

# **Labour and Environmental Sustainability**

**Spanish Report**

by

**Consuelo Chacartegui Jávega**

**Sergio Canalda Criado**

# agreement!

*A Green Mentality for Collective Bargaining*

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## **Labour and Environmental Sustainability**

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## Executive summary

*The right to collective bargaining is a crucial instrument to put in practice the “Just Transitions” theoretical concept. Although environmental and labour rights have not much interacted in the Spanish collective bargaining context, in the last decade both fields are gradually overlapping and influencing one another, bringing social rights into the climate change debates. This insertion is highly influenced by the Law 2/2011, of 4 March, on Sustainable Economy, that came into force the 6 March 2011. In the Spanish context, the recourse to social dialogue and collective bargaining has been materialized in public and enforceable agreements that have facilitated a progressive just transition to a labour law that advances objectives of social and economic sustainability. In other words, collective bargaining has been revealed as a necessary tool for achieving sustainable environmental companies to realize a vigorous contribution to the mitigation of climate change.*

*In the frame of the Spanish system of industrial relations, the foundations of a “green labour law” are perhaps less evident than the basic regulations of some working conditions, but it’s gradually becoming a reality. The acknowledgement of environmental and labour issues shows that ecological problems need to be addressed in the Spanish world of work, and indicates the importance of the interdisciplinary dialogue in these matters. In this sense, a sector of the labour layers’ doctrine has underlined that the goals and objectives of climate and energy policy interrelate in complex ways. The intricacy of environmental problems demands a holistic and proactive approach in their management, rather than classical reactive enforcement mechanisms.*

*In the Spanish framework, green-friendly collective bargaining represents an option for these new broader notions. For instance, work-time reduction and redistribution of work could have a part to play in achieving environmental targets. The transition to a green economy has also the potential to reduce many aspects of workers' exposure to workplace hazards and pollution risks. Moreover, new regulations provided by collective agreements could contain important measures that can be employed to reduce such risks. Another of the most important challenges is the extension and quality improvement of education and the promotion of lifelong learning in the workplace, particularly through training, research, innovation, and the use of new technologies. New competences for the representative bodies and trade unions have appear as an important element for the transformative function of the social stakeholders. All of these matters deserve*

*an affirmative answer, providing essential collective frameworks and tools as a crucial guarantee of the environmental protection linked to social rights. This way to embrace the common interest implements a new perspective of the transformation of the productive models that have to be taken into consideration.*

## 1. Introduction

Over the last decade, Spain has been involved in a process of climate emergency that obliges the governments, unions, employers' associations, workers and employers to adapt themselves to the new environment-related requirements. From a first period that was basically focused on the field of employment policies linked to the new employment possibilities of green jobs, collective agreements have arisen as a very significant instrument of change towards just transitions. The synergies between labour rights and environmental sustainability take the collective agreements as crucial instruments of implementation of decent work from all of these perspectives. In this sense, collective bargaining is not only a key tool for defining working conditions, but also contributes as a motor of change in the progress of green issues. At the same time, respect for the external environment has a significant influence in matters such as the occupational health at work or equality, among others. The connections of labour rights and environmental sustainability are possible through the constitutional contents of the Article 37 and 45 of the Spanish Constitution.

The aim of this study is to analyse the potential of the Spanish collective bargaining in the transformation towards a low-carbon model with crucial working conditions in areas such as recent professional skills, staff classifications, remuneration, occupational health and safety, collective transport, connections between gender and environment, representative bodies with competences and guarantees in green issues and joint committees for monitoring and evaluation of new environmental requirements.

The analysis of the environmental clauses in the Spanish collective bargaining is based on the collective agreements signed between 01/01/2011 and 31/12/2018. This period of time was chosen because the Spanish Parliament passed Law 2/2011, of March 4, on Sustainable Economy in 2011. On the other hand, the end date of the research corresponds with 2018, when the REGCON (Spanish Register of Collective Agreements) offered its provisional results. The sample gives us a total of 117 sectoral collective agreements that contain the concepts of 'sostenibilidad' (sustainability); 'sostenible' (sustainable); 'medioambiente' (environment); 'medio ambiente' (environment) or/ and 'ecología' (ecology). Moreover, the sample of collective agreements signed at the company level is composed of 26 texts. It was also prepared using the data of the Official Registry

of Collective Agreements (REGCON). The search of collective agreements at a company level was based on the same parameters used to compose the sample of collective agreements signed at the sectoral level.

## 1.2. Methodology

The methodology used for the composition of the samples of collective agreements of sector level and company level that make up the object of study is presented below.

### *Sample of collective agreements signed at sectoral level*

#### *a) Preliminary sample*

The sample is composed of 117 sectoral collective agreements (see Annex 1). The sample was prepared using the database available the 26/04/2019 of the Official Registry of Collective Agreements (REGCON, ‘Registro de Convenios Colectivos’) managed by the Ministry of Labour, Social Security and Migrations. In order to prepare the sample, the search for collective agreements was based on the following parameters:

- The period of time when the signature of collective agreements happened: The collective agreements were signed between 01/01/2011 and 31/12/2018. This period of time was chosen for two reasons: on one hand, the Spanish Parliament passed the Law 2/2011, of March 4, on Sustainable Economy in 2011, so the start date of the research comprises the effects of that Law over the development of collective bargaining; on the other hand, the end date of the search corresponds with the last year (2018) that the REGCON offers provisional results.
- The state of validity (legal effects) of collective agreements: In the Spanish collective bargaining system, the parties may agree whatever period of time during which a collective agreement has legal effects (‘non-denounced agreement’). Once the period of time has expired, as long as none of the parties has denounced the agreement, the legal effects of a collective agreement are extended from year to year unless it is agreed otherwise. If any of the parties have denounced the collective agreement, and the agreed duration has concluded, the validity of a collective agreement will take place in the terms established in the collective agreement itself (‘denounced

agreement’). One year after the denunciation of a collective agreement where a new agreement has not been agreed, it will lose its validity unless otherwise is agreed (‘expired agreement’). The sample comprises the collective agreements registered at the moment of the search (26/04/2019) as ‘non-denounced agreement’ and ‘denounced agreement’.

- The nature of the text: the database of REGCON includes several types of texts produced from the collective bargaining, from ‘end-of-strike agreements’ to ‘arbitration awards’. The search only included the text classified as ‘collective agreements’, which includes collective agreements both sectoral and company level.
- The functional scope of agreement: The database of REGCON is subdivided into several functional scopes accordingly to the legitimacy of the parties who negotiate the collective agreement. The search for collective agreements in order to compose the sample only took into account two functional scopes: firstly, the sectoral level lower than the province (local, county, etc.) and, secondly, the sectoral level equal to or greater than the province.
- The keywords contained in the collective agreements: The text of the collective agreements should keep at least one of the following keywords: ‘sostenibilidad’ (sustainability); ‘sostenible’ (sustainable); ‘medioambiente’ (environment); ‘medio ambiente’ (environment); ‘ecología’ (ecology).

From the search, according to these parameters, the sample was preliminarily composed of 129 sectoral collective agreements. There were six collective agreements that included three keywords, 15 collective agreements that included two keywords and 108 collective agreements that included one keyword (mainly ‘medio ambiente’).

After composing the preliminary sample, the content of the collective agreements was analysed. It allowed refining the collective agreements comprised by the sample, remaining 117 collective agreements at the definite sample of the study.

### *b) Definite sample*

The definite sample had a twofold analysis:

#### *Statistic study of the sample*

The REGCON database offers the possibility to download an Excel file for each collective agreement registered which contains information related to the following data:

- Year of the signature of the agreement.
- Labour authority: This corresponds with the labour administration with competence in the territory affected by the functional scope.
- Economic sector: The REGCON database uses the National Statistical Classification of Economic Activities ('Clasificación Nacional de Actividades Económicas', CNAE) in order to classify the economic sector/s affected by the collective agreement. Since collective agreements may comprise several economic sectors, economic activity was chosen more frequently according to its economic divisions.
- Geographic scope: This includes five levels: 'local level', 'province level', 'autonomous community level', 'inter-autonomous community level' and 'state level'. The scope corresponds to the 'autonomous community level' when it affects several or all provinces of an autonomous community. The scope is 'inter-autonomous community level' when it affects several provinces of different autonomous communities.
- Duration: This differentiates between collective agreements whose duration is one year or whether it lasts for more than one year.
- The number of workers affected: This distinguishes between men and women.
- The number of companies affected.
- 'Environmental clauses': The REGCON database allows social partners to inform whether the collective agreement includes environmental issues, without specifying the type of content. This information is only accessible through the analysis of the text of the collective agreement.

It is important to note that those Excel files only reflect what information social partners include electronically when they register the collective agreement. Those Excel files were processed through a spreadsheet in order to obtain the statistical information.

### *Analytical study of the sample*

The content of the agreements was analysed and classified into the following matters:

- Principles and objectives to be accomplished by the firms as economic actors (i.e. reduction of CO2 emissions).
- General commitments of the signatory parties (i.e. sensitiveness & responsible use of natural resources).

- Environmental duties imposed on the enterprises as the employer (i.e. training).
- Clauses linking ‘green content’ with occupational health regulations.
- Representative bodies (i.e. green representatives with competencies and functions).
- Clauses of enforcement (i.e. monitoring).
- Others.

### *Sample of collective agreements signed at company level*

#### *a) Preliminary sample*

The sample of collective agreements signed at the company level is composed of 26 texts (see Annex 2). It was also prepared using the data of the Official Registry of Collective Agreements (REGCON) available on 26/04/2019. The search for collective agreements was based on the same parameters used to compose the sample of collective agreements signed at the sectoral level, except that relating to the functional scope:

- The period of time when the signature of collective agreements happened: The collective agreements were signed between 01/01/2011 and 31/12/2018.
- The sample comprises the collective agreements registered as ‘non-denounced agreement’ and ‘denounced agreement’ at the moment of the search (26/04/2019).
- The search only included the text classified as ‘collective agreements’.
- The text of the collective agreements should keep at least one of the following keywords: ‘sostenibilidad’ (sustainability); ‘sostenible’ (sustainable); ‘medioambiente’ (environment); ‘medio ambiente’ (environment); ‘ecología’ (ecology).
- The functional scope of agreement: As was said before, the database of REGCON is subdivided into several functional scopes accordingly to the legitimacy of the parties who negotiate the collective agreement. In order to compose the sample of collective agreements signed at the company level, the search of collective agreements took into account four functional scopes: the collective agreements whose application is focused on just one group of workers within the company (they are called ‘strip agreements’ or ‘convenios franja’), collective agreements comprising one or more centres of a company (but not all); collective agreements covering the unique centre of the

company or all the centres of the company, and collective agreements applicable to a business group.

The search according to these parameters gave, as a result, a preliminary sample composed of 897 collective agreements. There were seven collective agreements that included all four keywords, 19 collective agreements that included three keywords and 133 collective agreements that included one keyword (mainly ‘medio ambiente’).

In order to simplify the sample and to effectively focus on those collective agreements which likely contain ‘green clauses’, the collective agreements selected to compose the definite sample were those containing four and three keywords; thus the definite sample is composed of 26 collective agreements signed at the company level.

The content of the collective agreements was analysed and it allowed excluding four collective agreements as long as there were not detected green clauses, then 23 collective agreements remain at the definite sample of the study.

### *b) Definite sample*

The definite sample was analysed twofold:

#### *Statistic study of the sample*

Collective agreements were processed using the same information as the analysis of sectoral collective agreements:

- Year of the signature of the agreement.
- Labour authority: This corresponds with the labour administration with competence in the territory affected by the functional scope.
- Economic sector: Collective agreements signed at company level affect one economic sector. This reflects the economic activity reported in the REGCON database according to the National Statistical Classification of Economic Activities.
- Geographic scope: This includes three levels: ‘province level’, ‘autonomous community level’ and ‘inter-autonomous community level’. The scope corresponds to ‘autonomous community level’ when it affects several or all provinces of an autonomous community. The scope is ‘inter-autonomous

community level' when it affects several provinces of different autonomous communities.

- Functional scope: This refers to the establishments/enterprises that collective agreements cover.
- Duration: This differentiates between collective agreements whose duration is per one year or whether it lasts for more than one year.
- The number of workers affected: This distinguishes between men and women.
- 'Environmental clauses': The REGCON database allows social partners to inform whether the collective agreement includes environmental issues, without specifying the type of content. It is only accessible through the analysis of the text of the collective agreement.

It is important to note that those Excel files only reflect what social partners include electronically when they register the collective agreement. Those Excel files were processed through a spreadsheet in order to obtain the statistic information.

#### *Analytical study of the sample*

In order to follow the same method of analysis, the content of collective agreements at company level has been analysed and classified according to the same topics used with the analysis of collective agreements signed at sector level:

- Principles and objectives to be accomplished by the firms as economic actors (i.e. reduction of CO<sub>2</sub> emissions).
- General commitments of the parties (i.e. sensitivity to & responsible use of natural resources).
- Environmental duties imposed on the enterprises as the employer (i.e. training).
- Clauses linking 'green content' with occupational health regulations.
- Representative bodies (green representatives with competencies and functions).
- Clauses of enforcement (i.e. monitoring).

Others.

## 2. Literature review

### 2.1. The interdisciplinary dialogue

The acknowledgement of environmental and labour issues shows that ecological problems need to be addressed in the world of work, and indicates the importance of the interdisciplinary dialogue in these matters<sup>1</sup>. In the field of labour law, there are some contributions that underline that there is a necessary connection between green governance and decent work, maintaining that such an integrated approach turns the drive towards environmental sustainability into a significant avenue for development, with more and better jobs, social inclusion and poverty reduction. This approach is referred to as the concept of green jobs and decent work provided by the International Labour Organization in the frame of an emerging concern for the social and environmental dimensions of the corporate social responsibility and sustainability<sup>2</sup>.

Moreover, the competitive logic of capitalism is identified by the labour doctrine as the main rationale behind the wrong dichotomy between work and environment, which are both intended as mere production factors ending up involved in a dangerous competition against each other<sup>3</sup>. From a more inclusive approach, there are also studies that found the connections between green governance and co-operatives and the social economy. On the other hand, to achieve participatory and sustainable urban planning, the most appropriate legal status takes the form of social economy entity. This approach proposes ecologically sustainable social organization and argues for the need for ecological communities based upon diversity and non-hierarchical social institutions—e.g. in

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<sup>1</sup> F. PÉREZ AMORÓS, *Derecho del trabajo y medio ambiente: unas notas introductorias*, in *Revista Técnico Laboral*, 2010, n. 124, 173-200.

<sup>2</sup> H. ÁLVAREZ CUESTA, *Empleos verdes: una aproximación desde el Derecho del Trabajo*, Bomarzo, 2016.

<sup>3</sup> J. ESCRIBANO GUTIÉRREZ, *Lavoro e ambiente: le prospettive giuslavoristiche*, in *Diritto delle Relazioni Industriali*, 2016, n. 3, 679-704.

Catalonia or in the Basque region of Spain, for example, taking the experience of Mondragon co-operatives as a case study<sup>4</sup>.

## 2.2. Approach to the theme of green jobs

The analysis of Spanish literature on environmental-labour aspects and industrial relations institutions shows a prevalence of books and scientific articles concerned with the design of the employment policies in the green sector. Nowadays, there is an intense debate in Spain regarding the limitations of the Spanish economic model and the need for a change that can contribute to protecting the environment<sup>5</sup>. The scientific debate is mainly focused on the intersection between two essential elements (employment rates and environmental sustainability). Most of the existing literature builds on the assumption that an increase in green jobs flows from the positive relationship between environmental policies and the increase in employment rates—in Spain, new jobs will be created, some occupations will disappear and others may be replaced, but the balance seems to conclude in favour of a slightly positive assessment<sup>6</sup>.

The responses of the Spanish doctrine provide the context for a new productive model<sup>7</sup> that is expected to generate new jobs (green jobs) and make useful contributions to sustainable rural development<sup>8</sup>. From this, the centrality of employment policies tries to show the purpose of generating new sources of employment in a context of economic crisis. The great majority of the studies analyse the opportunities in sectors traditionally associated with an environmental content, such as renewable energies or recycling, and other activities that

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<sup>4</sup> H. ÁLVAREZ CUESTA, *Formas jurídicas de economía social en el nuevo urbanismo*, in *Revista Jurídica de Castilla y León*, 2016, n. 39, 1-44; C. CHACARTEGUI JAVEGA, *Workers Participation and Green Governance*, in *Comparative Labour Law and Policy Journal*, n. 40, forthcoming.

<sup>5</sup> M.P. RIVAS VALLEJO, *La protección del medio ambiente en el marco de las relaciones laborales*, in *Tribuna Social*, 1999, n. 103, 9-27.

<sup>6</sup> M. RODRÍGUEZ-PIÑERO Y BRAVO FERRER, *Medio ambiente y relaciones de trabajo*, in *Temas Laborales*, 1999, n. 50, 7-18.

<sup>7</sup> M.A. GARCÍA-MUÑOZ ALHAMBRA, *Derecho del trabajo y ecología: repensar el trabajo para un cambio de modelo productivo y de civilización que tenga en cuenta la dimensión medioambiental*, in L. MORA CABELLO DE ALBA, J. ESCRIBANO GUTIÉRREZ (eds.) *La ecología del trabajo: el trabajo que sostiene la vida*, Bomarzo, 2015, 39-54.

<sup>8</sup> H. ÁLVAREZ CUESTA, *Empleos verdes: una aproximación desde el Derecho del Trabajo*, cit.

represent emerging sectors, such as sustainable mobility or tourism<sup>9</sup>, and activities in ‘traditional sectors’ with potential for conversion, such as production of cement, steel or paper<sup>10</sup>. Despite such job creation potential, some authors have also underlined the concern about the hegemony of the economic approach to this matter. In this sense, the difference between ‘sustainable progress’ and ‘sustainable development’ has been stressed—the latter being less appropriate to the sustainable goals of United Nations, because its connections to the economic growth are responsible for the environment degradation<sup>11</sup>.

In the field of public procurement, the main conclusion is that the difficulties may arise because of the predominant economic focus of public procurement, as well as because of corporate and institutional reluctance. Nevertheless, the latest public procurement legislation reforms open paths, however slight, to pursue policy objectives like equal treatment, labour protection and promotion of sustainable green growth<sup>12</sup>.

### 2.3. The connections between environmental aspects and occupational health

This approach underlines a transversal point of contact between two elements: the environmental aspects and occupational health and safety at the workplace. The protective nature of both fields is a shared objective<sup>13</sup>. In this sense, the Spanish authors have followed the doctrine of the Judgement of the Spanish Constitutional Court No 64/1982 on 4 November that has focused on the need to take into account the harmonization of both perspectives because both of them are contributing to the goals of article 40.2 of the Spanish Constitution (the right to

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<sup>9</sup> I. GONZÁLEZ RÍOS, *Turismo sostenible: implantación de energías renovables y eficiencia energética*, in *Revista Andaluza de Derecho del Turismo*, 2010, n. 3, 45-66.

<sup>10</sup> ILO, *Green jobs for Sustainable Development. A case study of Spain*, Paralelo Edición, Madrid, 2012. Available at [https://www.ilo.org/global/topics/green-jobs/publications/WCMS\\_186715/lang--en/index.htm](https://www.ilo.org/global/topics/green-jobs/publications/WCMS_186715/lang--en/index.htm).

<sup>11</sup> D. JIMÉNEZ BELTRÁN, *Progreso sostenible, medio ambiente y cambio climático. La sostenibilidad como vector de cambio*, in *Gaceta Sindical*, 2017, n. 28, 413-428.

<sup>12</sup> I. DIZ OTERO AND A. NOGUEIRA LÓPEZ, *Las cláusulas sociales en la contratación pública*, in *Revista Española de Sociología*, 2017, vol. 26, n. 3, 77-95.

<sup>13</sup> J. JORDANO FRAGA, *La protección del derecho a un medio ambiente adecuado*, Ediciones Bosch, 1995.

health and safety at work) and article 45 (the right to a healthy environment)<sup>14</sup>. According to the Spanish Workers Statute and the regulations on prevention at the workplace, every worker has the right to working conditions that respect his or her health, safety and dignity. The transition to a green economy has the potential to reduce many aspects of workers' exposure to workplace hazards and pollution risks<sup>15</sup>. In the context of green governance, the doctrine has analysed the possibilities of the *ius resistentiae* in the case of orders that involve a risk against the health and security of workers<sup>16</sup>. The study maintains the connections between the internal environment (in the company) and the external one, especially in relation to the principle of precaution.

Thus, in the context of the intersectional analysis of the Law 31/1995 of 8 November on Occupational Risks and the Law 26/2007 of 23 October on Environmental Responsibility, it is possible to find common points that could justify a holistic treatment. This approach is coherent with the objectives of the Directive 89/391/EEC, of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, in order to protect any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health (Article 13.2.d). Moreover, the literature stresses the urgency to align the legislation on health and safety at workplace with the norms focused on environmental protection. Taking into account these synergies, workers' involvement is promoted in order to overcome the erroneous perception of work and environment as conflicting realities<sup>17</sup>.

In the field of workers' participation, the collective agreement for the sustainable use of resources, the protection of the environment, the health of people and the

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<sup>14</sup> M.J. RODRÍGUEZ RAMOS, M.J., *Salud laboral versus medio ambiente: por una política de prevención de riesgos laborales también en el medio externo*, in *Aranzadi Social*, 2002, n. 22, 1191-1214; P. RIVAS VALLEJO, *El tratamiento del ambiente natural en el marco de las relaciones laborales*, in J.F. ALENZA GARCÍA (ed.), *Ambiente natural, empresa y relaciones laborales*, Aranzadi, 2009, 597-690.

<sup>15</sup> J.L. MONEREO PÉREZ, *Medio ambiente de trabajo y protección de la salud: hacia una organización integral de las políticas públicas de prevención de riesgos laborales y calidad ambiental*, in *Relaciones Laborales*, 2009, n. 100, 481-538.

<sup>16</sup> J. ESCRIBANO GUTIÉRREZ, *Derechos de los trabajadores ante las órdenes empresariales medioambientalmente injustas*, in *Revista de Derecho Social*, 2017, n. 78, 43-72.

<sup>17</sup> J. ESCRIBANO GUTIÉRREZ, *Lavoro e ambiente: le prospettive giuslavoristiche*, in *Diritto delle Relazioni Industriali*, 2016, n. 3, 679-704.

improvement of the competitiveness of the Spanish cement sector has been analysed. The pact fights against climate change and seeks social sustainability through the creation of a delegate for the environment and the review of the consequences of this strategy on the health and safety of workers, thus uniting the environment and preventing risks<sup>18</sup>.

#### **2.4. Environmental aspects and occupational health from a gendered perspective**

In the Spanish context, it is possible to detect a gender gap in environmental attitudes involving very different environmental risks and occupational hazards. For instance, the growing influence of environmental pollution on women's health has been studied in the frame of Spanish labour relations. According to the eco-feminist perspective, there is a need for research in this area that is based in the evidences of a differential mobility between women and men. Women's bodies can act as chemical bio-accumulators and suffer consequences such as changes in reproductive health and the appearance of new illnesses such as fibromyalgia, multiple-chemical sensitivity, chronic fatigue syndrome and an increase in breast cancer. Many toxic insecticides, solvents and heavy metals can accumulate particularly in women's bodies due to their higher concentration of fat cells<sup>19</sup>. Thus, despite of the traditional invisibility of women in this area, there are some optimistic perspectives of future based on an interdisciplinary dialogue between gender, occupational rights at the workplace and ecology issues<sup>20</sup>.

