




**EMPLOYMENT PROMOTION AND SOCIAL PROTECTION  
POLICIES: CHARACTERISTICS OF A COMPREHENSIVE  
SYSTEM OF PROTECTION AGAINST UNEMPLOYMENT-  
THE SPANISH CASE.**

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ROME, MAY, 18, 2023




# TO ACHIEVE SOCIAL WELFARE IS NEEDED, AT LEAST THREE CONDITIONS:

- A HIGH LEVEL OF EMPLOYMENT,
  - PERMANENT JOBS AND
  - DECENT WAGES FOR LIVING
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MANY CONDITIONS ARE UNFAVOURABLE FOR THIS TO HAPPEN, AS GENERAL ECONOMIC PROBLEMS, DUE TO:

- **CYCLICAL CRISES** THAT NEVER SEEM TO BE RESOLVED OR
  - THE **EFFECTS OF THE RECENT PANDEMIC**,
  - MOREOVER, IN THE COMING DECADES, **TECHNOLOGICAL CHANGE** WILL LEAD TO THE DISAPPEARANCE OF MANY OCCUPATIONS, THE EMERGENCE OF NEW ONES AND THE TRANSFORMATION OF OTHERS.
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## **POLICIES MUST BE TAKEN TO CORRECT OR COMPENSATE FOR THE NEGATIVE EFFECTS OF THESE FACTORS**

**TWO TYPES OF POLICIES WILL INTERSECT:**

- **ADOPTION OF ACTIVE EMPLOYMENT POLICIES** THAT AIM TO ESTABLISH APPROPRIATE MEANS TO FACILITATE ACCESS TO THE LABOUR MARKET FOR THE UNEMPLOYED
- **ADOPTION OF PASSIVE UNEMPLOYMENT POLICIES** THAT ENTAIL THE GRANTING OF UNEMPLOYMENT BENEFITS TO SUPPORT THE UNEMPLOYED DURING THIS SITUATION.

**WE ARE TO FOCUS IN THE FIRST ONE.**



## 2. ACTIVE EMPLOYMENT POLICIES IN SPAIN

**SPANISH GOVERNMENT'S INTENTION IS TO FOCUS INVESTMENT ON A CHANGE IN THE PRODUCTION MODEL BASED ON THE ECOLOGICAL AND DIGITAL TRANSITION.**

**FOR EMPLOYMENT POLICIES TO WORK EFFECTIVELY IN A COUNTRY, FIRST CONDITION WOULD BE THE **EXISTENCE OF A POWERFUL ECONOMIC SYSTEM** THAT WOULD ALLOW COMPANIES TO DEVELOP IN ANY OF THE AREAS THAT COULD BE MOST PRODUCTIVE IN EACH SPECIFIC TERRITORY.**

**THREE TOOLS:**

- **A NEW EMPLOYMENT ACT FOR A NEW ERA (FOCUS IN SPECIAL GROUPS)**
- **LABOUR LAW AS EMPLOYMENT POLICY**
- **VOCATIONAL TRAINING**

## 2.1 A NEW EMPLOYMENT ACT FOR A NEW ERA (FOCUS IN SPECIAL GROUPS)

LAW 3/2023 ESTABLISHES OBJECTIVES AND AIMS OF ACTIVE EMPLOYMENT POLICIES:

- A) CREATION OF AN **INCLUSIVE LABOUR MARKET IN WHICH EQUAL OPPORTUNITIES AND NON-DISCRIMINATION** IN ACCESS TO EMPLOYMENT ARE EFFECTIVELY GUARANTEED, WITH AN **SPECIAL ATTENTION TO PRIORITY GROUPS** .
- B) CREATION OF **QUALITY AND PERMANENT EMPLOYMENT WITH DECENT SALARIES**.
- C) **MAINTENANCE OF EMPLOYMENT** (ESPECIALLY IN SECTORS OR COMPANIES UNDERGOING RECONVERSION)
- D) **INCREASE AND IMPROVEMENT OF THE QUALIFICATIONS, COMPETENCES, SKILLS OF UNEMPLOYED AND EMPLOYED PEOPLE**, ATTENDING TO THE DEMANDS OF COMPANIES AND PRODUCTIVE SECTORS.
- E) ESTABLISHMENT OF **EFFICIENT INTERMEDIATION AND EMPLOYMENT SERVICES**.
- F) PROMOTING **VIABLE ENTREPRENEURSHIP AND SOCIAL ECONOMY INITIATIVES**.

