

Chapter 8

Industrial relations in deep water: the Spanish public sector during the crisis

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1. Introduction

Two developments have marked the recent evolution and characteristics of public sector employment relations in Spain. The first was the approval in 2007 of the General Public Employment Statute (Estatuto Básico del Empleado Público, EBEP). 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 a deterioration in working conditions, including pay cuts, more working hours, easier dismissal etc. Moreover, these policies have also been accompanied by restructuring and rationalisation in the public sector, and in particular, attempts to eliminate overlap in functions and services between different levels of public administration; the 2013 Law for the Rationalisation and Sustainability of Local Government (Law 27/2013) 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 decline 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 filled on an 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.

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 an important role in mobilisations against cuts in educational, 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 degree of recentralisation, especially when it comes to the local level. This recentralisation has been justified by the need to impose stricter controls over local level public spending.

Social dialogue and collective bargaining in the public sector have experienced some revitalisation in the post-crisis period. The improvement in the economic context since 2015 has allowed some relaxation in the fiscal stance thus contributing to a renegotiation of working conditions in many policy areas, including education and health. In fact, the so-called sectoral tables in education and health both at a national and regional level have been revitalised in recent years and important agreements have been reached recently. In this context, an agreement was signed in March 2017 to reduce temporary employment in public administration and increase permanent public employment. One year later, a new framework agreement for working conditions and employment in public administration was signed between the Finance Minister and the most representative trade unions in the public sector: the Independent Trade Union Confederation of Public Servants (Central Sindical Independiente y de Funcionarios, CSIF), the Trade Union Confederation of Workers' Commissions (Confederación Sindical de Comisiones Obreras, CCOO) and the General Workers Union (Unión General de Trabajadores, UGT). The agreement establishes a minimum wage increase of 6.1% for public employees over the period 2018–2020 (1.75% in 2018, 2.25% in 2019 and 2% in 2020), and a maximum of 8.9% conditional upon growth in gross domestic product (GDP) and the fulfilment of the budget deficit target for 2020. It is the first time that wage increases for public employees will be linked to macroeconomic performance, with higher wage increases to be paid when GDP growth surpasses 2.5%. More importantly, the agreement means that collective bargaining in the public sector has been restored after several years of unilateral regulation.

This chapter analyses developments in industrial relations in Spain during the crisis and post-crisis period in three sectors: primary education, public hospitals and local-level public administration. More specifically, we aim to understand how the crisis has affected developments in these sectors and what the impact has been on industrial relations and working conditions. The three sectors analysed are particularly relevant because of the strong impact that the crisis has had on them. This chapter shows common developments to all of them, but also some sector specific trends. We start with a short discussion of industrial relations in the public sector, including the role of trade unions, followed by an analysis of the three sectors considered.

The methodology used in this analysis consists of interviews (see list at the end of this chapter) with experts and key informants as well as documentary analysis. The three policy areas analysed in this report are decentralised to the regional level. In the case of primary education and health, the competence lies exclusively with the regional government. In the case of municipalities, it is also decentralised. For this reason, the case studies and interviews have been carried out for the autonomous region of Catalonia. In the case of municipalities, the analysis is centred on the case of Barcelona, but insights have been provided on more general developments.

2. The public sector – an overview¹

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, public employees under general labour law regulations, or other personnel. For public 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 the employment of civil servants (including access and promotion rules) also applied to public 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 organisation, 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 (*Ley sobre Organos de Representación, Determinación de las Condiciones de Trabajo y Participación del Personal al Servicio de las Administraciones Públicas, LORAP*) regulated with more detail the civil servants' right to negotiate working conditions. In particular, this law provided for the creation of a centralised bargaining table and some sectoral tables, but the number of issues subject to collective regulation was limited. Since then there has been a gradual opening up of spaces for collective bargaining over civil servants' working conditions.

More recently, the 2007 EBEP established 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 (public employees). 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 organisation 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 two-fold process of mutual influence between civil servants and public employees whereby some of the principles that have traditionally characterised the civil servant employment relationship are increasingly applied to

1. This section draws heavily from a previous study 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.

public employees. This process of upward harmonisation has occurred in issues like pay scales and work organisation. However, at the same time, the right to collective bargaining, which applied only to public employees, has been gradually extended to civil servants, though in a limited number of areas.

2.1 Trade unions

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 public service federations of the two largest trade union confederations in Spain, CCOO and UGT. The process of mergers and internal restructuring within the confederations has implied changes in those organisations representing the interests of public sector employees (Jódar *et al.* 1999). In the case of CCOO, three different federations carry out this representation. On the one hand, the Federation of Citizens' Services (Federación de Servicios a la Ciudadanía) which is the largest federation in terms of membership within CCOO, with 263 000 members in 2014. This federation represents the interests of public sector employees in 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 educational institutions, both private and public.

When it comes to the other large confederation, UGT, there is a specific organisation for public sector employees, the Federation of Public Services (Federación de Servicios Públicos, FSP) that also includes those in the public healthcare system. In addition to FSP, there is an Education Federation (Federación de Trabajadores de la Enseñanza). Another important trade union in the Spanish public sector is the Civil Servants' Independent Confederation (Confederación Sindical Independiente de Funcionarios, CSIF), 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 sector employees from all levels and sectors in the public administration and has become an important actor in the public sector.

In addition to the above-mentioned confederations, there are other trade union organisations in the public sector. First, there are so-called 'nationalist' trade unions operating in regions like Galicia with the Federation of Public Administration of the Galician Interunion Confederation (Confederación Intersindical Gallega, CIG-Administración), and the Basque Country with the Federation of Public Services of the Basque Workers' Solidarity (Eusko Langileen Alkartasuna, ELA-GIZALAN) which are important actors. At the same time, there are a number of professional trade unions such as the Nursing Union (Sindicato de Enfermería, SATSE) and State Convergence of Doctors and Nurses (Convergencia Estatal de Doctores y Enfermeras, CEMSATSE) for nurses and doctors respectively. Finally, there are other smaller unions, including the Workers' Trade Union (Unión Sindical Obrera, USO) that has a specific federation for public sector employees and the General Confederation of Labour (Confederación General del Trabajo, CGT).

CCOO, UGT and CSIF are the three most representative trade unions in the public sector in Spain at the national level. They are the interlocutors with the government in social dialogue processes at the national level, and are, therefore, legally empowered to participate in the bargaining forums and sign agreements in some sectors.

Trade union representativeness in the public sector is determined according to the 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 had undergone little change, but it is important to note the growth experienced by occupational trade unions in the public sector in trade union elections, and also in terms of membership. As the sectoral cases will show in more detail, many public sector employees in sectors like health and education, show a growing preference towards occupational unions rather than general ones (Alós *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 the national level in total membership was the Federation of Citizenship Services – Workers’ Commissions (Federación de Servicios a la Ciudadanía – Comisiones Obreras, FSC-CCOO) (257 635 members in 2011) followed by Federation of Public Sector Employees – General Workers’ Union (Federación de Empleados de Servicios Públicos, FSP-UGT) (228 521) and Independent Central Union - Independent Central Union of Civil Servants (Central Sindical Independiente – Central Sindical Independiente y de Funcionarios, CSI-CSIF) (159 975) (Caprile and Sanz 2011). According to the 2011 Quality of Life at Work Survey, density in the private sector was 15%, whilst in the public sector it reached 31% (Alós *et al.* 2015). However, membership is not the criteria used in order to determine trade union representativeness. Instead, an electoral criterion is common whereby those trade unions achieving a minimum of 10% of representatives at the national level, or 15% at a regional level are entitled to conclude collective agreements in a specific sector at the national or regional level respectively. Moreover, trade unions achieving these percentages can also participate in social dialogue and negotiations with the government. CCOO, UGT and CSI-CSIF fulfil the criteria at the national level for the public sector, whilst ELA and CIG do so at the regional level. Some of the smaller trade unions like USO may also reach the 10% at the national level or the 15% criteria at a regional level for some specific sectors.