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<sup>18</sup> H. ÁLVAREZ CUESTA, *La sostenibilidad ambiental y social en el sector cementero. Comentario al III acuerdo para el uso sostenible de los recursos, la protección del medio ambiente, la salud de las personas y la mejora de la competitividad del sector cementero español*, in *Revista General de Derecho del Trabajo y la Seguridad Social*, 2018, n. 48.

<sup>19</sup> C. VALLS-LLOBET, *Contaminación ambiental y salud de las mujeres*, Investigaciones Feministas, 2010, n. 1. From the same author, see *Sesgos de género en medio ambiente y salud*, in A. HELDA PULEO GARCÍA (ed.), *Ecología y género en diálogo interdisciplinar*, Plaza y Valdés Ediciones, 2015, 21-36.

<sup>20</sup> L. MORA CABELLO DE ALBA, J. ESCRIBANO GUTIÉRREZ (eds.), *op. cit.*; C. CHACARTEGUI JÁVEGA, *Ecofeminismo y corresponsabilidad: una mirada desde Cataluña*, in *Derechos@género*, 2019, 247-271.

## 2.5. Collective bargaining and environmental sustainability in Spain

Even though environmental issues have been recently included in the agenda of public authorities and workers' representatives, the commitments made therein have been scarcely effective<sup>21</sup>. Workers' involvement must be promoted in order to overcome the erroneous perception of work and environment as conflicting realities. According to the Spanish doctrine, reaching a consensus on preventing climate change requires the support of social partners. Thus, social partners can be key players in influencing climate change and environment-related policy-making, and in supporting more sustainable production processes<sup>22</sup>. It has been underlined that there is a good legal framework for the right to information and consultation of employees in undertakings and establishments also regarding the employment impact of environmental policies. At national, regional and local levels, Spanish trade unions and employers' organizations are increasingly taking part as current members at the round tables on implementation of the Kyoto Protocol and at advisory organs such as the National Climate Council<sup>23</sup>.

It is a fact that Spanish social partners are trying to include green clauses in collective bargaining; overall since the Law n. 2/2011 of March 4, 2011 on Sustainable Economy, came into force, this has been path that has culminated in the Spanish strategy on companies' corporate social responsibility practices (2014-2020)<sup>24</sup>. A key aspect of this strategy on sustainability is to reduce the environmental impact by all types of organizations (public and private) by promoting actions pursuing sustainability, energy efficiency, control in the consumption of natural resources and minimization of greenhouse emissions. In this sense, some studies have stressed that the analysis of collective bargaining in Spain shows the idea that there is a need for a sectoral strategy that is developed

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<sup>21</sup> J. ESCRIBANO GUTIÉRREZ, *Lavoro e ambiente: le prospettive giuslavoristiche*, in *Diritto delle Relazioni Industriali*, 2016, n. 3, 679-704.

<sup>22</sup> S. CANALDA CRIADO, *The ILO labour standards and the governance of global production networks: the social sustainability's approach*, Paper presented at the Labour Law Research Network 4<sup>th</sup> Conference, held at Pontificia Universidad Católica de Valparaíso (PUCV), June 23-25, 2019; L. RUSTICO, F. SPEROTTI, *Working conditions in 'green jobs': Women in the renewable energy sector*, in *International Journal of Labour Research*, 2012, vol. 4, n. 2, 209-229.

<sup>23</sup> R. SASTRE IBARRECHE, *Empleo y desarrollo del Protocolo de Kyoto: los derechos de implicación de los trabajadores*, in *Revista General de Derecho del Trabajo y de la Seguridad Social*, 2009, n. 9.

<sup>24</sup> C. REVERTE, *The new Spanish corporate social responsibility strategy 2014-2020: a crucial step forward with new challenges ahead*, in *Journal of Cleaner Production*, 2015, n. 91, 327-336.

in concert with the social partners as well as public authorities, in order to maintain employment and promote training and skills in the field of sustainability. When unions and employers' associations are negotiating to improve working conditions, it could happen that at the same time they were helping to adopt a greener strategy—e.g. mobility and alternative means of transport<sup>25</sup>. Drawing the conclusions of the study of the agreements in some relevant sectors, like the cement or steel industry, employers' associations and unions are welcoming constructive permanent dialogue with the social partners from a multilevel perspective (European, national and local), in order to rebalance the three essential pillars of energy policy: sustainability, security of supply and competitiveness<sup>26</sup>.

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<sup>25</sup> J.F. ALENZA GARCÍA, G.L. BARRIOS BAUDOR, C. SAN MARTÍN MAZZUCCONI, *La negociación colectiva como fuente del Derecho ambiental*, in *Revista Aranzadi de Derecho Ambiental*, 2003, n. 3, 17-32; G.L. BARRIOS BAUDOR, *La negociación colectiva como instrumento de protección y educación ambiental*, in J.F. ALENZA GARCÍA (ed.), *Ambiente natural, empresa y relaciones laborales*, Aranzadi, 2009, 691-821.

<sup>26</sup> C. CHACARTEGUI JAVEGA, *Negociación colectiva y sostenibilidad medioambiental. Un compromiso social y ecológico*, Bomarzo, 2018.

### 3. Institutional characteristics of collective bargaining in Spain

The right to collective bargaining is recognized in Title I, Chapter II, Section 2 of the Spanish Constitution, which is entitled the Rights and Duties of Citizens. Article 37 of the Spanish Constitution represents a constitutional framework that requires further regulation to give substance to the law. In this sense, the right to collective bargaining was initially developed by Law 8/1980 dated 10 March 1980 in the Workers' Statute<sup>27</sup>, particularly in Title III, now Royal Decree 2/2015, of 23 October 2015<sup>28</sup>. The signatory parties that are entitled to sign the collective agreements are the trade unions and the work councils.

Collective bargaining is inserted in changing dynamics of collective action<sup>29</sup>. There are three direct consequences of the location of this right in this Section 2 of the Spanish Constitution: a) the right to collective bargaining obliges the public authorities; b) the regulation of the right to collective bargaining corresponds to the law (articles 37.1 and 53.1 of the Spanish Constitution) and c) if a legal provision violates the essential content of this right, it could be declared unconstitutional pursuant to art. 61(a). Despite the fact that collective bargaining is not recognized as a fundamental right, the Spanish Constitutional Court has said that it is 'essential content' of the right to freedom of association and the right to form trade unions<sup>30</sup>. Thus, in cases in which the exercise of the right to collective bargaining could violate the fundamental rights of the trade unions, the direct consequence is that the right to collective bargaining could receive protection equivalent to that provided for a fundamental right.

Article 82(1) of the Workers' Statute defines collective agreements as the result of the bargaining performed by the employee's and employers' representatives which constitutes the expression of an agreement freely adopted by them by virtue of their collective autonomy.

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<sup>27</sup> Official Journal of 14 of March 1980.

<sup>28</sup> Official Journal of 24 of October 2015.

<sup>29</sup> J. LÓPEZ LÓPEZ, *Collective Bargaining and Collective Action. Labour Agency and Governance in the 21<sup>st</sup> Century?*, Hart Publishing, 2019.

<sup>30</sup> Judgement of the Spanish Constitutional Court No 73/1984, of 27 of June [Official Journal of 11 of July 1984].

The Spanish labour regulations have a dual-channel system of representation in which works councils (*comités de empresa* and *delegados de personal*) and trade unions coexist. Work councils—as unitary representatives—are featured by the elective nature of their members, so they are chosen by all of the workers of the company and could serve as bargaining agents with consultative and informative functions as well.

Collective agreements in Spain can be negotiated at the firm level or at the sector level. Regarding collective bargaining at the firm level, article 87(2) of the Workers' Statute establishes that not only unions but also work councils, which are compulsory in undertakings with more than 50 workers, and workforce delegates, which are compulsory in undertakings with 11 to 49 workers, can be signatory parties. Moreover, according to article 87(2) of the Workers' Statute, unions can be signatories to collective agreements signed at the national, regional or local level whose scope is wider than one firm.

Unions are able to negotiate sectoral collective agreements when they meet the requirements of 'initial legitimacy' (*legitimación inicial*) and 'plain legitimacy' (*legitimación plena*). In relation to initial legitimacy, the requirements for representativeness are provided in Law 11/1985 of 2 August 1985 on Trade Unions and Freedom of Association<sup>31</sup>. The system is based on the election results in the workers' councils, not on the level of unionization. In the Spanish legal system, the representativeness of trade unions is determined by the number or percentage of workers' representatives they have obtained in past elections conducted at workplaces as follows: a) the most representative unions at the national level, which are those which comprise at least 10% of all the employee representatives elected in Spanish undertakings; b) the most representative unions in a regional autonomous community, which are those which have at least 15% of all the employee representatives elected in an autonomous community's undertakings and numbering at least 1,500; or c) representative unions within the territorial and functional scope of the collective agreement, which are those which have accrued at least 10% of the worker representatives elected in the undertakings within the concerned scope.

Regarding their plain legitimacy, article 88 establishes the creation of an *ad hoc* 'bargaining commission' for negotiations. This provision states that the

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<sup>31</sup> Spanish Official Journal of 8 of August 1985.

commission must be composed of unions that have an absolute majority—in which the total number of votes is over 50%—of the members in the elections for workers’ representatives, and on the other hand, of the employers hiring the majority of the workers affected by the collective agreement within the territorial and sectoral scope of the agreement.

Under the Spanish Constitution, valid collective agreements (regardless of their nature) are legally binding (article 37.1 Spanish Constitution). In relation to their nature and personal effects, we can distinguish between two different categories:

a) Statutory agreements (‘*convenios colectivos estatutarios*’). These are concluded according to the rules set by Title III of the Workers’ Statute regarding the parties’ representativeness, the bargaining procedure, the written form and the registration and publication established by this regulation. The bargaining commission shall, in any case, require the favourable vote of the majority of each representative delegation, i.e. the workers’ and employers’ representatives. They have an *erga omnes* effect pursuant to article 82(3) of the Workers’ Statute and constitute a source of law according to article 3.1.b) of the Workers’ Statute.

b) Non-statutory collective agreements (‘*convenios colectivos extraestatutarios*’) do not have an *erga omnes* effect. If agreements do not comply with the rules set by Title III of the Workers’ Statute, they are ‘*extraestatutarios*’. Their effects are limited to the signatory parties and their members. In relation to their nature, there are different positions in Spanish jurisprudence. Whereas the Constitutional Court maintains their normative nature and views them as constituting a source of law<sup>32</sup>, the Spanish Supreme Court (Tribunal Supremo) has held that they are contractual in nature<sup>33</sup>. Due to their limited efficacy, they are used to contribute to the resolution of specific issues arising at the firm level.

The legal effects of the collective agreement are generally applicable for the period for which the agreement has been concluded according to article 82(3) of the Workers’ Statute. In addition, article 86 states that the conditions of a collective agreement have a certain effect that extends beyond the end of the agreement period. Moreover, the Workers’ Statute distinguishes between ‘regulatory clauses’ (*cláusulas normativas*) and ‘obligation clauses’ (*cláusulas obligacionales*).

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<sup>32</sup> Judgement of the Spanish Constitutional Court 58/1985, of April 29.

<sup>33</sup> Judgement of the Spanish Supreme Court of January 25, 1999; Judgement of October 15, 1994; Judgement of December 14, 1996, and Judgement of April 29, 2008.

According to article 85(3) of the Workers' Statute, at a minimum, the following must be incorporated in a collective bargaining agreement: the determinations of the parties that are agreeing to it; the personal, functional, territorial and temporal scope of the agreement and its validity; the conditions and procedures for the non-application of the salary regime established (opt-out clauses) with respect to the firms included within the scope of the agreement where this is superior to the firm level, according to the procedure established in article 82(3); the conditions, procedure and period of notice for the repudiation of the agreement; the designation of a joint committee—with a parity of employers' and workers' organizations in its composition—to address any questions referred to them, and the determination of the procedures to settle disputes within it.

As we can see, the environmental clauses do not form a part of the minimum compulsory contents of the Spanish collective agreements' legislation, so the inclusion and their binding force depend on the voluntarism of the social bargaining agents. Thus, the definition of the rights and obligations around the green matters will be negotiated ad hoc by the social stakeholders in each company or sector.

Although environmental and labour rights have not much interacted in the Spanish collective bargaining context, in the last decade both fields are overlapping and influencing one another, bringing social rights into the climate change debates. This insertion is highly influenced by the Law 2/2011, of 4 March, on Sustainable Economy, that came into force the 6 March 2011. From an analytical perspective on the green successful strategies, there is a need to focus attention on the good practices in the sectoral level. Moreover, we can observe different initiatives by the Spanish social partners in the field of green issues. The number of examples of sectoral agreements has expanded, and the results have increased slowly but unsteadily, especially during the last ten years, to an overall total of more than 117 collective agreements. In quantitative terms, the strategic relevance of the overall number of sectoral instruments should not be underestimated.

Apart from the Spanish tripartite social dialogue, where parties agreed upon environmental issues at least in 13 tripartite agreements signed at the autonomous community level, there are different mechanisms of coordination through interprofessional agreements (bipartite social dialogue) based on the article 83.2 of the Spanish Statute of Workers. According to Article 83(2) of the Spanish

Statute of Workers, ‘the most representative trade union organizations and employers’ associations, of a state or autonomous community level, may establish, through interprofessional agreements, clauses on the structure of collective bargaining, establishing, where appropriate, the rules that must solve the conflicts of concurrence between agreements of different level’. Three bipartite social dialogue agreements include specific referents to sustainability. For example, the Interprofessional Agreement of Catalonia establishes guidelines, recommendations, criteria, and develops matters such as the structure of collective bargaining in Catalonia, in which the social parties are concerned with safeguarding the competitiveness of the different sectors, as well as the full exploitation of the raw materials on a sustainable basis.

The environmental transitions’ clauses associated with the economic targets are a common issue that is especially included at the level of the interprofessional agreements. For example, the signatory parties will defend a stable legislative framework adapted to the territorial reality of Catalonia, in order to make possible the continuity of existing activities and future industrial development in the best possible environmental conditions from the technical and economic field.

In chapter XIV (Environment), the Catalan Interprofessional Agreement from 2018 to 2020 states that ‘it is recognized that good practices in environmental management have advantages that can positively reverse the results of companies, working conditions and valuation by public administrations and society as a whole. In this regard, a clear distinction is required between mandatory legal frameworks, agreements derived from collective bargaining and voluntary actions’ (Chapter XIV, point 5). The Catalan agreement also states the need to include in the collective bargaining the provisions for sustainable mobility in the workplace and teleworking<sup>34</sup>. Thus, the parties that sign this agreement adopt the commitment to analyse the initiatives deemed appropriate in relation to mobility in the workplace, within the framework of the provisions of Law 9/2003, of June 13, on mobility in Catalonia.

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<sup>34</sup> Interprofessional Agreement of Catalonia from 2018 to 2020 (O.J. of the Generalitat de Catalunya 5 November 2018). This agreement involves the continuity of the provisions of the Interprofessional Agreement of Catalonia from 2015 to 2017 (O.J. of the Generalitat de Catalunya 3 May 2016).

And finally, though the Spanish legal system does not provide transnational collective bargaining<sup>35</sup> with legal effects, it is a phenomenon that is increasingly crucial to acknowledge within the international arena where industrial relations take place. Because of this reason, the International Labour Organization is promoting the transnational dialogue between multinational companies (MNC) and international trade unions.<sup>36</sup> Spanish multinational companies have signed these transnational framework agreements (TFA) with workers' international representatives including 'green clauses'. This type of text is relevant not only because it is produced in the context of transnational dialogue between workers and employers but also because the content of these agreements is likely applied through the global supply chain.

Concretely, there are three international frameworks agreements that contain environmental clauses. On one hand, the most significant are those signed by the MNC Telefónica. In 2000, Telefónica and the UNI Global Union signed the 'Código de conducta UNI-TELEFÓNICA', which contains a compromise on acting with respect to the environment. Specifically, the clause says that 'UNI and Telefónica share concerns regarding the impact that Telefónica's activities may have on the environment and undertake to make every effort to ensure due attention in this regard' (self-translation). On the other hand, the agreements between UNI Global Union and Inditex (2009) and between MELIA and IUF (2013) are also significant despite their 'green clause' being less evident. This agreement includes compromises related to occupational health and safety at work and it connects this content with the 155th ILO Convention concerning Occupational Safety and Health and the Working Environment. However, in the Spanish version of the text—opposite to the English version—the mentioned clause also comprises the will of contributing to the sustainability of the environment, although it is not embraced in the ILO Convention. This link between occupational health and safety at work and the environmental issue is consistent in the analysis of national collective agreements. On the other hand, the Spanish version of the agreement between UNI Global Union and Inditex also contains a desire of the signing parties to contribute to sustainable social development.

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<sup>35</sup> See S. CANALDA CRIADO, *Acuerdos marco transnacionales y derechos sociales*, Tirant lo Blanch, 2016.

<sup>36</sup> S. CANALDA CRIADO, *The ILO labour standards and the governance of global production networks: the social sustainability's approach*, cit.

Other TFAs signed by Spanish MNCs embrace some kind of sustainable compromises that are likely linked with environmental sustainability.

The first Inditex TFA signed with International Textile, Garment And Leather Workers' Federation (ITGLWF) in 2007 ('International Framework Agreement on the implementation of international labour standards throughout the Inditex supply chain') included that its corporate social responsibility embraced a commitment 'to apply Principles and Criteria of sustainable and supportive social development to improve the Fundamental Human, including labour and social, Rights and living conditions of the communities with which it deals, especially through its manufacturing activities'.

Moreover, three important MNCs from the building sector have also shown their compromises in relation to a sustainable environment. The MNCs of FCC, Ferrovial, and OHL have signed two TFAs with ICM Global Union and the national trade unions Union General de Trabajadores (UGT) and Comisiones Obreras (CCOO). The signatory parties declare in their respective agreements that the sustainable development of the building industry is of interest to both the companies and the workers. In both agreements it is recognized that respect for workers' rights is a fundamental element in sustainable development, and they both promote and encourage the same recognition and respect among contractors, subcontractors and suppliers.

And finally, despite the joint declaration of the European Works Council (EWC) and the Central Management of Santander Group signed in 2011 (regarding the labour relations framework for the provision of financial services) including references to corporate Social Responsibility and sustainable development, in the end it only refers to the long-term success and sustainability of the MNC.

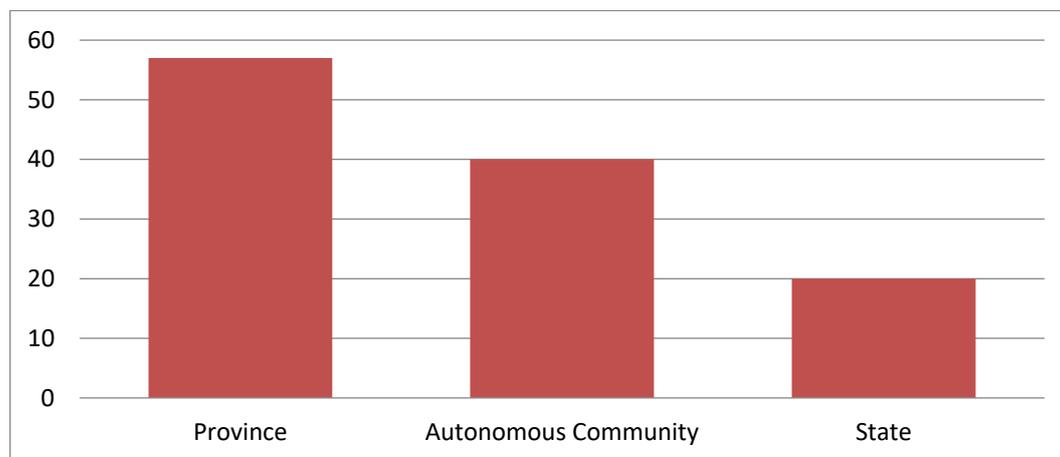
## 4. The analysis of the green clauses at the sector level

### 4.1. Statistical analysis of sectoral collective agreements

#### *Geographical scope*

In the graph, it is possible to see that most of the collective agreements of the sample have the province as their geographical scope. Specifically, these include 57 collective agreements that represent 49% of the total. The rest of the collective agreements that make up the sample are divided between those whose geographical scope is the autonomous community (40 collective agreements, 34% of the sample) and those whose geographical scope is the state (20 collective agreements, 17% of the sample).

**Figure 1** – Collective agreements at sector level by geographic scope

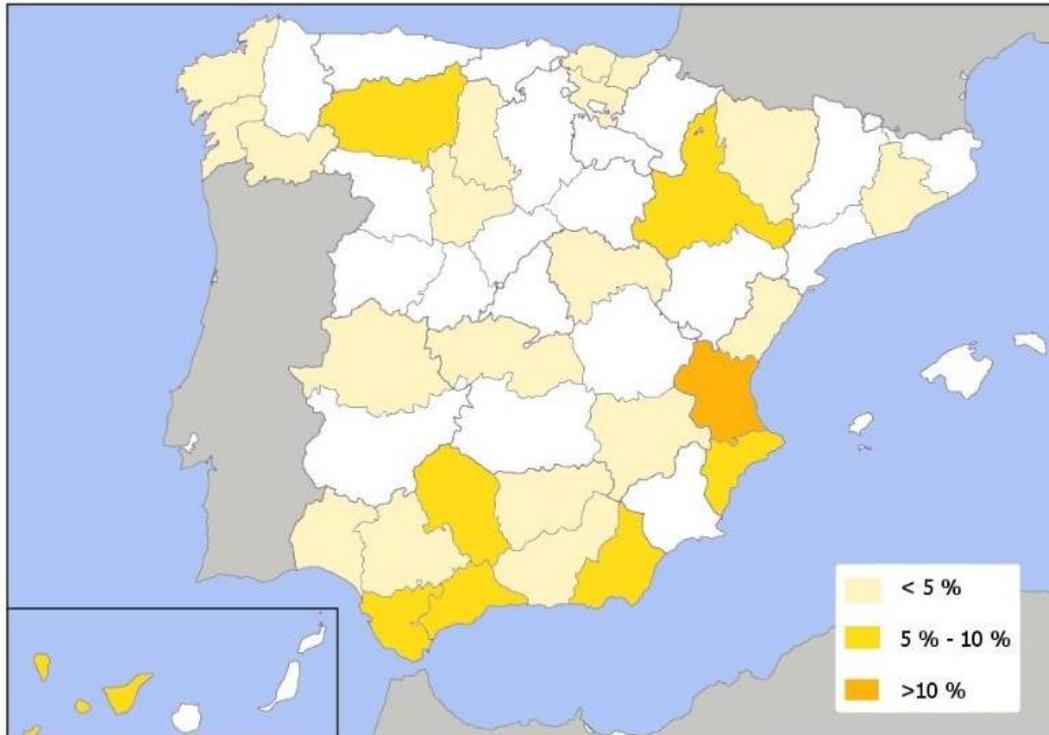


**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Focusing the analysis on collective agreements at the provincial level, the following results are reached (see Table 4 in Annex): first, it can be affirmed that there is a great geographical dispersion of the effects of collective agreements, since these include more than the half of the provinces that exist in Spain (28 of a total of 50 provinces); second, the dispersion is irregular so as the half of them are

affected by a unique collective agreement,<sup>37</sup> and there is a high geographical concentration of collective agreements, as one-third of the collective agreements are in five provinces<sup>38</sup>. The irregular dispersion is graphically represented in Map 1.

