

## INDEPENDENT WORKERS AND INDUSTRIAL RELATIONS IN SPAIN: NATIONAL OVERVIEW

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# SUMMARY

- I. Definition
- II. Legal framework
- III. General Characteristic
- IV. Social Security system
- V. Associations
- VI. Organisational Studies. First approach

# DEFINITION

Common definition of Self-employment → multidimensional

1. Small entrepreneurs without employees
  2. Traditional self-employed (Agriculture, etc.)
  3. "New independent" workers highly qualified
  4. And "other new independent or bogus self-employed" with different skill levels
- In general in labour debate it is a changing phenomenon

# LEGAL FRAMEWORK

Regulated since 2007: Statute for Self-employment → First attempt regulating working conditions and access to social protection of self-employees:

- Clear distinction between:
  - a) General autonomous workers
  - b) TRADE (Autonomous workers economically dependents)

- Title III: regulation of Self-Employed collective rights

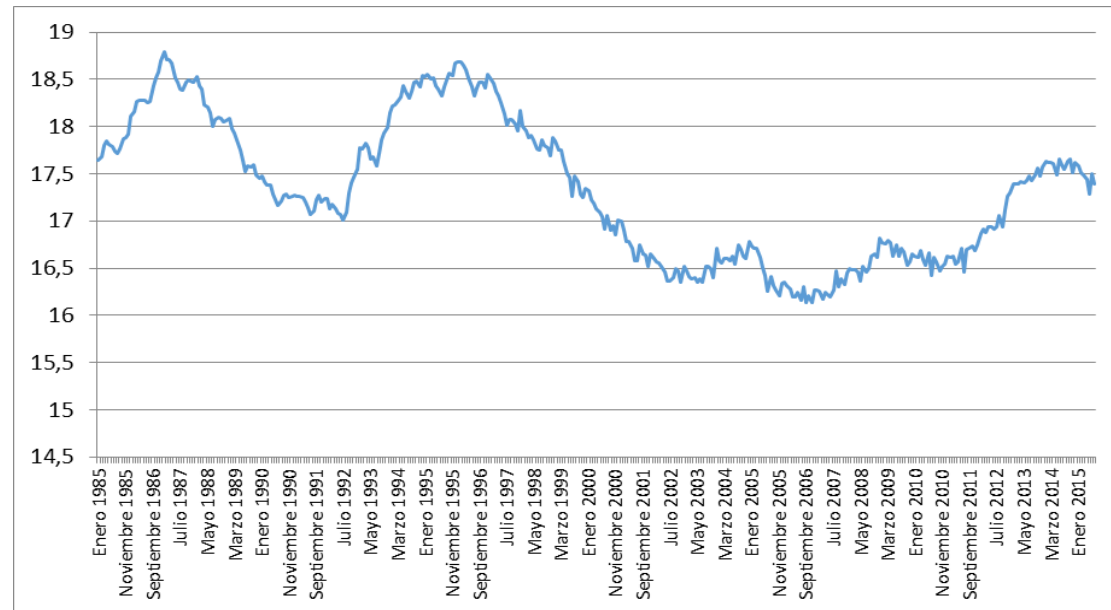
Characteristics of self-employed as a specific form of representation of collective interests, without prejudice to the rights of union membership or the option to avail business organizations.

# NEW ACT REFORM (2017, AGREEMENT BETWEEN PP-C'S) - DRAFT

- Reduced contribution for the first year of work (50 Euros)
- New National Sub-Commission in Parliament
- Not obligated contribution to SS if incomes are lower than minimum salary (764 Euros/month)
- Contributions if autonomous work is part time
- Retired workers could work as autonomous
- Trend to promote the same social protection than other employees
  - Maternity and illness bonus equal to permanent workers benefits