2.2 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 union activists to

the extent that they jointly organised public assemblies, demonstrations or symbolic occupations of public buildings, among other actions. CCOO and UGT adopted a more social movement approach and created the Social Summit (*Cumbre Social*) with other civil society organisations (Pastor 2013).

This 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 organised ‘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, were together able during the green wave (the movement against the cuts in the education system) to launch an intense and enduring campaign against the local conservative People’s Party (Partido Popular PP) government’s austerity measures in the education sector in Madrid (Béroud 2014).

3. Primary education

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

- General bargaining table at the national level for all public administrations;
- State level bargaining table for education;
- Regional level bargaining table for education.

Being a decentralised public service, collective bargaining at a regional level is responsible for determining most working conditions for public employees in the region.

The trade union landscape in the primary education sector is characterised by a high level of fragmentation, the weakness of general (class-based) trade unions and the importance gained by non-institutionalised 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-based 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 levels. Notwithstanding, there are no specific representative organisations for primary education teachers, but rather for teachers at all levels of the public education system.

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 the national level, the five most representative organisations in non-university public education are:

- Workers' Commissions (Comisiones Obreras, CCOO);
- National Federation of Education Workers (Federación Estatal de Trabajadores de la Educación - Unión General de Trabajadores, FETE-UGT);
- Workers Education Trade Union (Sindicato de Trabajadores de la Educación, STEs-I);
- Civil Servants Trade Union Confederation (Confederación Sindical de Funcionarios, CSI•F);
- National Association of Education Professionals (Asociación Nacional de Profesionales de la Educación, ANPE).

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 regional level of Catalonia is somewhat different, with four representative trade unions involved in social dialogue and signing agreements:

- CCOO;
- UGT;
- Catalan Education Trade Union Confederation (Unió de Sindicats de Treballadors de L'Ensenyament de Catalunya, USTEC-STE-IAC);
- Catalan Public Education Teachers' Union (Associació Sindical de Professors d'Ensenyament Públic de Catalunya - Sindicat de Professors de Secundària, ASPEPC-SPS).

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

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

3.1 Collective bargaining dynamics

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

This changed dramatically with the advent of the crisis, especially from 2010-11 when social dialogue in the public sector was abandoned in the context of the implementation of austerity packages. Since then, and until 2017, the relationship between actors in the public sector was characterised by conflict and different priorities. More specifically, the implementation of austerity policies and cuts in public education spending have opened up an era of confrontation between unions and governments at both national and regional levels, 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 teachers' working conditions that had deteriorated over the crisis years.

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

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 privatisation (Giró and Cabello 2014).

The Green Wave was born out of mobilisations in 2011-2012 against the decision of the regional government not to renew the contracts of 3 000 temporary teachers due to the increase of two teaching hours for tenured teachers in the public system (Rogeró *et al.* 2014). But there were other demands made by the Green Wave aimed at reversing some of the effects of austerity policies. These included an increase in student/teacher ratios in primary and secondary schools, the closure of many of the training centres for teachers, the reduction in teachers' real wages, and the dramatic reduction in job openings from 3 500 in 2009 down to 489 in 2011.

The Green Wave made an effort to frame its discourse around the attacks on teachers' working conditions, in particular those with temporary contracts, and also most importantly around 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 in public spending on the education system until 2014 equals 14.9% of the total expenditure on education in 2009 (CCOO 2016).

The Green Wave was very active over the crisis years and 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 Pública’.² Under the umbrella of this platform, there are trade unions, student organisations as well as parent organisations that share a commitment to the defence of the public education system and improving its quality.

The main objectives of trade unions and the *Marea Verde* during the crisis period were to reduce the impact of austerity measures not only on teachers’ working conditions, 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 revolved around three axes:

1. Improving teachers’ working conditions. More specifically, there are two key aspects for trade unions given the large number of teachers affected and their deterioration during the crisis years:
 - first, to reduce the number of teachers with a temporary appointment or holding an interim position. Because of the ban on new appointments and the zero replacement rate for retiring teachers imposed by the government under austerity policies in 2011, there has been an increase in the percentage of teachers on temporary contracts or in an interim position whose contracts are renewed on a year-by-year basis. Even though they occupy a structural position in the education system, they lack the stability that other teachers enjoy;
 - secondly, to reduce working hours, and in particular teaching hours, that increased over the crisis period due to the reduction in the number of teachers.
2. The second main point has been to improve the quality of public education by reducing the student to teacher ratio that also increased during the crisis years;
3. The third point consists of restoring and revitalising social dialogue as the mechanism through which to establish teachers’ working conditions in the public sector.

Even though there has been a revitalisation of social dialogue in the public education sector since 2016, with several agreements being signed in 2017 both at national and regional levels, some tensions remain as evidenced 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 revoke the new proposal to reform the education system, i.e. the Organic Law for the Improvement of the Quality of Education (Ley Orgánica para la Mejora de la Calidad Educativa, LOMCE). Second, to revert the situation created by austerity measures that, according to the promoters of the strike, haven’t been reversed to a large extent and which therefore 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 the 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

2. See <http://www.escuelapublica.es>

education system is not necessarily related to underfunding or the cuts introduced under austerity, but to the reforms introduced previously by the Socialist Party when it was in government.

3.2 Reform policies: the role of industrial relations

The public education system in Spain has been subject to seven reforms since the late 1970s. The latest 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 of different political orientations have tried to involve many actors, including social partners, in the drafting and preparation of these reforms, 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);³
- 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' organisations have remained very critical of the general orientation of the reform and some of its key aspects. In March 2017, a nationwide 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 conclude that the role of industrial relations in primary education reform policies was marginal before the crisis. With the crisis, industrial relations actors also had few possibilities to influence the policy process, and their role has been reactive. In particular, trade unions were actively involved in a series of demonstrations and strikes organised against the cut packages.

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

3.3 Impact of reform policies on primary school teachers' working conditions

When looking at reform policies in the field of primary education, the crisis has involved a major overhaul both in the policy process as well as in teachers' working conditions. Even though the situation seems to have somewhat improved since 2016, with some important agreements reached since the second half of 2017 reversing previous decisions, the impact is still observable.

Before the crisis, social dialogue played an important role in gradually improving the 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 2005⁴. The 2005 Agreement of the Sectoral 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 was rejected by FETE-UGT and USTEC.

This agreement allocated €560 million until the 2008-2009 academic year to improve the working conditions of the staff in public schools. In addition to monetary investment, the agreement included a commitment to increase the quality of the Catalan public education system, by increasing the staffing of Educational Services to 4 000 people in order to improve the attention to students with specific educational needs and to promote educational innovation programmes.

In order to improve teachers' working conditions, the 2005 agreement contained measures such as a new time distribution for primary school teachers, the reduction of direct student contact hours for teachers over 55, the increase of early retirement incentives up to €12 000, a new modality of partially paid leave, more contractual stability of the teaching staff, and an increase in the grant for paid study leave for teachers.

On the other hand, the work of the teachers was recognised with bonuses and variable wage components for their various responsibilities (administrative, preparation, quality assessment etc.), and actions were taken to improve the working conditions of interim and replacement teachers. The agreement was therefore representative of the positive economic environment before the crisis.

The most important policy development in relation to the primary education system, and more specifically primary education teachers, has been the implementation of austerity policies. Pressures to reduce public spending and deficits have entailed the adoption of a unilateral approach to policy-making in relation to this and other areas.