**Map 1** – Distribution of collective agreements signed at the provincial level



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

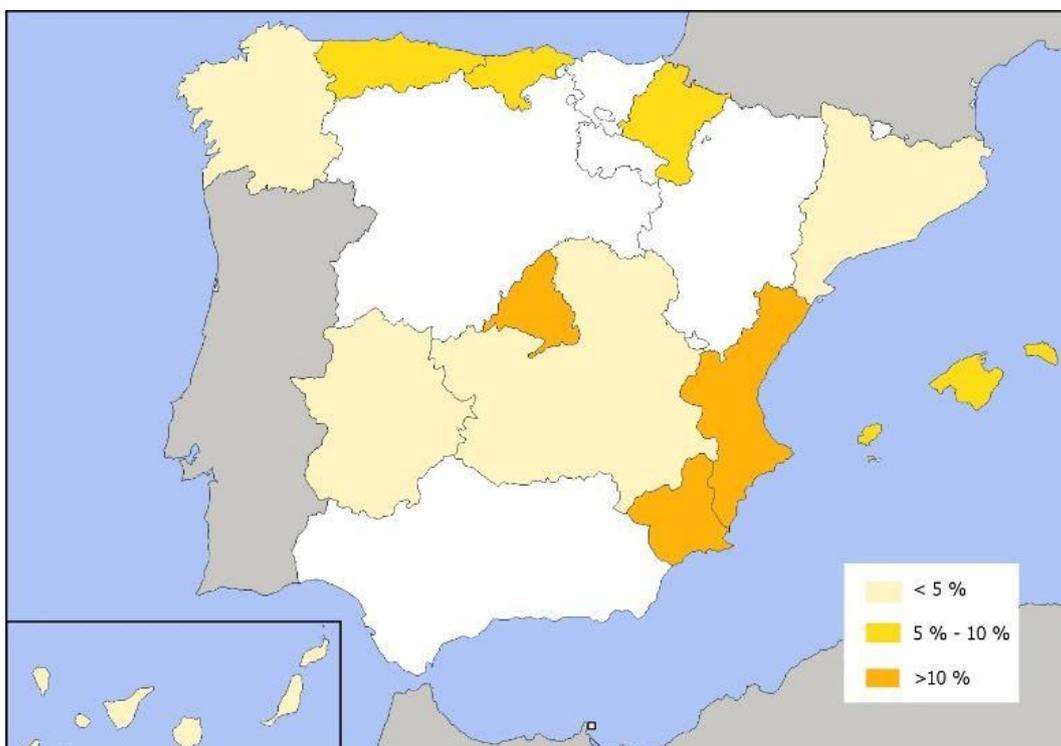
In the case of the distribution of collective agreements according to their geographical scope at the **autonomous community level**, similar results are obtained (see Table 5 in Annex): the collective agreements of the sample affect 12

<sup>37</sup> This is the case for Barcelona, Huelva, Álava, Albacete, Cáceres, Castellón/Castelló, Coruña (A), Huesca, Jaén, Palencia, Pontevedra, Toledo, Valladolid and Vizcaya.

<sup>38</sup> Concretely, Valencia/València is affected by six agreements. Moreover, there are three provinces affected by four agreements respectively (Málaga, León, and Santa Cruz de Tenerife), five provinces are affected by three agreements respectively (Zaragoza, Alicante/Alacant, Almería, Cádiz and Córdoba) and five provinces by two agreements respectively (Sevilla, Granada, Guadalajara, Guipúzcoa and Ourense).

of the 17 existing autonomous communities, in addition to the autonomous city of Melilla. Three autonomous communities accumulate more than half of the collective agreements (Comunitat Valenciana, Madrid and Murcia). Oppositely, five autonomous communities (Canarias, Castilla-La Mancha, Cataluña, Extremadura, and Galicia) and the city of Melilla are affected by only one collective agreement.

**Map 2** – Distribution of collective agreements signed at the autonomous community level (included the autonomous city of Melilla)



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

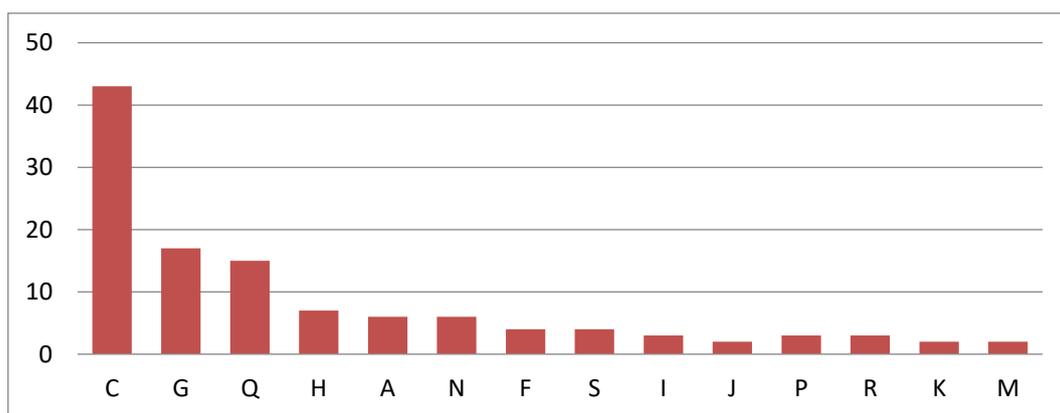
### *The sector of economic activity.*

As was noted in the methodology, collective agreements have been classified using the National Statistical Classification of Economic Activities ('Clasificación Nacional de Actividades Económicas', CNAE), according to the information included in the REGCON database.

Following this classification, the following results are reached: 50% of the agreements in the sample concentrate their effects in two sectors: on the one hand, 43 collective agreements (36.8% of the total sample) act on the sector of the manufacturing industry (letter C); on the other hand, 17 collective agreements (14.5% of the total sample) affect the wholesale and retail trade, repair of motor vehicles and motorcycles sector (letter G).

The rest of the collective agreements affect the following sectors: 15 collective agreements (12.8% of total) include the health and social services activities sector (letter Q); 7 collective agreements (6% of total) comprise the transport and storage sector (letter H); 6 collective agreements (5.1% of total) include the agriculture, forestry and fishing sector (letter A); 6 collective agreements (5.1% of total) affect the administrative activities and auxiliary services sector (N); 4 collective agreements (3.4% of total) include the building sector (letter F); 4 collective agreements (3.4% of total) affect the ‘Other services’ sector (letter S); 3 collective agreements (2.6% of total) include the hostelry sector (letter I); 3 collective agreements (2.6% of total) affect the education sector (letter P); 3 collective agreements (2.6% of total) include the artistic, recreational and training activities (R); 2 collective agreements (1.7% of total) comprise the ‘information and communications’ sector (letter J); 2 collective agreements (1.7% of total) include the financial and insurance activities sector (letter K); and two collective agreements (1.7% of total) affect the professional, scientific and technical activities (letter M).

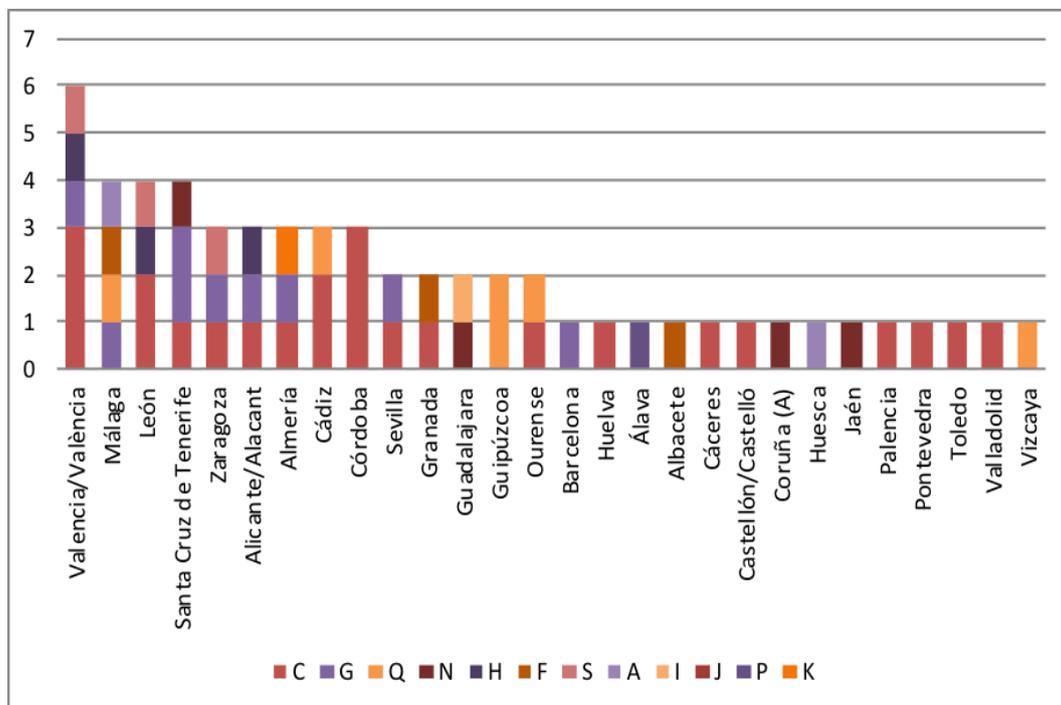
**Figure 2** – Collective agreements at sector level by economic activity



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

If we combine the variables (1) sector of economic activity and (2) province as territorial scope, we find the following results: on the one hand, there is no special concentration of a sector of activity in a province where more than one agreement is applicable, with the exception of Córdoba (where the three applicable collective agreements belong to manufacturing industry, letter C) and Guipúzcoa (where the two applicable agreements correspond to health and social services activities sector, letter Q). On the other hand, at the provincial level, no agreement regulates the R (the artistic, recreational and training activities) and M (professional, scientific and technical activities) sectors.

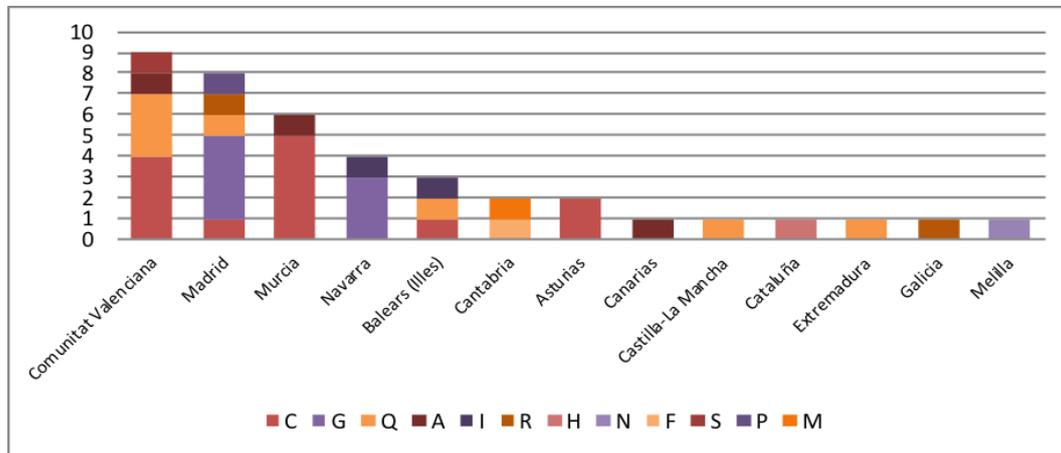
**Figure 3** – Collective agreements at sector level by territorial scope (province) and economic activity



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

If we combine the autonomous community instead of the province as a territorial scope, the results are similar: only in Asturias is there a single sector of economic activity common to the two applicable agreements (sector C). In addition, there is no collective agreement at the autonomous community level that affects the sectors J (information and communications sector) and K (financial and insurance activities sector).

**Figure 4** – Collective agreements at sector level by territorial scope (autonomous community) and economic activity

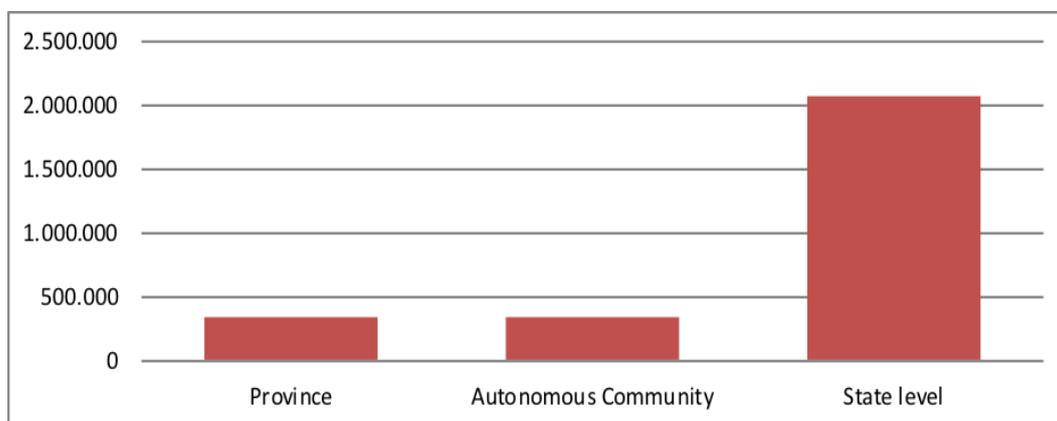


**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

*Personal scope*

The total number of workers affected by the collective agreements that make up the sample is 2,757,335 people. If we segregate the information on the people affected by collective agreements and the territorial scope of application (see Figure 5), the following results are obtained: a total of 2,068,547 people (75% of the total affected people) belong to the scope of collective agreements of scope state. On the other hand, collective agreements whose territorial scope is the autonomous community affect 349,073 people (12.7% of the total number of people affected), while collective agreements at the provincial level affect 339,715 people (12.3% of the total of affected people).

**Figure 5** – People covered by collective agreements at sector level by geographic scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Regarding the distribution of people attending collective agreements whose territorial scope is the province, it can be concluded that the percentage of affectation does not always depend on the population of the province. For example, although Valencia is the province with the most of collective agreements (six collective agreements, affecting 30,530, representing 9% of the total number of people affected by the provincial-level collective agreements), Alicante / Alacant is the province where more people are affected by the collective agreements, although there is less population than in Valencia and there are only three collective agreements studied (affecting 65,792 people, which represent 19%). However, this is not always the case, such as in Barcelona, where there is only one collective agreement, and the number of people affected is 20,000 (6% of the total).

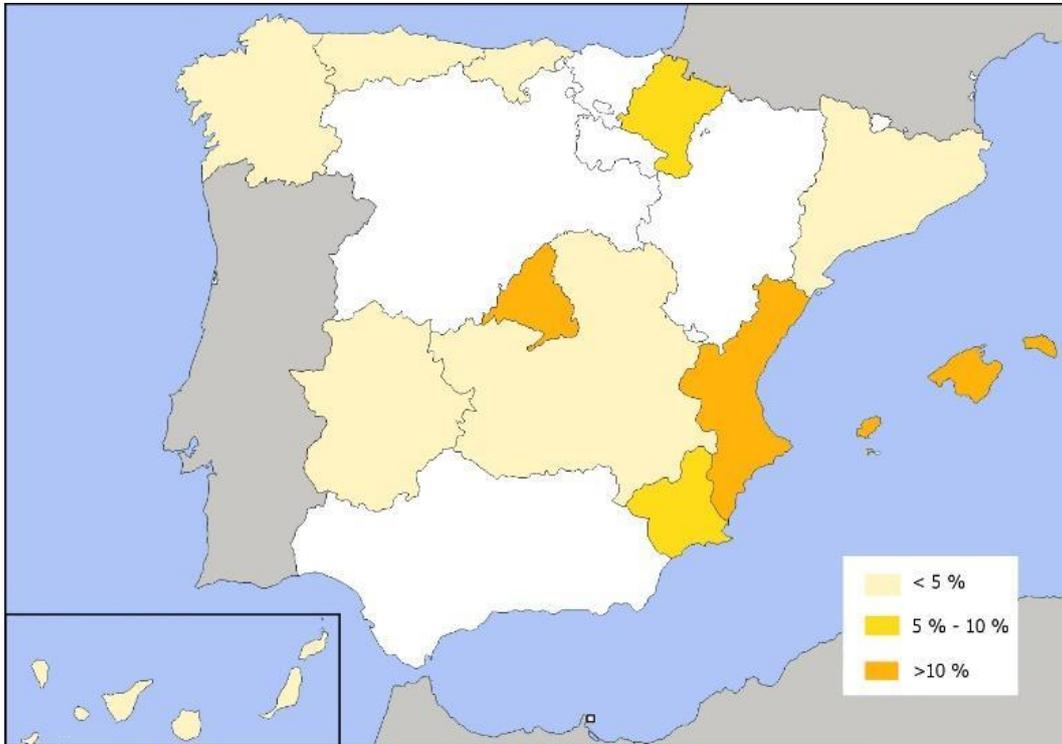
In the following map it is possible to see the distribution of people covered by collective agreements signed at the provincial level, classified in three levels: provinces where the number of people affected is under 5% of total people covered by collective agreements signed at provincial level; provinces where people affected represent between 5-10% of total people covered by collective agreements signed at provincial level; provinces where number of people affected exceeds 10% of total people covered by collective agreements signed at provincial level.

**Map 3** – People covered by collective agreements at sector level by geographical scope (province)

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Focusing on the distribution of people according to the collective agreements at the autonomous community level, we can see similar facts: the three collective agreements signed at the Balears (Illes) affect 100,620 people (28.8% of the total), while the nine collective agreements that include the Comunitat Valenciana affects 87,846 people (representing 25.2% of the total). The map classifies the distribution of people covered by collective agreements at the autonomous community level: autonomous communities where people affected is under 5% of total people covered by collective agreements signed at autonomous community level; autonomous communities where people affected representing between 5-10% of total people covered by collective agreements signed at autonomous community level; and autonomous communities where the number of people affected exceeds 10% of total people covered by collective agreements signed at autonomous community level.

**Map 4** – People covered by collective agreements at sector level by geographical scope (autonomous community)



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

From the point of view of economic activity, important differences can also be detected. Collective agreements that affect companies whose economic activity is the manufacturing industry (C) are the ones that affect the most people; 1,402,857 people are included in their scope of application (51% of the total number of people affected). In the second place are the collective agreements comprising sector Q (health and social services activities sector), which and affect 379,268 people (14% of the total affected people). The rest of the agreements in the sample that include the other sectors of economic activity affect much lower percentages of people, as you can see below.

**Table 1** – People covered by collective agreements at sector level by economic activity

Sector	Total	%
A	125,000	5%
C	1,402,857	51%
F	39,500	1%
G	149,718	5%
H	104,590	4%
I	117,078	4%
J	85,423	3%
K	9,300	0%
M	20,230	1%
N	73,295	3%
P	200,735	7%
Q	379,268	14%
R	35,761	1%
S	14,580	1%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature.

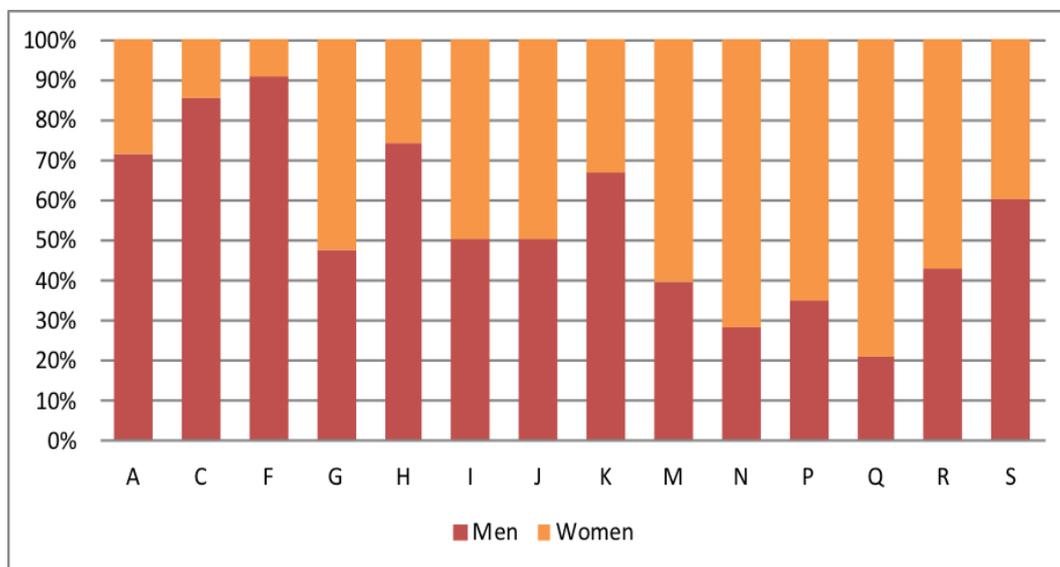
Most collective agreements in the sample segregate this information by sex<sup>39</sup>. Using these data, it can be affirmed that at least 1,623,435 people are men (59% of the total people affected by collective agreements that segregate this information by sex) while 950,251 (34% of the total people affected by collective agreements that segregate this information by sex) are women. It is noteworthy that only one agreement (18000195011981) of those who segregate the

<sup>39</sup> Only seven agreements do not segregate this information by sex.

information by sex informs that all persons included in the scope of the agreement are men (700 people) and no women.

The distribution by sex of the population affected by collective agreements varies depending on the sector of economic activity. Thus, the greatest difference occurs in sector F, where the sample agreements that apply in that sector affect 35,850 men (91% of the total people affected by agreements operating in this sector) and 3,650 women (9%), and in sector C where 1,039,329 men are affected (85% of the total people affected by agreements in sector C) in contrast to 181,609 women (15%). On the opposite side, the sectors where collective agreements operate that affect more women than men are the Q sectors (affecting 299,650 women and 79,618 men, representing 79% and 21% of the total number of people affected in that sector, respectively) and the P sector (where collective agreements cover 130,550 women and 70,185 men, 65% and 35% respectively). Finally, it should be noted that in sectors I and J there is an equal impact on men and women: the agreements applicable in sector J affect 42,433 women (49.7%) and 42,990 men (50.3%), while the agreements applicable in sector I cover 59,089 men (50.5%) and 57,989 women (49.5%).