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

IN ORDER TO ACHIEVE "FULL EMPLOYMENT", ONE OF THE CLASSIC MEANS HAS BEEN THE ADOPTION OF "INCENTIVES" AND "BONUSES" IN THE HIRING OF WORKERS.

RD-LAW 1/2023, OF 10 JANUARY, IS THE LAW THAT ESTABLISHES **THE NEW CATALOGUE OF INCENTIVES AND BONUSES** (NOT YET IN FORCE) AND **MAIN OBJECTIVES** OF THIS REGULATION ARE:

- TO **PROMOTE THE HIRING OF UNEMPLOYED PEOPLE, ESPECIALLY THE MOST DISADVANTAGED OR VULNERABLE** (NORMALLY THROUGH PERMANENT CONTRACTING, ALTHOUGH, EXCEPTIONALLY, SUPPORTING TEMPORARY HIRING IN CERTAIN CASES),
- CONTRIBUTING TO THE **CREATION, MAINTENANCE AND IMPROVEMENT OF THE QUALITY OF EMPLOYMENT**
- THE **PROFESSIONAL PROMOTION OF EMPLOYED PEOPLE,**
- **PROMOTING SELF-EMPLOYMENT AND JOB CREATION** IN THE SOCIAL ECONOMY.

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

EMPLOYMENT LAW POINT OUT THE CLASSIC GROUPS THAT NEEDED PRIORITY ATTENTION AND IMPROVE THEIR HIRING:

- **WOMEN,**
- **MATURE WORKERS (OVER 45 YEARS OF AGE),**
- **YOUNG PEOPLE AND**
- **PEOPLE WITH DISABILITIES,**



## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

IT ALSO INCLUDES ANOTHER IMPORTANT LIST OF GROUPS AND REMAINS OPEN IN THE FUTURE **TO ANY OTHER GROUP** TO BE DETERMINED WITHIN THE FRAMEWORK OF THE NATIONAL EMPLOYMENT SYSTEM.

**MANY OF THESE GROUPS HAVE BEEN DISAGGREGATED FROM THE GENERIC GROUP, PERHAPS TO MAKE THEM MORE VISIBLE.**

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

-WITHIN THE **GROUP OF PEOPLE WITH DISABILITIES**, OTHER GROUPS ARE DISAGGREGATED:

- BORDERLINE INTELLECTUAL ABILITY,
- AUTISM SPECTRUM DISORDERS (OF AT LEAST 33%),
- CEREBRAL PALSY,
- MENTAL HEALTH DISORDER,
- PHYSICAL OR SENSORY DISABILITY OF AT LEAST 65%,
- OR COLLATERAL, SUCH AS ADULTS WITH A DEPENDENT PERSON IN THEIR CARE.

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

- WITHIN THE GROUP OF VICTIMS OF VIOLENCE, IN ADDITION TO GENDER VIOLENCE, WE SEE OTHERS:

- TRAFFICKING IN HUMAN BEINGS
- SEXUAL VIOLENCE,
- TERRORISM.

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

**- WITH REGARD TO THE GROUP OF PEOPLE AT RISK OF SOCIAL EXCLUSION, IT HAS BEEN SEPARATED IN ORDER TO GIVE VISIBILITY**

- O PEOPLE AFFECTED BY DRUG ADDICTIONS AND OTHER ADDICTIONS OR**
- O PEOPLE WHOSE GUARDIANSHIP AND TUTELAGE HAS BEEN ASSUMED BY PUBLIC ADMINISTRATIONS.**

## 2.2 THE NEW POLICY OF INCENTIVES AND BONUSES FOR EMPLOYMENT CONTRACTS

### - OTHER GROUPS MENTIONED,

- CLASSIC GROUPS OF **LONG-TERM UNEMPLOYED, WOMEN** (ALTHOUGH THE CURRENT REGULATION LIMITS THEM TO THOSE WITH "LOW QUALIFICATIONS") **AND IMMIGRANTS,**
- **LGTBI PEOPLE** (IN PARTICULAR TRANSGENDER PEOPLE);
- **BENEFICIARIES OF INTERNATIONAL PROTECTION** AND APPLICANTS FOR INTERNATIONAL PROTECTION;
- **GYPSIES OR PEOPLE FROM OTHER ETHNIC OR RELIGIOUS GROUPS;**
- WORKERS FROM **SECTORS UNDERGOING RESTRUCTURING;**
- AND **SINGLE-PARENT FAMILIES WITH CHILDREN** UNDER 16 YEARS OF AGE OR DEPENDENT ELDERLY PEOPLE.