4. 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

Even though the impact of these cuts varied across regions, there were some policies that were implemented in most of them, consisting of:

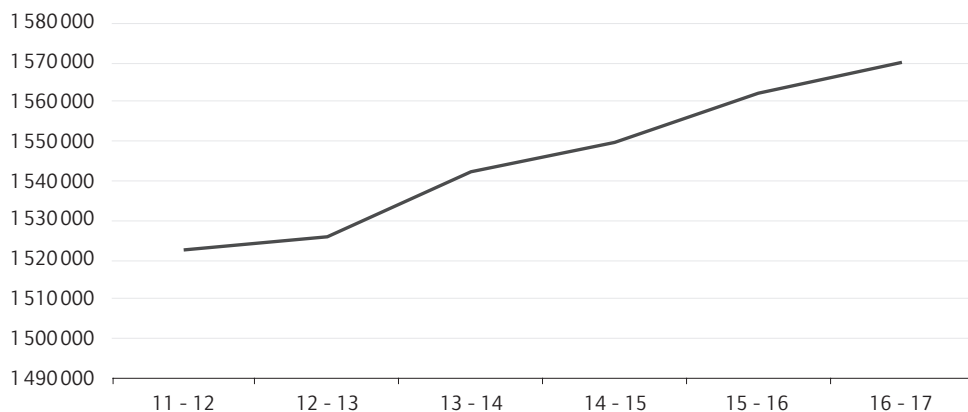
- Increase in teaching hours (from 23 to 25);
- Accumulation of spending cuts by the Spanish and Catalan Governments;
- 25% salary reduction;
- Disappearance of the social action fund (a fund used to establish different methods of improving working, educational, cultural, social and health conditions of education workers);
- The first increase in salary due to seniority was raised from six to nine years;
- Substitutions of teachers on sick leave: previously they covered absences from the first day. During the crisis, a minimum of 10 days sick leave before they were replaced with a substitute was enforced (now reduced to seven);
- Elimination of continuous training;
- Increase in the interim rate (now at 29%);
- Increase in the workload.

At the regional level, social dialogue for public teachers in primary education has been restored and in January 2017 a new agreement was signed between the Department of Education and USTEC-STEs, CCOO and UGT.⁵ 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 two-fold: to achieve more personalised educational attention to respond to the educational needs of the students as a whole and to improve the conditions in which the teaching staff develop their professional activity. Overall, the 2017 agreement has enabled the restoration of some of the conditions agreed in the 2005 agreement which were never, or very partially, implemented. This, together with the implementation of the March 2017 agreement for the improvement of public sector employment, has marked a turning point with respect to the crisis.

The impact of the crisis on teachers' conditions can accordingly be summarised in terms of less teachers (figure 2) and worse socio-occupational conditions, including work intensification as a consequence of more students (see figure 1 and figure 3 below). 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.

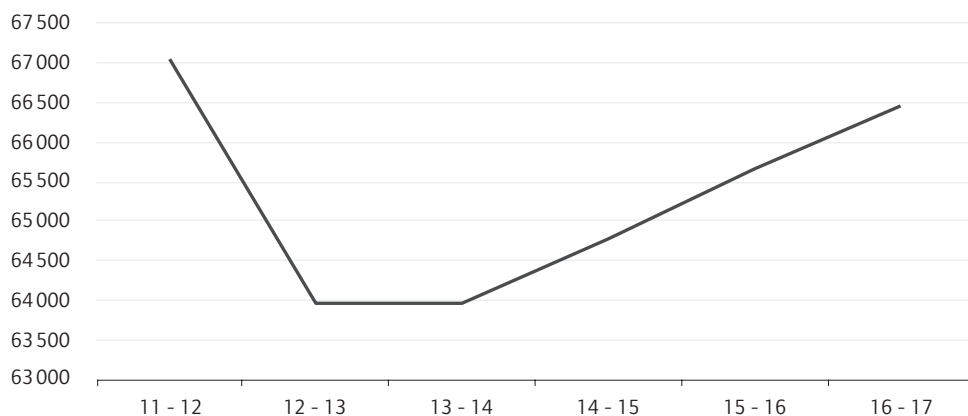
5. See full text at <http://cgtense.pangea.org/IMG/pdf/acordccoougustec-departament.pdf>

Figure 1 Total students in the Catalan education system, 2011-2017



Source: Idescat (2018).

Figure 2 Teachers in the Catalan education system, 2011-2017



Source: Idescat (2018).

3.4 Impact of reform policies on public primary education

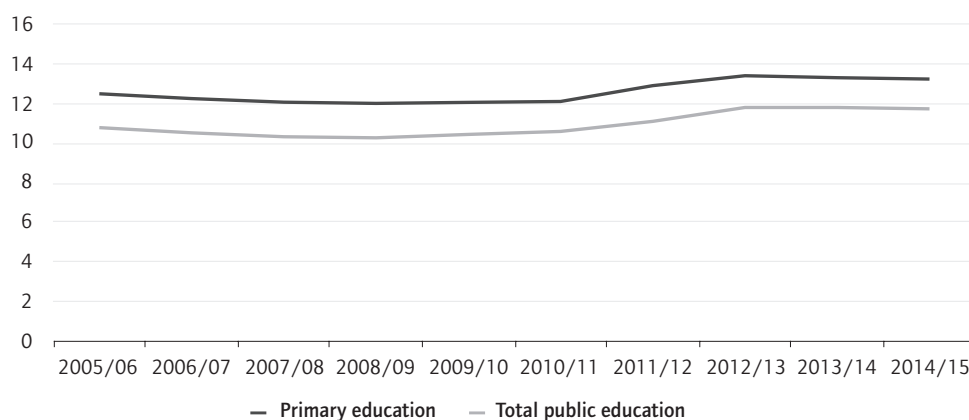
It is difficult to assess the impact of reform policies and in particular, the role of industrial relations, on the quality of primary education. Our interviewees expressed slightly different assessments on these issues. Whilst trade unions have no doubt about the negative impact of reforms on the quality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

There are two ways of approaching the impact of reforms on the quality of public education. One consists of looking at the inputs, including issues like total spending, number of students per teacher, etc. This approach has the advantage of relying on

objective data and makes it more feasible to assess the real impact of reforms. The other approach consists of looking at outcomes like the PISA indexes.

One of the indicators very often used in order to assess the quality of public education is the ratio of students per teacher. Figure 3 shows the evolution of this ratio from the academic year 2005-2006 until 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 clearer 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.

Figure 3 Ratio of students per teacher in the public education system, Spain 2005-2015

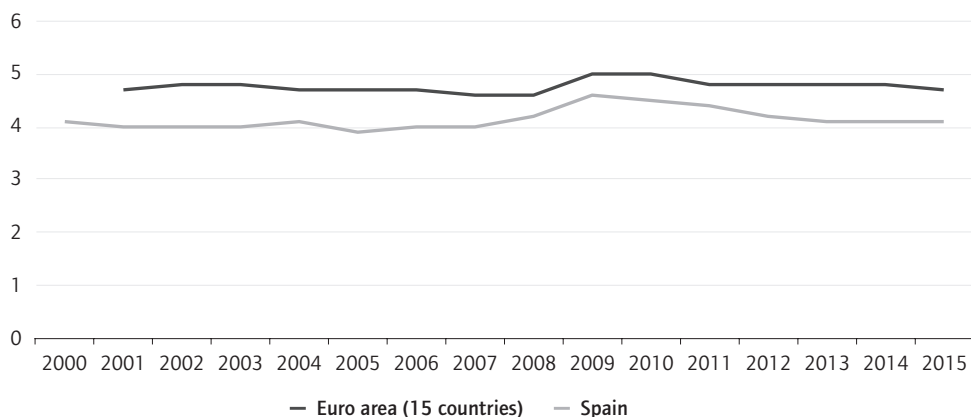


Source: INE (2018).

