some aspects of this reform are in line with the ideology of the right-wing government in power since 2011.

3.2.2 Characteristics of public employers

One of the key aspects dealt with in the 2007 EBEP was the role and position of senior civil servants or managers. A characteristic of the public sector in Spain was a sharp division between the political and the administrative level. The lack of a well defined professionalization path for senior civil servants and the excessive politicization of top positions in the public administration has been a historical claim of this group of public employees. Moreover, some studies (OECD 2010) have alerted about the lack of strong focus on career development of civil servants that has a reflection in the small percentage of senior civil servants as a percentage of total employees, the lack of a specific HRM policy for this group (Blanco 2010) or their little autonomy with respect to political positions (Catalá 2005). A recent survey carried out among senior civil servants in the public sector showed how their perception was that NPM reforms were weakly institutionalized and that fragmentation, coordination and politicization remained important problems of the Spanish public administration (Alonso et al. 2015).

The EBEP does not explicitly distinguish senior civil servants as a specific category within public employees, though it dedicates a separate chapter to this figure. This probably responds to the predominant career orientation of the Spanish public sector. The introduction to the EBEP acknowledges the importance of this group as a source of modernization in the public sector as its role is subject to principles of efficiency and efficacy, and its performance assessed according to objectives. However, the law has not entered into the detailed regulation of aspects linked to senior civil servants and has provided only vague and general orientations for future implementation (Monereo et al. 2008). Rather, it has left this question open to further regulation by decree, and in particular, it has opened the possibility for lower levels (regional and local) to regulate the role and characteristics of senior civil servants.

3.3 Trade Unions

3.3.1 Composition: structure and membership in the public sector

The trade union landscape in the public sector is slightly more fragmented than it is in the private sector. There are on the one hand the federations of public services of the two largest trade union confederations in Spain, CCOO and UGT. The process of merger and internal restructuring within the confederations has implied changes in those organizations representing the interests of public employees (Jódar et al. 1999). In the case of CCOO, this representation is carried out by three different federations. On the one hand, the Federation of Citizens' Services (Federación de Servicios a la Ciudadanía) which is the first federation in terms of membership within CCOO, with 263,000 affiliates in 2014. This federation represents the interests of public employees of the central, regional and local governments and the services provided. Secondly, there is also the Federation of Health Activities (Federación de Sanidad y Sectores Sociosanitarios) which represents the interests of workers in health activities, both private and public. Finally, there is the Education Federation (Federación de Enseñanza) that represents the interests of teachers and workers in education centres, both private and public.

When it comes to the other large confederation, UGT, there is a specific organization for public sector employees, the Federation of Public Services (Federación de Servicios Públicos) that also includes those in the public health system. In addition to FSP, there is a Education Federation (Federación de Trabajadores de la Enseñanza). Another important trade union in the Spanish public sector is the Civil Servants' Independent Confederation (CSIF - Confederación Sindical Independiente de Funcionarios), that was created in 1980 in order to become an alternative to the dominance of UGT and CCOO in the public sector. It represents public employees from all levels and sectors in the public administration and has become an important actor in the public sector, where it enjoys the status of most representative trade union, together with UGT and CCOO.

In addition to the abovementioned confederations, there are other trade union organizations in the public sector. First, nationalist trade unions parties operating in regions like Galicia (Federation of Public Administration of the Galician Interunion Confederation (CIG-Administración) and the Basque Country (Federation of Public Services of the Basque Workers' Solidarity (ELA-GIZALAN) are also important. At the same time, there a number of professional trade unions like now SATSE and CEMSATSE for nurses and doctors respectively. Finally, there are other smaller unions, including USO (Unión Sindical Obrera) that has a specific federation for public employees and CGT (Confederación General del Trabajo). These two last trade unions have the status of most representative, and as consequence, are legally empowered to participate in the bargaining forums and sign agreements, in some sectors.

CCOO, UGT and CSIF are the three most representative trade unions in the public sector in Spain at national level. They're the interlocutors to the government in social dialogue processes at national level.

Trade union representativeness in the public sector is determined according to results of trade union elections. Representativeness is accordingly assessed periodically in order to account for changes that may occur in the trade union landscape. The last update on trade union representativeness was made in 2017. The trade union landscape experienced little change, but it is importance to notice the growth experienced by occupational trade unions in the public sector in trade union elections, but also in terms of membership. As the sectoral cases will show with more detail, many public sector employees in sectors like health and education, show a growing preference towards this type of unions before general ones (Alos et al. 2015).

We do not have updated and reliable information on trade union membership in Spain. Membership figures are not made publicly available by trade unions and they do not follow a homogeneous methodology in order to keep track of their members. As a consequence, we can only rely upon indirect sources in order to provide some insights on membership levels and trends. The largest union at national level in total membership was FSC-CCOO (257,635 members in 2011) followed by FSP-UGT (228,521) and CSI-CSIF (159,975) (Caprile and Sanz 2011). According to the 2011 wave of the Quality of Life at Work Survey, density in the private sector was 15,1%, whilst in the public sector it reached 31% (Alós et al. 2015). However, membership is not the criteria used in order to determine representativeness of trade unions. Instead, an electoral audience criterion is used whereby those trade unions achieving a minimum of 10% representatives at national level, or 15% at regional level, are entitled to conclude collective agreements in a specific sector at national or regional level respectively. Moreover, trade unions achieving these percentages can also participate in social dialogue and negotiations with government. CCOO, UGT and CSI-CSIF fulfil the criteria at national level, whilst ELA and CIG do it at regional level. Some of the smaller trade unions like now USO may also reach the 10% at national level or the 15% criteria at regional level for some specific sectors.

3.3.2 Employee Voice and Representation Structures

The role of trade unions as representatives of public employees was regulated by two laws approved in 1984. The first is the Civil Service Reform Act (*Ley de Medidas para la Reforma de la Función Pública*). This law divided civil servants into three categories. First, the armed forces and other military groups, that do not have the right to unionize or go on strike. Secondly, those groups of civil servants that have the right to associate in order to defend their corporate interests but cannot join trade unions. This group is composed of groups of the police and the judiciary. Finally, the rest of civil servants who enjoy trade union rights as any other worker. The other regulation is the 1984 Organic Law for Trade Union Freedom (LOLS – *Ley Orgánica de Libertad Sindical*). As pointed out in the previous point, this law established a representativeness criteria based on the number of votes obtained in works councils' elections and not on their members. This regulation defined the type of worker representation structures, the mechanisms to elect representatives as well as the criteria allowing trade unions to participate in negotiations and sign collective agreements.

Regarding worker representation structures, there is a difference between civil servants and salaried employees. In the later case, the same representation structures found in the private sector apply, i.e., personnel delegates (*Delegados de Personal*) and works councils (*Comité de Empresa*). However, in the case of civil servants these representation structures are personnel delegates (*Delegados de Personal*) and Personnel Assemblies (*Juntas de Personal*). Personnel delegates are elected in public sector units where the number of civil servants and/or salaried employees is equal or higher than six and below 50. By contrasts, works councils or personnel assemblies are elected in those units with more than 50 employees. These rules apply to national, regional, local and sectoral levels.

The first union elections in the public sector were held in 1978, but only for workers with employment contracts under general labour law regulations. Civil servants had to wait until the 1987 Law on Bodies of Representation, Determination of Working conditions and Participation of Civil Servants in the Public Administration (*LORAP - Ley de Órganos de Representación, Determinación de las Condiciones de Trabajo y Participación del Personal al Servicio de las Administraciones Públicas*) that implemented the principles orienting the 1984 LOLS for civil servants.

Recent analysis of the results of trade union elections in Spain confirms the dominance of CCOO that by early 2017 obtains 38,15% of representatives in trade union elections, compared to

34,88% for UGT and 21,25% for CSI-CSIF. The general bargaining phorum for public employees has accordingly been constituted with five representatives for CCOO, other five for UGT, three to CSI-CSIF, one for CIG and another one for ELA.

3.3.3 New Actors in Public Sector Employment Relations

One of the most interesting developments in relation to public sector actors is the emergence, in the context of the crisis, of the so-called Mareas (Waves). These movements, bringing together a diversity of civil society actors (including trade unions), were born with the objective of defending public services. These movements served to create synergies between social movements and trade unions' activists to the extent that both organised jointly public assemblies, demonstrations or symbolic occupations of public buildings, between others. CCOO and UGT adopted a more social movement approach and created the Social Summit (*Cumbre social*) with other civil society organisations (Pastor, 2013).

This had led them to develop old strategies like strikes but also to explore new ones in alliance with new civil society actors (Köhler et al., 2013). In relation with this, Spanish trade unions organized “by themselves or jointly with the support of civil organisations, concentrations and demonstrations to occupy public space” (Köhler et al., 2013: 1032).

By overcoming the political divide between the “indignados” movement and the corporatist attitudes of CCOO and UGT at the national level, the campaign groups, union representatives and “indignados” activists, together, were able during the green wave (the movement against the cuts in the education system) to launch an intense and enduring campaign against the local PP government's austerity measures in the education sector in Madrid (Bérout, 2014).

3.4 Collective bargaining and social dialogue in the public sector

3.4.1 Public Sector Employment Relations in the crisis and post-crisis periods

Two developments have marked the evolution and characteristics of public sector employment relations in Spain. The first was the approval in 2007 of the General Public Employment Statute (EBEP, Estatuto Básico del Empleado Público). The importance of the 2007 EBEP is twofold. On the one hand, it has consolidated and given coherence to several patchwork changes introduced since the mid 1980s that lacked coherence and left many gaps in the regulation. In particular, it has regulated several aspects that were left ambiguous by previous laws and that had been subject to diverse interpretations in the Courts (De la Villa 2007). Most importantly, the EBEP has contributed to further unify working conditions and rights of civil servants and workers with ordinary employment contracts in the public sector. Moreover, it has also expanded collective rights of civil servants, and more specifically, it has opened up new spaces for collective bargaining in regulating working conditions of this group of workers.

The second important policy development in this period has been the implementation of austerity policies aimed at fiscal consolidation which have triggered a decrease in public employment levels and deterioration in working conditions, including pay cuts, more working hours, easier dismissal etc. Moreover, these policies have also been accompanied by restructuring and rationalization in the public sector, and in particular, attempts at eliminating overlap in functions and services between different levels in the public administration, the 2013 law for the rationalization

and sustainability of local government being a case in point. The impact of these policies has varied across levels of government, sectors and groups of employees. In particular, the local level has been more affected by the fall in public employment levels, whilst the regional level that manages services such as education and health has witnessed changes in the composition of the labour force. The adjustment of public sector employment in Spain has concentrated on workers with ordinary contracts, and more specifically, those with temporary or interim contracts (i.e., temporary appointments until the job position is assigned on open-ended basis). Finally, in addition to the pay cuts and hiring restrictions, reforms have been implemented in the education and health sectors that have opened the door to greater private provision.

As a consequence of the rationalization imposed by austerity measures since 2010, the modernizing and reformist character of the EBEP hasn't been fully developed. Some authors have even argued how this rationalization has gone in the opposite direction of the modernization envisaged by the 2007 EBEP. This would be the case of the gap between rights and career prospects of civil servants and salaried employees in the public sector that the EBEP tried to close, but that the austerity measures have widened again (Cuenca et al. 2013: 2). Or the unilateral imposition of austerity measures on public sector employees that contrasts with the expansion of collective bargaining as a regulatory tool in the public sector since the mid 1980s. Moreover, the crisis and austerity measures have hindered the implementation of most of the mechanisms envisaged in the 2007 EBEP in order to promote more and better objective grounds for performance assessment or career guidance and development for public employees.