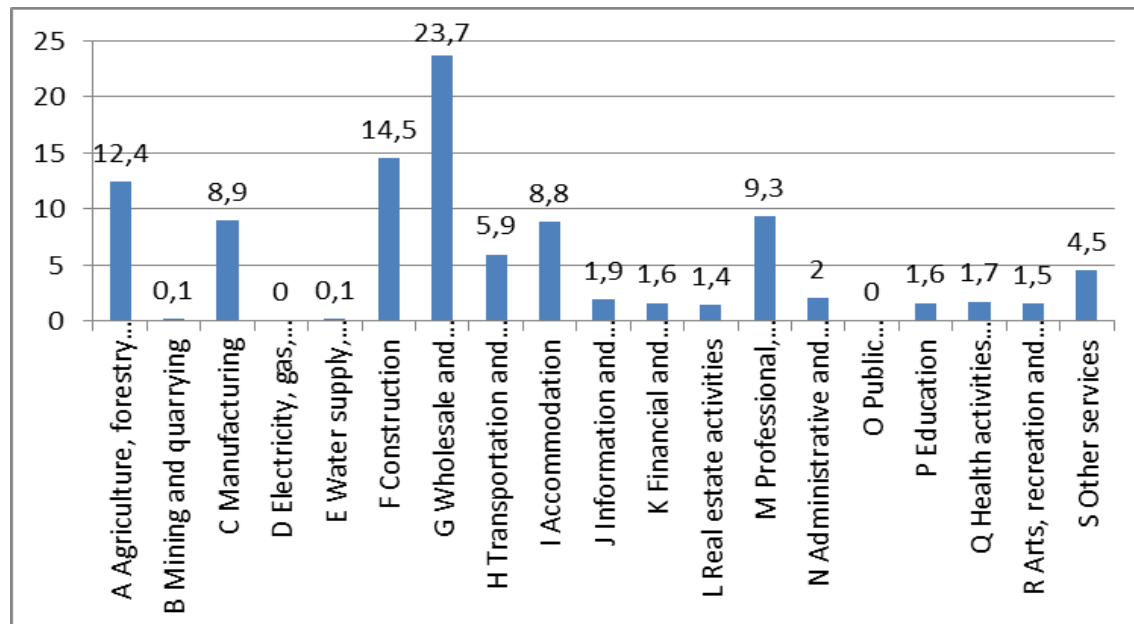
# GENERAL TRENDS AND CHARACTERISTICS

- After crisis: Increasing of the number of self-employed (16,5% in 2015) (2.025.802 workers)
- Decrease between 2007-2013
- Flows from unemployment into self-employment (even during economic crisis): 60% of autonomous were unemployed before
- Outsourcing and subcontracting patterns: 16% proposed by the company
- Problem: Low survival rate



# DISTRIBUTION BY SECTORS

- Predominant low skilled activities (agriculture, construction and retail activities)
- “Hot” issues: Incomes, social protection and security
- Decrease of self-employment during the economic crisis
  - ➔ The recovery starting since 2013 has been accompanied by an increase in total self-employment



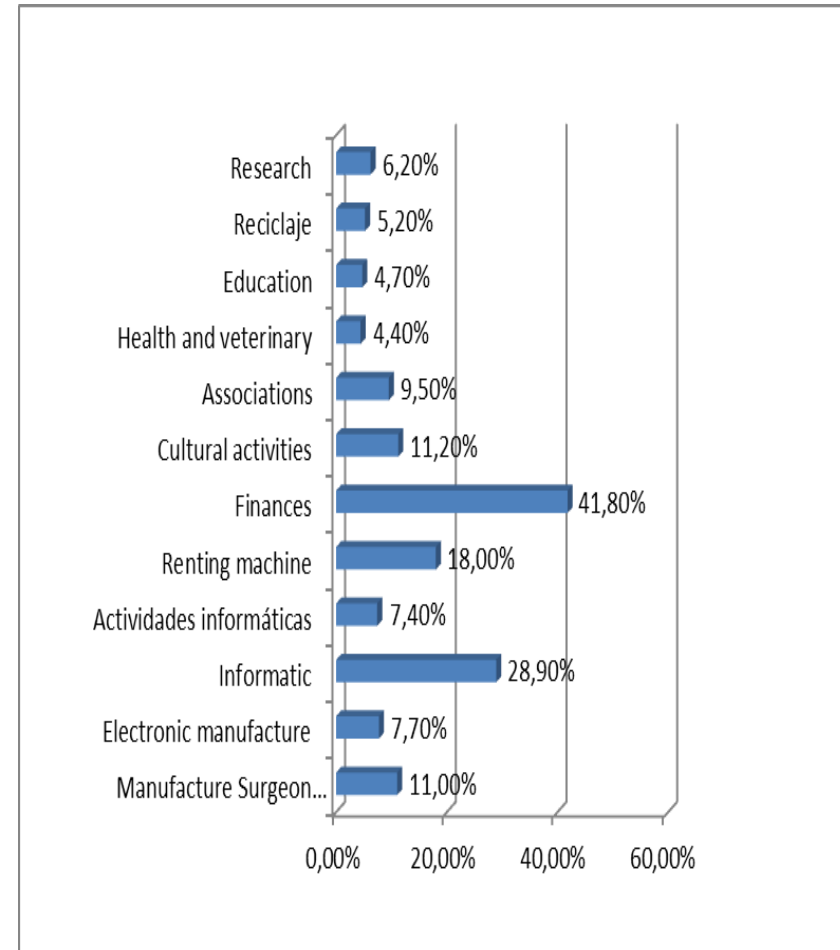
# “NEW AUTONOMOUS WORKERS”