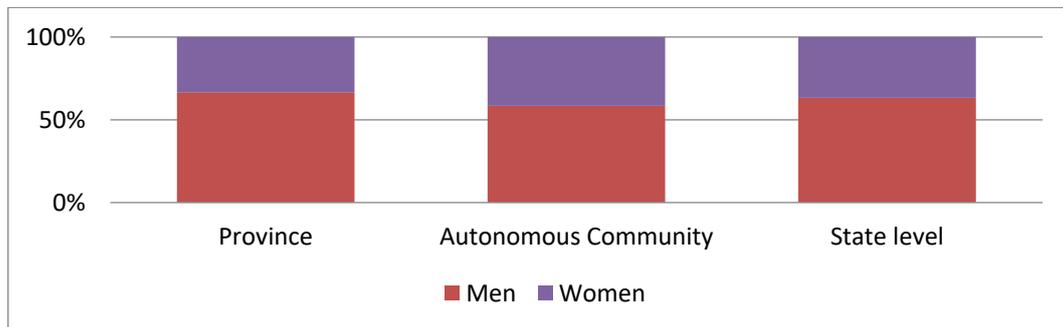
**Figure 6** – People covered by collective agreements at sector level by economic activity and sex



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

From a territorial point of view, the distribution of covered people by sex is balanced in all areas of geographical application. Collective agreements at the provincial level affect 108,094 women (33%) and 217,361 men (67%). Collective agreements signed at the autonomous community level affect 204,008 men (58%) and 145,065 women (42%). Finally, collective agreements at the state level affect 697,092 women (37%) and 1,202,066 men (63%).

**Figure 7** – People covered by collective agreements at sector level by geographical scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

At the provincial level<sup>40</sup>, the distribution of people affected by sex shows great differences (more information in Table 8 in Annex): first, in 20 provinces the number of men affected is greater than the number of women, while in seven provinces the number of women affected exceeds the number of men affected; secondly, the provinces where there are more men covered are Huesca (6,999 workers, 100%), Granada (14,600 workers, 99%) Castellón / Castelló (9,530 workers, 97%), and Albacete (11,500 workers, 96%); Third, the provinces where more women are covered are Vizcaya (1,580 workers, 99%), Valladolid (1,400 workers, 88%) and Pontevedra (280 workers, 80%).

Likewise, in the agreements signed at the autonomous community level (Table 9 in Annex) the same patterns can be observed: in eight autonomous communities the population affected by the agreements in the sample the percentage of men

<sup>40</sup> Because one of the agreements that does not segregate the information of people affected by sex is the only sample agreement applicable in León, this province lacks data regarding men and women covered by the agreement.

exceeds that of women, while it is the other way around in four autonomous communities, where the percentage of women is higher than that of men. The autonomous communities where more men are covered are Asturias (3,100, 91%) and Comunitat Valenciana (73,364 workers, 84%). The autonomous communities where more women are affected are the Canary Islands (7,500 workers, 83%) and Madrid (41,927 workers, 64%). In the autonomous city of Melilla, the number of women covered is significantly higher (1,000 workers, 83%) than the number of men (200, 17%).

### *Companies affected*

According to the data offered by the REGCON, there are 418,285 firms covered by the collective agreements composing the sample.

According to the activity sectors included in the agreements, the vast majority of companies operate in sector C (324,631 companies carry out their activity, which represents 77.61% of the total number of companies affected by the agreements). At the opposite extreme are collective agreements that include companies whose economic activity is carried out in sector J, where 597 firms operate (0.14% of the total).

**Table 2** – Companies covered by collective agreements at sector level by economic activity

	<b>Total</b>	<b>%</b>
C	324,631	77.6%
G	28,456	6.8%
Q	17,958	4.3%
N	14,186	3.4%
F	8,080	1.9%
A	5,180	1.2%
P	3,827	0.9%
R	3,375	0.8%
I	3,250	0.8%
H	2,874	0.7%
K	1,809	0.4%
M	643	0.2%
J	597	0.1%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

The distribution of companies taking into account the geographical scope of collective agreements reproduces the same characteristics that we have seen in the previous section. The largest number of companies are covered by collective agreements signed at the state level since these agreements cover 350,987 companies, which represent 83.9% of the total. Next, the provincial agreements cover 42,377 companies, which represent 10.1% of the total. And finally, collective agreements signed at the autonomous community level cover 6% of the total number of companies, which is 24,921.

**Table 3** – Companies covered by collective agreements at sector level by geographical scope

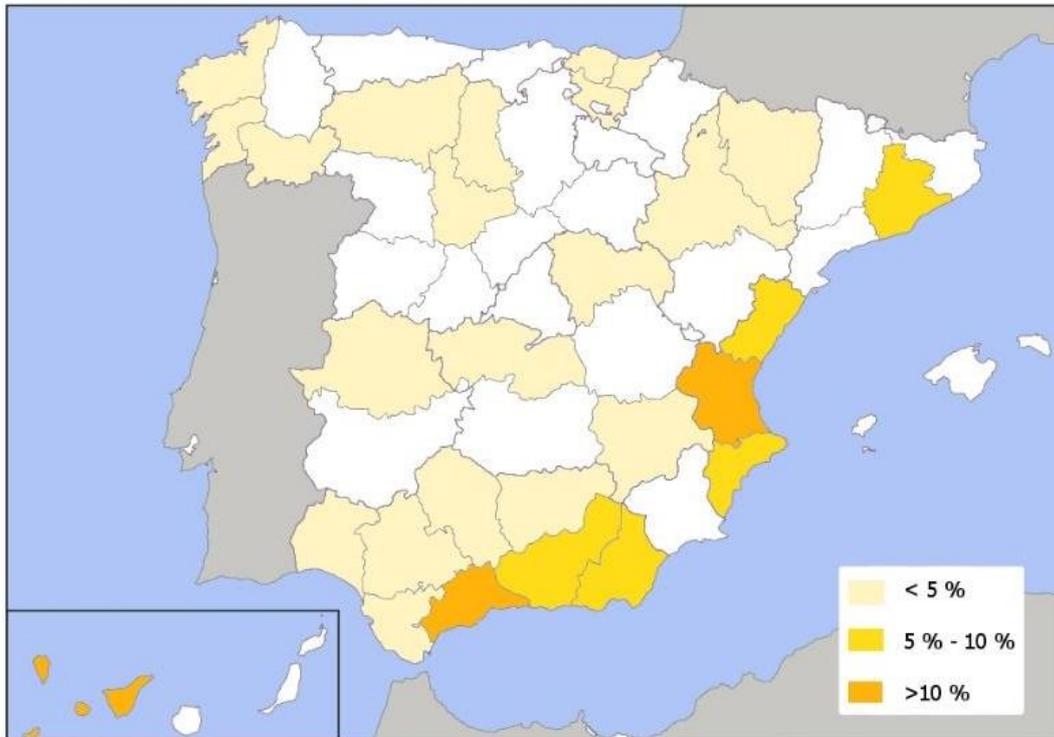
	Total	%
Province	42,377	10.1%
Autonomous Community	24,921	6.0%
State	350,987	83.9%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Taking into account only the collective agreements signed at the provincial level, the distribution of the companies is as follows (see Table 10): more than half of the companies are located in four provinces, which are San Santa Cruz de Tenerife, with 8,920 companies representing 21%, Málaga with 5,000 companies (11.8%), Valencia/Valencia, with 4,899 (11.6%) and Castellón/Castelló, with 4,000 (9.4%). On the other hand, in 15 provinces only 5% of the total number of companies affected is specified: Cádiz, with 485 companies; Ourense, with 459 companies; Guadalajara, 450 companies; Seville, 412 companies; Valladolid, 216 companies; Huesca, 200 companies; Toledo, 80 companies; Guipúzcoa, 45 companies; Huelva, 36 companies; Cáceres, 28 companies; Pontevedra, 18 companies; Palencia, 15 companies; Álava, 13 companies; Vizcaya, 10 companies; and Coruña (A), 2 companies.

The following map represents the distribution of the companies affected by collective agreements signed at the province level.

**Map 5** – Distribution of companies covered by collective agreements at sector level by geographical scope (province)

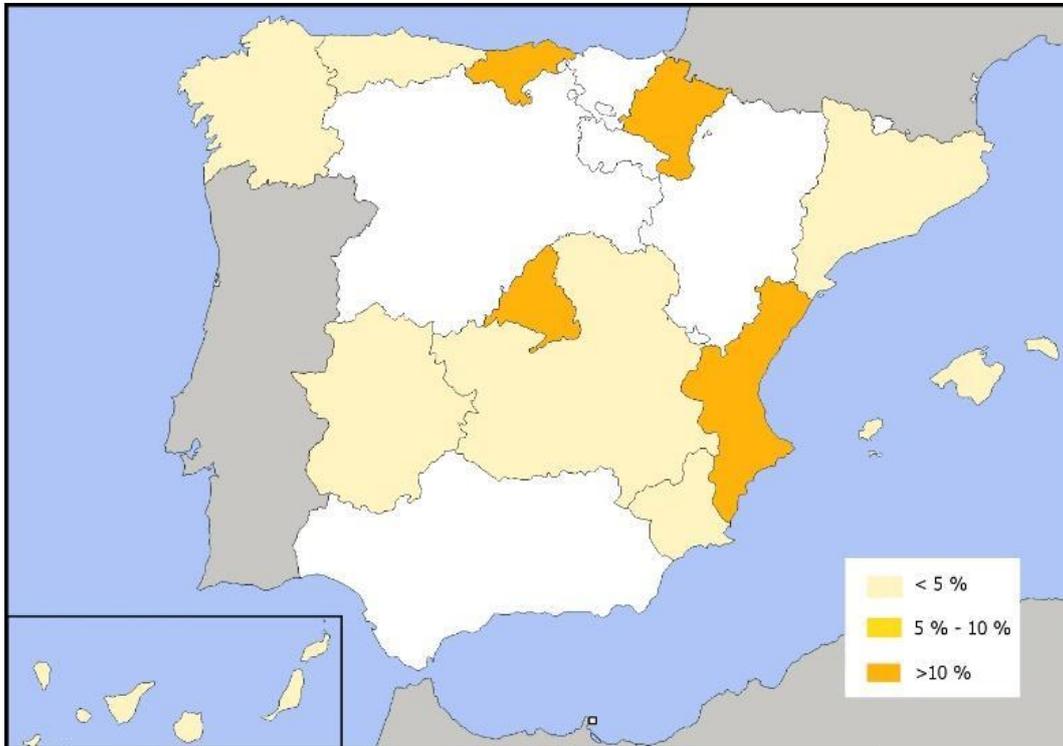


**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

The distribution of companies affected by collective agreements at the autonomous community level also shows a high degree of concentration: in Madrid, there are 11,218 companies representing 45.01% of the total, while in Cantabria there are 4,990 companies, representing 20.02%. In contrast, in the Autonomous Communities of Extremadura and Castilla-La Mancha, only 9 (0.04%) and 4 (0.02%) companies are affected, respectively.

The following map represents the distribution of the companies affected by collective agreements signed at the autonomous community level.

**Map 6** – Distribution of companies covered by collective agreements at sector level by geographical scope (autonomous community)



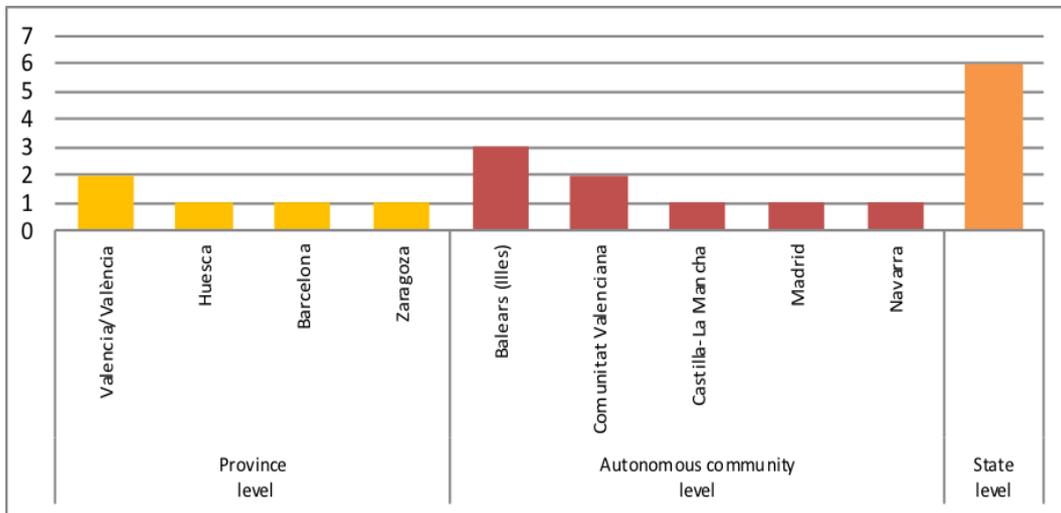
**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

### *Environmental clauses*

As mentioned earlier, the Official Registry of Collective Agreements (REGCON) includes information on collective agreements that report having clauses with environmental content. Although these types of clauses are numerous, as will be seen later when qualitative clauses of this type are analysed, the collective agreements that officially contain these clauses are practically non-existent: only 19 agreements (16.0% of the total) appear in the REGCON as containing the aforementioned clauses.

In terms of territorial scope, the agreements that include this type of clause, according to the REGCON, are five provincial-level agreements (8% of the total collective agreements signed in this level), 6 state-level agreements (30%) and eight collective agreements of autonomous community level (20%).

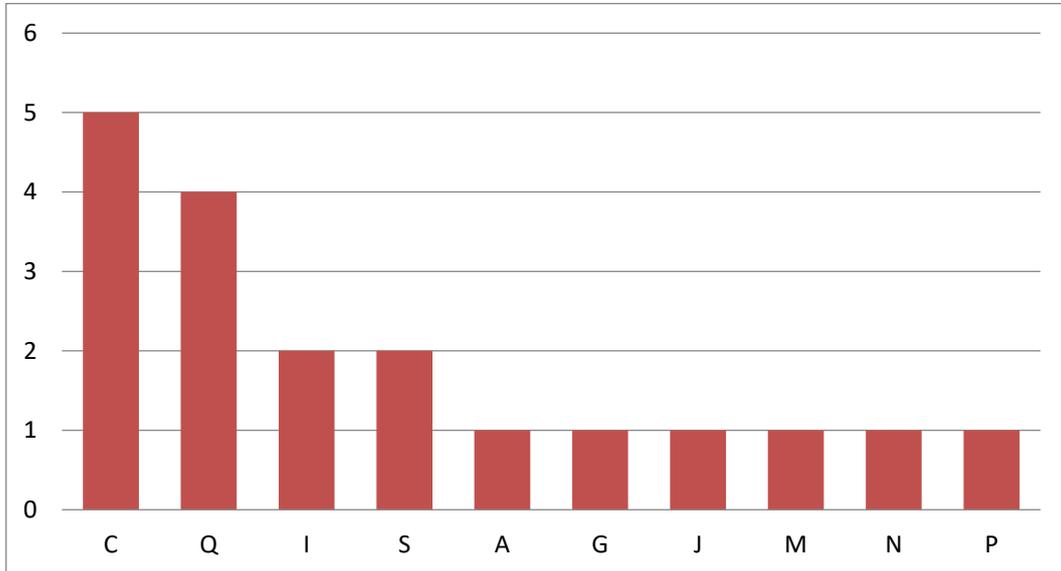
**Figure 8** – Collective agreements at sector level reporting environmental clauses at Official Registry (REGCON) by geographical scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Contrary to what happens in relation to collective agreements’ geographical scope, the environmental clauses are concentrated in some of the sectors of activity included in the collective agreements of the sample. These clauses officially appear in five agreements of C sector (Manufacturing industry), four agreements of Q sector (Health and social services activities), two agreements of I (Hostelry) and S (Other services) sectors, and one agreement in A (Agriculture, forestry and fishing), G (Wholesale and Retail; repair of motor vehicles and motorcycles), J (Information and communications), M (Professional, scientific and technical activities), N (Administrative activities and auxiliary services) and P (Education) sectors respectively.

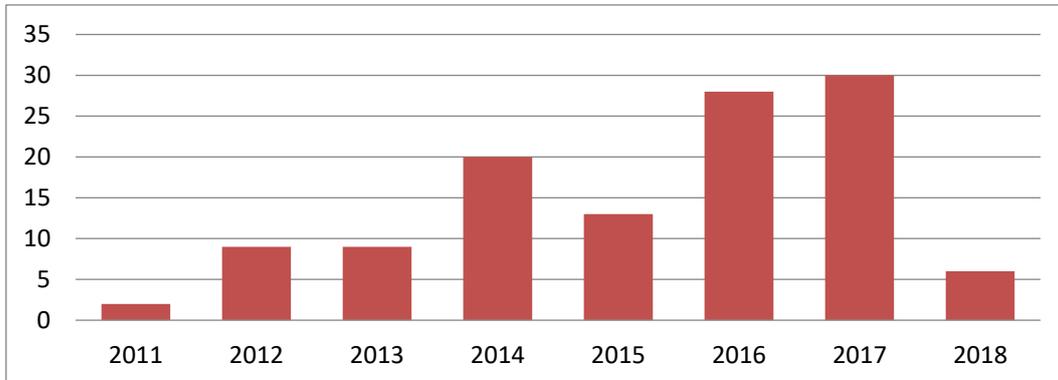
**Figure 9** – Collective agreements at sector level reporting environmental clauses at Official Registry (REGCON) by economic activity



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

### *Duration*

The collective agreements of the sample were signed in a period of time between 2011 and 2018, as stated above. As can be seen in the following graph, the distribution over time of the agreements has had an upward trend since 2011, so it can be affirmed that the inclusion of environmental content in collective agreements has evolved in the same trajectory. In 2018, the number of agreements decreases, presumably because all the agreements signed in 2018 are not yet registered.

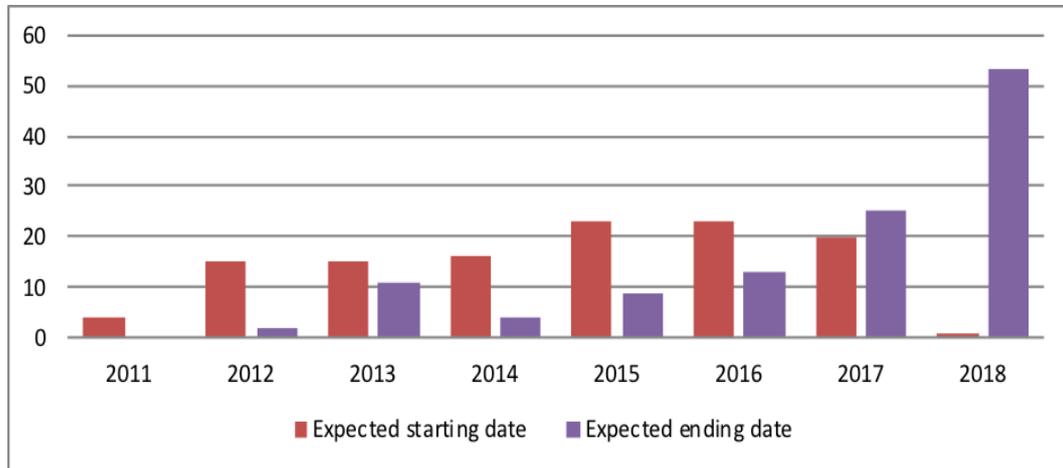
**Figure 10** – Collective agreements at sector level by year of signature

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

It is important to highlight two things. First, 109 collective agreements of the sample (representing 93%) are collective agreements that succeed another previously signed in the same bargaining unit. Consequently, only eight collective agreements (7% of the total sample) were signed for the first time. And secondly, the majority of collective agreements (104 agreements, representing 89% of the total of the sample) have a multi-year duration, that is, the period of validity exceeds the year, which benefits the consolidation of the environmental measures over time. On the other hand, only 13 collective agreements (11% of the total sample) have an initially agreed duration of only one year).

The multi-annual duration is reflected in how the agreements have a year of the beginning of their validity that is different from the year of signature. As can be seen in the following graph, although between 2011 and 2013 only 20 collective agreements were signed, during the same period up to 34 agreements began. In the opposite case, although in 2018 only six agreements were signed, up to 53 agreements were scheduled for completion that year. As mentioned in the methodology, on the date of the composition of the sample, all agreements were in force.

**Figure 11** – Collective agreement at sector level by starting and ending date of validity contained at the agreement



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

#### 4.2. General commitments of the parties

The enormous quantity of employers and workers affected by the different sectoral agreements provides us with an idea of the importance of these instruments in creating a green-friendly body of rights. As a starting point, a certain effect of irradiation detected from the European social dialogue instruments to the Spanish collective bargaining. For instance, the social actors in the European steel industry are committed to securing sustainable investment and high-quality jobs in the European steel industry<sup>41</sup>, and this is reflected in the Spanish sector of metal. The pulp and paper field, as an energy-intensive industrial sector which is facing high raw material prices on the biomass market,

<sup>41</sup> Joint Opinion. Review of the EU ETS post 2020: reconciling climate ambition with industry's competitiveness and employment, signed by the European Steel Association (EUROFER) and the European Metalworkers' Federation (EMF), 30 November 2016.

is also involved in environmental transitions<sup>42</sup> with an impact on the Spanish national level of collective bargaining<sup>43</sup>.

Despite the initial obstacles, there is evidence that sectoral stakeholders contribute—overall through state-level and provincial-level agreements—to the competitiveness of the energy industries and to the protection of the jobs that depend on them. In this sense, the sectors in which it is possible to see a major inclusion of the environmental aspects are chemical industry and perfumes<sup>44</sup>, plastic<sup>45</sup>, metal<sup>46</sup>, wood<sup>47</sup>, paper and pulp<sup>48</sup>, alimentary industry<sup>49</sup>, marine agriculture<sup>50</sup>, airports and aviation<sup>51</sup>, and transport<sup>52</sup>. But other sectors have also emerged recently with vitality, such as the industry of construction and cement<sup>53</sup>, as well as the tourism<sup>54</sup>, leisure<sup>55</sup> and garment industries<sup>56</sup>.

Nevertheless, the great majority of ‘green sections’ are mere declarations of principles that contribute to increasing a consciousness and awareness on the rights concerning environmental obligations. In this sense, they incorporate references to the United Nations Framework Conventions on Climate Change<sup>57</sup> or European Directives about waste recycling<sup>58</sup>. Another option is to include

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<sup>42</sup> Joint opinion. Joint Resolution on the global and EU climate policies and the countdown towards COP-21, signed by Confederation of European Paper Industries (CEPI) and IndustriAll Global Union, 29 October 2015.

<sup>43</sup> General agreement of paper and pulp (code 99003955011981); also in sectors in which the material is used, as the General agreement of Daily Newspapers (code 99013745012001) and Non-Daily Newspapers and Press (code 99010555011996).

<sup>44</sup> General agreement of the Sector of Perfumes (code 99004015011984).

<sup>45</sup> Agreement of the Sector of Plastic of Madrid (code 28003155011981).

<sup>46</sup> Agreement of the Metal Sector of Córdoba (code 14000145011982).

<sup>47</sup> Agreement of the Sector of Furniture of Madrid (code 28000755011982).

<sup>48</sup> General agreement of the Sector of Paper and Pulp (code 99003955011981).

<sup>49</sup> Agreement of the Sector of Alimentary Industry of Navarra (code 31001605011981).

<sup>50</sup> General agreement of the Sector of Marine Agriculture (code 99016365012007).

<sup>51</sup> General agreement of the Sector of Airports Assistance (code 99015595012005).