The economic crisis and in particular, austerity policies, have altered the normal development of social dialogue and collective bargaining in the public sector. On the one hand, the government has adopted a unilateral approach in the regulation of working conditions of public employees during under austerity policies. On the other, in some cases the crisis context has hindered the successful development of negotiations. In spite of these problems, social dialogue and collective bargaining have delivered several agreements both for civil servants as well as for salaried employees, even during the crisis. In 2009, trade unions and the government at central level signed the Social Pact for the Public Sector for 2010-12. Even though some of the contents of this pact have been implemented (for instance the setting up of the Employment Observatoire or the first gender equality plan), the economic crisis hindered the implementation of most of them, particularly those with financial implications, as a consequence of the imposition of austerity measures by governments since 2010 until 2014. In the context of technical committees, the most important agreements signed recently have been the 2013 Agreement for on the Job Training of Public Sector Employees. In many cases though, collective bargaining forums have not been called and agreements have not been renewed.

Collective bargaining and social dialogue in the public sector in Spain has accordingly experienced several phases since the inception of the crisis in 2008. In a first period, corresponding to the neo-keynesian demand stimulus phase, social dialogue and collective bargaining in the public sector developed relatively smoothly, as showed by the signature of some important agreements at national level these years. On 4 October 2007, the government and the most representative trade unions signed the Agreement on the articulation of collective bargaining in the Public Sector. On 25 September 2009, they signed another important agreement on public employment in the context of social dialogue for the 2010-12 period.

With the implementation of the first austerity package in 2010, social dialogue and collective bargaining in the public sector entered into a period of paralysis, as the government imposed these measures unilaterally and trade unions have contested them. As a matter of fact, several public sector strikes have occurred in the 2010-2015. Union responses to the imposition of austerity measures affecting the public sector and public employees have vacillated between reliance on traditional strategies and the use of new forms of contestation and protest repertoires. At national level, there have been two general strikes in the public sector. In 2010 a general strike of all public

workers was organized by the three most representative unions in the public sector (CCOO, UGT and CSIF) to protest against cuts in public employees' pay imposed by the Zapatero government. In September 2012, the public sector union CSIF organized a national-level public sector strike without the support of CCOO and UGT. In 2012 and 2013 two general strikes of the education sector were organized by the most representative unions together with students' associations. Moreover, several strikes were called at regional level in sectors like education and health. Particularly important in this regard were the strikes in the Autonomous Community of Madrid against cuts and attempts further to privatize the health system.

However, public sector unions have also relied on other tactics to enhance their effectiveness. One of the innovative aspects has been the unity of action amongst all unions and professional associations in the public sector through the creation in 2012 of the Joint Platform of Public Workers Trade Unions and Professional Associations (Plataforma Sindical y de Asociaciones Profesionales de Empleadas y Empleados Públicos) to enhance the impact of actions and mobilizations, including strikes, in the public sector. Moreover, some of the mobilizations against the impact of austerity measures have enjoyed broad social support, as in the case of the so-called Marea Verde and Marea Blanca (Green Tide and White Tide respectively) in which unions participated and were an important player but did not directly lead them. The Marea Verde was a series of mobilizations, protests and strikes against cuts in the education system and their negative impact on the quality of public education in Spain (Rogeró et al., 2014). This movement consisted of civil society organizations, including students' organizations, parents' associations, and teachers but also other groups not strictly related to education (Salazar and Rodríguez, 2014). Unions supported them and were one of several members of a coalitional movement aiming to reverse decisions taken unilaterally by both central and regional governments. This movement supported the strikes organized by unions but also led demonstrations, flash mobs, human chains, rallies and demonstrations (Salazar and Rodríguez, 2014).

Similarly to what happened in the education sector, the White Tide (Marea Blanca) consisted of a number of actions, including strikes and demonstrations, in the health sector. These actions took place at regional level as health policy and hospitals are decentralized. They were particularly important in Madrid, Catalonia and to a lesser extent Andalusia. In contrast to education, doctors' and nurses' unions were actively involved in the Marea Blanca and played a greater role, as witnessed by the organization of two general strikes in 2012 and 2013 in Madrid. Moreover, they also tried to build a coalition with other civil society actors in order to gain visibility and social support.

Two issues figured in the public sector union discourse: first, the erosion in the quality and coverage of public services as a consequence of spending cuts and privatization; and secondly, the deterioration in the working conditions of public employees, including longer working weeks and pay cuts. All levels of government were blamed for these policies and their negative impact. Unions accordingly framed these public services strikes as a mechanism for defending the welfare state, hence demanding a stop to cuts and the maintenance of the quality and coverage of public services. Even though the strikes only managed to achieve their goal in the case of Madrid, the framing process may have contributed to raising awareness for the political aspect of decisions taken on public services and to the increasing concern among the population about their quality, as shown in recent surveys (Rogeró et al., 2014: 568).

The formation of the bargaining phorum for the public sector in June 2017 has made clear the more propitious context to social dialogue in the public sector in a context of economic and employment growth. In the preliminary meetings, trade unions have defended the need to revert most of the extraordinary measures implemented during the crisis that have limited the scope for the development of collective bargaining. At the same time, they demand the recovery of all rights suspended during this period together with an improvement in working conditions and an increase in public sector employment.

3.4.2 Collective bargaining and public sector employment relations in the post-crisis period

Since 2015, helped by a new positive cycle of the economy, the situation has almost returned to normality and collective bargaining in the public sector has gained momentum. This process has not been free from tensions, especially since wage freezes from 2010 onwards have led to demand significant wage improvements. In 2015, the government agreed to negotiate real wage increases for the first time since 2010 as well as to return some of the cuts (including the fourteen month pay) implemented during the crisis years². An agreement was reached consisting in the return of part of the wage cuts imposed during the crisis .

At national level, the agreement to improve quality of employment in the public sector was signed in March 2017 between the government, CCOO, UGT and CSIF³. The agreement contained a commitment to reduce the rate of temporary employment in the public sector from the actual 23% down to 8%. Interim positions are the main source of temporary employment in the public sector and had grown very significantly over the crisis years. Moreover, the replacement rate for public employees retiring will be set again at 100%. The agreement also contemplated a call for 67000 job openings in 2017. According to the government, the agreement does not imply additional spending by the government, nor will it imply a net increase in public employment. Rather it was made clear that is simply aimed at providing stability to all those workers with precarious and temporary contracts in the public sector. The agreement was signed between the most representative trade unions in the public sector, establishing the criteria for the articulation of the bargaining forums in the public sector⁴. According to this document, signed by CCOO, UGT and CSI-CSIF, there are four main bargaining forums:

- Bargaining forum for the entire Public Sector
 - Functional scope
 - Territorial scope
 - Composition
- o State sectoral bargaining forum in Education, Health, Justice and Universities
 - Functional scope
 - Territorial scope
 - Composition
- Bargaining forum for the State Public Administration
- Bargaining forum for the Autonomous Communities
- Bargaining forum for the Municipalities or Federations of Municipalities
 - o Functional scope
 - o Territorial scope
 - o Composition

The objective of this agreement was to coordinate the development of collective bargaining for public employees in the forthcoming years, detailing the functional scope, composition and territorial scope for each of the levels where negotiations will take place.

² See https://elpais.com/economia/2015/07/16/actualidad/1437048481_592154.html

^{3 3} See text at:

http://www.minhafp.gob.es/AreasTematicas/FuncionPublica/Relaciones_Laborales_y_Dialogo_Social/Dialogo_social/Acuerdos_OS/29-03-17-Acuerdo-Gobierno-y-OO-SS-para-la-mejora-del-Empleo.pdf

⁴ Articulación de la Negociación Colectiva en las Administraciones Públicas, signed on 11 October 2017.

In spite of the improvement experienced in public sector employment relations climate, with the signature of the abovementioned agreements, trade unions consider that steps given so far by the government are insufficient and that more significant action is required in order to recover public employees working conditions before the crisis. Moreover, the two largest confederations have repeatedly ask the government to increase the number of public employees at the pace of recovery of the economy⁵. Negotiations around wage increases for the next three years have so far delivered no agreement due to trade union resistance to accept a 5,34% minimum increase, reaching 8% in case the economy maintains its momentum. Trade unions have rejected this offer arguing that it will not even allow public employees reach the wage levels they had before the crisis.

Trade unions have organised the 2017 December demonstration in the context of a broader campaign under the label 'Ahora lo Público' (Now the Public). The objective of this campaign is to raise awareness about the impact of the crisis on the quality of public services. Trade unions link the improvement in working conditions to the improvement in the quality of public services. As we will see later on, this idea was central in the way in which the so-called Mareas (Waves) in education and health, framed their discourse and gained broad public support.

4. Industrial Relations in Primary Education

Collective bargaining in the public primary education system takes place at several levels:

- General bargaining table at state level for all Public Administrations
- State level bargaining table for education
- Regional level bargaining table for education

Being a de-centralized public service, collective bargaining at regional level is in charge of determining most working conditions for public employees in the region.

The trade union landscape in the primary education sector is characterized by a high level of fragmentation, the weakness of general (class) trade unions and the importance gained by non-institutionalized organisations in the context of the crisis.

Even though there is no data on membership levels of primary education teachers, interviews have revealed generally low affiliation to trade unions and in particular to general / class trade unions like CCOO and UGT. Primary education teachers generally prefer to affiliate to occupational trade unions, hence explaining their importance in terms of representativeness, both at national and regional level. This notwithstanding, there are no specific representative organizations for primary education teachers, but for teachers at all levels of the public education system.

⁵ See for instance the march organised by CCOO and UGT in order to recover public employment and wages for public sector employees:

<http://www.elperiodico.com/es/economia/20171214/los-empleados-publicos-exigen-recuperar-salarios-y-empleo-6495220>

Over the last fifteen years, workers' representation and the trade union landscape in the education sector, and primary education specifically, has experienced little change.

At national, the five most representative organizations in non-university public education are:

- CCOO (Comisiones Obreras)
- FETE-UGT (Federación estatal de trabajadores de la educación, Unión General de Trabajadores)
- STEs-I (Sindicato de Trabajadores de la Educación)
- CSI•F (Confederación Sindical de Funcionarios)
- ANPE (Asociación Nacional de Profesionales de la Educación)

There are three general trade unions, CCOO, FETE-UGT and CSIF (general trade union in the public sector). Both STEs-I and ANPE are occupational trade unions.

The trade union landscape at the level of Catalonia is somewhat different, with four representative trade unions involved in social dialogue and signing agreements:

- CCOO
- UGT
- USTEC-STE-IAC (Unió de Sindicats de Treballadors de L'Ensenyament de Catalunya),
- ASPEPC-SPS (Associació Sindical de Professors d'Ensenyament Públic de Catalunya - Sindicat de Professors de Secundària)

Both UGT and CCOO are general trade unions whilst USTEC-STE-IAC is a most representative occupational trade union and ASPEPC-SPS is also occupational.

On the employer side, the Ministry of Education would be involved at national level, whilst the Departament d'Educació negotiates at regional level in Catalonia.

4.1 Collective bargaining dynamics

Before the crisis, the relationship between employers and trade unions in the primary education sector was to a large extent cooperative. Several agreements had been signed on different issues both at state and regional level. The different reforms of the education system implemented since the early 1980s constituted particularly intense periods of negotiations, very often accompanied by mobilizations by students, parents' organizations and trade unions. These strikes and demonstrations were in most cases motivated by disagreement with governments' proposals to change the education system (Verger 2009). However, social dialogue and collective bargaining over the working conditions of teachers developed rather smoothly.

This changed dramatically with the advent of the crisis, and since 2010-11, when social dialogue has been abandoned and the relationship between actors has been characterised by conflict and different priorities in the agenda. More specifically, the implementation of austerity policies and cuts in public education spending, have opened an era of confrontation between unions and governments at both national and regional level, with unions adopting a common anti-austerity front. The public education system has experienced a particularly intense period of conflict and strikes, but in this case the main motivation has been the need to restore the quality in public education by (among other things) improving working conditions of teachers that have been deteriorated over the crisis years.

The crisis has not only opened an era of confrontation between unions and employers, but also within the union side, and in particular, between general / class trade unions and occupational trade unions. These differences are not so much based on the content / character of their demands, but on the different positions / strategies adopted in bargaining processes. More specifically, general trade unions criticize that occupational trade unions have very often adopted maximalist positions that have rendered more difficult to find an agreement.