When we look at expenditure on education, we observe a significant reduction during the crisis. However, this decrease has been more significant for tertiary and secondary education. According to Eurostat data, public expenditure on education (for all levels) in Spain reached a maximum level in 2009 (both in millions of euros as well as percentage of GDP), when €49 692 million were spent on education, reaching 4.6% of GDP (falling to €43 979 million in 2015). In the 2009-2015 period, the expenditure on education fell by 14% in nominal terms while the number of students increased (figure 4). Compared to the average of the euro area countries, the spending gap that existed before the crisis, and which seemed to narrow, was restored afterwards (see figure 4).

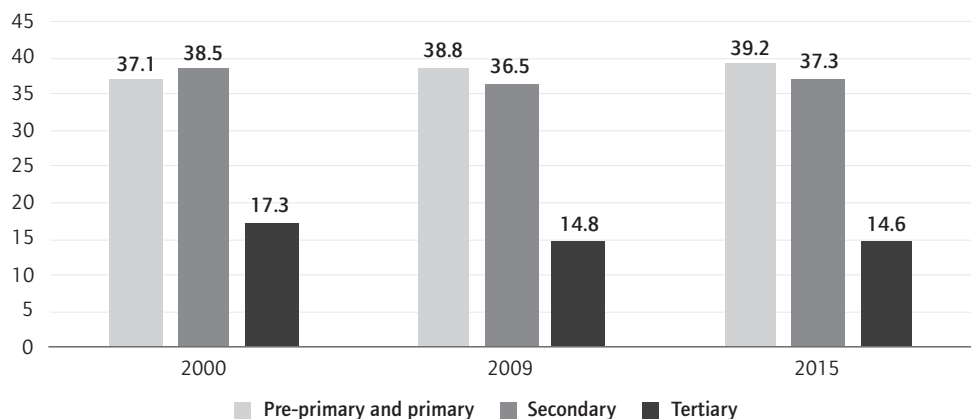
When it comes to the internal structure of education spending, figure 5 shows how primary education has increased its percentage within total public expenditure on education together with secondary education. In contrast, spending on tertiary education has fallen.

Figure 4 Public expenditure on education as percentage of GDP, 2000-2015



Source: Eurostat.

Figure 5 Public expenditure on education, by type of education, as percentage of total expenditure on education, 2000-2015



Note: Figures do not represent 100% of expenditure. Other expenditures not related to the different education levels have been excluded from the chart.

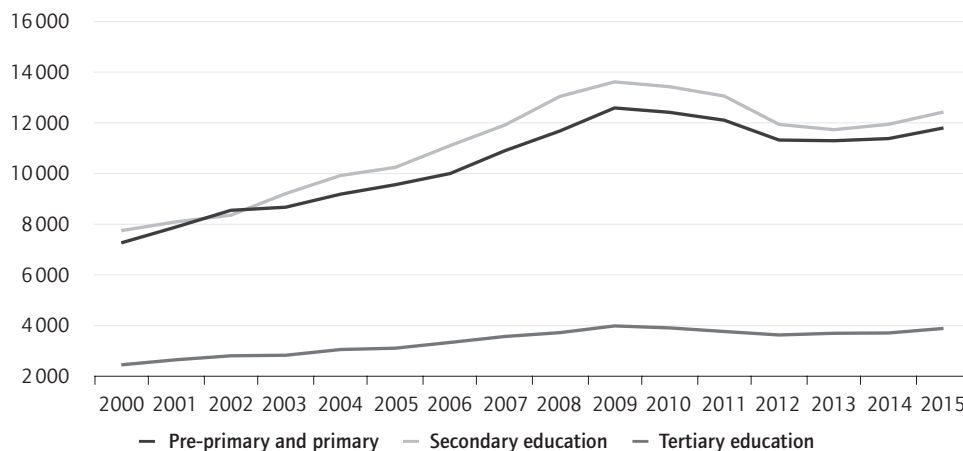
Source: Eurostat.

The adjustment in the education sector has taken place mostly through a reduction of employee wages (see figure 6). Two main factors can be identified behind this decline. On the one hand, the 5% reduction of public employees' salaries 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 public administration staff.

Cutbacks in human and educational resources include cuts to investments in infrastructure, furniture and equipment for all levels of education, and a general decrease in the operating costs of schools. On the other hand, a great number of

programmes have disappeared from schools whose purpose was to ensure equality of opportunity and improved school performance and, in addition, there has been a decrease in the provision of support, reinforcement and educational guidance.

Figure 6 Compensation of employees in the public education system, by type of education, in euro millions, 2000-2015



Source: Eurostat (2018).

One of the aspects that trade unions have drawn attention to, due to its potential impact on the quality of education, apart from those already mentioned, is the effective disappearance of programmes for the permanent training of teachers, the reduction and, in some cases, the disappearance of training centres, the disappearance of leave for training etc. In a sector such as education, this is particularly worrisome, as it has a direct impact on teachers' ability to adapt new contents and instruments.

4. Hospitals

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

- General bargaining table at the state level for all public administrations;
- State level bargaining table for health;
- Regional level bargaining table for health;
- Collective bargaining at the 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 the national level:

- The two largest class-based confederations, CCOO and UGT;
- Two occupational trade unions, the Nursing Union (Sindicato de Enfermería, SATSE) and the State Convergence of Doctors and Nurses (Convergencia Estatal de Doctores y Enfermeras, CEMSATSE);
- One public sector trade union, CSIF.

At the 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 the national level, SATSE;
- Catalan Trade Union Alternative – Health Workers’ Co-ordinator – Autonomous Trade Union of Catalan Public Administration (Intersindical Alternativa de Catalunya - Coordinadora de Treballadors i Treballadores de la Sanitat -Candidatura Autònoma de Treballadors i Treballadores de l’Administració de Catalunya, IAC-CTS-CATAC).

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

The composition of bargaining tables both at national and regional levels 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 sector and hospitals is the appearance of new actors during the crisis that have played an important role. This is the case with the so-called *Marea Blanca* (White Wave) (Baile y Ruiz 2014). The White Wave was a series of actions, including strikes and demonstrations that started in 2012 in Madrid against plans from regional government to privatise the public healthcare system. The movement then extended to other regions and became a state-wide movement. These actions took place at the 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 played a more important role, as the organisation 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 citizens’ declining trust in trade unions, these public sector mobilisation experiences have been effective in two senses. First, in some cases (most notably in the case of healthcare in Madrid) they have managed to hinder the implementation of some of the most radical privatisation proposals (Valdivieso 2014). More importantly, adopting a long-term

effectiveness approach, these mobilisations have allowed trade unions to build broader social coalitions with other civil society actors and citizens sharing similar perceptions of these specific issues.

The White Wave also continued through the post-crisis period with the creation of regional platforms. The most important one is probably The Platform in Defence of Public Health in Madrid (Plataforma para la Defensa de la Sanidad Pública en Madrid, MEDSAP).⁶ It is composed of neighbourhood associations, user groups, co-ordinators, social movements, trade unions, civil society platforms, health professionals and popular assemblies of the ‘indignados’ movement whose fundamental objective is the defence of public healthcare and the fight against the process of privatisation.

