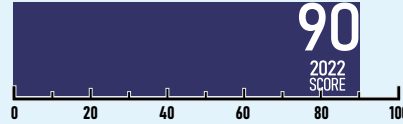


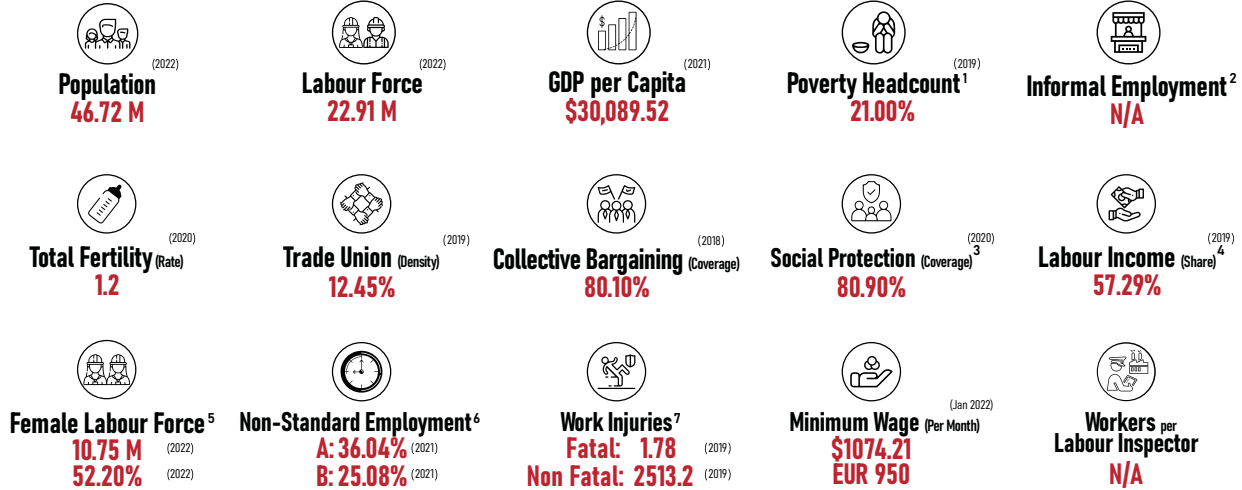


Spain



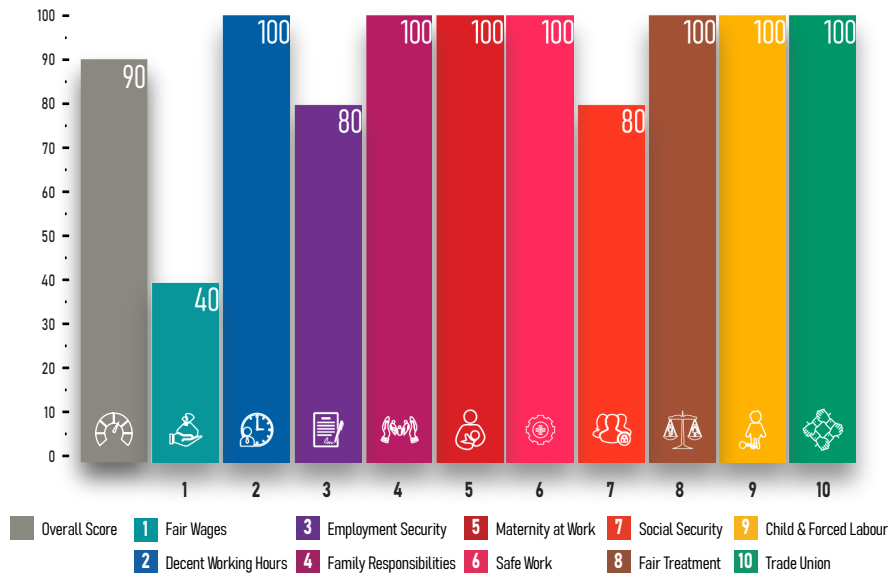
**87.5** 2020 SCORE  
Western Europe  
High Income  
Approaching Decent Work  
LRI RATING

## Contextual Indicators



Sources: World Bank  
International Labour Organization  
WageIndicator Minimum Wages and Living Wages Database  
M = Million

## Legislative Performance Indicators



## Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Spain's overall score is 90 out of 100. The overall score for Spain is higher than the regional average observed across Western Europe (89). Within the Western European region, the highest score is observed for Belgium (96).

<sup>1</sup> Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

<sup>2</sup> Share of informal employment in total employment (%), as measured under SDG 8.3.1

<sup>3</sup> Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

<sup>4</sup> Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

<sup>5</sup> The female labour force is shown in absolute number along with the female labour force participation rate