One of the most important impacts of the crisis in relation to actors and trade unions has been the appearance of new civil society actors that have played a very important role in defending the public education system and its quality. In the case of public education, the so-called Marea Verde (Green Wave) has been very active in defending the public education system from spending cuts and attempts at privatization (Giró y Cabello 2014).

The Green Wave was born out of mobilizations in 2011-2012 against the decision of the regional government to not renew 000 temporary professors due to the increase in two teaching hours for tenured professors in the public system (Rogeró et al. 2014). But there were other claims made by this actor aimed at reversing some of the effects from austerity policies, including the increase in student per professor ratios in primary and secondary schools, the suppression of many of the training centres for professors, the reduction in real wages of professors, the dramatic reduction in job openings from 3500 in 2009 down to 489 in 2011.

The Green Wave made an effort to frame its discourse not only as an attack to the working conditions of professors, and in particular, of those with temporary contracts, but most importantly, to stress the threat to the quality of public education posed by austerity policies. Data on public spending in the education system was used to illustrate this impact. In particular, the accumulated decrease of 7,344 million euros in public spending in the education system until 2014 equals 14.9% of the expenditure in 2009 (CCOO 2016).

The Green Wave has been very active over the crisis years and has created a platform to continue developing its role in relation to public education in Spain. This is the so called Plataforma Estatal por la Escuela Pública⁶. Under the umbrella of this platform there are trade unions, student organisations as well as parent organizations that share a commitment towards the defense of a public education system and the improvement in its quality.

The main objectives of trade unions and the Marea Verde during the period of the crisis have been to reduce the impact of austerity measures not only on the working conditions of professors, but most importantly, on the quality of public education.

In the post-crisis period, the priority of trade unions and other civil society actors has moved around three axis:

- Improve working conditions of professors. More specifically, there are two aspects considered key by trade unions given the large number of professors affected and its deterioration during the crisis years.
 - o First, to reduce the number of professors with a temporary appointment or holding an interim position. Because of the ban on new appointments and the zero replacement rate for professors going to pension imposed by the government under austerity policies in 2011, there has been an increase in the percentage of professors with temporary contracts or in an interim position whose contracts have been renewed on an year-to-year basis. Even though they're occupying a structural position in the education system, they lack the stability that other professors enjoy.

⁶ See at <http://www.escuelapublica.es/>

- Secondly, to reduce working hours, and in particular teaching hours, that have increased over the crisis due to the reduction in the number of professors.
- The second main point has been to improve quality of public education through a reduction of the student per professor ratio, that has also increased during the crisis years.
- The third point has consisted in restoring and revitalizing social dialogue as the mechanism to decide working conditions of professors in the public sector.

Even though there has been a revitalization of social dialogue in the public education sector since 2016, with several agreements being signed in 2017 both at national and regional level, there remain some tensions as showed by the general strike in the education sector called in March 2017 by the Plataforma Estatal de Defensa de la Escuela Pública. The strike was called for two reasons. First, to derogate the new proposal to reform the education system, i.e., the so-called LOMCE (Ley Orgánica para la Mejora de la Calidad Educativa). Second, to revert the situation created by austerity measures that according to the promoters, haven't been reversed to a large extent and requires a stronger commitment and action by the government. The underlying motivation for this action was to highlight the negative impact of the crisis and reforms implemented during this period, and put pressure on the government to revert them as a pre-condition to guarantee quality of the system. According to the PP government in power since 2011, the main reason for the deterioration in the quality of the public education system is not necessarily related to under-funding or the cuts introduced under austerity, but by the reforms introduced previously by the Socialist government.

4.2 Reform Policies: the role of industrial relations

The public education system in Spain has experienced seven reforms since the late 1970s. The last one was passed in 2013. Even though these reforms are very different, we find some continuity in three objectives:

- Enhance the quality of the education system
- Reduce the high rate of early school leavers
- Adapt the Spanish education system to EU standards and curricula

The way in which these three different objectives have been pursued in each of the seven reforms, has been very diverse.

Even though governments from different colours have tried to involve many actors in the drafting and preparation of these reforms, including social partners, the reality is that the role of industrial relations and social dialogue in shaping these reforms has been very limited.

With the crisis, the public education system has undergone some significant transformations. Moreover, the role of industrial relations actors and social dialogue has changed dramatically compared to the pre-crisis years. More specifically, there have been two major policy developments over the last fifteen years:

- First, a reform of the education system promoted by the PP government (the so-called LOMCE, Organic Law for the Improvement of Quality in Public Education)⁷
- Second, the implementation of austerity policies

Since it was proposed, the LOMCE was heavily contested not only by trade unions, but also by opposition parties, students and parents organisations. Even though the government has tried to involve a wide range of actors in the preparatory phases of the law proposal, trade unions and parents' organizations have remained very critical of the general orientation of the reform and

⁷ See text at <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12886-consolidado.pdf>

some of its key aspects. In march 2017 a state-wide general strike in the education sector was organised in order to force the executive to involve actors other than political parties in a broad educational pact.

We can accordingly conclude that the role of industrial relations in reform policies of primary education has been marginal before the crisis. With the crisis, industrial relations actors have also had little possibilities to influence the policy process, and their role has been re-active. In particular, trade unions have been actively involved in the series of demonstrations and strikes organized against the cut packages.

4.3 Impact of Reform Policies on Primary Education professors' working conditions

When looking at reform policies in the field of primary education, the crisis has implied a major overhaul both in the policy process as well as in the working conditions of professors. Even though the situation seems to have somewhat improved since 2016, with some important agreements reached in recent months reversing previous decisions, the impact is still visible.

Before the crisis, social dialogue played an important role in gradually improving working conditions of primary education teachers. Most policies and agreements were negotiated with trade unions as well as other groups in the education system.

In the case of Catalonia, the last agreement signed before the crisis between the regional government and trade unions was in 2005⁸. The 2005 Agreement of the Sectorial Board of non-university teaching staff is the result of the negotiation protocol signed on October 18 between the Department of Education and the three unions with representation at the Bureau. The Agreement obtained the support of CCOO and the refusal of FE'TE-UGT¹ and USTEC.

This agreement allocated 560 million euros until the 2008-2009 academic year in various actions to improve the working conditions of the faculty of public schools. In addition to monetary investment, the Agreement included a commitment to increase the quality of the Catalan public education system. In order to do this, the agreement contained a commitment to increase the staffing of Educational Services to 4,000 people in order to improve the attention of students with specific educational needs and to promote educational innovation programs.

In order to improve working conditions of teachers, the 2005 agreement contained measures, such as a new time distribution of primary school teachers; the reduction of the hours of direct attention to the students for teachers over 55; the increase of the economic incentive for early retirement up to € 12,000; a new modality of the partially paid leave; more stability of the teaching staff in the centers, and the increase of the grant of paid study licenses for teachers.

On the other hand, the work of the teachers with wage improvements for the various responsibilities (administrative, preparation, quality assessment etc.) was recognized, as well as actions to improve the working conditions of interim and replacement teachers were also recognized. The 2005 was accordingly representative of the positive economic environment before the crisis.

⁸ See text at

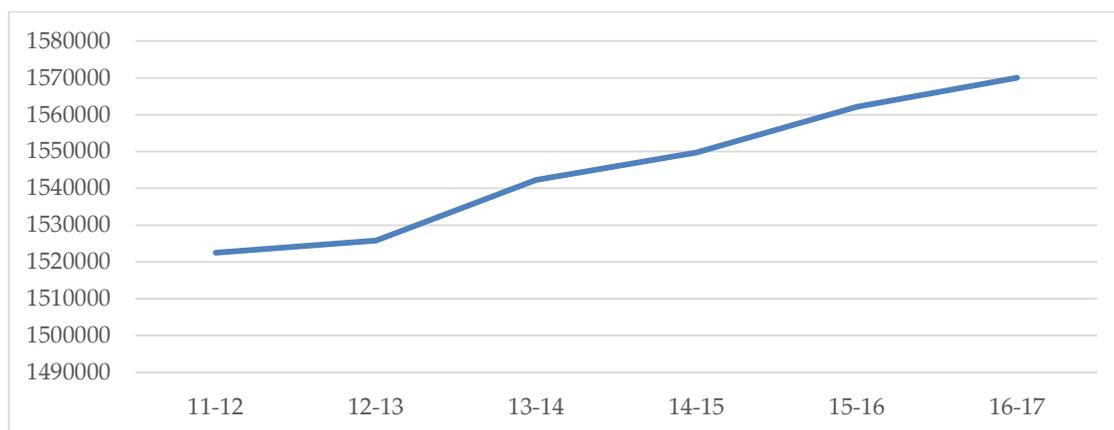
http://dogc.gencat.cat/es/pdogc_canals_interns/pdogc_resultats_fitxa/index.html?documentId=457654&language=ca_ES&action=fitxa&newLang=es_ES

The most important policy development in relation to the primary education system, and more specifically, primary education professors, has been the implementation of austerity policies. Pressures to reduce public spending and deficits have implied the adoption of a unilateral approach to policy-making in relation to this and other areas. Even though the impact of these cuts varied across regions, there were some policies that were implemented in most of them, consisting in:

- Increase in teaching hours (from 23 to 25)
- Accumulation of spending cuts by the Spanish Government and Catalan.
- Reduction by 25% of salary.
- Disappearance of the social action fund (social benefits).
- The first increase in salary due to seniority has gone from six to nine years.
- Coverage of substitutions: previously they covered losses from the first day. During the crisis a minimum of 10 days was put (now reduced to seven).
- Elimination of continuous training.
- Increase in the interim rate (now at 29%).
- Increase in the workload

At regional level, social dialogue for public professors in primary education has been restored and in January 2017 a new agreement has been signed between the department of education and USTEC-STEs, CCOO and UGT⁹. The agreement establishes an increase of 5,511 positions that will be included in the 2017-18 academic year, 4,714 new teachers and 797 for replacements. The objective of the agreement is twofold: to achieve a more personalized educational attention to respond to the educational needs of the students as a whole and also to improve the conditions in which the teaching staff develops their professional activity. Overall, the 2017 agreement has allowed to restore some of the conditions agreed in the 2005 agreement and never, or very partially, implemented. This, together with the translation of the March 2017 agreement for the improvement of public sector employment have marked a turning point with respect to the crisis.

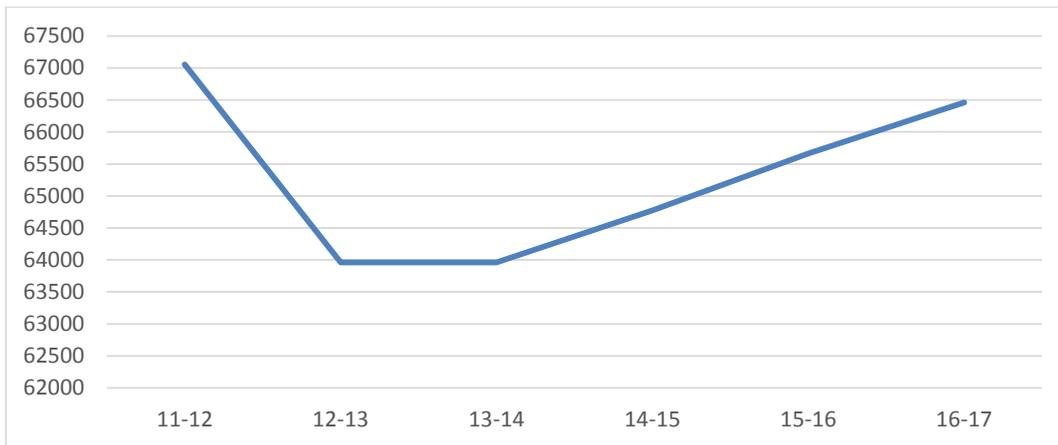
Graph 3: Total students in the Catalan Education System, 2011-2017.