4.1 Collective bargaining dynamics

Analysis of collective bargaining dynamics in the healthcare system needs to be considered in the light of the short-term changes associated with the economic crisis but also taking into consideration a long-running process of reform in the public healthcare 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 privatisation since the early 1990s. The public healthcare system in Spain has been decentralised at the regional level where it is managed. In 2002, the process of decentralisation culminated in the transfer of powers to those regions where the healthcare system was still managed at the state level. This would explain the existence of significant (and increasing) disparities across regions in the number of hospitals, doctors and beds per inhabitant. These changes have also affected 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 had not yet hit the public sector. Since then, public employees in the public healthcare 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 month salaries) and a growth in temporary appointments. The growth and abuse of temporary appointments, very often covering structural needs, has been the main grievance for doctors and nurses in hospitals during and after the crisis.

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

6. See <https://mesaendefensasanidadpublica.wordpress.com>

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

One of the few exceptions to this happened in May 2013, when trade unions and employers started negotiations on the integration of doctors and nurses into the national healthcare system. The meeting came about after trade unions put pressure on the government and filed a complaint with the ombudsman. This meeting served to temporarily restore collective bargaining at the state level in 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 were 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 on the agenda of trade unions has been the reduction of temporary appointments, whose number 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 22 March 2017, they included some detailed proposals to combat the excessive level of temporary employment in the hospital sector. Among other proposals, they set 8% as the maximum percentage of temporary employment to be allowed, provided a clear and precise identification of the causes that lead hospitals to open temporary appointments, and demanded an increase in job openings in the hospitals in order to transform temporary into open-ended contracts.⁷

A similar pattern can be observed at the 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 healthcare system.

4.2 Reform policies: the role of industrial relations

Two major long-term trends have characterised the reform of the public healthcare system in Spain. First, a decentralisation to the regional level, whereby regions have gradually been transferred the management of the healthcare 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 decentralised character, the extent to which different regions have introduced private logic has varied quite markedly. There is very little evidence of involvement of social partners in the debates and drafting of these reforms.

7. 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

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 medication. In some regions, the list of medication provided free of charge by the public healthcare system has been reduced. In others, there has been an increase in their co-payment rate. Secondly there have been renewed attempts at privatisation of the public healthcare system. This new wave of privatisation has taken place through an increase in the outsourcing of some services to private centres and a further extension of private-sector management techniques into the public healthcare system. The third type of reform has consisted of spending cuts, applied to different degrees and in different ways across regions.

The decentralisation of the healthcare system explains the differences observed between regions in the extent and form in which these reforms have been implemented. Hence, there have been some regions (including the Basque Country) where hardly any crisis-related reforms have been implemented, whilst others, including Andalusia, Catalonia and Madrid have introduced far-reaching changes.

During the crisis, the right-wing Partido Popular government enacted an urgent law to 'guarantee the sustainability of the national healthcare system and enhance its quality' (2012) that not only implemented some savings mechanisms (for instance, the centralised negotiation of acquisition of certain treatments or medicines in order to benefit from economies of scale). It also contained other measures aimed at introducing rationalisation like 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 centralised 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 873 000 non-residents were excluded from access on the basis of the criteria laid out in this law (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 the post-partum period; and for emergency care after serious illness or injury. However, there are many obstacles. *Medicos del Mundo* documented 1 192 cases of people unable to obtain care services due to lack of appropriate documentation, conflicting interpretations of the decree and discrimination. Such changes could have serious consequences for population health, especially with regard to tuberculosis and HIV infections, 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, including dismissal of temporary workers, a reduction in the budget, an increase in non-remunerated working hours, closure of services and hospital beds, changes in the prioritisation criteria of waiting lists, among other measures (Gallo and Gené-Badia 2016: 79).

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 the adoption of 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) to set up social dialogue processes with trade unions in order to negotiate working conditions. Overall, the role of industrial relations actors in public healthcare and hospitals in particular was limited until the crisis, and from then it was non-existent until 2017-2018. Not only have social partners been marginalised in the reform process, but some studies of public health workers' perceptions of austerity measures (Heras *et al.* 2016) show that they condemn the short-termism of the reforms 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 Wave in influencing public opinion and eventually forcing some regional governments to withdraw some reforms. The White Wave has framed its discourse around the need to guarantee the quality of public health and therefore, to oppose the cuts introduced under austerity. Placing the focus on the quality of the system and not just healthcare workers (as trade unions usually did) 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 retreat by the regional government from pursuing some of the policies announced.

4.3 Impact of reform policies on hospital workers' working conditions

There is consensus around identifying 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, estimations show that the public healthcare system had around 44 500 workers in 2011 and currently has 37 000.

In addition to job losses, wage cuts and increases in working hours, another non-economic effect of the crisis was growing competition between workers. Three factors can explain this growing competition:

- First, fear of losing their jobs;
- Second, the introduction of new management systems. More specifically, the introduction of individual targets and remuneration systems since 2006;⁸
- Finally, different types of contracts for people performing 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.

8. 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_convenis/Estatutaris-ICS_Acord-2006.07.19.pdf

Several studies have also mentioned an increase in employee stress levels in public hospitals. Thus Muñoz *et al.* (2017) observe an increase in burnout among nurses in public hospitals because of the economic crisis (also SATSE 2012).

The public health sector in Spain and hospitals in particular, has been characterised by a steady increase in the number of employees with unstable contracts. Employees in lower level categories mostly hold these atypical contracts. However, precariousness also increased among the highest skilled employees in public hospitals such as doctors during the crisis. This is due to the ban on new jobs imposed by the governments since 2010, meaning that many doctors occupy an interim position until their permanent job position is available. Being on an interim contract implies lower protection and a higher risk of dismissal, as indeed occurred during the last three years (according to trade union representatives).

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 are regulated in their collective agreements, but they do not 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 healthcare centre and/or system there are workers performing similar tasks and with similar responsibilities, but with very different rights (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 being 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 Andalusia and Madrid (El País 14-10-2014). Around 17-20% of workers in the healthcare system in 2014 had a fixed-term contract (Gaceta Sanitaria 2014). A recent study by the Federation of Health and Healthcare Sectors of CCOO (using data from EPA) states that the rate of temporary employment (fixed-term + interim positions) reached 30.48% of the staff in 2015, with differences ranging from 23.5% in Galicia to 59% in the Canary Islands.

In the case of the public sector, the human resource manager of the Catalan healthcare system (CATSALUT) argued that the only forms of atypical employment used are the following two: bridging or substitution agreements (*contratos de relevo*) and contracts for temporary disability or illness. The first option is more common, and used to cover hours available from early-retired workers. The second option is usually used to allow the incorporation of new employees when older workers retire. 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 with Spanish nationality.

The interviews highlight difficulties experienced during the crisis to engage in 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 whom the use of atypical forms of employment is rather negligible.

Paradoxically, the increase in temporary employment in the public sector in general, and the healthcare sector in particular, is also explained by the lack of a ceiling on the percentage of workers with this type of contract out of the total number of workers. In contrast, 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%. Furthermore, private hospitals are obliged to give permanent contracts to workers who have been on temporary contracts for two years within a 30 month period, as stipulated by 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 regulated by these clauses.

The situation seems to have improved recently for several reasons. First, the improvement in the economic context and the relaxation of financial pressures on governments. Secondly, the signing of an agreement to enhance the quality of employment by the government and the most representative trade unions at the national level in the public sector, 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 complaints filed by temporary workers in the public healthcare system have been resolved favourably for the worker, thereby opening the door to changes in this regard. In 2016, a judgement by the European Court of Justice supported the case of a nurse who was hired on a temporary basis in 2009, but has seen her contract renewed several times since then. The ECJ has criticised 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 judgement, 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, in the light of expectations that many health workers with fraudulent temporary contracts or in an interim position would demand compensation.⁹ More recently, a judge in Barcelona ruled in favour of a nurse who had 268 temporary contracts in seven years of service. The tribunal ordered the hospital to employ the nurse on an open-ended contract.