## 2.3 LABOUR LAW AS EMPLOYMENT POLICY

**THERE HAVE BEEN NUMEROUS REFORMS OF LABOUR LEGISLATION IN SPAIN TO AVOID OR REDUCE THE DUALITY BETWEEN PERMANENT AND TEMPORARY WORKERS AND THE PRECARIOUSNESS OF WORKING CONDITIONS.**

**HOWEVER, THE ROYAL DECREE-LAW 32/2021 HAS BROKEN THE INERTIA OF TEMPORARY EMPLOYMENT AND MAKE PERMANENT CONTRACT THE PREFERRED CONTRACT.**

**IN A PERIOD OF ONE YEAR SINCE THE PUBLICATION OF THIS LAW, MORE THAN 1.3 MILLION PERMANENT WORKERS HAVE BEEN HIRED AND TEMPORARY CONTRACTS HAVE BEEN REDUCED BY ALMOST 900,000.**

## 2.3 LABOUR LAW AS EMPLOYMENT POLICY

**ANOTHER IMPORTANT RECENT REFORM** OF OUR LABOUR LAW CONCERNS THE ESTABLISHMENT OF A **PERMANENT MECHANISM FOR INTERNAL FLEXIBILITY, EMPLOYMENT STABILITY AND RE-SKILLING OF WORKERS IN TRANSITION.**

THIS HAS BEEN THE CASE FOR EMPLOYEES THROUGH **THE RED MECHANISM**: INTERNAL FLEXIBILITY AS A MEANS OR FORM OF MAINTAINING EMPLOYMENT.

**ART. 47 BIS OF THE WORKERS' STATUTE** ESTABLISHES AN INSTRUMENT, THAT **TO BE AGREED BY THE GOVERNMENT**, AS A SPECIAL FORM OF **TEMPORARY EMPLOYMENT ADJUSTMENT PLAN** TO COVER **UNFAVOURABLE ECONOMIC SITUATIONS**,

- EITHER DUE TO **ECONOMIC CYCLES** (**CYCLICAL MODALITY**), WITH A MAXIMUM DURATION OF ONE YEAR,
- **OR FOR SECTORS**, QUARANTINING THE SECTOR PARTICULARLY AFFECTED, FOR REASONS THAT ARE PERMANENT (**SECTORAL MODALITY**), WITH AN INITIAL DURATION OF ONE YEAR, BUT WITH THE POSSIBILITY OF TWO EXTENSIONS OF 6 MONTHS EACH.

## 2.3 LABOUR LAW AS EMPLOYMENT POLICY

**RED SYSTEM'S TEMPORARY EMPLOYMENT REGULATION PLAN** CONTAINS A SET OF MEASURES AIMED AT:

- **PRESERVING THE CONTRACT, SUSPENDING IT OR REDUCING THE WORKING DAY, RATHER THAN TERMINATING IT;**
- **PROTECTING THE WORKER (BENEFITS) AND PROVIDING ADVANTAGES FOR COMPANIES (CONTRIBUTION INCENTIVES);**
- **AND, FINALLY, TRAINING AND RE-SKILLING WORKERS FOR THEIR REINCORPORATION INTO THE LABOUR MARKET.**

**SIMILARLY, FOR SELF-EMPLOYED WORKERS, THE ROYAL DECREE-LAW 13/2022, OF 26 JULY, PROVIDES FOR A BENEFIT FOR THE SUSTAINABILITY OF ACTIVITY EITHER IN A SECTOR OF ACTIVITY AFFECTED BY A RED MECHANISM IN ITS CYCLICAL FORM OR IN A SECTOR OF ACTIVITY AFFECTED BY A RED MECHANISM IN ITS SECTORAL FORM.**



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## 2.4 VOCATIONAL TRAINING

**SPAIN ADOPTED A NEW REGULANTION THROUGH ORGANIC LAW 3/2022, OF 31 MARCH, ON THE ORGANISATION AND INTEGRATION OF VOCATIONAL TRAINING, PEOPLE CAN ACQUIRE PERSONAL, SOCIAL AND PROFESSIONAL SKILLS AND COMPETENCES THAT ARE ESSENTIAL TO TAKE ADVANTAGE OF THE EMPLOYMENT OPPORTUNITIES OFFERED BY ECONOMIC AND TECHNOLOGICAL CHANGE, AS THIS REQUIRES ADEQUATE QUALIFICATION AND FLEXIBILITY OF HUMAN CAPITAL TO ADAPT TO THESE CHANGING CIRCUMSTANCES.**