Source: Idescat

Graph 4: Professors in the Catalan Education System

⁹ See full text at <http://cgtense.pangea.org/IMG/pdf/acordccoougtustec-departament.pdf>



Source: Idescat

The impact of the crisis on the situation of professors can be accordingly summarised in terms of less teachers (Graph 4) and worse socio-occupational conditions. Policies implemented under austerity programmes have led to the drastic destruction of teaching positions (around -35,000) and an increase in their precariousness. The continuous reduction of the Public Employment Offer implies that at present 25% of non-university public teaching staff is temporary.

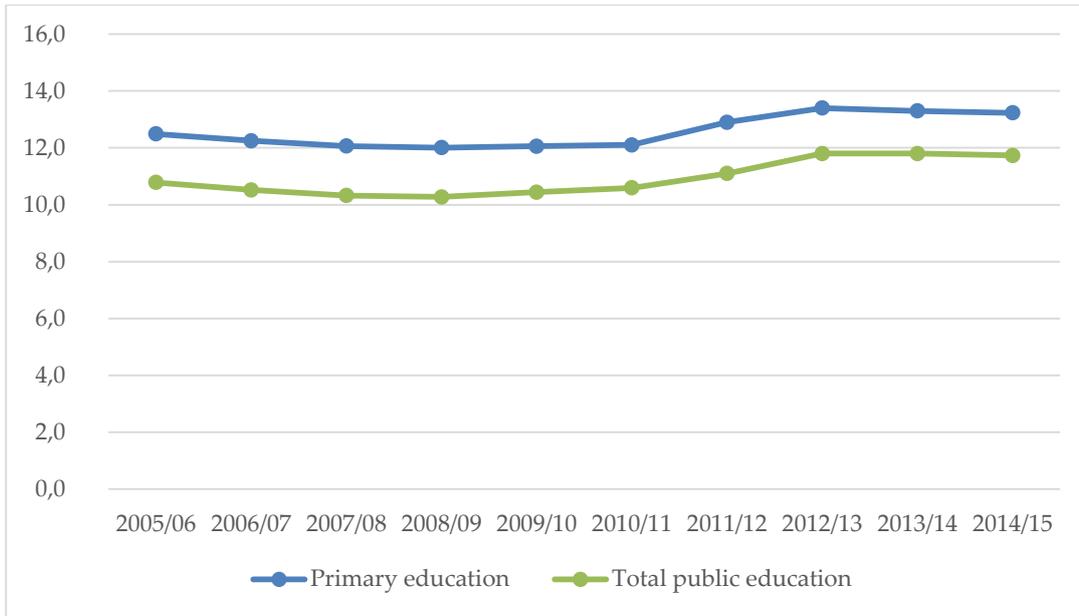
4.4 Impact of Reform Policies on Public Primary Education

It is difficult to assess the impact of reform policies and in particular, the role of industrial relations, on the quality of primary education. Interviews have showed slightly different assessments on these issues. Whilst trade unions have no doubts about the negative impact of reforms on the quality of public education, employers admit austerity measures have had a detrimental effect on quality, but tend to emphasize the window of opportunity opened by the crisis in order to modernize the public education system.

There are two ways of approaching the impact of reforms on quality of public education. One consists in looking at the inputs, including issues like total spending, number of students per professor, etc. This approach has the advantage of relying on objective data and makes more possible to assess the real impact of reforms. The other approach consists in looking at outcomes like the PISA indexes.

One of the indicators very often used in order to assess quality of public education is the ratio of students per professor. Graph 5 shows the evolution of this ratio since the academic year 2005-2006 until the 2014-15 for the public education system as a whole, and primary education in particular. In the years preceding the crisis, the indicator exhibited a downward trend that was reversed in 2008-09, but that became more clear in the 2011-12 academic year. After increasing for four years, the ratio has slowly started to decrease again, though it remains well above the levels before the crisis.

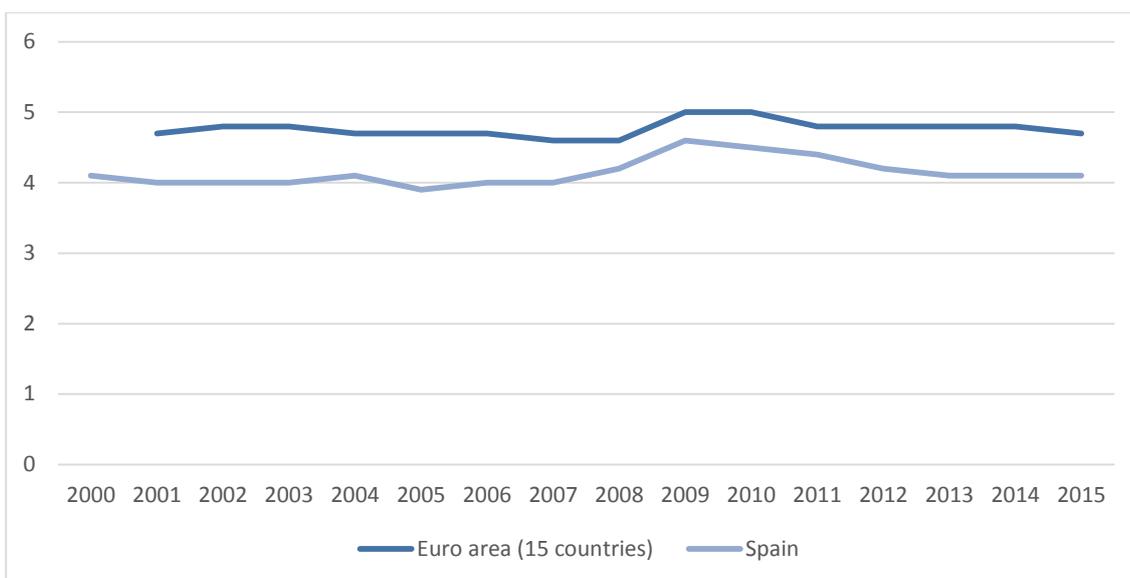
Graph 5: Ratio of Students per professor in the public education system, Spain 2005-2015



Source: INE

When we look at expenditure on education, we observe a significant reduction during the crisis. However, this decrease has been more important for tertiary and secondary education. According to Eurostat data, public expenditure on education (including all levels) in Spain reached a maximum level in 2009 (both in millions of euro as well as in % of GDP), when 49,692 million euros were spent on education spending in Spain and reached 4.6% of GDP, a figure that has since fallen to 43,979 million euros in 2015, the last year available. In the 2009-2015 period, the expenditure on education has fallen by 14% in nominal values while increasing the number of students (Graph 4). Compared to the Euro Area countries, the gap that existed before the crisis and that seemed to narrow down, remains afterwards (see graph 6).

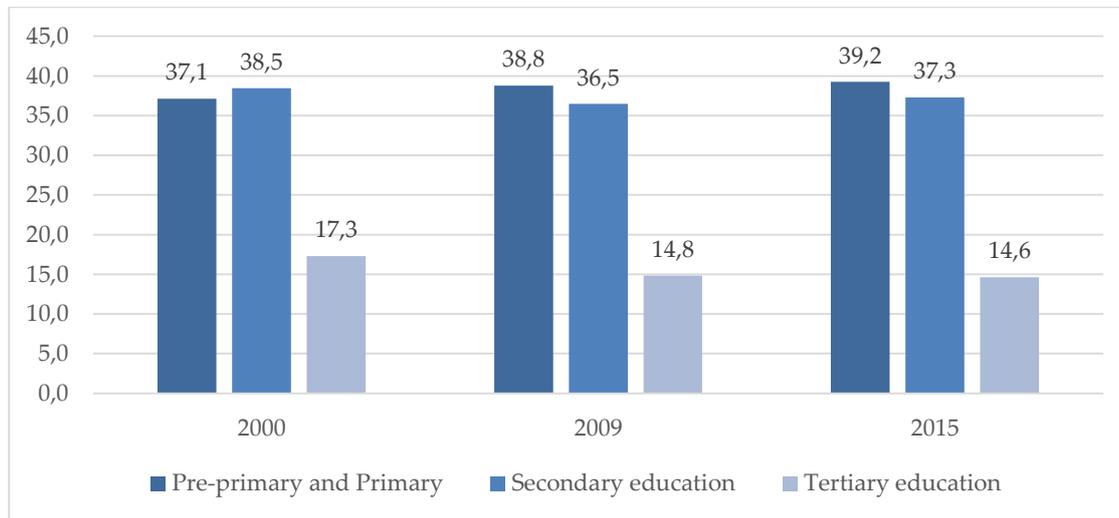
Graph 6: Public expenditure on Education as % of GDP, 2000-2015



Source: Eurostat

When it comes to the internal structure of expenditure in education, graph 7 shows how primary education has increased its percentage within total public expenditure in education together with secondary education. By contrast, expenditure in tertiary education has fallen.

Graph 7: Public expenditure on education, by type of education, as % of total expenditure on education, 2000-2015¹⁰



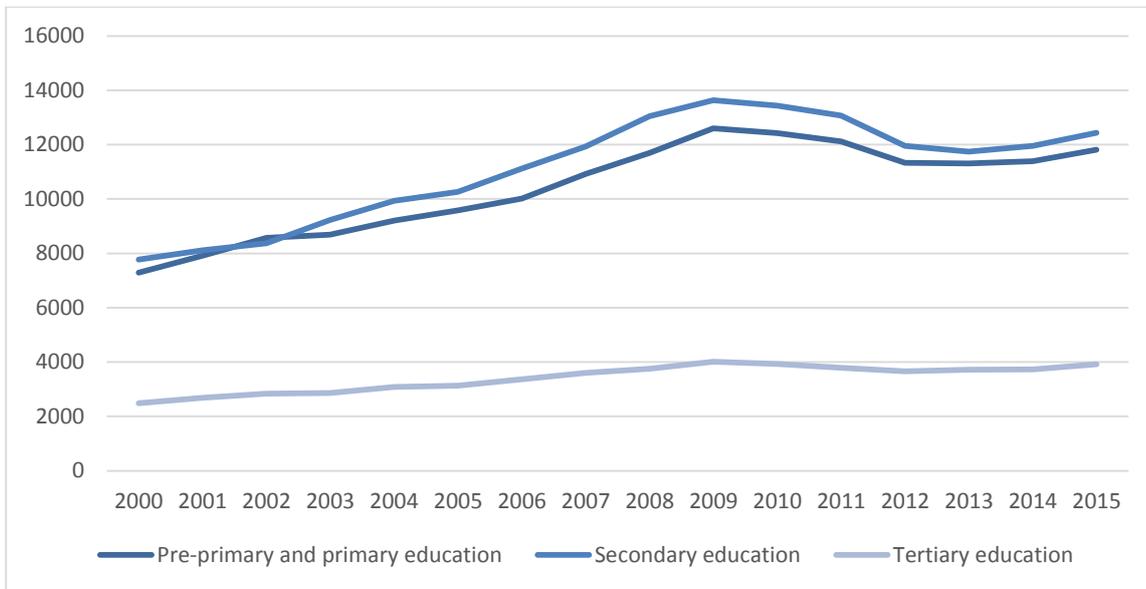
Source: Eurostat

The adjustment in the education sector has taken place mostly through a reduction in the remuneration of employees (see graph 8). In this fall in the remuneration of public education employees, there are two main factors. On the one hand, the reduction of 5% in the salaries of public employees and, on the other hand, the lower number of people working for the administrations. In the case of education, the number of staff has decreased by 18,000, equivalent to 3.5% of the total in 2009, according to the statistical Bulletin of the staff serving the public administrations.

Cutbacks in human and educational resources include cuts in investment in infrastructure, furniture and equipment for all levels of education, a general decrease in the operating costs of schools. On the other hand, a great number of programs have disappeared from schools whose purpose was to ensure equality of opportunity and improvement of school performance and in addition, there has been a decrease in the number of support, reinforcement and educational guidance.

Graph 8: Compensation of employees in the public education system, by type of education, in millions euro, 2000-2015

¹⁰ Figures do not represent the 100% of expenditure. Others expenditures no related with the different education levels have been excluded from the graph.