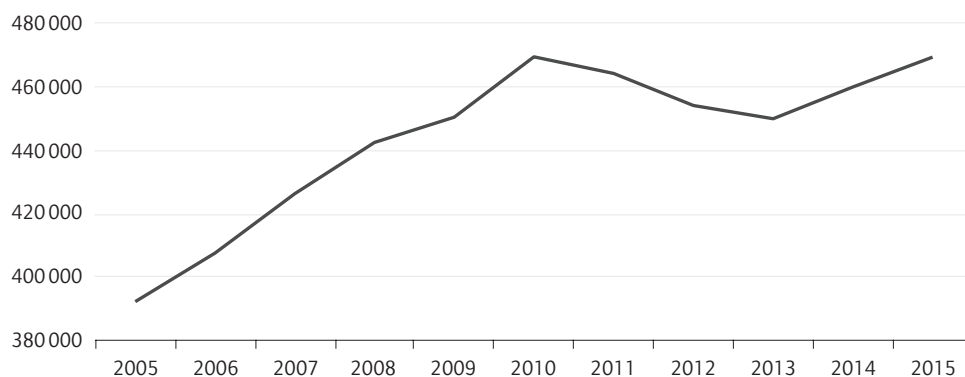
4.4 Impact of reform policies on public hospitals

The impact of reform policies in the hospital sector has had both a quantitative as well as a qualitative dimension. From a quantitative point of view, the reform policies implemented during the crisis period led to a drop in employment levels for public

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

hospital workers after 2010 (figure 7). This decline was reverted in 2014, when an increase was again reported. This decline was the result of the application of reforms since 2010, including the dismissal of some workers with temporary contracts and the lack of replacements in the public sector.

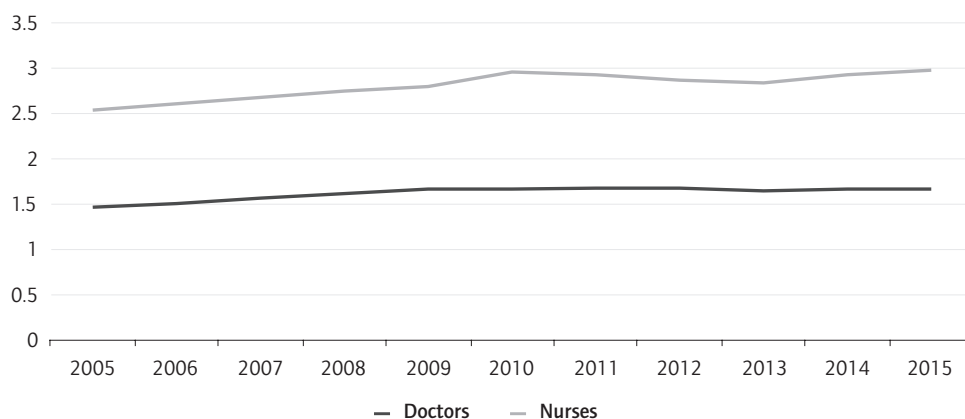
Figure 7 Nurses and doctors employed in public hospitals, Spain 2005-2015



Source: Hospital indicators 2010-2015, Ministry of Health, Social Services and Equality.

When we look at doctors and nurses per thousand inhabitants (figure 8), a ratio very often used as proxy of quality in the system, we can observe how in the case of nurses the upward trend ended with the crisis, and from 2010 until 2013, the ratio of nurses per 1000 inhabitants declined. Since 2013, this ratio has been growing again. In the case of doctors, the picture is one of stability since the crisis started in 2008.

Figure 8 Number of doctors and nurses per 1 000 inhabitants in public hospitals, 2005-2015

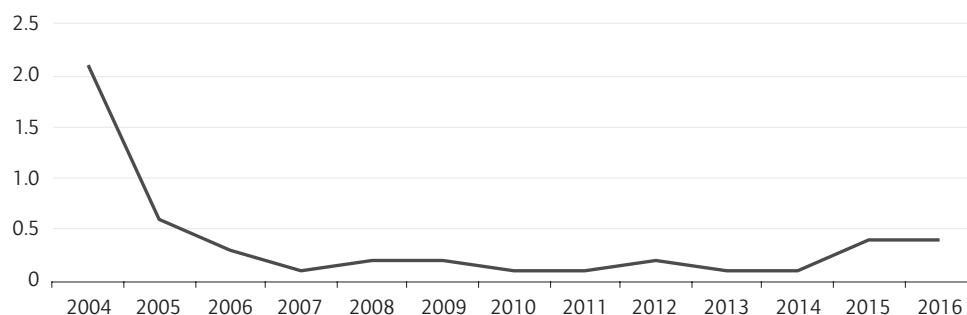


Source: Hospital indicators 2010-2015, Ministry of Health, Social Services and Equality.

It is more difficult to assess the impact of reform policies on the quality of the services delivered by the health and hospital sector. Several reports have pointed to an erosion

of services delivered because of the crisis. Some of these indicators refer to resources, such as the number of hospital beds, that have declined during the crisis from a peak of 162 538 in 2011 down to 157 665 in 2016. However, when it comes to assessing the impact on the quality of the system, there are less indicators available. Figure 9 for example shows an increase from 2014 onwards in the number of self-reported unmet needs for medical examination, which can be taken as an indicator of service quality. Other indicators such as the waiting time for an operation also show an increase during the crisis from an average of 76 days in June 2012 up to 104 days in June 2017.

Figure 9 Self-reported unmet needs for medical examination (% of population)



Source: Eurostat.

5. Municipalities

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

- General bargaining table at the state level for all public administrations;
- Regional level general bargaining table;
- Collective bargaining at a local level.

There is no aggregate data for the most representative trade unions at the local level. In each municipality, elections define the trade union representatives. The estimates place CCOO, UGT and CSIF as the trade unions having the largest number of representatives at the 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, while other trade unions have been involved sometimes. This is the case of the general trade union CGT and the Local Police Trade Union (Sindicat d'Agents de la Policial Local, SAPOL).

The regulation of public employees' working conditions at the local level was 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 a local level should also conduct its own negotiations and collective agreement.

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

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

- First, the local level has limited room for manoeuvre, as most conditions are set at a regional or even national level. Therefore, actors at the local level have limited space to negotiate;
- Secondly, many municipalities in Spain are too small to have trade union representation structures or even a union with the capacity to negotiate a collective agreement. It is estimated that around 84% of all municipalities in Spain have less than 5 000 inhabitants (Portillo 2016);
- Finally, collective bargaining in municipalities in Spain has traditionally been characterised by fragmentation. This fragmentation is caused, first, by the different status of civil servants (*funcionarios*) and public employees under general labour law regulations; and, second, by the duality generated by this difference which widens in the case of large municipalities because of the existence of independent negotiation tables for each of the corporations at a local level (public companies or *corporaciones locales*). Large municipalities have their own collective agreements whilst smaller ones negotiate within federations at a regional level. Furthermore, public companies managed by the municipality had their own collective agreements.

In order to overcome some of these problems and obstacles, framework collective agreements are signed at regional and provincial levels, setting working conditions for workers in municipalities with less than 2 000 inhabitants. In the case of Catalonia, this type of agreement was signed in 2014.

In Barcelona, the most representative trade unions are UGT and CCOO, both of which signed the collective agreement for 2008-2011, and then extended it in 2015, with their wage tables being updated in 2015. Collective agreements were signed for several local public entities and bodies, including transport, cleaning etc.

5.1 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 all public employees, but that had a particularly significant impact for the municipalities as it enabled negotiations over common issues for civil and non-civil servants around a single table. By doing this,

the EBEP contributed to reducing 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 modernise 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 policies going in the opposite direction to those envisaged in the EBEP.