<sup>52</sup> Agreement of the Transports’ Companies of Valencia (code 46005825012000).

<sup>53</sup> Agreement of the Cement Industry of Málaga (code 29000185011981).

<sup>54</sup> Agreement of the Hotels of Islas Baleares (code 07000435011982).

<sup>55</sup> General agreement of Discotheques and Dance Clubs (code 99100115012012).

<sup>56</sup> Agreement of the Garment Retail Sector of Barcelona (code 08000795011994).

<sup>57</sup> Preamble of the agreement for the Energy Monitoring Systems in the sector of Cement in Andalucía (code 71100015082012).

<sup>58</sup> As the Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. See the III agreement for the Sustainable Use of Resources, the

commitments to reduce the consumption of energy<sup>59</sup>. Occasionally, however, they contain appropriate enforcement provisions in order to ensure the real efficacy of the agreements.

One of the main conclusions of the sectoral bargaining analysis is that the impact of the environmental transition varies across the different sectors and activities. In terms of green governance, one feature that can be underlined is that the contents are dispersed and generally isolated in some specific provisions or sections without a connection to other labour matters. Bearing in mind this atomization, there is a need for a common strategy that strengthens the definition of the main principles to conform to the essential basis that could be applicable to the different sectors.

#### **4.3. Principles and objectives to be accomplished by the firms as economic actors**

Drawing conclusions from the analysis of the sectoral agreements, employers' associations and trade unions welcome the opportunity to have a permanent, constructive dialogue with the social partners at all levels, national and local, in order to rebalance the three essential pillars of a low-carbon energy policy: sustainability, security of supply and competitiveness<sup>60</sup>. The great majority of agreements that are involved in environmental issues begin with an all-purpose declaration of principles in order to increase the sensitivity and commitment of both workers and employers to environmental questions<sup>61</sup>, especially in the

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Protection of the Environment, the Health of the Community and the Improvement of the Competitiveness of the Cement Industry (code 99100035082011).

<sup>59</sup> Fourth final provision of the General agreement of the sector of Animal Compounds (code 99000275011981).

<sup>60</sup> The connections with sustainable economy can be seen in the Ninth Additional Section of the agreement for the Credit Institutions and Banks (code 99001945011981).

<sup>61</sup> General agreement of the Sector of Paper and Pulp (code 99003955011981); General agreement of the Sector of Wood (code 99010175011996); article 66 of the General agreement of the Perfumes Industry (code 99004015011984); article 55 of the General agreement for the Sector of Travel Agencies (code 99000155011981); article 41 of the General agreement of Animal Compounds (code 99000275011981); article 57 of the General agreement of Social Services (code 99100155012015); article 40 of the agreement for the Hospitality, Cafes and Bars of Navarra (code 31003805011981); additional clause of the agreement of the Garment Retail Sector of Barcelona (code 08000795011994); article 45 of the III agreement for Transport of Sick People and Ambulances of Castilla-La Mancha (code 77000255012008); article 30 of the agreement of

international context of the United Nations Objectives for Sustainable Development<sup>62</sup>. In the case of the automotive industry, they are committed to contributing to the respect of the environment through a broad and general provision<sup>63</sup>. Other agreements connect the environmental principles with the Spanish constitutional provisions. For example, the collective agreement of the sector of travel agencies reflects the connections of labour rights and environmental sustainability through the constitutional connections of Article 45 of the Spanish Constitution<sup>64</sup>, according to which:

#### Article 45

1. Everyone has the right to enjoy an environment suitable for personal development, as well as the duty to preserve it.
2. The public authorities shall safeguard rational use of all natural resources with a view to protecting and improving the quality of life and preserving and restoring the environment, by relying on essential collective solidarity.
3. Criminal or, where applicable, administrative sanctions, as well as the obligation to make good the damage, shall be imposed, under the terms established by the law, against those who violate the provisions contained in the previous clause<sup>65</sup>.

In this sense, Article 14 of the collective agreement of the Automotive Industry of the province of Málaga states that ‘it is considered necessary for companies and workers in this sector to act responsibly and respectfully toward the environment, taking care of its defence and protection according to the interests and concerns of society. For this aim, companies in this sector must adopt a permanent attitude that is responsible and visible in the field of the environment. At the same time, the efforts being made by companies in this field and what can be done in the future, as well as the result of their efforts, must be known and properly valued by the society and the competent administrations’ (own translation).

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the Private Sector of Care and Attention to Persons with Disabilities of Valencia (code 80000265011996); article 58 of the agreement of the Sector of Building Cleaning of Melilla (code 52000615011999).

<sup>62</sup> Article 58 of the agreement of the Environmental Education of Madrid (code 28100035012012).

<sup>63</sup> Agreement of the Automotive Industry of Málaga (code 29000425011981).

<sup>64</sup> Article 55 of the General agreement of Travel Agencies (code 99000155011981).

<sup>65</sup> Official translation from the Spanish Parliament. Available at [http://www.congreso.es/constitucion/ficheros/c78/cons\\_ingl.pdf](http://www.congreso.es/constitucion/ficheros/c78/cons_ingl.pdf).

Perhaps one of the main targets that have resonated in the Spanish collective agreements is related to employability. In terms of growth and employment creation, the social actors agree on the idea that the climate change policies should target improvements, not the elimination of jobs and industries. The great majority of instruments declare the protection of the climate, industry and employment as equal pillars of a sustainable policy. Following the provisions of the social parties, employment could grow most strongly in construction<sup>66</sup>, wholesale, retail<sup>67</sup> and tourism<sup>68</sup> under the transition to a low-carbon economy, but the quality of these jobs must receive the deeper attention of social parties to reverse the current situation of precarity after the scenario of the economic crisis. In some areas—especially in the wood sector—the Spanish social actors follow the recommendation of the European social parties regarding the application of the ‘cascading use principle’<sup>69</sup>.

Another interesting conclusion of the study is the connections between the existence of the green-sensitivity provisions and the correlative implementation of the measures related to the real effectiveness of the principle of equality and not discrimination between men and women. Moreover, these commitments are reflected in the duty of elaboration of an equality plan. Thus, in a good sample of the analysed collective agreements, the duty is assigned to companies with a size below the minimum required by the Act 3/2007, of March 22, for Equality between Men and Women<sup>70</sup>. There are also examples of irradiation of these practices at the level of company<sup>71</sup>.

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<sup>66</sup> Agreement for the construction Sector of Albacete (code 02000045011981); agreement for the Construction Sector of Cantabria (code 39000365011982); agreement for the Construction Sector of Cement Industry of Málaga (code 29000185011981); Agreement for the Sector of Cement and Materials for the Construction of Cádiz (code 11000235011981); agreement for the Construction Sector of Albacete (code 02000045011981); agreement for the Sector of Cement derivatives of Cáceres (code 10000075011982); agreement for the Sector of Cement of León (code 24001805011980).

<sup>67</sup> Agreement of Commerce Retailers, Wholesalers and Exporters of Footwear and Leather Goods of Alicante (code 03000335011981); agreement of the Sector of Wholesalers and Retailers of Toys, Sports, Ceramics, Glass, Lighting and Gift of Madrid (code 28014085012007).

<sup>68</sup> General agreement for Travel Agencies (code 99000155011981); agreement for the Hospitality, Cafes and Bars of Navarra (code 31003805011981); agreement for the Sector of the Educational Leisure and Socio-cultural Animation Companies of Álava (code 01100635012017).

<sup>69</sup> General agreement of the Sector of Wood (code 99010175011996).

<sup>70</sup> Article 107 of the agreement of construction of Cantabria (code 39000365011982); article 6 of the agreement for animal compounds (code 99000275011981); article 18 of the agreement for the sector of Cement in Baleares (code 07000255011981); article 76 of the agreement of Plastic of

#### 4.4. Environmental duties and obligations imposed to the employer

Regarding the duties of employers provided in the sectoral collective agreements, analysis of three great fields is possible: the new job classification system and all the training duties associated to this; the impact of the environmental issues in remuneration; and sustainable transport plans.

The objective of the provisions relating to the ‘green jobs classification’ is to provide employees with adequate new green skills and knowledge in order to improve the environmental performance. The social actors have realized the need to attract highly qualified staff by offering attractive employment opportunities in the field of green research and development, which drives the innovative capacity and technical progress of the sustainable industry. They pay special attention to high and adequate qualifications, training and initiatives for lifelong learning as important preconditions for a competitive sustainable industry<sup>72</sup>.

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Valencia (code 46001305011981); agreement of Wood of Alicante (code 03000355011981); Fourth additional disposition of the agreement of Social Intervention of Guipúzcoa (code 20100025012011); Annex I of the agreement of Leather of Madrid (code 28000775011981); article 72 of the agreement of plastic of Madrid (code 28003155011981); article 72 of the agreement of Actors and Actress of Madrid (code 28005805011991); article 5 of the agreement of the agriculture sector in Murcia (code 30000045011981); article 44 of the agreement of Confectionery of Murcia (code 30000305011981); article 34 of the agreement of Medicinal Herbs in Murcia (code 30000505011981); article 37 of the agreement of Fresh Fruits and Vegetables (code 30000985011988); article 41 of the agreement of Bakeries in Murcia (code 30001085011981); article 51 of the Companies of Transports of Valencia (code 46005825012000); article 85 of the agreement of the Regional Agriculture of Canarias (code 75000475012009); article 40 of the agreements of Citruses of Valencia (code 80000105011990); article 79 of the general agreement of Perfumes (code 99004015011984).

<sup>71</sup> See article 31 of the agreement of Lafarge-Holcim (code 04000682011987).

<sup>72</sup> Annex I of the General agreement of the Metal Industry (code 99003435011900); article 18 of the General agreement of the Perfumes Industry (code 99004015011984); chapter XIV of the General agreement of the Occupational Health Services (code 99017255012008); article 29 of the agreement of the Alimentary Industry of Navarra (code 31001605011981); article 36 of the agreement of Fruits and Vegetables of Navarra (code 31003605011981); article 33 of the agreement of the Oil Industry of Valencia (code 80100035012012); annex X of the agreement of the Construction Sector of Albacete (code 02000045011981); group 2 of the agreement of Commerce Retailers, Wholesalers and Exporters of Footwear and Leather Goods of Alicante (code 03000335011981); annex I of the agreement of the Construction Sector of Granada (code 18000115011982); group III of the agreement of the Administrative Staff and White-Collar

As a general feature, the social partners agree that it can only be competitive with a highly skilled and qualified workforce. Nevertheless, the great majority of provisions are formulated in a broad and unspecific way, as in article 36 of the collective agreement of fruits and vegetables of Navarra<sup>73</sup>. According to this provision, ‘the growing concern for the environment and sustainable development in our community leads the signatory parties to ratify in this agreement their commitment to the improvement of actions such as increasing the training and information of workers, taking into account the environmental regulations, as well as the improvements emanating from Law 16/2002 of July 1, of Pollution Prevention and Control’ (own translation).

In some agreements, trade unions and employers’ associations are able to provide written certification of the skills acquired in informal contexts, with the support of educational personnel. For instance, in the Spanish metal sector there are specific training provisions not only for workers’ representatives but also for managerial staff. The courses are based on lifelong learning and basic training courses on occupational health and safety that increase the awareness and acceptance of green practices among them. For instance, in the specific area of the metal sector where workers develop their activities in the construction sector, Annex IV.3 of the collective agreement of the metal industry provides training courses for managerial staff focusing on ‘the integration of the occupational risks prevention training with the quality and environmental systems’, and in point 6 there are particular provisions for workers representatives on ‘basic concepts of environment and work’<sup>74</sup> (own translation).

According to the new skills, some collective agreements have made some innovations connecting the working conditions with the sustainability duties and obligations. In this sense, some collective agreements have included provisions concerning the wages of workers who develop their labour tasks in connection

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Employees of Jaén (code 23000245011981); article 17 of the agreement of the Plastic Sector of Madrid (code 28003155011981); agreement of the Cement Sector of Málaga (code 29000185011981); agreement of the Agriculture Sector of Murcia (code 30000045011981); annex I of the agreement of the Sector of Care Services of Disability Persons (code 80000335011999).

<sup>73</sup> Agreement of the Fresh Fruits and Vegetables of Navarra (code 31003605011981).

<sup>74</sup> II General agreement of the Industry, Technology and Services of the Metal Sector (code 99003435011900).

with special environmental technical skills and professional abilities<sup>75</sup>. Moreover, under the influence of the General Agreement for the Sustainable Use of Resources of the Cement Industry<sup>76</sup>, the collective agreements of the cement sector of some provinces such as Granada<sup>77</sup>, Málaga<sup>78</sup> and Pontevedra<sup>79</sup> include provisions that incorporate an additional emolument payable under certain climate conditions. Thus, the impact in the remuneration in this sector is designed through this kind of incentives, which take into account the bad environmental circumstances in which the work is carried out, as well as the climate conditions of the place where it has to be verified.

The growing concern for the environment in the communities leads signatories to express their commitment to the continuous improvement of the environmental performance of the companies<sup>80</sup>. In a number of sectoral agreements, the need to respect the commitments is noted, especially in relation to reductions in their emissions, increasing the use of sustainable vehicles or reorganizing routes through mobility plans. One of the proposals in the Spanish sectoral collective bargaining is the progressive introduction of sustainable means of transport for workers. In some agreements, these methods are combined with energy-efficient eco-driving practices, such as the gradual implementation of sustainable mobility plans for workers<sup>81</sup>. In the retail sector, the stakeholders have signed the obligation in order to improve the distribution and use of products that are respectful to the environment. They also adopt the commitment of reducing the use of the energy and study the introduction of renewable energies<sup>82</sup>.

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<sup>75</sup> Annex of the agreement of Commerce Retailers, Wholesalers and Exporters of Footwear and Leather Goods of Alicante (code 03000335011981); annex X of the agreement of Cantabria (code 39000365011982).

<sup>76</sup> III agreement for the Sustainable Use of Resources, the Protection of the Environment, the Health of the Community and the Improvement of the Competitiveness of the Cement Industry (code 99100035082011).

<sup>77</sup> Article 12.d) of the agreement of the sector of Cement of Granada (code 18000195011981).

<sup>78</sup> Article 90 of the agreement of the sector of Cement of Granada (code 29000185011981).

<sup>79</sup> Article 90 of the agreement of the sector of Cement of Granada (code 36000505011981).

<sup>80</sup> Article 45 of the III agreement for Transport of Sick People and Ambulances of Castilla-La Mancha (code 77000255012008).

<sup>81</sup> Article 5 of the agreement on Prevention of Occupational Hazards in the Agroalimentary Sector (code 99100115082011).

<sup>82</sup> Article 64 of the agreement of the Sector of Building Cleaning of Melilla (code 52000615011999).

#### 4.5. Clauses linking ‘green content’ with occupational health regulations

Another of the most frequent environmental aspects included in the Spanish sectoral collective bargaining focuses in the prevention of occupational diseases and accidents at work. The social partners in the metal industry are convinced that high benefits in the area of health and safety and the reduction of occupational diseases would be difficult to achieve through the current legislation on chemical substances. In this field, the primary objective is to evaluate health and safety, with its comparably low record of occupational diseases.

From the perspective of the occupational health provisions and their connections to the environmental issues, the conclusion of the analysis is that the impact of this kind of clause is the most relevant of all the analysis of the sectoral agreements. To this end, the parties undertake to ensure that the prevention of occupational hazards and the protection of the environment are inseparable aspects of the daily activities of the companies and workers, promoting the joint study of the characteristic environmental processes and products used in the sector and the preparation of proposals for improvement and/or replacement, when economically viable, by others that are more respectful of the health of workers, the environment and natural resources.

In fact, the internal environment and external environment are confused, and this connection is a common trend in many sectors such as cement<sup>83</sup>, leather goods<sup>84</sup>, wood<sup>85</sup>, laundries<sup>86</sup>, social services<sup>87</sup>, metal<sup>88</sup>, leisure<sup>89</sup>, perfumes<sup>90</sup>, rubber<sup>91</sup>,

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<sup>83</sup> Article 49 of the agreement of the Cement of Islas Baleares (code 07000255011981); title X of the agreement of the Cement of Cáceres (code 10000075011982); article 27 of the agreement of the Cement of Cádiz (code 11000235011981); title X of the agreement of the Cement of Granada (code 18000195011981); chapter X of the agreement of the Cement of Granada Málaga (code: 29000185011981); title IX of the agreement of the Cement of León (code 24001805011980).

<sup>84</sup> Article 5 of the agreement of the Leather Goods sector of Valencia (code 80000565012003).

<sup>85</sup> Chapter X of the Agreement of the Wood Sector of Alicante (code 03000355011981); article 34 of the Agreement of the Wood Sector of Palencia (code 34000295011981); article 42 of the agreement of the Wood Storekeepers of Zaragoza (code 50000815011984).

<sup>86</sup> Article 24 of the agreement of the Industrial Laundries of Zaragoza (code 50100425012016).

<sup>87</sup> Article 57 of the General agreement of Social Services (code 99100155012015).

<sup>88</sup> Title VIII of the agreement of the Metal Sector of León (code 24004405011979); article 52 of the agreement of the Metal Sector of Almería (code 04000415011982).

<sup>89</sup> Article 23 of the agreement for the Sector of the Educational Leisure and Socio-cultural Animation Companies of Álava (code 01100635012017).

<sup>90</sup> Article 65 of the General agreement of Perfumes (code 99004015011984).

baked goods<sup>92</sup>, fruits and vegetables<sup>93</sup>, confectionery<sup>94</sup>, auxiliary industry<sup>95</sup>, marine aquiculture<sup>96</sup>, care services for dependents and sick people<sup>97</sup> or transport<sup>98</sup>. Furthermore, Spanish weather conditions could have a significant impact on workers' occupational health and safety at work that affects the most vulnerable workers. As a result of global warming and the Spanish idiosyncrasy of extremely hot temperatures and heat waves, there is a subsequent rising incidence of heat stress as an obstacle to decent working conditions<sup>99</sup>. This means that it is becoming more common to find provisions related to this phenomenon. Thus, the sectors of construction<sup>100</sup>, metal<sup>101</sup> and agriculture<sup>102</sup> concentrate most the environmental clauses on issues related to heat stress, including the evaluation of the impact of the summer temperatures and studying the measures to combat this problem by a joint committee of employers and employees with the same composition of members that have been chosen from the employers' associations and unions<sup>103</sup>.

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<sup>91</sup> Article 46 of the agreement of the Metal Sector of León (code 24004405011979); article 52 of the agreement of the Rubber Industry of Murcia (code 30000195011981).

<sup>92</sup> Article 35 of the agreement of Baked goods of Murcia (code 30001085011981).

<sup>93</sup> Article 27 of the agreement of the sector of Fruits and Vegetables of Murcia (code 30000985011988).

<sup>94</sup> Article 37 of the agreement of Confectionery of Murcia (code 30000305011981).

<sup>95</sup> Article 42 of the Assembly and Auxiliary Companies agreement of Asturias (code 33002825011994).

<sup>96</sup> Article 29 of the General agreement of Marine Aquiculture (code 99016365012007).

<sup>97</sup> Article 35 of the General agreement of the sector of Care Services for Dependents and Sick People (code 99010825011997).

<sup>98</sup> Article 45 of the III agreement for Transport of Sick People and Ambulances of Castilla-La Mancha (code 77000255012008).

<sup>99</sup> According to ILO, 'the phenomenon of heat stress refers to heat received in excess of that which the body can tolerate without physiological impairment', and Spain is one of the European countries at risk. In Spain during the 20-year period from 1994 to 2003, it was estimated that 2.7 per cent of all such injuries could be attributed to non-optimal ambient temperatures (ILO, *Working on a warmer planet. The impact of heat stress on labour productivity and decent work*, 2019, 68).

<sup>100</sup> Article 161 of the II General agreement of the Construction sector (code 99005585011900); article 155 of the agreement of the Construction and Public Works sector of Granada (code 18000115011982).

<sup>101</sup> Annex II of the II General agreement of the Industry, Technology and Services of the Metal Sector (code 99003435011900).

<sup>102</sup> Article 34 of the agreement of the Agricultural sector of Murcia (code 30000045011981).

<sup>103</sup> First final clause of the agreement of the Construction and Public Works sector of Guadalajara (code 19000105011981); fifth final clause of the agreement of the Construction and Public Works sector of Toledo (code 45000155011981).

One of the most relevant collective instruments is the III Agreement of the Cement Industry<sup>104</sup>. Through the Labour Foundation of the Cement Industry, the parts are committed with several challenges: promotion of research, development and environmental matters related to the cement sector and, in general, to the industry; promotion of research, development and promotion of the evolution of the cement sector in relation to the subjects covered by this agreement; promotion of research, development and promotion of health and prevention of occupational hazards linked to the subjects covered by this agreement; promotion of vocational training and awareness actions in environmental matters and prevention of occupational hazards for workers in the cement industry and, in general, the whole society; intervention and collaboration with the environmental policies promoted by the public administrations through the execution of appropriate initiatives and services to them. The agreement provides contributions of the companies in the years of validity of the agreement:

Year	Budget
2017	€ 370,818
2018	€ 404,192
2019	€ 440,569
2020	€ 480,220

The agreement also states that in any case where additional contributions will be required for entities of a similar nature created by collective bargaining other than those reflected here that these contributions will be used to ensure that the Foundation has the resources, staffing and economic means necessary to achieve the purposes assigned to it in this III Agreement of the Cement Industry, completing the financial resources that the institution could generate or to which it had access via subsidies. The subsidies that the Foundation obtains in the different regions of Spain will be destined by the Foundation to carry out actions in that specific territorial area. Likewise, the Foundation will seek to use the resources

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<sup>104</sup> III agreement for the Sustainable Use of Resources, the Protection of the Environment, the Health of the Community and the Improvement of the Competitiveness of the Cement Industry (code 99100035082011).

territorially, depending on the location of the cement factories that have contributed them.

Only a few agreements contain sanctions in order to be more effective the provisions of the agreements related to environmental health duties. In the case of the collective agreement of the Environmental Education of Madrid<sup>105</sup>, the article 41 states that is considered as a serious infringement the ‘disrespectful attitude of workers, due to negligence, carelessness or self-will, on the safety measures and norms for the prevention of occupational hazards and the environment, when this may result in a serious risk to one’s own health, of other workers or users’ (own translation).

#### 4.6. ‘Green representatives’ bodies

Concerning the collective rights, the analysis of the Spanish collective bargaining at the sectoral level shows interesting advances in relation to the rights of the workers’ representatives. In the great majority of the agreements, the signatory parts create additional environmental competences for the members of the work councils and unitary representatives (*comités de empresa* and *delegados de personal*) and these competences are usually associated with the material scope of occupational health at work issues but putting the accent on the information and training on environmental issues and regulations<sup>106</sup>. Another option that is followed by some collective agreements is to design a specific body called ‘environmental delegates’ with exclusive competences in environmental issues.

The leather goods industry sector is an example of the implementation of the second alternative<sup>107</sup>. Thus, each trade union that has the most representative status at the state level may designate environmental representatives called ‘environmental delegates’ (*delegados de Medio Ambiente*). These representatives have a presence in the unitary bodies of workers’ representation and they are chosen among the representatives of the members of the works councils at the level of the company. Companies will also designate the same number of people whose delegates are on behalf of the social representation.