Source: Eurostat

One of the aspects where trade unions have drawn attention for its potential impact on the quality of education, apart from those already mentioned already, is the practical disappearance of programs for the permanent training of teachers, the reduction and, in some cases, the disappearance of training centers, the disappearance of licenses for training etc.,. In a sector like education, this is particularly worrisome, as it has a direct impact on professors' ability to adapt new contents and instruments.

5. Industrial Relations in Public Hospitals

Collective bargaining in the case of public hospitals also has a multi-level structure.

- General bargaining table at state level for all Public Administrations
- State level bargaining table for health
- Regional level bargaining table for health
- Collective bargaining at hospital level

In the case of the health sector, the trade union landscape is characterised by the co-existence of three different types of trade unions that are most representative at national level:

- The two largest class-based confederations, CCOO and UGT
- Two occupational trade unions, SATSE and CEMSATSE
- One public sector trade union, CSIF

At regional level, the trade union landscape in Catalonia exhibits some differences with respect to the general one. In particular, there are five trade unions:

- The two largest class-based confederations, CCOO and UGT
- An occupational trade union whose scope is limited to Catalonia: Metges de Catalunya (Doctors of Catalonia)
- An occupational trade union that can also be found at national level, SATSE
- IAC-CTS-CATAC (Intersindical Alternativa de Catalunya - Coordinadora de Treballadors i Treballadores de la Sanitat - Candidatura Autònoma de Treballadors i Treballadores de l'Administració de Catalunya)

On the employer side, at national level there is the Ministry of Health, Social Services and Equality. At regional level there is the Institut Català de la Salut (ICS).

The composition of bargaining tables both at national and regional level has remained stable over the last fifteen years, with only minor changes in the number of delegates each trade union has.

Similarly to what has been mentioned in the case of primary education, one of the most interesting developments in relation to actors in the health and hospitals is the appearance of new actors during the crisis that have played an important role. This is the case of the so-called 'Marea Blanca' (White wave) (Bayle y Ruiz 2014). The White Wave were a series of actions, including strikes and demonstrations that started in 2012 in Madrid against plans from regional government to privatise the public health system. The movement then extended to other regions and became a state-wide movement. These actions have taken place at regional level as health policy and hospitals are decentralised and have been particularly important in Madrid, Catalunya and to a lesser extent Andalusia. In contrast to the case of education, in the Marea Blanca doctors' and nurses' trade unions have been actively involved and have had a more important role, as the organization of two general strikes in 2012 and 2013 in Madrid showed. However, they have also tried to build a coalition with other civil society actors in order to gain visibility and social support.

In spite of the extremely negative context of austerity policies and the declining trust on trade unions by the citizenship, these public sector mobilization experiences have been effective in a double sense. First, in some cases (most notably in the case of health care in Madrid) they have managed to hinder the implementation of some of the most radical privatization decisions (Valdivieso 2014). More importantly, adopting a long-term effectiveness approach, these mobilizations have allowed trade unions to build broader social coalitions with other civil society actors and citizenship sharing similar perceptions on these specific issues.

The White Waves have also had continuity in the post-crisis period through the creation of regional platforms. The most important one is probably The Platform in Defense of Public Health in Madrid (MEDSAP)¹¹. It is composed of neighborhood associations, user groups, coordinators, social movements, trade unions, civil society platforms, health professionals and popular assemblies of "indignados" movement whose fundamental objective is the defense of the Public Health and the fight against the process of privatization.

5.1 Collective bargaining dynamics

The analysis of collective bargaining dynamics in the health system needs to be considered at the light of the short-term changes associated with the economic crisis but also taking into considera-

¹¹ See at <https://mesaendefensasantidadpublica.wordpress.com/>

tion a long-running process of reform in the public health system (Ochando 2005). In particular, there has been a tendency towards the introduction of private management schemes and techniques in the hospital system, together with a gradual and partial privatization since the early 1990s. The public health system in Spain has been decentralized at regional level where it is managed. In 2002 the process of decentralization culminated with the transfer of powers to those regions where the health system was still managed at state level. This would explain the existence of significant (and increasing) disparities across regions in number of hospitals, doctors and beds per inhabitant. These changes have also impacted upon employment relations and collective bargaining in the hospital system.

In the case of hospitals, negotiations during the crisis proved to be very difficult. The last agreement signed was in 2009, when the crisis hadn't yet hit the public sector. Since then, public employees in the public health system and the hospital sector in particular, have experienced a significant deterioration in working conditions, including real wage cuts (5% reduction plus elimination of the thirteenth and fourteenth payments) and a growth in temporary appointments. The growth and abuse in temporary appointments, very often covering structural needs, has been the main claim during and after the crisis by doctors and nurses in hospitals.

Since 2009 there hasn't been any agreement between trade unions in the health sector and governments at either national or regional level. Cuts associated with austerity policies have been accompanied by attempts at extending private management of the health system and the privatization of parts of it. Because of the combined effect of these two trends, several protests and demonstrations were organized by trade unions and other civil society actors in the health sector against these policies.

Between 2010 and 2015, the relationship between trade unions and employers at national or regional level have been characterised by conflict. In this period, negotiations have been limited to specific issues. Social dialogue has accordingly played no role in governing the implementation of austerity measures in the hospital system.

One of the few exceptions to this In May 2013, trade unions and employers started negotiations on the integration of doctors and nurses into the national health system. The meeting came after trade unions put pressure on the government and filed a complaint with the ombudsman. This meeting served to restore temporarily collective bargaining at state level on the health sector.

However, it was not until 2015 that the dialogue was fully re-established. Social dialogue and collective bargaining between employers and trade unions have only resumed from 2015 onwards. Negotiations have focused on restoring some of the working conditions lost during the economic crisis. In the case of hospitals, the most important topic in the agenda of trade unions has been the reduction of temporary appointments, whose number has increased significantly over the crisis period. In order to address this problem, several measures were proposed by trade unions and employers. In a recent document presented by trade unions on March 22nd 2017, they included some detailed proposals in order to to fight an excessive level of temporary employment in the hospitals sector. Among other things, they set 8% as the maximum percentage of temporary employment to be allowed, a clear and precise identification of the causes that lead hospitals to open temporary appointments, and increase in job openings in the hospitals in order to transform temporary into open-ended contracts etc¹².

¹² See

http://www.sanidad.ccoo.es/websanidad/Noticias%3AActualidad%3A1017411--Los_sindicatos_del_Ambito_de_Negociacion_registran_en_el_Ministerio_de_Sanidad_sus_propuestas_sobre_temporalidad_en_el_SNS

A similar pattern can be observed at regional level in the case of Catalonia, where an agreement was signed in September 2017 with the regional government in order to restore working conditions (including wages) back to the 2012 levels for workers in the public health system.

5.2 Reform policies: the role of industrial relations

Two major long-term trends have characterised the reform of the Public Health System in Spain. First, a de-centralization to the regional level, whereby regions have gradually been transferred the management of the health system. Secondly, the gradual introduction of private management techniques and practices as well as public-private partnerships (Esteban and Arias 2016, Sanchez et al. 2013). Due to its de-centralized character, the extent to which different regions have introduced private logics, has varied quite markedly. There is very little evidence of involvement of social partners in the debates and drafting of these reforms.

The 2008 crisis and austerity policies have led to the implementation of three main types of reforms (Bacigalupe et al. 2016). First, legal reforms aimed at curtailing some of the services or introducing co-payment schemes. This has been the case for medicaments. In some regions, the list of medicaments provided free of charge by the public health system has been reduced. In others, there has been an increase in their co-payment rate. Secondly, there have been renewed attempts at privatization of the public health system. This new wave of privatization has taken place in two main forms. First, the increase in outsourcing out to private centres of some services previously delivered by and in public centres. Second, a further extension of private-sector management techniques into the public health system. The third type of reforms has consisted in spending cuts, applied to different degrees and ways across regions.

The decentralization of the health care system explains that differences observed between regions in the degree and form in which these reforms have been implemented. Hence, there have been some regions (including the Basque Country) where hardly any crisis-related reform has been implemented over the crisis, whilst others, including Andalusia, Catalonia and Madrid have introduced far-reaching changes.

In the context of the crisis, the right-wing PP government enacted in 2012 an urgent law for 'guaranteeing the sustainability of the national health system and enhance its quality' that not only implemented some saving mechanisms (for instance, the centralized negotiation of acquisition of certain treatments or medicines in order to benefit from economies of scale) but it also contained other measures aimed at introducing rationalization like now the creation of a common professional scale for all Autonomous Communities in order to facilitate mobility between the regions, the creation of a central registry of health professionals, as well as the centralized setting of common standards for the compensation of public health workers. With the 2012 reform, the Spanish Government, went against the principle of universal coverage and limited the access to around 873 000 non-residents (Legido et al 2013).

With the new law, individuals losing entitlement to comprehensive care retain protection if they are younger than 18 years; during pregnancy, delivery, and post-partum period; and for emergency care after serious illness or injury. However, there are many obstacles. *Medicos del Mundo* have documented 1192 cases when people were unable to obtain care because of a lack of appropriate documentation, conflicting interpretations of the Decree, and in some cases discrimination and racism.³ Such changes could have serious consequences for population health, especially with regard to tuberculosis and HIV infections,⁴ and could threaten access to mental health, addiction, and chronic care services for vulnerable populations, such as the homeless.

In the case of Catalonia, several reforms have been adopted since 2010 (Gallo y Gené-Badia 2016: 79):

- Dismissal of temporary workers in the public sector generally, and the health sector in particular. Thus in the main public provider of health services, the Catalan Institute of Health, the workforce went from 46,000 to 42,000
- A reduction in the budget of the Health system, with the consequent rationalization of expenditure by managers
- A non-remunerated increase in working hours
- Closure of services and hospital beds, both in public hospitals and the suppliers in order to meet budget ceilings;
- Closure of 25% beds in summer months
- Closure of emergency primary care facilities in rural areas, to favor the emergency services of hospitals and telephone attention
- Changes in the prioritization criteria of waiting lists
- A budget reduction of 5 percent in all the services contracted by the public sector, in particular, in the Catalan hospital care sector

A common feature of these reform policies is that in any case there has not been any involvement of social partners in their discussion or drafting. The idea of emergency and financial exceptionalism, has led to adopt a unilateral approach that contrasts with previous attempts at reform where regional governments tried in many cases (though with differences across regions in the intensity and the form of involvement). Overall, the role of industrial relations actors in public health care and hospitals in particular, has been limited until the crisis, and then it has been inexistent. Not only have social partners been marginalised in the reform process, but some studies on the perceptions of public health workers on austerity measures (Heras et al. 2016) condemn their short-termism and the fact that health professionals haven't participated at all in the drafting and implementation of these reforms

The limited role played by social dialogue, contrasts with the importance attained by the White Waves in influencing public opinion and eventually, forcing some regional governments to withdraw some reforms. The role of the White waves has framed its discourse in the need to guarantee the quality of public health and therefore, the opposition to the cuts introduced under austerity policies. Placing the focus on quality of the system and not just health care workers (as trade unions used to do), has allowed the White Wave to gain broad social support. Thanks to this support, the White Wave has carried out several actions and demonstrations, particularly in the Madrid region, but also Andalusia and Catalonia. In some cases, including that of Madrid, there has been a retrenchment by the regional government from pursuing some of the policies announced.

5.3 Impact of Reform Policies on Hospitals workers' working conditions

There is consensus to point 2011-12 as the turning point for working conditions and social dialogue in the public health sector in Spain and Catalonia. In the case of Catalonia, it is estimated that the public health system had around 44500 workers in 2011 and nowadays has 37000.

In addition to job losses, cuts in salaries and increases in working hours, there other non-economic effects of the crisis, consisting in growing competition between workers. Three reasons have been pointed out in order to explain this growing competition:

- First, fears of losing their jobs
- Second, the introduction of new management systems. More specifically, the introduction of individual targets and remuneration systems since 2006¹³
- Finally, different types of contracts for people developing the same tasks is also a source of conflict as it provides different incentives depending on whether the worker has the right to receive a productivity premium.