The second important reform in the municipalities sector was Law 27/2013 (Law on the Rationalisation and Sustainability of the Local Administration). This reform was approved by the PP government under the emergency conditions of the crisis without any negotiation process with social partners. One of the most important consequences of the reforms and changes during the crisis years has been a certain recentralisation which contrasts with the long-term trend towards greater autonomy for sub-national governments, public agencies and autonomous public services. In its attempt to reduce the fiscal deficit and to keep the wage bill under control, the central government has relied upon two main tools. First, it imposed some of the measures to lower spending levels, including the wage cuts as well as the ban on new hiring or a very low replacement rate. Secondly, it imposed stringent budgetary constraints and lowered the transfers from central to regional and local levels. The best example of this recentralisation is found in Law 27/2013 that 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 of 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 an attempt to modernise and rationalise personnel policies at the local level. Together with this, the traditional subordination of local government to the central government 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 had been gradually assumed by local government will no longer be delivered at this level thanks to an increase in deficit. This most notably includes social services in large municipalities that will 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 the 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 the 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 the local level and their wages, imply a recentralisation of the public

sector. This later measure is particularly important, as it has implied a 'de facto' loss of autonomy in personnel policies for local level governments.

However, the real impact of Law 27/2013 has been limited due to the non-application of some of the most controversial aspects of the reform (Castillo 2016). In particular, one of the aspects contained in the reform consisted of a reorganisation and rationalisation of competences and services delivered at the local level. This was one of the aspects that could have had a stronger impact on public employment at this level. However, there has been strong resistance to reducing these services from some local and regional governments.

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, it was 20 000 inhabitants). Even though some municipalities below the threshold may negotiate their own collective agreement, the conditions negotiated have to take those contained in the framework agreement as a reference. The impact of these frameworks is two-fold. On the one hand, they contribute to ensuring the negotiation of working conditions for all municipal workers, irrespective of their municipality's size. In addition to this, the framework agreements serve to guarantee minimum standards and to reduce disparities between workers.

5.2 Impact of reform policies on public employees' working conditions at the local level

There is agreement among scholars and practitioners around the greater impact of austerity policies and local-level reforms 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, already suffered the worst working conditions. In particular, not only have wages traditionally been on average lower in the municipalities, but this sector has also been characterised by an above average incidence of temporary employment.

As has been already mentioned in the previous section, the impact of specific reforms on the municipalities sector during the crisis was less severe than initially expected.

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 public employees' working conditions at the 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 on temporary contracts at a local level was 20%, compared to a 3% increase for local-level civil servants;
- Secondly, there has been a reduction in the wages of public sector employees at a local level.

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

5.3 Impact of reform policies on municipalities

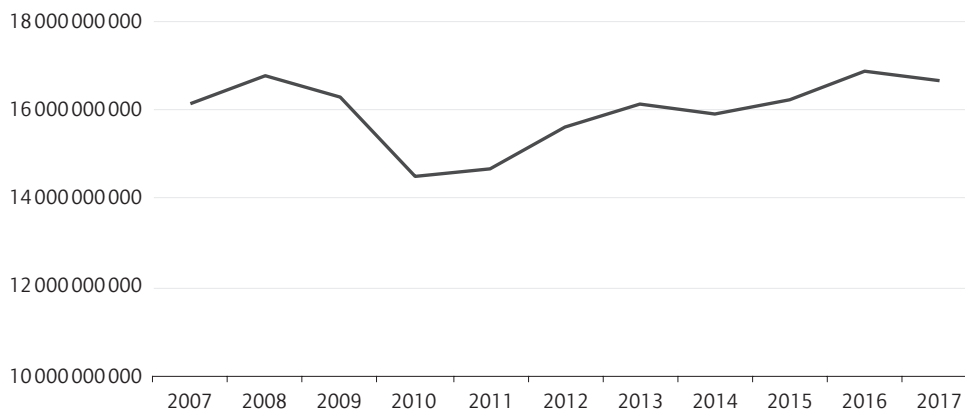
It is very difficult to assess the impact of the previously mentioned reforms on the quality of services provided at the local level. On the one hand, the impact varies greatly from municipality to municipality depending on its size. Secondly, because of the variety of services provided by municipalities, it is very difficult to provide a general assessment of the impact of reforms on the quality of services. Finally, the impact of these reforms, and in particular Law 27/2013, depends on their implementation through administrative acts at a regional level. As some authors have pointed out (Almeida 2015), the existing evidence on the impact of the law on the competences of municipalities points towards a limited reduction, due to the difficulties of implementing certain aspects, as well as the opposition of some regional governments to doing so (also Gracia 2016).¹⁰

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 of limiting the capacity of municipalities to provide certain services, depending on their size. This has 'de facto' meant that in the smallest municipalities, some services are no longer provided or are co-ordinated and provided by higher-level structures. Under some circumstances, this recentralisation may lead to poorer quality of services, due to the difficulties of meeting local needs through supra-local management. Some authors have pointed out how this effect could be potentially important in the case of social services (Barriga Martín 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 their number.

10. 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.

Figure 10 Financial transfers from central government to municipalities, 2007-2017
(in total million euros)



Source: ???.

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 in order to obtain fiscal revenues. As figure 10 shows, these transfers experienced a decline in the years 2008-2011. Since then, they have recovered steadily, and by 2016, they had already returned to 2008 levels.

6. Conclusions

Public sector employment relations in Spain in the years following the 2008 crisis have faced significant challenges that have led governments to implement a combination of short-term and long-term adjustments, which will certainly have implications for the future. 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 taken more recently (2013-2015). In the first phase, the response orchestrated by both left and right-wing governments can be described as a coping strategy on the part of the state (Lodge and Hood 2012), though in some regions governed by right-wing governments, this opened a window of opportunity for advancing a liberalising and marketisation strategy. At a second stage, the short-term saving measures were maintained, but at the same time, the government pushed for a more ambitious reform of public sector organisation 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 towards a reversal of some of the long-term trends in the Spanish public sector and in particular, the process of decentralisation.

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 levels have to a higher degree been affected by austerity measures. Moreover, the adjustment has been more intense for public employees than for civil servants because of their different regulation. In this regard, the dualisation 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 can observe some similar trends regarding the development of collective bargaining that respond to the recentralisation triggered by austerity policies. This is the case when we look at collective bargaining dynamics, that in all three cases have been interrupted since 2011 and have only started to recover from 2015 onwards, with 2017 being the year when agreements were reached in all sectors in order to overcome some of the consequences of austerity for public employees.

A second commonality is the emphasis on improving working conditions for employees that had 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 hospital sectors this impact has mostly consisted of an increase in the number of employees with temporary contracts, the impact on the local government sector has been more intense in terms of a decrease in number of employees.

Table 1 Comparative summary of the trade union landscape in the three sectors

Primary education	Municipalities	Hospitals
Occupational predominate (USTEC, ASPEC, in the case of Catalonia) Class-based: CCOO (UGT marginal) Low membership of class-based trade unions Identification with other actors / movements (<i>Marea, Assamblea groga</i>) as trade unions have been marginalised	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	CCOO <i>Metges de Catalunya (occupational)</i> SATSE (occupational) UGT CATAC-CTS-IAC Low membership of class-based trade unions

Source: Authors' elaboration.

Table 2 Comparative summary of trade union objectives and strategies in the three sectors compared

Primary education	Municipalities	Hospitals
Reduce temporary employment Reduce teaching hours Reduce student/teacher ratio	Equalise rights and bargaining status of civil servants and public employees Sign a framework agreement for all municipalities	Reduce temporary employment Improve conditions of part-time workers

Source: Authors' elaboration.