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<sup>105</sup> Article 41 of the agreement of the Environmental Education of Madrid (code 28100035012012).

<sup>106</sup> Article 47 of the agreements of laundries of León (code 24004875012001).

<sup>107</sup> Article 67 of the General agreement of the Leather Goods Industry (code 99001465011981).

Their functions and competences used to be as follows: 1) collaborating with the company's management in the improvement of environmental action; 2) promoting and encouraging the cooperation of workers in compliance with environmental regulations; 3) monitoring work activities on compliance with environmental regulations, as well as environmental policies and objectives established by the company; 4) proposing to the company the adoption of measures aimed at reducing environmental risks and improving environmental management; 5) collaborating in the design and development of training actions in matters related to the environmental obligations of the company.

In the case of the III Agreement for the Sustainability in the Cement Industry<sup>108</sup>, the time used by the environmental representatives for the assigned functions will be considered as the exercise of their competences as representatives and this time takes part of the use of the monthly paid hours provided in article 68(e) of the Spanish Workers Statute.

#### **4.7. Clauses of enforcement and monitoring**

Some collective agreements have noted the need to evaluate and better understand the situation in the green industry. We can find some isolated goals only in the environmental education sector<sup>109</sup> or in the metal industry<sup>110</sup>. Nevertheless, the lack of accountability provisions and monitoring proceedings is perhaps the critical element that is the most difficult to institutionalize at the sector level in Spain. The design of a methodology based on the establishment of an international global verification and monitoring methodology and its implementation must be prioritized in the Spanish climate change policy.

In order to revise audit cycles to further improve applicability for small and medium enterprises, some Spanish agreements have voluntarily joined the European international environmental management system standard EN ISO

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<sup>108</sup> Article 12 of the III agreement for the Sustainable Use of Resources, the Protection of the Environment, the Health of the Community and the Improvement of the Competitiveness of the Cement Industry (code 99100035082011).

<sup>109</sup> Article 41 of the agreement of the Environmental Education of Madrid (code 99012845012001).

<sup>110</sup> Article 52 of the agreement of the Metal Sector of Almería (code 04000415011982).

14001 following the provisions of the EMAS Regulation<sup>111</sup>, as the case of the sector of the travel agencies<sup>112</sup>. The complete access to the information and control of the proceedings and results of environmental evaluation is assigned to the representative bodies in some sectors, but this circumstance is rare and exceptional<sup>113</sup>.

The III Agreement for the Sustainable Use of Resources, the Protection of the Environment, the Health of the Community and the Improvement of the Competitiveness of the Cement Industry requires that a common methodology is essential in order to enable a meaningful evaluation of the measures adopted in Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste.

The creation of joint committees in order to control the provisions of the agreement is the most remarkable instrument of monitoring at a sectoral level<sup>114</sup>. In the agreement of the administrative sector of Valencia, the Committee for the Prevention of Occupational Risks and the Environment will be composed of eight members, four appointed by the employer, and four by the union organizations signing the agreement. Nevertheless, the functions of this kind of committee uses to be formulated in an unspecific way<sup>115</sup>, as ‘promoting energy saving and the use of renewable energy; increasing efficiency in the use of paper; using products and materials that are more respectful of the environment; reducing the use of other natural resources; reducing waste production and managing it correctly; collaborating in citizen awareness; changing attitudes in the use of electricity (light, computer equipment, air conditioning...) and replacement of energy-efficient equipment; implementation of selective waste collection (paper, glass, batteries and fluorescent tubes, plastic, organic matter); use of less aggressive products with the environment; integration of thermal, photovoltaic and passive solar energy and effective thermal and acoustic insulation systems, among others,

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<sup>111</sup> Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organizations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC [OJ L 342, 22.12.2009].

<sup>112</sup> Article 55 of the General agreement for the Sector of Travel Agencies (code 99000155011981).

<sup>113</sup> Art. 47 of the agreements of laundries of León (code 24004875012001).

<sup>114</sup> II General agreement of the Industry, Technology and Services of the Metal Sector (code 99003435011900).

<sup>115</sup> Agreement of the Administrative Staff and White-Collar Employees of Valencia (codes 46000805011981 and 8000495).

in urban and engineering projects and dissemination of environmental issues within the company's own activities' (own translation).

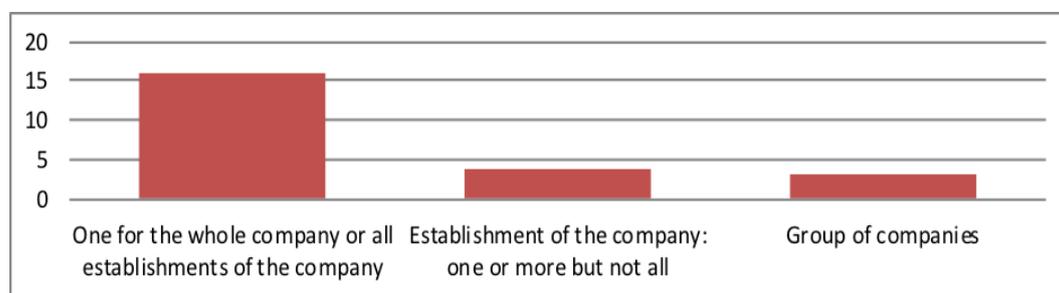
## 5. The analysis of the green clauses at the company level

### 5.1. Statistical analysis of company collective agreements

#### *Functional scope*

Collective agreements at company level can be applied in different functional fields. In the sample, there are 16 collective agreements (70% of the total sample) that apply to all establishments of the company (regardless of whether it has one or more establishments). A smaller number of collective agreements of the sample (four collective agreements, 17% of the total of the sample) apply to an establishment or to several establishments of the same company but not to all the establishments that belong to the company that has signed the collective agreement. And finally, three collective agreements (13% of the total sample) apply to several companies that form a business group.

**Figure 12** – Collective agreements at company level by the functional scope



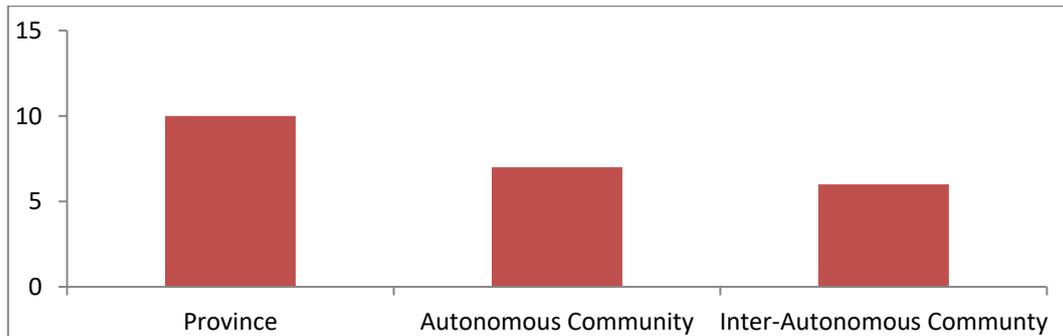
**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

#### *Geographical scope*

The geographical scope of the collective agreements of company level that make up the sample is mainly of provincial scope, that is, in 10 collective agreements (43% of the sample) the location of the company's work centre (or work centres) where the respective collective agreement is applied does not extend beyond the limits of the province. Then, seven collective agreements (30% of the sample) are applicable in companies (or groups of companies) whose work centres are located

within an autonomous community. And finally, six collective agreements (26% of the sample) apply to work centres of the same company (or group of companies) that are located in more than one autonomous community.

**Figure 13** – Collective agreements at company level by geographic scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Collective agreements at the company level whose geographical scope is the province are concentrated in Barcelona and Valencia/València, where there are four and three collective agreements respectively. The other collective agreements at company level are applied in companies located at Sevilla, Alicante/Alacant and Guipúzcoa, where one collective agreement exists in each one of the provinces. Focusing on the distribution of collective agreements at company level whose geographical scope coincides with autonomous community, it can be observed that one collective agreement is applied in Andalucía, Aragón, Madrid, Murcia and Navarra respectively. Asturias is the only case where there are two applicable collective agreements.

The distribution of collective agreements at the company level attending to its functional scope and its geographical scope (see Table 1) is characterized by the following results: collective agreements that apply to all establishments of the company are distributed among agreements whose geographical scope is the province (six collective agreements) and those whose geographical scope is an autonomous community (seven collective agreements), while only three collective agreements have an inter-autonomous geographical scope. On the other hand, collective agreements applicable only to one establishment or several establishments, but not all those belonging to the company that signs the collective agreement, are concentrated in those areas whose geographical scope is the province (6 collective agreements). Finally, the three collective agreements

whose functional scope corresponds to a group of companies have a geographical scope of inter-autonomous application.

**Table 4** – Collective agreements at company level by geographical and functional scope

	Province	Autonomous Community	Inter-Autonomous Community
One for the whole company or all establishments of the company	6	7	3
Establishment of the company: one or more but not all	4	0	0
Group of companies	0	0	3

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

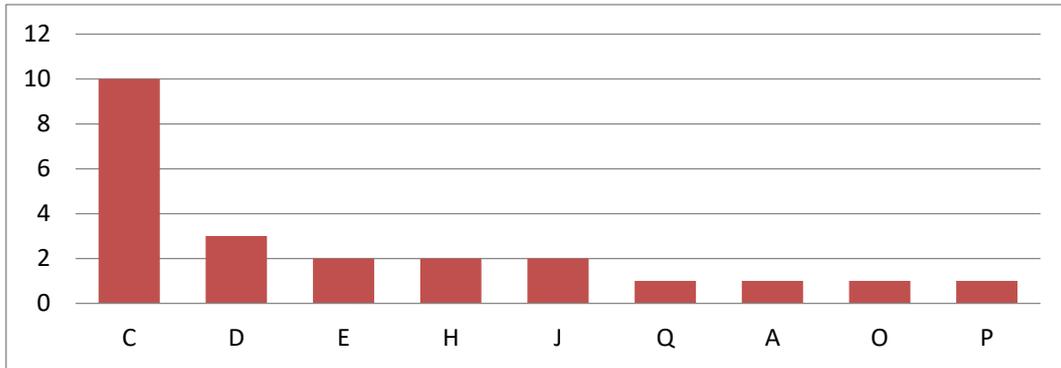
### *Sector of economic activity*

As was said in the methodology, collective agreements have been classified using the National Statistical Classification of Economic Activities ('Clasificación Nacional de Actividades Económicas', CNAE), accordingly to the information included at the REGCON database (see Annex 3).

According to that, the following figure shows the distribution of collective agreements at company level by sector of economic activity. It can be affirmed that the half of collective agreements are applicable to only two sectors: 10 collective agreements (43.5% of the total sample) are applied in the Manufacturing industry ('C') sector, and three collective agreements (13%) are applied in the 'Supply of electricity, gas, steam and air conditioning' (D) sector. The second group of economic activities is that where two collective agreements (8.7%) are applied respectively: 'Water supply, sanitation activities, waste management and decontamination' (E), 'Transport and storage' (H), and 'Information and communications' sector (J). Finally, there is a collective agreement (4.3%) applicable in each of the following sectors: 'Health and social services activities' (Q); 'Agriculture, forestry and fishing' sector (A); 'Public

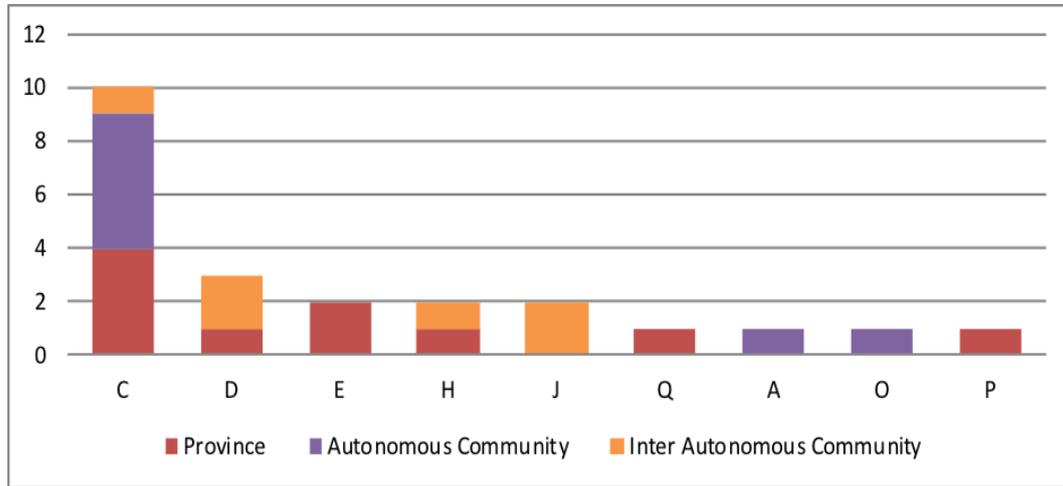
Administration and Defence sector; Mandatory Social Security’ (O), and ‘Education’(P) sector.

**Figure 14** – Collective agreements at company level by economic activity



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

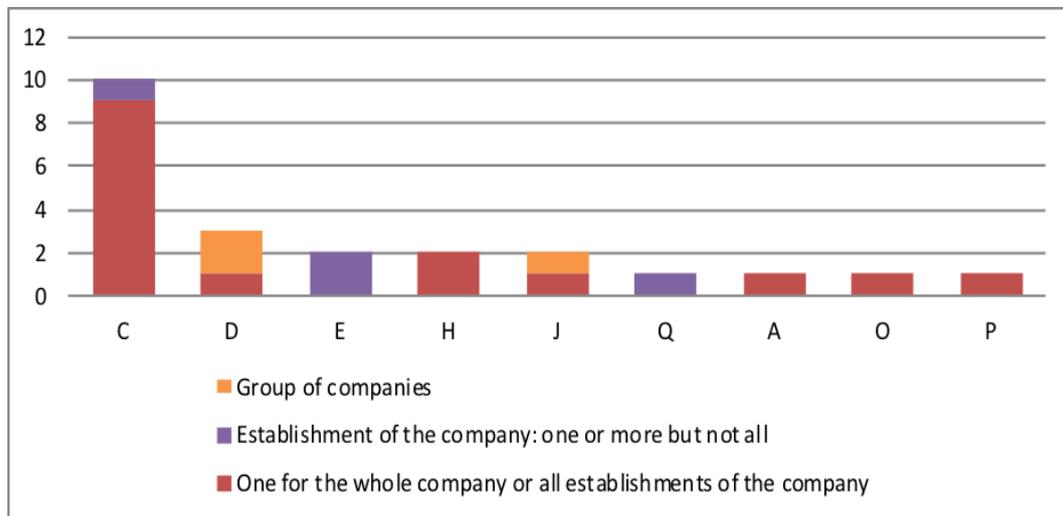
If we look at the distribution of (1) sector of economic activity and (2) geographical scope, it is possible to observe in the figure (see Figure 4) that the majority of collective agreements whose geographical scope is the autonomous community is concentrated among those collective agreements that are applicable in the sector of economic activity ‘C’ (5 of 7 collective agreements). To a lesser extent, collective agreements whose geographical scope is the province are concentrated in sector ‘C’ (4 of 12 collective agreements). On the other hand, only one of six collective agreements whose geographical scope is inter-autonomous, applies in sector ‘C’, having a greater presence in sectors ‘D’ and ‘J’.

**Figure 15** – Collective agreements at company level by geographical scope and economic activity

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

The results are similar if the variables of economic activity sector and functional scope of collective agreements are combined. As can be seen in the following graph, the economic activity sector ‘C’ is mainly regulated by collective agreements whose functional scope includes the entire company or all the establishments that exist in the company (9 of 10 agreements). On the other hand, it is noteworthy that none of the three collective agreements whose functional scope is a group of companies is applicable in sector ‘C’, being applicable in sectors ‘D’ and ‘J’.

**Figure 16** – Collective agreements at company level by functional scope and economic activity

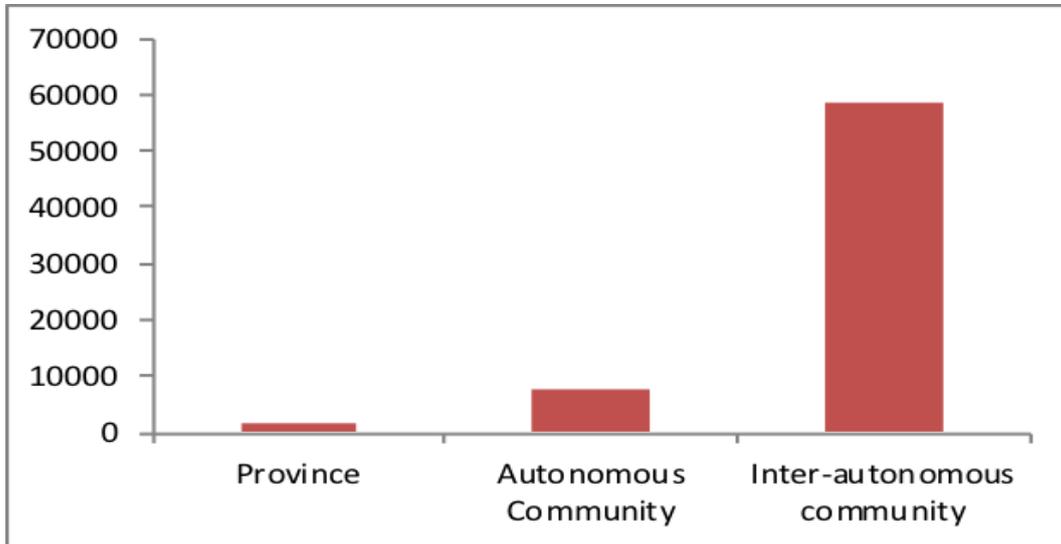


**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

### *Personal scope*

The collective agreements at company level cover 67,907 workers. Focusing on the territorial scope of application of the collective agreements (see Figure 6. People covered by collective agreements by geographic scope), most of the people are covered by collective agreements whose functional scope is inter-autonomous 58,578 people (86.3% of the total affected people). On the other hand, 7,611 people (11.2% of the total number of people affected) are covered by collective agreements whose territorial scope is the autonomous community, whereas 1,718 people (2.5% of the total of affected people) are covered by collective agreements whose scope is provincial.

**Figure 17** – People covered by collective agreements at company level by geographic scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

The distribution of people covered by collective agreements of company level whose geographical scope is provincial is relatively proportionate (see next table). Half of the population covered by collective agreements work in two provinces: the collective agreements that are applicable in the province of Barcelona are the ones that cover the most people (449 people, 26.14% of the total), while the applicable collective agreements in Valencia/València cover practically the same number of people (444, 25.84%). In contrast, the collective agreement of Guipúzcoa covers 182 people (10.59% of the total).

**Table 5** – People covered by collective agreements at company level by geographical scope (province)

Province	Total	%
Barcelona	449	26.14%
Valencia/València	444	25.84%
Sevilla	376	21.89%
Alicante/Alacant	267	15.54%
Guipúzcoa	182	10.59%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

On the other hand, in the case of collective agreements of company level whose geographical scope is an autonomous community, there is a less homogeneous distribution. The only agreement for application in Navarra covers 4,408 people (57.6% of the total number of people covered by collective agreements with this type of geographic scope). In contrast, the collective agreement for application in Madrid only covers three people (0.04%).

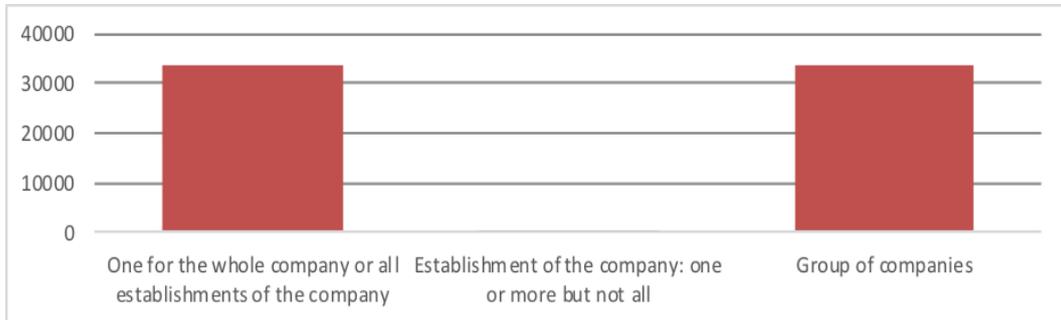
**Table 6** – People covered by collective agreements at company level by geographical scope (autonomous community)

Autonomous Community	Total	%
Navarra	4,408	57.9%
Aragón	1,474	19.4%
Murcia	746	9.8%
Andalucía	598	7.9%
Asturias	382	5.0%
Madrid	3	0.0%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

The study of the people affected from the point of view of the functional scope of collective agreements shows the following results. Half of the people covered by the collective agreements of the sample (33,710 people, representing 49.6% of the total) are employed by companies whose collective agreements are applicable to all establishments of the company. In contrast, collective agreements that apply to the establishment of the company but not all establishments of the company cover 535 people (0.8% of the total). Finally, as a result of the size of the company groups whose collective agreements are included in the sample, the percentage of persons covered by the mentioned collective agreements is 33,662, representing 49.6%.

**Figure 18** – People covered by collective agreements at company level by the functional scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Considering the sectors where collective agreements of company level are applicable, it can be seen that in sector ‘J’ is where more people are covered (46,807 people, 68.9% of the total) by collective agreements, despite that the ‘C’ sector comprises the majority of collective agreements in the sample. The other two sectors where there is a percentage of covered workers that exceeds 10% of the total sample are sectors ‘D’ (11,209 people, 16.5% of the total) and ‘C’ (7,068 people, 10.4% of the total).

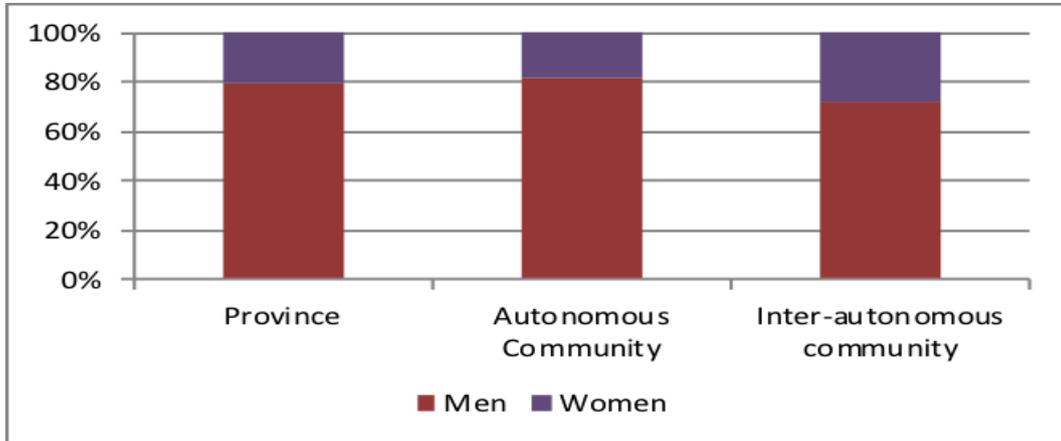
**Table 7** – People covered by collective agreements at company level by sector of economic activity

Sector	Total	%
J	46,807	68.9%
D	11,209	16.5%
C	7,068	10.4%
A	1,474	2.2%
O	598	0.9%
H	384	0.6%
Q	182	0.3%
P	99	0.1%
E	86	0.1%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

The extracted data obtained from the REGCON allow disaggregation of this information by sex. Unlike collective agreements at the sector level, collective agreements at company level cover a much higher percentage of men than women. Specifically, there are 49,948 men (representing 74% of the total) and 17,834 women (26%). From the point of view of the geographical scope of collective agreements, both at the provincial, autonomous and inter-autonomous level, the percentage of men covered by the collective agreements of the sample are much higher than the percentage of women covered.