Several works have also mentioned an increase in stress levels of personnel in public hospitals. Thus Muñoz et al. (2017) observe an increase in burnout among nurses of public hospitals as a consequence of the economic crisis (also SATSE 2012).

The public health sector in Spain, and hospitals in particular, has been characterized by a steady increase in the number of employees with unstable contracts. These atypical contracts are mostly held by employees in lower level categories. But precariousness has also increased during the crisis among the most skilled employees in public hospitals (doctors) due to the ban on new jobs imposed by the governments since 2010. This implies that many doctors occupy an interim position until their definitive job will be opened. Being on an interim contract implies lower protection and a higher probability of being fired, as has happened in the last three years according to the trade union representative.

As pointed out by Hernández (2005), even before the crisis, there had been an increase in the number of non-civil servants in the public hospital sector. The working conditions of these employees were regulated in their collective agreements, but they don't enjoy the benefits and opportunities (in terms of promotion, geographical mobility, functional mobility etc.) enjoyed by civil servants. In other words, in the same public centre and/or health system there are workers developing similar tasks and having similar responsibilities, but with very different rights within it (Hernández 2005).

Notwithstanding the above, employment stability and the predominance of civil servants characterised employment relations in the public hospital sector, with the only exception of Catalonia, that had developed a model not based on civil service. However, the crisis has led to an increase in the number of workers with temporary contracts, which has been particularly intense in the case of Andalucía and Madrid (El País 14-10-2014). It is estimated that by 2014 around 17-20% of workers in the health system had a fixed-term contract (Gaceta Sanitaria 2014). Some recent news appeared in national newspapers have alerted about the abnormal levels of temporary contracts signed in the public hospitals, and in particular in the Catalan system (El País 2014a). A recent study by the Federation of Health and Healthcare Sectors of CC OO with data from the EPA ensures that rate of temporary employment (fixed-term + interim positions) reached in 2015 to 30.48% of the staff, with differences ranging from 23 , 5% of Galicia to 59% in the Canary Islands.

In the case of the public sector, the human resource manager of the Catalan health system (CATSALUT) argued that the only forms of atypical employment used are two: the bridging or substitution agreements (contratos de relevo) and contracts for temporary disability or illness. The first are used in order to cover the hours left uncovered by the early retirement of another worker. The later are used in order to allow the incorporation of new employees when older workers retire. In any case, the interviewee argued that the use of these contracts is limited by budgetary constraints, which have become much more stringent under the crisis.

¹³ II Acord mesa sectorial de negociació de sanitat sobre les condicions de treball del personal estatutari del ICS, 19 July 2006. See text at http://governacio.gencat.cat/web/.content/funcio_publica/documents/empleats_publics/Acords_pactes_convendis/Estatutaris-ICS_Acord-2006.07.19.pdf

The profile of persons hired under these contracts, according to the HR manager of CATSALUT is similar to the average for the whole system; women around 30-35 years and Spanish nationality.

The interviews highlighted the difficulties experienced during the crisis in order to engage in fruitful dialogue with workers' representatives and trade unions in order to improve the situation of precarious workers. Trade unions on the one hand have denounced the abuse of temporary and interim contracts to occupy structural positions in public hospitals. Even though there is certainly a need to rely upon fixed-term contracts to cover temporary shortages, trade unions criticise that the number of temporary contracts signed in recent years by far exceeds those needs. This contrasts with the views expressed by managers, according to which, the use of atypical forms of employment is rather marginal.

Paradoxically, the increase in temporary employment in the public sector in general, and the health care sector in particular, is also explained by the lack of a ceiling on the percentage of workers with this type of contract over the total number of workers. Thus most collective agreements in the private sector contain a maximum percentage of workers with temporary contracts (Montoya Melgar et al. 2008). This percentage varies across regions, but is on average 20%. Moreover, private hospitals are obliged to make permanent workers that have been on temporary contracts for two years within a 30 month period, as laid down in the law. None of these limits apply to public hospitals. Thus, as pointed out by a representative of the Catalan Public Health Department, the use of temporary contracts in public hospitals is not under these clauses.

The situation seems to have improved recently due to several reasons. First, the improvement in the economic context and the relaxation of financial pressures on governments. Secondly, the signing by the government and most representative trade unions at national level in the public sector of an agreement in order to enhance quality of employment, has introduced a maximum percentage of workers hired under temporary contracts. This is expected to have a positive impact on the number of workers with temporary contracts. Finally, some denounces made by temporary workers of the public health system have resolved favourably for the worker, thereby opening the door to changes in this regard. In 2016, a judgement by the European Court of Justice has supported the claims by a nurse who was hired on a temporary basis in 2009, but has seen her contract renew several times since then. The ECJ has criticized the use of temporary contracts for structural purposes in the Spanish health sector, arguing that it creates a situation of precariousness for employees. As a result of this sentence, the Spanish Ministry of Labour and Social Affairs initiated a process of social dialogue with trade unions and employer organisations in order to explore mechanisms to reduce temporary employment in the health sector, before the expectation that many health workers with fraudulent temporary contracts or in an interim position would ask for compensations¹⁴. More recently, a judge in Barcelona sentenced in favour of a nurse that had da 268 temporary contracts in seven years service. The tribunal condemned the hospital to integrate the nurse with an open-ended contract.

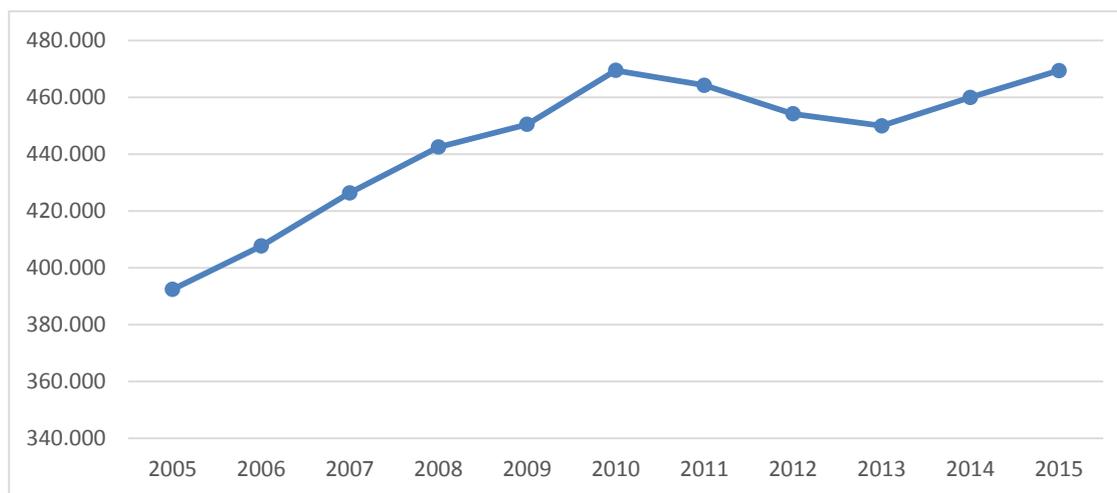
5.4 Impact of Reform Policies on Public Hospitals

The impact of reform policies in the hospital sector has had both a quantitative as well as qualitative dimension. From a quantitative point of view, reform policies implemented during the crisis period have led to changes in public hospitals workers since 2010 (see Graphs 9). This decline has been reverted in 2014, where an increase was again reported. This decline is the result of the

¹⁴ See https://elpais.com/economia/2016/10/17/actualidad/1476730657_970870.html

application of reforms since 2010, including the dismissal of some workers with temporary contracts and the lack of replacements in the public sector.

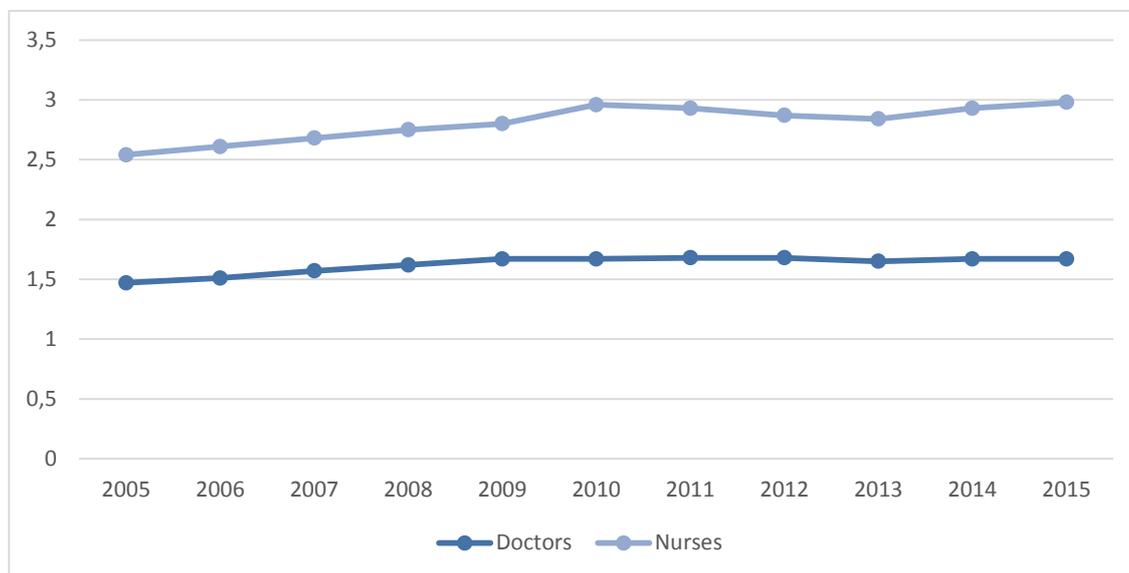
Graph 9: Nurses and Doctors employed in public hospitals, Spain 2005-2015



Source: Indicadores hospitalarios, Evolución 2010-2015, Ministry of Health, Social Services and Equality

When we look at doctors and nurses per thousand inhabitants (Graph 10), a ratio very often used as proxy of quality in the system, we observe how the case of nurses the upward trend ended with the crisis, and since 2010 until 2013, the ration of nurses per 1000 inhabitants declined. Since 2013, this ratio is growing again. In the case of doctors the picture is one of stability since the crisis started in 2018.

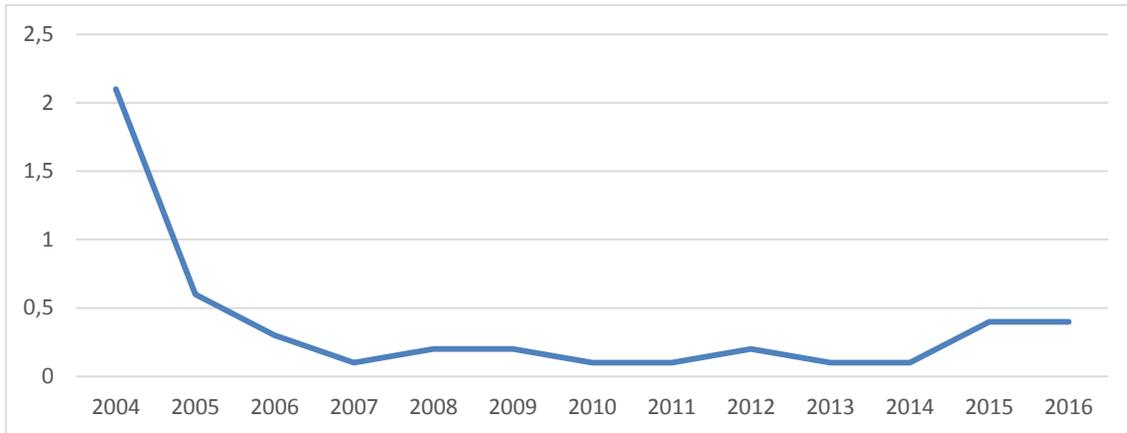
Graph 10: Number of doctors and Nurses per 1000 inhabitants in public hospitals, 2005-2015.



Source: Indicadores hospitalarios, Evolución 2010-2015, Ministry of Health, Social Services and Equality

It is more difficult to assess the impact of reform policies in the quality of the services delivered by the health and hospital sector. Several reports have pointed out to an erosion of services delivered as a consequence of the crisis.