<sup>6</sup> Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

<sup>7</sup> Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

# LABOUR RIGHTS INDEX 2022

	Question <sup>9</sup>	Answer	Legal Basis	Trend <sup>12</sup>
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§1, 11(1-2), 26(3), 27 & 31 of the Workers' Statute, 2/2015; §5 & 40 of the Royal Legislative Decree No. 5/2000	●
	Does the law require regular payment of wages?	Yes	§26 & 29 of the Royal Decree No. 2/2015 enacting the Worker's Statute	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	No	§35(1) of the Royal Decree No. 2/2015 enacting the Workers' Statute	●
	Does the law require additional compensation for working on a weekly rest day?	No	§35(1) of the Workers' Statute, 2/2015; §47 of Royal Decree 2001/1983	●
	Does the law require additional compensation for night work?	No	§36(1-4) & 34(7) of the Workers' Statute, 2/2015; §26 of the Law No.31/1995; Royal Decree 1561/1995	●
2. Decent Working hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§34 & 35 of the Workers' Statute, 2/2015	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§35(2) of the Royal Decree No. 2/2015 enacting the Workers' Statute	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§34(3, 4 & 7) and 37(1) of the Workers' Statute, 2/2015	●
	Does the law require paid public holidays?	Yes	§37(2) of the Workers' Statute, 2/2015; Resolución de 16 de octubre de 2018	●
	Does the law require at least three working weeks of paid annual leave?	Yes	§38(1-2) of the Workers' Statute, 2/2015; §9(7) of the Royal-Decree 1620-2011	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§8-16 of the Workers' Statute, 2/2015	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§15(1b) Workers' Statute, 2/2015; Law 35/2010 of 17 September 2010	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§14 of the Workers' Statute, 2/2015	●
	Does the law require a 30-day notice before contract termination?	No	§51(1), 53(1c), 54 & 55 of the Workers' Statute, 2/2015	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§33(8), 49(1c), 51-56, 49(1c) and Thirteenth Transitory provision of the Workers' Statute, 2/2015	●
4. Family Responsibilities	Does the law require parental leave for parents?	Yes	§46(3) & 13th Transitory provision, Workers' Statute, 2/2015; Act 26/2015 on Parental leave; Royal Decree-Law 6/2019	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§2(18) & 3(4) of the Real Decreto-Ley Núm. 6/2019	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§37(4) of the Royal Legislative Decree 2/2015 enacting the Workers' Statute	●
	Does the law require paid nursing breaks?	Yes	§37(4) of the Workers' Statute, 2/2015	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§8 of the Organic Law 3/2007 of 22 March for Effective Equality between Women and Men	●
5. Maternity at Work	Does the law require paid maternity leave of at least 14 weeks?	Yes	§48(4) & 37(4bis) of the Workers' Statute, 2/2015	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§7, 86 & 133 of the Royal Decree No. 1/1994 on Social Security General Act; §3- 4 & 8 of the Royal Decree No. 295/2009	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§7, 86 & 133 of the Royal Decree No. 1/1994 on Social Security General Act; Royal Decree No. 295/2009	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§45(1d), 48(4), 53(4a, 4b & 4c) & 55(5a & 5b) of the Workers' Statute, 2/2015	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§17, Law 31/1995 of 8 November on Prevention of Occupational Risks; §3, Royal Decree 773/1997 of 30 May on PPE	●
6. Safe Work	Does the law require the employer to train workers on health and safety issues?	Yes	§19(4) of the Workers' Statute, 2/2015; §18 & 19 of the Law 31/1995; §8-10 of the Royal Decree 773/1997	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§26, Act No. 31/1995; General Law on Social Security 2015; §48(5), Workers' Statute 2/2015	●
	Does the law provide for employment injury benefit?	Yes	§201-203 of the General Law on Social Security, 2015	●
	Does the law provide for an old age pension?	Yes	§204-215 of the General Law on Social Security, 2015	●
	Does the law provide for a dependants/survivors' pension?	Yes	§216-234 of the General Law on Social Security, 2015	●
7. Social Security	Does the law provide for unemployment benefit?	Yes	Royal Decree No. 625/85 of 2 April 1985; General Law on Social security, 2015; Royal Decree-Law 8/2019	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§169-176 of General Law on Social security, 2015	●
	Does the law provide for invalidity benefit?	Yes	§193-201 of General Law on Social security, 2015	●
	Does the law require equal remuneration for work of equal value?	Yes	§2, 28 (1, 2 & 3) of the Workers' Statute, 2/2015	●
	Does the law prohibit sexual harassment in employment?	Yes	§4(2e) & 54(2g) of the Workers' Statute, 2/2015; §7 of the Organic Law 3/2007 for effective equality; §184 of the Penal Code, 1995	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? <sup>10</sup>	Yes	§35(1) of the Spanish Constitution, 1978; §4(2)(c), 17, 28, 53(4), 55(5) & 68(c) of the Workers' Statute, 2/2015	●
	Does the law allow women to do the same jobs as men?	Yes	§45 and 46 in the drafting by Royal Decree-Law 6/2019; §4(1)(a) of the Workers' Statute, 2/2015; §35 of the Spanish Constitution, 1978	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Title IV of the General Law on Social Security 2015; Self-employed Workers Statute, 2007	●
	Does the law prohibit employment of children?	Yes	§6(1 & 4) of the Workers' Statute, 2/2015	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§17 of the Organic Law on the General Organization of the Educational System, 1/1990	●
9. Child and Forced Labour	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§6(2-3), 7, 34(3-4) & 37(1) Workers' Statute, 2/2015	●
	Does the law prohibit forced labour?	Yes	§173, 177-bis & 312 of the Penal Code, 1995	●
	Does the law allow workers to form and join unions of their own choice?	Yes	§7 & 28 of the Spanish Constitution 1978; Freedom of Association Organic Law (11/1985); Workers Statute, 2/2015	●
10. Trade Union	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§4(1c) of the Workers' Statute, 2/2015; Ley De Creación Del Consejo Económico Y Social 1991	●
	Does the law provide for the right to strike?	Yes	§28 of the Spanish Constitution 1978; §4(1e) of the Workers' Statute, 2/2015; Royal Decree 17/1977 of 4 March, 1997 on labour relations	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§4(1e) of the Workers' Statute, 2/2015; Royal Decree 17/1977 of 4 March, 1997 on labour relations	●

## Covid 19 and Labour Market in Spain\*

Total Covid Cases	13.13 Million
Total Covid Deaths	109,642
Partial Vaccinated	88.0%
Fully Vaccinated	86.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✓
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✗

<sup>9</sup> The Index has 10 indicators and 46 evaluation criteria or questions.

<sup>10</sup> The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

<sup>11</sup> A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Spain on SDG 8.8.2 is 0.71 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change