**Figure 19** – People covered by collective agreements at company level by geographical scope and sex



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Taking into account each of the provinces that are affected by collective agreements of company level whose geographical scope is provincial, the following conclusion is reached: in all provinces the number of men covered by the respective collective agreements is greater than the number of affected women, except in the case of Guipúzcoa, where the only applicable collective agreement covers 102 women 56.04%) and 80 men (43.96%).

**Table 8** – People covered by collective agreements at company level by territorial scope (province) and sex

Province	Men		Women	
	Total	%	Total	%
Sevilla	346	92.02%	30	7.98%
Alicante/Alacant	263	98.50%	4	1.50%
Valencia/València	294	66.22%	150	33.78%
Guipúzcoa	80	43.96%	102	56.04%
Barcelona	377	83.96%	72	16.04%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

The collective agreements of the company level whose geographic scope is an autonomous community produce similar results: in only two autonomous communities (Andalusia and Galicia) is the percentage of women covered by the corresponding collective agreements greater than the percentage of men covered. In the rest of the autonomous communities, there are more men covered by collective agreements, with the highest percentage being in Asturias, which is the only autonomous community where two collective agreements apply.

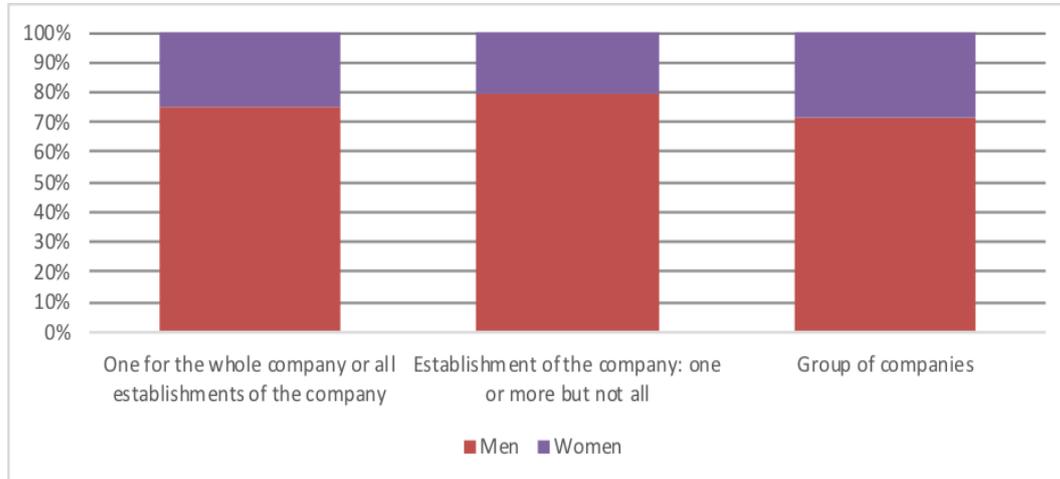
**Table 9** – People covered by collective agreements at company level by territorial scope (autonomous community) and sex

Autonomous Community	Men		Women	
	Total	%	Total	%
Andalucía	202	34%	396	66%
Aragón	1,141	77%	333	23%
Madrid	2	67%	1	33%
Asturias	362	95%	20	5%
Murcia	598	80%	148	20%
Navarra	3,904	89%	504	11%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

The percentages of men and women covered by collective agreements at company level are practically the same if the collective agreements are grouped according to the functional scope. As can be seen in the following graph, the percentage of women covered is always lower in collective agreements that apply to the entire company (8,325 women, 25% of the total), in collective agreements that apply to an establishment or several establishments of a company without including all (110 women, 21% of the total) and also in collective agreements applicable to groups of companies (9,524 women, 28% of the total).

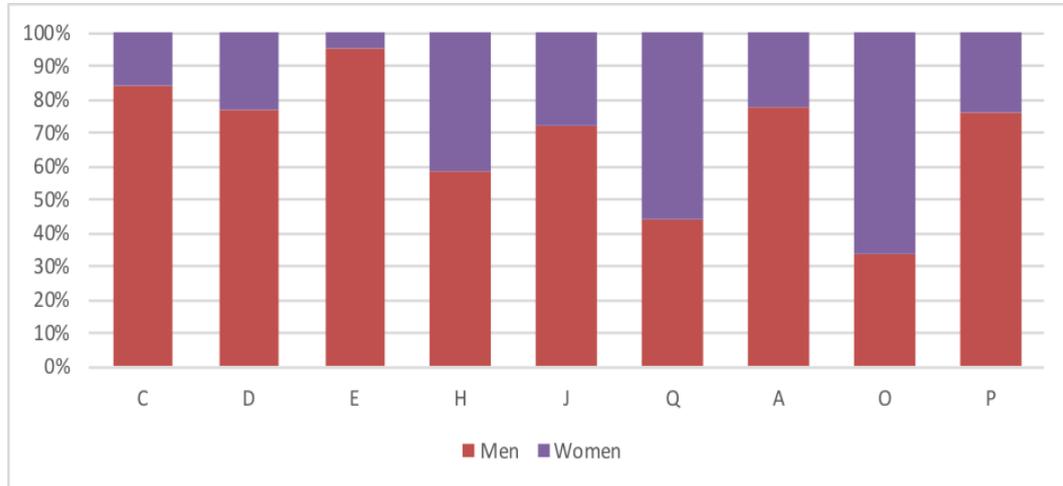
**Figure 20** – People covered by collective agreements at company level by functional scope and sex



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

And finally, the differences between the number of men and women covered by collective agreements of company level vary depending on the sector of economic activity where the collective agreement displays its effectiveness. The sector where the highest percentage of women are covered by collective agreements is the ‘O’ sector, where the percentage of women exceeds 60%. On the other hand, the collective agreements whose companies develop their economic activity in the ‘E’ sector are the ones that cover the highest percentage of men, reaching 95% of the total.

**Figure 21** – People covered by collective agreements at company level by economic activity and sex



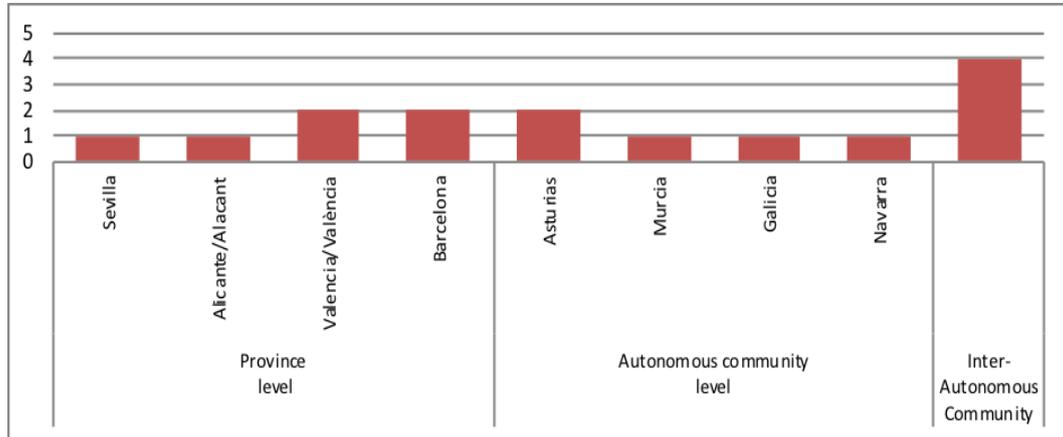
**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

### *Environmental clauses*

When social actors register collective agreements at the Official Registry of Collective Agreements (REGCON), they are able to report whether collective agreements include environmental clauses or not. In the sample of collective agreements at the company level, 14 collective agreements (60.87% of the total) reported affirmatively that they contain this type of clauses.

If the collective agreements that have environmental clauses are analysed, the following results are obtained in relation to the geographical scope: six collective agreements have a territorial scope that does not exceed the province; four collective agreements have a geographical scope that coincides with an autonomous community; four collective agreements exceed the autonomous community. The following graph shows the provinces and the autonomous communities of these collective agreements.

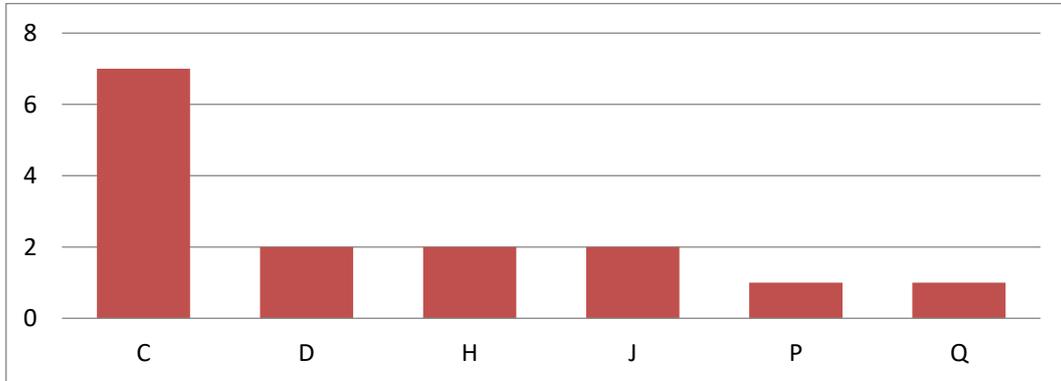
**Figure 22** – Collective agreements at company level reporting environmental clauses at Official Registry (REGCON) by geographical scope



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Regarding the functional scope of these collective agreements, it can be affirmed that (see Table Annex): 11 collective agreements apply to the whole company or all establishments of the company, one collective agreement applies to one or more establishments of the company but not all; two collective agreements apply to a group of companies. And finally, taking into account the sector of economic activity where the company carries out its activity, it is observed that these collective agreements that report having environmental clauses are once again concentrated in the ‘C’ sector, where seven collective agreements apply.

**Figure 23** – Collective agreements at company level reporting environmental clauses at Official Registry (REGCON) by economic activity sector



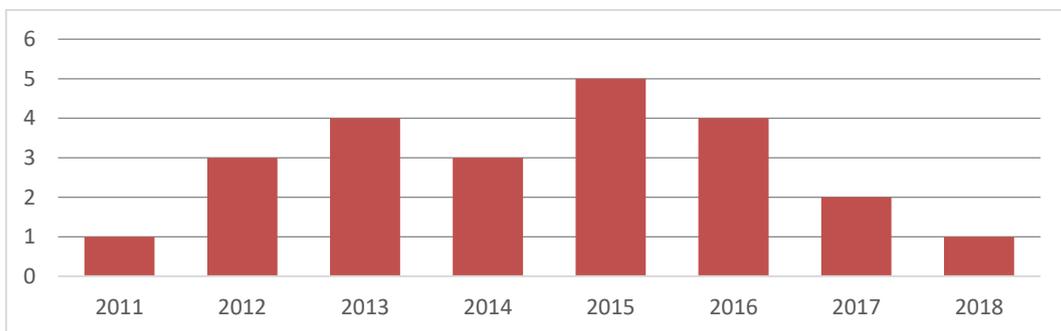
**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>). See Annex 3 for the sectoral nomenclature

### *Duration*

As was stated above, the collective agreements of the sample were signed during a period of time between 2011 and 2018.

The signing of collective agreements that make up the sample occurs irregularly between 2012 and 2017, with a peak in 2015, when the signing of up to six collective agreements is concentrated.

**Figure 24** – Collective agreements at company level by year of signature



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

Beyond the year of the signing of the collective agreement, it is possible to note the following regarding the duration of the agreements: on the one hand, most collective agreements (18 collective agreements, 78% of the total) have been preceded by another agreement; on the other hand, a greater number of collective agreements (20 collective agreements, 87% of the total) have a duration of more than one year; and finally, it is important to note (see the following graph) that most collective agreements had planned to end their duration in 2018 (up to 10 collective agreements have the end of the duration agreed to in 2018).

**Figure 25** – Collective agreement at company level by starting and ending date of validity contained at the agreement



**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

## 5.2. General commitments of the parties

Clauses of collective agreements that include general commitments made by the parties to the agreement are the most common within the analysed company collective agreements. The most common way to formulate these clauses is to present the will of the parties that sign the collective agreement in favour of environmental protection. For example, article 77 of the ‘Acciona Energía Group’ collective agreement<sup>116</sup> includes the following clause:

‘The signatories of this Agreement consider it necessary for companies to act in a responsible and respectful way with the environment, paying close attention to its

<sup>116</sup> Agreement of ‘Grupo Acciona Energía’ (code 90100233012014).

defence and protection in accordance with the interests and concerns of society' (own translation).

Other examples are Article 130 of the collective agreement of the Endesa Group<sup>117</sup>, which includes specific principles of action applicable to the two signatories of the agreement, and the collective agreement of the company 'Sabic Innovative Plastics Spain, SCPA'<sup>118</sup>.

It is also important to note that although most agreements include this commitment in the main part of the collective agreement, it can be located in an annex to the agreements or in the additional provisions. As an example of the first case, the collective agreement of the company 'Industrial Química del Nalón, SA'<sup>119</sup> makes the same commitment in Annex VI of the agreement. As an example of the second case, we can cite the collective agreements of the companies 'Siro Paterna SA'<sup>120</sup> (which includes the commitment of the parties signing the agreement in Additional Provision 3), 'Siro El Espinar, SL'<sup>121</sup> (Additional Provision 6<sup>th</sup>), and 'Galletas Siro, SA'<sup>122</sup> (Additional Provision 5).

Finally, the collective agreement of the company 'Elcogas, SA'<sup>123</sup> is remarkable because it includes these commitments within the framework of the code of conduct of the company (art. 56 of the collective bargaining agreement).

### **5.3. Principles and objectives to be accomplished by the firms as economic actors**

The number of collective agreements that includes principles and objectives to be met by the company as an economic agent is quantitatively significant.

It is possible to affirm that collective agreements are favourable to including 'green principles' that should govern the company's performance in the market.

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<sup>117</sup> Agreement of 'Grupo Endesa' (code 90013173012008).

<sup>118</sup> Agreement of 'Sabic Innovative Plastics Spain, SCPA' (code 30001842011996).

<sup>119</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>120</sup> Agreement of 'Siro Paterna SA' (code 46006952012007).

<sup>121</sup> Agreement of 'Siro El Espinar, SL' (code 46007042012008).

<sup>122</sup> Agreement of 'Galletas Siro, SA' (code 90015762012005).

<sup>123</sup> Agreement of 'Elcogas, SA' (code 13100052012012).

For example, the collective agreements of the companies ‘Johnson Controls Autobaterías SA’<sup>124</sup>, and ‘Johnson Controls’<sup>125</sup> include in their corporate vision ‘to achieve a more comfortable, safe and sustainable world’, and among its values it incorporates ‘sustainability’:

‘Through our products, services, operations and community participation, we promote the efficient use of resources to benefit all people and our planet. The environment and sustainability are key elements of our commercial proposal’ (own translation).

For its part, Article 41 of the collective agreement of the company Elcogas<sup>126</sup> expresses in the following terms the ‘vision’ of the company: being a company that has multinational properties and is responsible, efficient and competitive, committed to safety, health and the environment. Among the values included in the same precept, we can highlight the following: Guarantee the company’s responsible behaviour in social, economic and environmental matters with a clear commitment to sustainable development and adapting our strategies to the preservation of the environment; the evaluation of the environmental impacts of its activities, adopting the necessary measures to prevent pollution and annually setting objectives on significant environmental aspects; and the development of precise training programs so that all people carry out their work safely, efficiently and respectfully to the environment.

Other collective agreements include what they call ‘principles of action’. The collective agreement of the company ‘Centro de Empleo, Estudios y Formación, S.L.U.’<sup>127</sup> includes the following principles: a) Define the company’s environmental policy; b) Approve the Environmental Management Program that will include the objectives defined by the environmental policy and the actions planned to meet them; c) Encourage and guarantee the training and participation of workers in the environmental management of the company. The collective agreement of the Telefónica group of companies<sup>128</sup>, among the informative principles of the collective agreement, refers to the development of a responsible attitude towards the environment under the principles of sustainability’. The

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<sup>124</sup> Agreement of ‘Johnson Controls Autobaterías SA’ (code 03004321012008).

<sup>125</sup> Agreement of ‘Johnson Controls’ (code 28014952012009).

<sup>126</sup> Agreement of ‘Elcogas, SA’ (code 13100052012012).

<sup>127</sup> Agreement of ‘Centro de Empleo, Estudios y Formación, S.L.U.’ (code 46007142012009).

<sup>128</sup> Agreement of ‘Telefónica de España, SAU, Telefónica Móviles España, SAU y Telefónica Soluciones de Informática y Comunicaciones, SAU’ (code 90100303012015).

collective agreement of the Endesa Group<sup>129</sup> refers to the commitment to the environment in the principles of action of employees.

The Spanish Red Cross organization includes its principles within the code of conduct of the collective agreement<sup>130</sup> (Annex 3). Specifically, the collective agreement reflects the commitment of the Spanish Red Cross to not establish associations with companies that do not respect internationally recognized norms proclaimed in the Spanish Constitution regarding environmental matters and that their usual suppliers must maintain a preventive approach in favour of the environment and encourage initiatives that promote greater environmental responsibility. Finally, it includes the following clause called ‘Environmental responsibility’ (article 12.2 of the code of conduct):

‘In compliance with the environmental principles of the United Nations Global Compact, the action in this regard will focus on the adoption and monitoring of measures in the activity of the institution that guarantee that they will not cause damage to the environment and that lead to responsible consumption of energy resources and the separation, reuse, and recycling of waste and materials’ (Own translation).

In addition, collective agreements that include specific objectives to be achieved are also frequent. For example, the collective agreement of the company ‘Cementos Tudela Veguín SAU’<sup>131</sup> includes the most comprehensive content regarding objectives to be achieved. Specifically, Annex 17 (called ‘Environmental policies and energy recovery’), includes in section 1 the following ways to achieve reductions in energy consumption: ‘research on the use of new raw materials that reduce the emission ratio by chemical ratio decarbonization’; ‘Improve the energy efficiency of the facilities (ovens, refrigeration systems, etc.)’; ‘Promote the use of waste as alternative fuels’. On the other hand, this collective agreement includes section 3 on energy efficiency policy and replacement of fossil fuels with alternative fuels.

On the other hand, the collective agreement of the company ‘Employment, Studies and Training Center, SLU’<sup>132</sup> establishes the following concrete objectives (art. 9 of the collective agreement): the reduction of energy

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<sup>129</sup> Agreement of ‘Grupo Endesa’ (code 90013173012008).

<sup>130</sup> Agreement of ‘Cruz Roja Española’ (code 20100101012013).

<sup>131</sup> Agreement of ‘Cementos Tudela Veguín SAU’ (code 33001152011973).

<sup>132</sup> Agreement of ‘Centro de Empleo, Estudios y Formación, S.L.U.’. (code 46007142012009).

consumption and the study and promotion of renewable energies; the adequacy of the management of the waste produced during the company's activities to the selective collection; the promotion of the distribution and use of products and technologies that are more environmentally friendly; the improvement of the use of water resources and means; the analysis of the impact of the design of campaigns and projects from the environmental point of view; the establishment of environmental awareness campaigns aimed at users, customers of the company and society as a whole; the study of the sponsorship of actions and projects to improve the environment, etc.

Finally, the collective agreements of the companies 'Ara Vinc SL'<sup>133</sup>, 'Industrial Química del Nalón, SA'<sup>134</sup> and 'Grupo Acciona Energía'<sup>135</sup> stand out because they coincide with the objectives set out in the text of the respective companies. collective agreements: the promotion and achievement of a responsible action in the field of the environment, specifying the measures to be adopted; the establishment of qualitative and quantitative improvement objectives in order to make visible the progress achieved; and demonstrate to society the responsible behaviour of the company, individually and collectively, through the use of good environmental management techniques and the communication of the results obtained. In addition, the collective agreements of 'Ara Vinc SL'<sup>136</sup> and 'Industrial Química del Nalón, SA'<sup>137</sup> add one last objective: improving the credibility of the company and increasing the trust of the company and administrations public through concrete facts.

#### **5.4. Environmental duties and obligations imposed on the employer**

Collective agreements also include clauses that impose obligations on companies in relation to workers' rights.

The processes of selection and professional promotion regulated in collective agreements value environmental criteria. In relation to the personnel selection processes, the collective agreement of the company 'Sociedad Aragonesa de

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<sup>133</sup> Agreement of 'Ara Vinc, SL' (code 08100512012013).

<sup>134</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>135</sup> Agreement of 'Grupo Acciona Energía' (code 90100233012014).

<sup>136</sup> Agreement of 'Ara Vinc, SL' (code 08100512012013).

<sup>137</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

Gestión Agroambiental (SARGA)<sup>138</sup> includes the selection of courses related to the environment. Environmental protection is also an aspect established in the collective agreement of the company ‘Siderúrgica Sevillana, SA’<sup>139</sup> for the composition of the workforce. In relation to the promotion system, the collective agreement of the company ‘Siderúrgica Sevillana, SA’<sup>140</sup> includes among the merits to take into account for the occupation of a job the actions that demonstrate a commitment to the improvement in all areas of management of the company, including sustainability (art. 17 of the collective agreement).

Regarding training, the collective agreements of the companies ‘Talher, SA’<sup>141</sup> and ‘Urbaser, SA’<sup>142</sup> declare ‘to be aware’ of the necessary and essential elements required for improving urban and environmental environments, which should be taken into account when conducting the study and development of plans aimed at professional development of staff. The Lufthansa collective agreement<sup>143</sup> foresees that specific environmental training will be given, computing this training time as working time. The collective agreements of Volkswagen<sup>144</sup> and Elcogas<sup>145</sup> also include continuous training in environmental matters, the latter agreement as compulsory training.

The salary is also a subject where environmental aspects are valued. The collective agreement of the company ‘Siderúrgica Sevillana, SA’<sup>146</sup> includes an economic bonus for the reduction of non-quality in the finished product, for which calculation environmental criteria must be taken into account.

In terms of sustainable mobility, two clauses can be found. The collective agreement of the Agency for Housing and Rehabilitation of Andalusia<sup>147</sup> provides that, for economic compensation for expenses due to the performance of the work, displacements in means of public transport and those other measures that

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<sup>138</sup> Agreement of ‘Sociedad Aragonesa de Gestión Agroambiental (SARGA)’ (72100142012017).

<sup>139</sup> Agreement of ‘Siderúrgica Sevillana, SA’ (code 41002232011982).