Graph 11: Self-reported unmet needs for medical examination by sex, age, main reason declared and income quintile (% of population)



Source: Eurostat

6. Industrial Relations in Municipalities

In the case of municipalities, collective bargaining takes place at several levels, including:

- General bargaining table at state level for all Public Administrations
- Regional level general bargaining table
- Collective bargaining at local level

There is no aggregate data for the most representative trade unions at local level. In each municipality, elections define the trade union representatives. The estimates place CCOO, UGT and CSIF as those trade unions having the largest number of representatives at local level.

In the case of Barcelona, several trade unions have been involved in negotiations. CCOO and UGT have participated in all negotiations and agreements. There are other trade unions that have been involved sometimes. This is the case of the general trade union CGT and SAPOL (Sindicat d'Agents de la Policial Local).

The regulation of working conditions of public employees at local level has been characterised by a high degree of fragmentation before the 2007 EBEP was approved. The reason for this fragmentation was that the law obliged municipalities to have two 'negotiation tables'; one for public servants and the other for workers under private labour law. Moreover, each public company at company level should also have its own table and collective agreement.

The 2007 EBEP allowed to have a single table for all local level public employees. By putting together both civil servants non-civil servants, any agreement would serve to determine common issues to public employees.

The development of collective bargaining in the municipalities has accordingly faced several obstacles:

- First, the local level has limited room of manoeuvre, as most conditions are set up at regional or even national level. As a consequence, actors at local level have a limited space to negotiate.
- Secondly, many municipalities in Spain are too small in order to have trade union representation structures or even union the capacity to negotiate a collective agreement. It is estimated that around 84% of all municipalities in Spain have less than 5000 inhabitants (Portillo 2016)
- Finally, collective bargaining in municipalities in Spain has traditionally been characterized by its fragmentation. This fragmentation, at the same time, is caused by two factors. First, the different status of civil servants (funcionarios) and public employees under general labour law regulations. Secondly, the duality generated by this difference is amplified in the case of large municipalities by the existence of independent negotiation tables for each of the corporations at local level (public companies or so-called Corporaciones Locales). Large municipalities have their own collective agreement whilst smaller ones negotiate within federations at regional level. Moreover, in public companies managed by the municipality had their own collective agreement.

In order to overcome some of these problems and obstacles, framework collective agreements have been signed at regional and provincial levels, setting working conditions for workers in municipalities with less than 2000 inhabitants. In the case of Catalonia, this type of agreement was signed in 2014.

In the case of Barcelona, the most representative trade unions are UGT and CCOO, that signed the collective agreement for 2008-2011, then extended in 2015 and whose wage tables were updated in 2015. Collective agreements have been signed for several local public entities and bodies, including transports, cleaning etc.

6.1 Reform Policies: the role of industrial relations

Over the last fifteen years, there have been three main reforms affecting public employment in the municipalities sector.

The first reform was the 2007 EBEP, that affects to all public employees, but that had an important impact for the municipalities as it allowed to negotiate in a single table common aspects of civil and non-civil servants. By doing this, the EBEP contributed to reduce the fragmentation that had characterised collective bargaining and social dialogue in the municipalities sector.

The EBEP was negotiated by the Socialist government of Zapatero with trade unions and constituted an attempt to modernize public sector industrial relations in Spain. However, as pointed out earlier, the impact of the reform was limited because the emergency conditions imposed by the crisis hindered its implementation, and in many ways led to the application of policies going in the opposite direction to those envisaged in the EBEP.

The second important reform in the municipalities sector has been Law 27/2013 (Law on the rationalization and sustainability of the local administration). This reform was approved by the PP government without any negotiation with social partners under the emergency conditions of the crisis. One of the most important consequences of the reforms and changes occurred during the crisis years has been a certain re-centralization which contrasts with the long-running trend towards greater autonomy for sub-national government, public agencies and autonomous public services. In its attempt to reduce the fiscal deficit and keep under control the wage bill, the central government has relied upon two main tools. First, it has imposed some of the measures to lower levels, including the wage cuts as well as the ban on new hiring or a very low replacement

rate. Secondly, it has imposed stringent budgetary constraints and has lowered the transfers from central to regional and local levels. The best example of this re-centralization can be found in law 27/2013 (Law on the rationalization and sustainability of the local administration) that has introduced new rules for local governments. Two aspects of this law are particularly important regarding the role of public employers:

- The first is the limitation in the competences assumed by local governments in order to guarantee their financial and fiscal sustainability. As pointed out by Mellado (2015) the logic behind Law 27/2013 responds to the financial and fiscal imperatives imposed by central government rather than to an attempt to modernize and rationalize personnel policies at local level. Together with this, the traditional subordination of the local government to the central and later on, to the regional government remains. In this vein, the law establishes that the delivery of non-compulsory services by local governments to citizens is conditional upon the fulfilment of fiscal stability. This means that a number of services that have been assumed gradually by the local government thanks to an increase in deficit will no longer be delivered at this level. This most notably includes social services in large municipalities that will from 2016 on be delivered by regional governments.
- Secondly, law 27/2013 has created the figure of nationally accredited local government civil servant (*funcionarios de administración local con habilitación de carácter nacional*). According to the text, this will enhance the autonomy of public employees at local level and the quality of the services provided, whilst at the same time increasing the control exercised by central level administration over the local level. In particular, the central administration recovers the capacity to select, recruit and approve the candidates for civil servant positions at local level. The stronger role attached to the local supervisor (*Interventor local*), together with the limits imposed by the central government on the number of employees at local level or their wages imply a re-centralization of public sector. This later measure is particularly important as it has implied a 'de facto' loss of autonomy in personnel policies by local level governments.

As has been pointed by some authors (Castillo 2016), the real impact of law 27/2013 has been also limited due to the non-application of some of the most controversial aspects of the reform. In particular, one of the aspects contained in the reform consisted in a re-organization and rationalization of competences and services delivered at local level. This was one of the aspects that could have had a stronger impact on public employment at this level. However, there have been strong resistances from some local and regional governments to reduce these services.

Finally, the third most important episode has been the signature of framework agreements with trade unions, mostly in the post-crisis period, covering the smallest municipalities. These agreements have the objective of setting common working conditions for workers in municipalities under a certain threshold (in the case of the 2014 framework agreement signed in Catalonia, was 20000 inhabitants). Even though some municipalities below the threshold may negotiate their own collective agreement, the conditions negotiated have to take as reference those contained in the framework agreement. The impact of these framework is accordingly twofold. On the one hand, they contribute to ensure the negotiation of working conditions for all municipal workers, irrespectively of their municipality size. In addition to this, the framework agreements serve to guarantee minimum standards and to reduce disparities between workers.

6.2 Impact of Reform Policies on Public Employees at local level working conditions

There is agreement among scholars and practitioners on the greater impact of austerity policies and reforms at local level. This has had a translation on the number of public employees and their working conditions. These policies have aggravated the situation of local level employees that, compared to the regional and state administration, enjoyed already from comparatively worst working conditions. In particular, not only wages have traditionally been on average lower in the municipalities, but this sector has also been characterised by above average incidence of temporary employment.

As has been already mentioned in the previous section, the impact of specific reforms implemented for the municipalities sector during the crisis has been less important than initially expected. In this way, the crisis has had a stronger incidence dur

The variety of circumstances as well as the lack of data makes it impossible to provide a general assessment of the impact of reform policies on working conditions of public employees at local level. However, there are some shared characteristics of this impact.

- The first characteristic is a quantitative adjustment in the number of local public employees based on laying off temporary workers. Before the 2008 crisis, the growth in employees in the municipalities sector took place predominantly through temporary appointments. Between 2009 and 2013, the reduction in the number of public employees at local level with temporary was 20%, compared to a 3% increase for local level civil servants.
- Secondly, there has been a reduction in wages of public sector employees,

Finally, it should be mentioned that the Law on Rationalization and Sustainability of the Local Administration, with effect from 2014, establishes a series of actions aimed at the elimination of duplicities and the generalized application of efficiency criteria by the local administration, which can have effects on the structure of personnel at the service of those administrations. In addition, this law reduces the number of temporary staff and full-time public positions depending on the population of the municipality.

6.3 Impact of Reform Policies on Municipalities

It is very difficult to assess the impact of the previously mentioned reforms on the quality of services provided at local level. On the one hand, because the impact varies greatly from municipality to municipality, being its size an important factor explaining this variation. Secondly, because of the variety of services provided by municipalities, it is very difficult to provide a general assessment of the impact of reforms on quality of services. Finally, because the impact of these reforms, and in particular of the Law 27/2013 depends on its implementation on administrative acts at regional level. As some authors have pointed out (Almeida 2015), the existing evidence on the impact of the law on the competencies of municipalities points towards a limited reduction, due to the difficulties to implement certain aspects as well as the opposition by some regional governments to do so (also Gracia 2016)¹⁵.

There are however some indicators that would allow us to approximate this impact, based on the contents and objectives of reform:

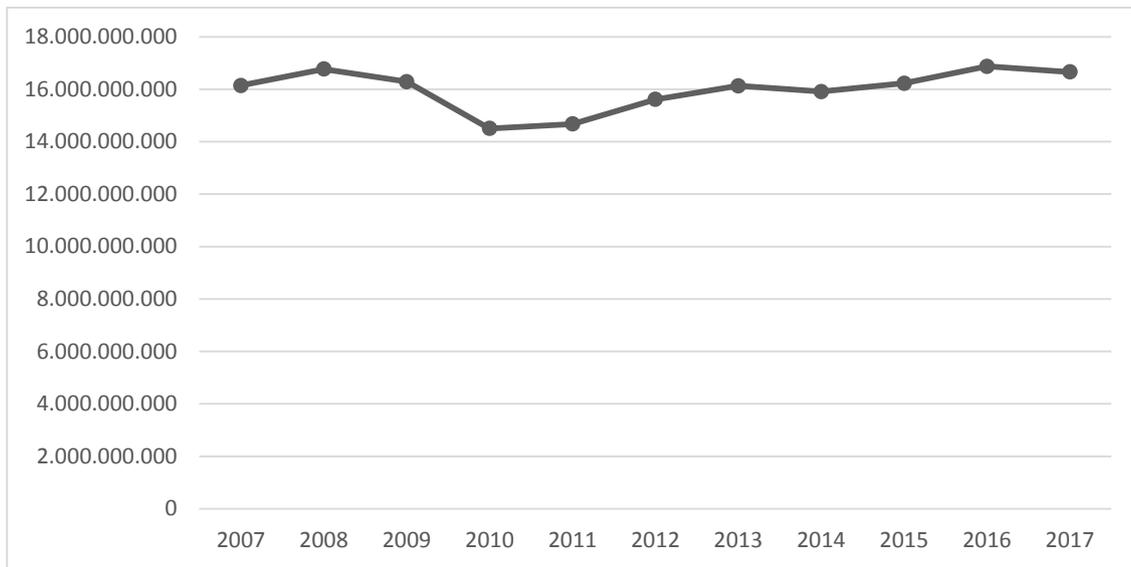
- A first crucial aspect of the reform consists in limiting the capacity of municipalities to provide certain services, depending on their size. This has 'de facto' meant that in the

¹⁵ See https://politica.elpais.com/politica/2014/08/17/actualidad/1408304126_035627.html, Las autonomías frenan la ley que les obliga a asumir servicios municipales

smallest municipalities, some services are no longer provided, or are coordinated and provided by higher level instances. Under some circumstances, this re-centralization may lead to poorer quality of services, due to the difficulties to fit local needs with supra-local management. Some authors have pointed out how this effect could be potentially important in the case of social services (Barriga 2014).

- Secondly, the reduction of staff, particularly in the smallest municipalities will certainly have an impact, not only on the quality of services delivered, but also on its number

Graph 12: Financial transfers from central government to municipalities, 2007-2017 (in total euros)



An indirect indicator of the impact is the volume of transfers from central government to the local level. These transfers are necessary, particularly for the smallest municipalities, in order to provide certain public services as they reduced capacity to obtain fiscal revenues. As graph 12 shows, these transfers experienced a decline in the years 2008-2011. Since then, they have recovered steadily, and by 2016, they've already reached the 2008 levels.