Trades: 250.000 (11%)

- Educational level: 44% graduated | 23% post-graduated
- Estimated Bogus TRADE 160.000 (55% of TRADEs)

I-Pross (9%)

- 15% grouped ICT related professional and technical services.
- 13% working in specialized services activities. This category includes advisors, consultants, legal advisory services, human resources and other specialists.
- 11% in training and retraining.
- Around 34% of them have done so far more than 10 years; 22% of them between 5 and 10 years working.





# SOCIAL SECURITY SYSTEM

- Title IV of Law 20 / 2007, regulates the social protection of the self-employed. → Self-employees have their own social security regime, the so-called RETA
- Membership of the Social Security is mandatory and assigns a single number for their professional life
- Access to:
  - Health care in cases of: maternity, common disease, professional or accidents, whether working or not.
  - Economic benefits in situations of: incapacity, risk during pregnancy, maternity, paternity, permanent disability, elderly assistance and professional recovery.
  - Reduced contributions during first months of activity (progressive increasing)
  - Possibility to combine unemployment benefits with self-employment

# UNEMPLOYMENT PROTECTION

- Law 32/2010:
- 1) Contributive pensions  
(see below)
- 2) No contributive pensions:  
425 euros for 6 months

Contribution period (months)	Protection period (months)
12 - 17	2
18 - 23	3
24 - 29	4
30 - 35	5
36 - 42	6
43 - 47	8
48 +	12

# REPRESENTATION OF SELF-EMPLOYMENT

- Affiliation rate: 27,5% (2010)
- Fragmented representation of self-employed
- Some specialization according to the dominant self-employed profile

	2013	2014	2015	2016
ATA	42,20	46,18	48,94	58,48
UPTA	25,64	26,67	25,47	22,04
UATAE	7,28	10,8	9,96	13,41
CIAE	4,22	6	3,21	6,07
FOPAE	10,93	10,35	12,42	-
FEA-CEAT	6,34	-	-	-
ATRADE	3,39	-	-	-

# CASE STUDY SELECTION

- Selection criteria → Organization type + Self-employed profile

	Type	Profile	Interviews	
CTAC	Union	Heterogeneous self-employed   TRADE	Sandra Zapatero	President
			Vanessa López	Labour division
ATA	Quasi-union	Heterogeneous self-employed	-	-
UATAE	Quasi-union	Heterogeneous   Freelances	-	-
AST	Spontaneous	Bogus self-employed	-	-

# CTAC (CATALAN CONFEDERATION OF AUTONOMOUS WORKERS)



Profile of SE	Heterogeneous   TRADE (Self-employed economically dependant of one client)
Origin	Union initiative (UGT)
Structure	Independent and autonomous organization
	Catalan articulation of UPTA   Institutional support of UGT Catalunya
Trajectory	16 years
Objective	Equal rights to self-employed
Affiliation	35.000 members   Affiliation payments similars to unions (30e trim.)
Strategy	Collective representation + Professional support
Services	Administration, consultancy and training
Territory	Implementation of services at local level   Cooperation with professional associations