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 emerge from the analysis as being 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 a regional level, it is nonetheless an important development with significant implications for the development of collective bargaining. This trend is more significant 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 *mareas*. This, together with the steady growth of 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 dualisation in the public sector. This dualisation has several dimensions, but the crisis has contributed to widening the gap between employees under temporary and open-ended contracts, and also between civil servants and public employees. Even though the 2007 EBEP aimed precisely at closing this gap between the two types of public employees, the disparate protection enjoyed by these types of workers has become apparent in the crisis years.

Table 3 **Comparative summary of relationship between trade unions and employers in the three sectors analysed**

Primary education	Municipalities	Hospitals
Conflict and different priorities in the agenda Important differences on the union side: occupational trade unions maximalist in their positions	Generally good With municipalities governed by new parties (Podemos), there are problems	Difficult to negotiate because different groups have very different interests: fragmentation on the union side But also fragmentation on the employer side: different application/implementation of agreements across provinces

Source: Authors' elaboration.

The implications of the growing fragmentation on the union side have also become clearer during the crisis years. Both in the case of hospitals and primary education, where the landscape is more fragmented, tensions have arisen when negotiating agreements between different trade unions. In some cases, negotiations have failed precisely because of lack of consensus on the union side. However, the main reason for the deterioration of social dialogue and collective bargaining during the crisis has been the unilateral imposition by governments at the national and regional level of policies with a direct impact on public employees. In the context of public sector social dialogue, most sectors have seen conflict and strikes triggered, and other forms of protest.

The process of decentralisation in Spain means that collective bargaining and social dialogue take place mostly at a regional level. Even though there are some instances of general co-ordination for the whole public sector at the central/national level, it is at the regional level where most working conditions are set. Before the crisis, there had been

some attempts to introduce 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 the working conditions of public employees were imposed by the central government, then implying an effective recentralisation in the structure of collective bargaining. In the post-crisis period, collective bargaining has been going through a process of restoration in most sectors and levels.

Table 4 Comparative summary of social dialogue structure in the three sectors analysed

Primary education	Municipalities	Hospitals
Centralised: agreements for all public primary education centres in Catalonia More autonomy for directors of public primary schools weakens social dialogue	Decentralised collective bargaining structure: only municipalities until 2014 Since 2014 framework agreement for all municipalities below 20 000 inhabitants Budgets have imposed limits on collective bargaining Law on the rationalisation of local administration has also posed problems for CB	Centralised: agreements for all workers in the Catalan healthcare system

Source: Authors' elaboration.

A paradoxical development has been observed in the case of public sector industrial relations consisting, on the one hand, of an extension of collective bargaining rights for 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 the 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 was abandoned, but it has also evidenced the difficulties trade unions face in order to influence governments' reform decisions.

Table 5 Comparative summary of the role of social dialogue in reforms in the three sectors analysed

Primary education	Municipalities	Hospitals
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 making appointments)	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 Rationalisation and Sustainability of Local Administration Royal decree 20/2012 has also imposed limits But trade unions coincide in pointing out the vitality and innovativeness of social dialogue at local level	Important in the case of working conditions until 2007 (last agreement) Absent from 2008-2016 Marginal since 2017; reluctance to start negotiations for a third agreement

Source: Authors' elaboration.

Reforms implemented during the crisis years have had a strong impact on public sector workers' working conditions. Wage cuts and increases in working hours were implemented for 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 of choosing days off work, in addition to holidays. There has also been a decrease in the number of public sector employees due to the imposition of a zero replacement rate for retirees 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 cessation of some service delivery 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 organisation, the fact is that in many cases temporary contracts have been created in order to cover structural requirements.

Table 6 Comparative summary of the impact of reforms on the working conditions of public employees in the three sectors analysed

Primary education	Municipalities	Hospitals
Improving until 2010	Job losses	Job losses
Deteriorated since 2011	Wage cuts	Wage cuts
Recently an agreement has been signed to improve working conditions		Increase in working hours
No training provided		Growing competition between workers
		Increase in stress levels
Increase in ratio of student per teacher	Zero replacement rate leads to ageing workforce; problems to keep providing publicly the service	Increase in waiting lists for operations
	Outsourcing as a result of this process	

Source: Authors' elaboration.

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 privatising certain services/activities. The attempts at privatisation 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 assessing this 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 their decentralised 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 the quality of public services has become a central issue in trade union and the *mareas* demands during the crisis. In this vein, there has been a clear shift in trade unions' framing strategies from a focus on guaranteeing the working conditions

of public sector employees, towards a focus on guaranteeing and enhancing the quality of public services delivered. The role of the ‘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 who successfully garnered a strong consensus and support.

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Appendix

Interview list (*)

Sector	Type of organisation	Role	Organisation
Primary education	Trade Union	Sectoral representative	CCOO Catalunya Educació
	Employer	Human Resources assistant manager	Departament de Educació
Hospitals	Trade Union	Sectoral representatives	CCOO Catalunya Sanitat
	Employer	Human Resources manager and assistant manager	Institut Català de Salut Institut Català de Salut
Municipalities (Barcelona)	Trade Union	Sectoral representatives	Sector de l'Administració Local de la Federació de Serveis a la Ciutadania de CCOO de Catalunya

(*) Interviews were carried out between January 2017 and September 2017.

List of abbreviations

ANPE	(Asociación Nacional de Profesionales de la Enseñanza): National Association of Education Professionals
ASPEPC-SPS	(Associació Sindical de Professors d'Ensenyament Públic de Catalunya - Sindicat de Professors de Secundària): Union Association of Public Education Teachers of Catalonia
CEMSATSE	(Convergencia Estatal de Médicos y de Enfermería): State Convergence of Doctors and Nurses
CATSALUT	(Servei Català de Salut): Catalan Health Service
CSIF	(Central Sindical Independiente y de Funcionarios): Civil Servants' Independent Confederation
CIG	(Confederación Intersindical Gallega): Galician Interunion Confederation
CGT	(Confederación General del Trabajo): General Confederation of Labour
CSI-F	(Confederación Sindical de Funcionarios): Civil Servants' Union Confederation
CCOO	(Comisiones Obreras): Working Committees
EBEP	(Estatuto Básico del Empleado Público): Basic Statute of Public Employees
ELA-GIZALAN	(Eusko Langileen Alkartasuna - Solidaridad de los Trabajadores Vascos. Federación de Servicios Públicos): Basque Workers' Solidarity Union - Federation of Public Services
EPA	(Encuesta de Población Activa): Active Population Survey
FETE-UGT	(Federación estatal de trabajadores de la educación, Unión General de Trabajadores): State Federation of Education Workers, General Union of Workers
FSP-UGT	(Federación de Servicios Públicos de UGT): Federation of Public Services of UGT

LOLS	(Ley Orgánica de Libertad Sindical): Organic Law of Union Freedom
LORAP	(Ley de Órganos de Representación, Determinación de las Condiciones de Trabajo y Participación del Personal al Servicio de las Administraciones Públicas): Law on the Institutions of Representation and Determination of Working Conditions for Public Sector Employees
PP (Partido Popular)	People's Party
SATSE	(Sindicato de Enfermería): Nursing Union
STEs-I	(Confederación de Sindicatos de Trabajadoras y Trabajadores de la Enseñanza-Intersindical): Education Workers' Confederation Union
USO	(Unión Sindical Obrera): Workers' Trade Union
UGT	(Unión General de Trabajadores): General Union of Workers
USTEC STE (IAC)	(Unió Sindical dels Treballadors d'Ensenyament de Catalunya (Intersindical Alternativa de Catalunya)): Joint Education Workers' Unions of Catalonia (Catalan Alternative Inter-Union)