Conclusions

Public sector employment relations in Spain have faced over the 2008 crisis years significant challenges that have led governments to implement a mix of short-term and long-term adjustments which will certainly have implications for the future trajectory. Governments' responses to these challenges under austerity have shifted from the implementation of short-term cost cutting measures (2010-2012) characterised by state unilateralism, towards a more structural long-term reform approach more recently (2013-2015). In the first phase, the response orchestrated by both left and right wing governments would fit into the coping state's response (Lodge and Hood 2012), though in some regions governed by right-wing governments, this opened a window of opportunity for advancing a liberalizing and marketization strategy. In a second stage, the short-term saving measures have been maintained, but at the same time the government has

pushed for a more ambitious reform of public sector organization in Spain in order to enhance its efficiency. It is still difficult to assess the impact of this reform as it is still underway in many aspects. However, some of the pieces of regulation already passed point out towards a reversal of some of the long-running trends in the Spanish public sector and in particular, the process of de-centralization.

It is important to highlight the asymmetric impact of austerity measures across sectors and / or levels of government. Even though there has been a generalised deterioration in public employees' working conditions and in the quality of public services delivered, public employees at regional and more importantly, local level have to a higher degree been affected by austerity measures. Moreover, the adjustment has been more intense for salaried employees than for civil servants because of their different regulation. In this regard, the dualization that characterises public sector employment relations in Spain remains in spite of the attempts by the 2007 EBEP to close the gap between the two groups of employees.

Looking at the three sectors compared in this report, we observe some similar trends regarding the development of collective bargaining that respond to the re-centralization triggered by austerity policies. This is the case when we look at collective bargaining dynamics, that in all three cases has been interrupted since 2011 and has only started to recover from 2015 onwards, being 2017 the year when in all sectors agreements were reached in order to overcome some of the consequences of austerity for public employees.

A second commonality is the emphasis on improving working conditions of employees that have been eroded significantly during the crisis in all sectors. Here there are some differences in relation to the type of impact. Whilst in the primary education and hospitals sectors this impact has mostly consisted in an increase in the number of employees with temporary contracts, the impact in the local government sector has been more intense in terms of decrease in number of employees.

Table 3: Comparative summary of the trade union landscape in the three sectors

	Primary Education	Municipalities	Hospitals
Trade Unions	<ul style="list-style-type: none"> -Occupational predominate (USTEC, ASPEC, in the case of Catalonia) -Class: CCOO (UGT marginal) -Low membership of class trade unions -Identification with other actors / movements (Marea, Assamblea groga) as trade unions have been marginalised 	<ul style="list-style-type: none"> -CCOO -UGT -Within the public sector, there is more affiliation in the local sector (15-20%) - In the case of Barcelona, CGT and ASPOL also relevant 	<ul style="list-style-type: none"> -CCOO, -Metges de Catalunya (Occupational) -SATSE (occupational) -UGT -CATAC-CTS-IAC -Low membership of class trade unions

Table 4: Comparative summary of trade union objectives and strategies in the three sectors compared

	Primary Education	Municipalities	Hospitals
Objectives and Strategies	<ul style="list-style-type: none"> -Reduce temporary employment -Reduce teaching hours -Reduce professors / student ratio 	<ul style="list-style-type: none"> -Equalize rights and bargaining status of civil servants and private-law employees -Sign a framework agreement for all municipalities 	<ul style="list-style-type: none"> -Reduce temporary employment -Improve conditions of part-time workers

In relation to actors, the three confederations that have historically played a more important role for the whole of the public sector maintain their position. However, two trends come out from the analysis as particularly important in order to understand industrial relations and the trade union landscape in the public sector. First, a growing fragmentation on the trade union side due to the importance attained by occupational / professional trade unions. Even though this is more noticeable at regional level, it is nonetheless an important development with significant implications for the development of collective bargaining. This trend is more important in the case of primary education and health. Secondly, new actors have played an important role in the case of hospitals and primary education with the so-called Mareas. This, together with the steady growth experience by occupational trade unions in these two sectors, constitute two relevant developments in the configuration of industrial relations in these two sectors.

Trade unions in all three sectors share a similar objective of reducing a growing dualization in the public sector. This dualization has several dimensions, but the crisis has contributed to widen the gap between employees under temporary and open ended contracts, but also between civil servants and private law employees. Even though the 2007 EBEP aimed precisely at closing this gap between the two types of public employees, the different protection enjoyed by these types of workers has become apparent in the crisis years.

Table 5: Comparative summary of relationship between trade unions and employers in the three sectors analysed

	Primary Education	Municipalities	Hospitals
Relationship	-With employers: conflict and different priorities in	<ul style="list-style-type: none"> -Generally good -With municipalities gov- 	-Difficult to negotiate because different groups

	<p>the agenda</p> <p>-Important differences on the union side: occupational trade unions maximalist in their positions</p>	<p>erned by new parties (Po-demos), there are problems</p>	<p>have very different interests: fragmentation in the union side</p> <p>-But also fragmentation in the employer side: different application / implementation of agreements across provinces</p>
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The implications of the growing fragmentation on the union side have also become more clear during the crisis years. Both in the case of hospitals and primary education, where the landscape is more fragmented, tensions have arisen at the time of negotiating agreements between different trade unions. In some cases, negotiations have failed precisely because of lack of consensus on the union side. But the main reason for the deterioration of social dialogue and collective bargaining during the crisis has been the unilateral imposition by governments at national and regional level of policies with a direct impact on public employees. There has been a deterioration in the context of public sector social dialogue that has triggered a shift from cooperation in most sectors towards conflict and the recourse to strikes and other forms of protest.

As has been pointed out in Section I, the process of de-centralization in Spain means that collective bargaining and social dialogue take place mostly at regional level. Even though there are some instances of general coordination for the whole public sector at central / national level, it is at regional level where most working conditions are set. Before the crisis there have been some attempts at introducing clear principles in the structure of collective bargaining. These included the 2007 agreement on the articulation of collective bargaining in the public sector, but also the EBEP. With the crisis, substantial changes in working conditions of public employees have been imposed by the central government, then implying an effective re-centralization in the structure of collective bargaining. In the post-crisis period, collective bargaining has been restored in most sectors and levels.

Table 6: Comparative summary of social dialogue structure in the three sectors analysed

	Primary Education	Municipalities	Hospitals
Social Dialogue structure	<p>-Centralized: agreements for all public primary education centres in Catalonia</p> <p>-More autonomy for man-</p>	<p>-De-centralized collective bargaining structure: only municipalities until 2014</p> <p>-Since 2014 framework</p>	<p>-Centralized: agreements for all workers in the Catalan health system</p>

	agers of public primary schools weakens social dialogue	<p>agreement for all municipalities below 20000 inhabitants</p> <p>-Budgets have imposed limits to collective bargaining</p> <p>-Law on the rationalization of local administration: has also posed problems for CB</p>	
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A paradoxical development has been noticed in the case of public sector industrial relations consisting, on the one hand, with an extension of collective bargaining rights of public employees since the early 1980s, but a declining impact of industrial relations on these reforms. In this way, trade unions seem to play an increasingly important role in determining working conditions of public sector workers, but this does not translate into a greater capacity to influence the direction of reforms. The crisis certainly constitutes an exceptional juncture where collective bargaining has been abandoned, but it has also evidenced the difficulties trade unions face in order to influence governments' reform decisions.

Table 7: Comparative summary of the role of social dialogue in reforms in the three sectors analysed

	Primary Education	Municipalities	Hospitals
Role of Social Dialogue in Reforms	<ul style="list-style-type: none"> - Important in the case of working conditions until 2010 - Absent from 2011-2016 - Marginal since 2017 - Social dialogue weaker since the approval of last education law (more autonomy to directors in doing appointments) 	<ul style="list-style-type: none"> -Important in the case of working conditions until 2010 -Social dialogue has played no role in the most important law affecting the local administration: the 2013 Law on the rationalization and sustainability of the local administration -Royal decree 20/2012 has also imposed limits -But trade unions coincide in pointing out to the vitality and innovativeness of social 	<ul style="list-style-type: none"> - Important in the case of working conditions until 2007 (last agreement) - Absent from 2008-2016 - Marginal since 2017; fears to start negotiations for a third agreement

		dialogue at local level	
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Reforms implemented during the crisis years have had a strong impact on public sector workers working conditions. Wage cuts and increases in working time have been implemented to all public sector workers in Spain. In addition to this, public sector employees in all sectors and levels have lost some other rights, including the possibility to choose days off work, in addition to the holidays. There has also been a decrease in the number of public employees due to the imposition of a zero-replacement rate for retirements in the public sector. In the case of municipalities, the decline in public sector employees has also resulted from the non-renewal of temporary contracts on the one hand, together with lower financial resources and the ceasement to deliver some services due to the implementation of Law 27/2013.

In addition to the deterioration of working conditions and individual rights, there has been a growth in the number of employees with temporary contracts, mostly in the health sector, but also in education. Even though temporary positions should in principle respond to temporary needs of the organization, the fact is that in many cases temporary contracts have been made in order to cover structural requirements.

Table 8: Comparative summary of impact of reforms in working conditions of public employees in the three sectors analysed

	Primary Education	Municipalities	Hospitals
Impact of Reforms in Working conditions	-Improving until 2010 -Deteriorate since 2011 -Recently an agreement has been signed in order to improve working conditions -No training provided	-Job losses -Cuts in wages	-Job losses -Wage cuts -Increase in working hours -Growing competition between workers -Increase in stress levels
Impact of reforms on this sector	-Increase in ratio student per teacher	-Zero replacement rate leads to ageing; problems to keep privind publicly the service -Outsourcing as a result of this process	-Increase in waiting lists for operations

Reforms implemented during the crisis in all three sectors have had one main objective: to reduce spending levels through the reduction of personnel costs, but also by privatizing certain services / activities. The attempts at privatization have been stronger in the case of public health. In the case of municipalities, the reduction in financial flows from the state have meant, especially for the smallest municipalities, less capacity to deliver certain services. All these reforms have had an

impact on the quality of services delivered, though its assessment is difficult. In the cases of hospitals and primary education, this has been very clear. It is more problematic in the case of municipalities due to its de-centralized character. Since 2013, there has been a recovery not only in spending levels, but also in the number of public employees in all sectors.

The erosion of quality of public services has become a central issue in trade union and waves' demands during the crisis. In this vein, a clear shift in trade unions' framing strategies from a focus on guaranteeing working conditions of public sector employees, towards a focus on guaranteeing and enhancing quality of public services delivered. The role of waves in the education and health sectors has certainly played a role in this regard, as this was the framing strategy followed by these new actors that managed to gather a strong consensus and support

Annex 1 - Methodology

The methodology used in this analysis consists of interviews (see list below) with experts and key informants as well as documentary analysis. The three policy areas analysed in this report are

de-centralized to the regional level. In the case of primary education and health, the competence lies exclusively on the regional government. In the case of municipalities, it is also de-centralized. For this reason, the case studies and interviews have been carried out for the autonomous region of Catalonia. Contextual analysis of the public sector in Spain has also been made in Section I (Context: the Public Sector in Spain). In the case of municipalities, the analysis has been centred on the case of Barcelona, but insights have been provided on more general developments.

Interview List

Primary Education	Trade Union	Marta Tejedor	CCOO Catalunya Educació
	Employer	Joan Martí	Subdirector Plantilles Departament de Educació
Hospitals	Trade Union	María Ángeles Rodríguez y Amparo Loren	CCOO Catalunya Sanitat
		Ricard Quintana	ICS
	Employer	Dolors Arnau (secretaria)	ICS
Municipalities (Barcelona)	Trade Union	Salvador Lara y Gabriel Tinoco	Sector de l'Administració Local de la Federació de Serveis a la Ciutadania de CCOO de Catalunya

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