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Mapping European Social Economy: Employment, Social Dialogue and the European Pillar of Social Rights

Project nr. 101052222

Policy lab – Spain

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Calle Virgen de los Peligros, 3, 4th floor, Madrid

(CEPES)

Policy Lab Summary

The project was briefly introduced by the country expert, Samuel Barco, after a welcoming speech by the president of CEPES. The Director General had to cancel her participation by agenda reasons at the last minute.

The initial proposal to discuss the Policy Brief document paragraph by paragraph was changed by a proposal to address a general view of the whole document and also the request by CEPES to make the social economy representative organisation to be part of the Spanish Social Dialogue, at least at certain level, so that social economy enterprises could be taken into consideration when the socioeconomic policies are agreed between the Social Partners and the Government. The President of CEPES raised that this was clearly not the case of the last legal reform of the labour market when the adopted key decisions had an impact on social economy enterprises and workers, but the measures to be implemented clearly harm or did not contemplate the specific corporate business and labour relationships in the social economy enterprises.

A brief speech by the president of CEPES signalled that it was the first time a representative of CEOE/CEPYME has participated in an event at the headquarters of the Spanish social economy. This was followed by the intervention of the representative of CEOE/CEPYME who thanked the invitation and acknowledged that the key role and relevance acquired by the social economy at the present moment in coherence with the ILO Resolution on social and solidarity economy (2022). The representative of the employers' organisation pointed out a few elements in the documents such as CEPYME was not mentioned. She also pointed to some disagreements regarding certain issues and/or statements.

Moreover, it was agreed that CEOE/CEPYME has a strong capillarity across regions and sectors and that is one relevant feature that CEPES should strength. This was not sufficiently clear in the document when it pointed

out the need for Social Economy players to “reinforce their capabilities to participate in the social dialogue with a bottom-up perspective, i.e., from the company to the sector at provincial, regional and national levels”.

There was a consensus that there are problems with the quality of legislation (also with recognized social partners not being consulted in key draft laws), also at the need to reinforce the role of the Spanish Economic and Social Council.

Other interventions requested to highlight that the Social Dialogue is not institutionalized, as signalled by the representative of CC.OO. Only a few areas such as recent pieces of legislation regarding social security do mention and describe social dialogue in its bi-partite/tripartite nature. Common recognition and acknowledge between social partners (trade unions and employers’ organisations) make them stronger and independent from public authorities. These are key for strong agreements and their implementation by the parties of the bilateral social dialogue strongly rooted on sectoral accords among social partners that settle the labour conditions from single enterprises to regional and also national levels. Furthermore, this “common recognition of mutual legitimacy” makes complicated to trade unions and employers’ organisations to involve a new partner into the negotiations, such as the social economy, when it is also necessary to strengthen its capillarity and representativeness.

Another relevant point that was mentioned was the fact that the Spanish economic fabric is made of very small units (micro and small enterprises) and that they tend to be part of any employer's association. This is a challenge for social dialogue to the point that some collective agreements are difficult to negotiate in the absence of an employer's counterpart. The expert also agreed that it was something that merits a recommendation because it directly affects the social economy too.

Moreover, participants agree that there are some areas of joint action among social partners and social economy representatives. “False cooperatives” and how they can be sanctioned losing their cooperative status is one of the examples of bi-partite issues to be addressed via negotiations between CEPES and trade unions. However, it was also signalled that the draft proposal of a new Social Economy Integral Law included some articles in this direction. Other examples of these labour-related issues are the cooperative members not being reassumed by the new service provider in case of losing a public contract and employment conditions in certain “special employment centres” (a type of sheltered workshop).

It was suggested that there should be a compromise in the Law of Government to clarify the consulting process in the design phase for new pieces of legislation (or the reform of existing ones). This suggestion received full consensus.

All participants seemed to agree on the need to re-vitalize institutional spaces such as the Spanish ESC or the Council for the Promotion of the Social Economy by providing them with the means to fulfil their advisory/consulting capacity, for example by engaging them in good time and in an appropriate manner in the legislative process.

It was also signalled that the institutionalization of social dialogue that was requested in the document and by some participants recognized social partners involve some threats. Thus, the findings and recommendations pointing in the direction of improving the robustness of the legislative framework regarding the representativeness of employers in sectoral and regional tables could also lead to serious challenges to already signed agreements and the potential fragility of new agreements.

In relation to this, it was noticed that improving the legislative framework does not necessarily involve an improvement in the social dialogue not only because of potential problems with the quality of such new legislation but also because of insufficient capacity by key actors (including public ones) or because of setbacks due to other obstacles such as decreased trust, increased atomization, potential challenges to existing agreements or the breakdown of the consensus among political forces that facilitates the transmission of SD agreements into legislation.

Some parts of the policy brief were further corrected and improved.

However, it was clear that the views towards the further institutionalization of the Social Dialogue were somehow different between employers and trade unions. But both sides agree to strengthen the autonomy of the parties in the social dialogue and that any step in the improvement of the social dialogue legislative framework should not be subject to interference from external actors.

Finally, all participants stressed the importance of the meeting and their interest in following this path of further collaboration with CEPES. The role of this organization and, especially the role of its president, was also highlighted. The expert also expressed his gratitude to the participants but also to the three organisations for their support in guaranteeing the excellent quality of the interviews and the views and expertise in the policy lab.