<sup>140</sup> Agreement of ‘Siderúrgica Sevillana, SA’ (code 41002232011982).

<sup>141</sup> Agreement of ‘Talher, SA’ (code 08011701012001).

<sup>142</sup> Agreement of ‘Urbaser, SA’ (code 08010331011999).

<sup>143</sup> Agreement of ‘Lufthansa’ (code 90006282011989).

<sup>144</sup> Agreement of ‘Volkswagen’ (code 31003352011996).

<sup>145</sup> Agreement of ‘Elcogas, SA’ (code 13100052012012).

<sup>146</sup> Agreement of ‘Siderúrgica Sevillana, SA’ (code 41002232011982).

<sup>147</sup> Agreement of ‘Agencia de Vivienda y Rehabilitación de Andalucía’ (code 71000352011992).

contribute to sustainable mobility. The Lufthansa collective agreement<sup>148</sup> foresees to agree on a Sustainable Mobility Plan that reduces ‘in itinere’ work accidents and polluting emissions, as well as the Volkswagen collective agreement<sup>149</sup> provides, within its industrial plan, the sustainable collective transport.

Finally, the collective agreement of the Endesa Group<sup>150</sup> contemplates respect for the environment as part of the obligations of staff conduct and, in case of non-compliance, may result in the imposition of sanctions by the company. Specifically, the collective agreement provides:

‘18) Failure or non-compliance in the provision of the work of the general or particular rules, norms and instructions of the company related to the environment when any type of damage to the company or its image may be derived from the company. This breach will be considered as very serious as long as damage to the environment can result from it.

19) To tolerate those who are under their hierarchical dependence to work in violation of environmental norms even if this does not imply a risk to the environment or to the company’s image before society. This breach will be considered as very serious when it could derive probable risk to the environment or damage to the company or its image before society’ (own translation).

### 5.5. Clauses linking ‘green content’ with occupational health regulations

Collective agreements of the sample include to lesser extent connections between environmental matters and the clauses on occupational safety and health. Mainly, it consists in defining the competencies of the personnel representation bodies in matters of occupational safety and health: the Prevention Delegates<sup>151</sup> and the Health and Safety Council<sup>152</sup>.

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<sup>148</sup> Agreement of ‘Lufthansa’ (code 90006282011989).

<sup>149</sup> Agreement of ‘Volkswagen’ (code 31003352011996).

<sup>150</sup> Agreement of ‘Grupo Endesa’ (code 90013173012008).

<sup>151</sup> Law 31/1995, of November 8, on Occupational Risk Prevention (Official Gazette n. 269, of 10/11/1995) defines Prevention Delegates as the representatives of workers with specific functions in the field of risk prevention at work (article 35.1).

<sup>152</sup> Law 31/1995, of November 8, on the prevention of Occupational Risks (Official Gazette n. 269, of 10/11/1995) defines the Health and Safety Committee as a joint and collegiate participation body for regular consultation and periodic actions of the company in the field of risk prevention (article 38.1).

The collective agreement of Volkswagen<sup>153</sup> provides for information rights of the Commission of Prevention Delegates. The collective agreement of the company 'Industrial Química del Nalón, SA'<sup>154</sup> extends the powers of the Health and Safety Committee to convene extraordinary meetings when complaints about environmental problems occur. For its part, the collective agreement of the Telefónica group of companies<sup>155</sup> includes among the competences of the members of the Health and Safety Committees to accompany the Occupational Risk Prevention technicians in the evaluations of the preventive nature of the environment and conditions of work.<sup>156</sup>

Although it is not strictly a representative body specialized in health and safety, the collective agreement of the company 'Industrial Química del Nalón, SA'<sup>157</sup> contemplates the competence of the inter-centre committee<sup>158</sup> of being quarterly informed of periodic or special studies of the work environment and the prevention mechanisms used. Also, the collective agreement of the Telefónica group of companies<sup>159</sup> regulates, within the powers of the Inter-Centre Committee on Safety, Health and Environment, the Coordination of the action in the field of Occupational Risk Prevention and Environment of the company.

Beyond the collective agreements that establish the connection between the health and safety committee and environmental matters, the collective agreement of the Volkswagen company<sup>160</sup> provides for the training and information of the workers' groups that, due to the characteristics of their activity and of the products that they manipulate, can have a negative impact on the environment.

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<sup>153</sup> Agreement of 'Volkswagen' (code 31003352011996).

<sup>154</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>155</sup> Agreement of 'Telefónica de España, SAU, Telefónica Móviles España, SAU y Telefónica Soluciones de Informática y Comunicaciones, SAU' (code 90100303012015).

<sup>156</sup> Indeed, it is already provided by the Statutory Law.

<sup>157</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>158</sup> The Statute of Workers (Royal Legislative Decree 2/2015, of October 23, Official Gazette n. 255, of 10/24/2015.) makes it possible for an agreement to establish the constitution and operation of an inter-centre committee whose functions will be those that the agreement itself provides (article 63.3 Statute of Workers).

<sup>159</sup> Agreement of 'Telefónica de España, SAU, Telefónica Móviles España, SAU y Telefónica Soluciones de Informática y Comunicaciones, SAU' (code 90100303012015).

<sup>160</sup> (31003352011996).

## 5.6. 'Green' representative bodies

There are four agreements that create the figure of the 'environmental delegate', which is an important innovation because it is not provided in the Law.

The collective agreement of the company 'Ara Vinc, SL'<sup>161</sup> creates the 'environment delegate', chosen from among the members of the work council. Among its functions and competencies are: (1) Collaborate with the company's management in the improvement of environmental action; (2) Promote and encourage the cooperation of workers in compliance with environmental regulations; (3) Exercise follow-up work on compliance with environmental regulations, as well as environmental policies and objectives established by the company; (4) Receive information on the implementation of new technologies from which environmental risks could arise, as well as on the development of environmental management systems; (5) Propose to the company the adoption of measures aimed at reducing environmental risks and improving environmental management; (6) Collaborate in the design and development of training actions in matters related to the company's environmental obligations; (7) Receive the environmental information that is given to the workers' representatives.

The collective agreement of the company 'Elcogas'<sup>162</sup> also provides for the creation of an environmental delegate. Unlike the delegate of the company 'Ara Vinc, SL', the environmental delegate in 'Elcogas' has the same powers, rights, and obligations as a Prevention Delegate. The collective agreement of the company 'Industrial Chemistry Nalon, SA'<sup>163</sup> also provides for the appointment of an environmental delegate between prevention delegates in each workplace.

Moreover, the collective agreement of the company 'Centro de Empleo, Estudios y Formación, S.L.U'.<sup>164</sup> provides for an environmental delegate who must be appointed by the representatives of the workers among the workers of the company that is more than six years old. The functions reserved are: (a) Exercise monitoring and control work on compliance with environmental regulations; (b) Follow-up with a view to optimizing the use of raw materials, natural resources, and energy; (c) Disseminate information about the environment among workers;

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<sup>161</sup> Agreement of 'Ara Vinc, SL' (code 08100512012013).

<sup>162</sup> Agreement of 'Elcogas, SA' (code 13100052012012).

<sup>163</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>164</sup> Agreement of 'Centro de Empleo, Estudios y Formación, S.L.U'. (code 46007142012009).

(d) Have access to environmental information and documentation; (e) Obtain from the Directorate of the company the adoption of preventive measures and make proposals in this regard; and (f) Suggest environmental policies to the company. The collective agreement also provides that the guarantees that the environmental delegate will have will be the same guarantees of the prevention delegates and members of the works council.

In contrast, the Lufthansa collective agreement<sup>165</sup> also provides for the designation of environmental delegates who will have the same powers and powers as the prevention delegates. Therefore, it does not extend or specify the functions of this form of representation.

Excluding environmental delegates, other forms of representation that assume similar functions can be found in collective agreements in the sample. The agreement of the company 'Industrial Química del Nalón, SA'<sup>166</sup> empowers the 'Inter-Centre Security Committee' with the function of monitoring the Environmental Management system. On the other hand, the collective agreement of the company 'Cementos Tudela Veguín SAU'<sup>167</sup> recognizes the following functions to the Company Committee: collaborate with the Directorate of the company in the improvement of the environmental action; know and be informed of all the elements that make up the control and monitoring of environmental projects carried out in the Factory; promote and encourage the cooperation of workers in the execution of environmental regulations. In addition, this collective agreement establishes (in Annex 7, paragraph 5) the obligation of the company to provide the members of the Committee with the means and training in the environment that are necessary for the exercise of their functions. Also, the collective agreement of the company 'Cementos Tudela Veguín SAU'<sup>168</sup> provides for the constitution of an 'Environment Committee', formed by the environmental delegate and a representative of the company, and whose function consists of regular consultation and periodic actions of the company in environmental matters.

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<sup>165</sup> (90006282011989).

<sup>166</sup> Agreement of 'Industrial Química del Nalón, SA' (code 33000642011979).

<sup>167</sup> Agreement of 'Cementos Tudela Veguín SAU' (code 33001152011973).

<sup>168</sup> Agreement of 'Cementos Tudela Veguín SAU' (code 33001152011973).

### 5.7. Clauses of enforcement and monitoring

None of the collective agreements signed at the company level contain clauses that effectively guarantee compliance with the commitments assumed in relation to the environment. However, there are references to other instruments or mechanisms that can facilitate monitoring compliance with environmental clauses.

The commitment of the parties is strengthened when it is reflected in the creation of a joint commission through which the parties assume tasks or functions. Specifically, the commission created in the collective agreement of ‘Talher, SA’<sup>169</sup> assumes the function of transferring awareness to the citizens of the municipality about the ways and ways of acting in the best way to deal with urban waste. Another example, the collective agreement of the company ‘Urbaser, SA’<sup>170</sup> includes in that commission not only the signatory parties of the agreement but also the City Council to which they provide their service. Moreover, the collective agreement of the company ‘Ara Vinc, SL’<sup>171</sup> gives its joint committee<sup>172</sup> the function of promoting and prioritizing the occupation and social cohesion through sustainable development.

The most common reference is made to the environmental management systems owned by companies. For example, the collective agreement of the company ‘Sabic Innovative Plastics España, SCPA’<sup>173</sup> contemplates an environmental management system in order to ‘manage the environmental processes and guarantee in a sustainable way the defence of the environment’ (art. 65). The collective agreements of ‘Telefónica de España, SAU’<sup>174</sup> and the Telefónica group<sup>175</sup> include the implementation of the Environmental Management System to

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<sup>169</sup> Agreement of ‘Talher, SA’ (code 08011701012001).

<sup>170</sup> Agreement of ‘Urbaser, SA’ (code 08010331011999).

<sup>171</sup> Agreement of ‘Ara Vinc, SL’ (code 08100512012013).

<sup>172</sup> The Statute of Workers (Royal Legislative Decree 2/2015, of October 23, Official Bulletin n. 255, of 10/24/2015.) provides for the obligation that each agreement requires a joint committee (85.3 Statute of the Workers) and whose main function is to know and resolve issues arising from the application and interpretation of agreements (Article 91.1 Statute of Workers).

<sup>173</sup> Agreement of ‘Sabic Innovative Plastics Spain, SCPA’ (code 30001842011996).

<sup>174</sup> Agreement of ‘Telefónica de España, SAU’ (code 90004942011981).

<sup>175</sup> Agreement of ‘Telefónica de España, SAU, Telefónica Móviles España, SAU y Telefónica Soluciones de Informática y Comunicaciones, SAU’ (code 90100303012015).

promote savings in the consumption of natural resources and improve energy efficiency in line with concerns of the society.

For its part, the collective agreement of the company ‘Cementos Tudela Veguín SAU’<sup>176</sup> provides what may be the reference to the most specific instrument to ensure compliance with environmental commitments: the agreement establishes the obligation of the company to inform of the environmental aspects included in its Integrated Environmental Authorization, in the State Register of Emissions and Pollutant Sources and in the National Greenhouse Gas Assignment Plan (‘Plan Nacional de Asignación de Gases de Efecto Invernadero’).

The collective agreement of the company ‘Siderúrgica Sevillana, SA’<sup>177</sup> states that the works council has the right to access the result of quality and environmental audits (art. 46). This same company foresees an integrated management policy as a sustainable management strategy that is embodied in several action commitments, including maintaining a system of identification, evaluation and management of the environmental effects derived from its activities, following the requirements of the standard UNE-EN ISO 14.001:2004. Finally, the collective agreement of the company ‘Industrial Química del Nalón, SA’<sup>178</sup> includes a reference to the joint commitment of the signatory parties to develop the industrial plan in relation to the environment and work together for the implementation of good practices in this area (Annex VI, entitled ‘Occupational Health and Safety Environment’).

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<sup>176</sup> Agreement of ‘Cementos Tudela Veguín SAU’ (code 33001152011973).

<sup>177</sup> Agreement of ‘Siderúrgica Sevillana, SA’ (code 41002232011982).

<sup>178</sup> Agreement of ‘Industrial Química del Nalón, SA’ (code 33000642011979).

## 6. Conclusions

### 6.1. Statistical analysis of the samples

The sample consisted of 119 collective agreements of sector level (of 129 preselected), while the sample of collective agreements of enterprise level is composed of 23 collective agreements (of 26 preselected). The option to analyse a larger sample of collective agreements at the sector level is justified by the importance that collective bargaining at the sector level has in the Spanish collective bargaining system. The sample of collective bargaining agreements, although smaller, aims to show the best detectable practices in the companies and groups of companies that have negotiated the collective bargaining agreements.

The results obtained after the analysis of the statistical data show more similarities than differences between collective agreements at company level and collective agreements at sector level. This may be evidence of the traits shared by collective agreements that include environmental clauses.

In relation to the similarities, we will point out the following:

- The collective agreements whose geographical scope is provincial are the majority in collective agreements at company level as well as in collective agreements at sector level.
- The collective agreements that are applied in the sector of economic activity ‘C’ (manufacturing industry) are predominant in both samples.
- In the two samples of collective agreements, the collective agreements that cover the most population are the collective agreements with the broadest geographical scope (state in the case of collective agreements of sectoral and inter-autonomous level in the case of collective agreements company level).
- Regarding covered people segregated by sex, in both samples the collective agreements cover more of the male population than female population.
- The collective agreements that the REGCON system shows to contain environmental clauses are mainly by companies whose geographical scope is state (in the case of collective agreements at sector level) and inter-autonomous (in the case of collective agreements at company level), and prevailing collective agreements that apply in the activity sector ‘C’.

- In both samples the predominant collective agreements have a multi-annual duration and have been preceded by other collective agreements.

Regarding the differences, the two samples of collective agreements show differences due to the size of each one of them (for example, in terms of the number of territories or sectors affected by the collective agreements). Despite this, we can highlight two relevant differences: on the one hand, the percentage of men and women covered by collective agreements varies slightly since the percentage of men covering collective agreements at sector level is 59% of the total number of people covered by these collective agreements, while the percentage of men covered by collective agreements of enterprise level is 74%; on the other hand, in the case of collective agreements at sector level, the sector of economic activity where more workers work is sector 'A' (Agriculture, livestock, forestry and fishing) while in collective agreements at company level the sector where more workers work is the 'J' sector (Information and communications).

## **6.2. Qualitative analysis of the sample of collective bargaining agreements**

One of the main targets that have resonated in the Spanish collective agreements is related to employability. In terms of growth and employment creation, the social actors agree on the idea that the climate change policies should target improvements, and not the elimination of jobs and industries.

There is a great disparity between the collective agreements of the sample in relation to the part of the text of the agreement where environmental content is included. Although there are environmental clauses in the main body of collective agreements, in some cases these clauses are included in additional provisions of the agreement or in annexes, as part of equality plans, codes of conduct or an industrial plan.

Thus, the contents are dispersed and generally isolated in some specific provisions or sections without a connection to other labour matters. Bearing in mind this atomization, there is a need for a common strategy that strengthens the definition of the main principles to conform to the essential basis that could be applicable to the different sectors.

From the perspective of the material scope of environmental clauses, the most abundant clauses in collective agreements are those that state commitments of the

parties that have signed the collective agreement and, to a lesser extent, those that list the principles and objectives to be achieved. They usually adopt the commitment of reducing the use of the energy and study the introduction of renewable energies. Another interesting conclusion of the study is the connections between the existence of the green-sensitiveness provisions and the correlative implementation of the measures related to the real effectiveness of the principle of equality and no discrimination between men and women. Moreover, these commitments are reflected in the duty of elaboration of an equality plan. Thus, in a good sample of the analysed collective agreements, the duty is assigned to companies with a size below the minimum required by the Act 3/2007, of March 22, for Equality between Men and Women.

Regarding the duties of employers provided in the sectoral collective agreements, it is possible to analyse three great fields: the new job classification system and all the training duties associated to this; the impact of the environmental issues on remuneration; and sustainable transport plans. The objective of the provisions relating to the 'green jobs classification' is to provide employees with adequate new green skills and knowledge. They pay special attention to high and adequate qualifications, training and initiatives for lifelong learning as important preconditions for a competitive sustainable industry. One of the proposals in the Spanish sectoral collective bargaining is the progressive introduction of sustainable means of transport for workers. In some agreements, these methods are combined with energy-efficient eco-driving practices, as the gradual implementation of sustainable mobility plans for workers. In terms of wage complements, some agreements also include provisions that incorporate an additional emolument payable under certain climate conditions.

From the perspective of the occupational health provisions and their connections to the environmental issues, the conclusion of the analysis is that the impact of this kind of clause is the most relevant of all the analysis of the sectoral agreements. Spanish weather conditions could have a significant impact on workers' occupational health and safety at work that affect the most vulnerable workers, especially if we take into account global warming and the Spanish idiosyncrasy of extremely hot temperatures and heat waves.

Concerning the collective rights, the analysis of the Spanish collective bargaining at the sectoral level shows interesting advances in relation to the rights of the workers' representatives. In the great majority of the agreements, the signatory parts create additional environmental competences for the members of the works

councils and unitary representatives (*comités de empresa and delegados de personal*) usually associated with the material scope of occupational health at work issues and training on environmental issues. Another option that is followed by some collective agreements is to design a specific body called ‘environmental delegates’ with exclusive competences in environmental issues.

In relation to the commitments assumed by the signatory parties, it is important to note that when the obligation to ensure and respect the environment is transferred to the joint commission of the agreement, this body acquires special relevance in this matter during the life of the agreement.

Moreover, collective agreements often use different terminology to refer to what should be the rules that regulate the behaviour of the company as an economic agent. Thus, some agreements use the term ‘corporate vision’ while others use ‘principles of action’. Other collective agreements establish specific objectives to be achieved, which would facilitate the control by the joint commission of compliance with the obligations assumed by the companies.

Another important aspect is the appointment of environmental delegates. Although there are collective agreements that give functions to the representative bodies that specialize in occupational safety and health, other collective agreements include as innovation the appointment of a responsible and specialized representative in environmental matters. The highlight of this innovation is the fact that some agreements grant the same protection as if this were a representative of ordinary workers.

## Annex 1 – List of collective agreements signed at sector level included at the sample

Code	Sector	Province Autonomous Community	Official Journal
01100635012017	Education sector	Álava	Álava OJ. November 17, 2017
02000045011981	Building sector	Albacete	Albacete OJ. March 26, 2018
03000335011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Alicante/Alacant	Alicante OJ. August 28, 2017
03000355011981	Manufacturing industry	Alicante/Alacant	Alicante OJ. August 13, 2013
03000665011981	Transport and storage sector	Alicante/Alacant	Alicante OJ. March 8, 2017
04000295011982	Financial and insurance activities sector	Almería	Almería OJ. January 26, 2017
04000415011982	Manufacturing industry	Almería	Almería OJ. October 29, 2015
04000485011984	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Almería	Almería OJ. November 10, 2016
07000255011981	Manufacturing industry	Balears (Illes)	Baleares OJ. August 24, 2019
07000435011982	Hostelry sector	Balears (Illes)	Baleares OJ. July 12, 2018

07002305012005	Health and social services activities sector	Balears (Illes)	Baleares OJ. March 10, 2014
08000795011994	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Barcelona	Barcelona OJ. November 8, 2016
10000075011982	Manufacturing industry	Cáceres	Cáceres OJ. November 18, 2014
11000035011981	Health and social services activities sector	Cádiz	Cádiz OJ. April 24, 2018
11000235011981	Manufacturing industry	Cádiz	Cádiz OJ. October 1, 2014
11001005011982	Manufacturing industry	Cádiz	Cádiz OJ. December 19, 2016
12000185011963	Manufacturing industry	Castellón/Castelló	Castellón OJ. January 8, 2015
14000055011981	Manufacturing industry	Córdoba	Córdoba OJ. August 20, 2018
14000145011982	Manufacturing industry	Córdoba	Córdoba OJ. August 2, 2017
14000495011981	Manufacturing industry	Córdoba	Córdoba OJ. August 19, 2014
15002955011992	Administrative activities and auxiliary services sector	Coruña (A)	A Coruña OJ. December 19, 2012
18000115011982	Building sector	Granada	Granada OJ. May 14, 2014
18000195011981	Manufacturing industry	Granada	Granada OJ. December 16, 2014

19000155011981	Hostelry sector	Guadalajara	Guadalajara OJ. September 22, 2017
19000635011992	Administrative activities and auxiliary services sector	Guadalajara	Guadalajara OJ. May 8, 2019
20100025012011	Health and social services activities sector	Guipúzcoa	Guipúzcoa OJ. February 21, 2017
20100034012011	Health and social services activities sector	Guipúzcoa	Guipúzcoa OJ. December 1, 2011
21000295011981	Manufacturing industry	Huelva	
22000015012004	Agriculture, forestry and fishing sector	Huesca	Huesca OJ. June 28, 2016
23000245011981	Administrative activities and auxiliary services sector	Jaén	Jaén OJ. May 24, 2019
24001805011980	Manufacturing industry	León	León OJ. July 25, 2019
24004405011979	Manufacturing industry	León	León OJ. January 14, 2016
24004805011981	Transport and storage sector	León	León OJ. August 14, 2019
24004875012001	Other services	León	León OJ. July 25, 2018
28000755011982	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Madrid	Madrid OJ. June 3, 2019
28000775011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Madrid	Madrid OJ. August 7, 2019
28000805011982	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Madrid	Madrid OJ. November 25, 2017

28003155011981	Manufacturing industry	Madrid	Madrid OJ. June 1, 2019
28005805011991	Artistic, recreational and training activities	Madrid	Madrid OJ. April 29, 2019
28008255011995	Health and social services activities sector	Madrid	Madrid OJ. September 3, 2013
28014085012007	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Madrid	Madrid OJ. August 27, 2016
28100035012012	Education sector	Madrid	Madrid OJ. June 3, 2017
29000185011981	Building sector	Málaga	Málaga OJ. July 21, 2019
29000255011981	Agriculture, forestry and fishing sector	Málaga	Málaga OJ. July 5, 2017
29000425011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Málaga	Málaga OJ. September 26, 2017
29006035011996	Health and social services activities sector	Málaga	Málaga OJ. October 14, 2014
30000045011981	Agriculture, forestry and fishing sector	Murcia	Murcia OJ. March 6, 2018
30000195011981	Manufacturing industry	Murcia	Murcia OJ. August 10, 2017
30000305011981	Manufacturing industry	Murcia	Murcia OJ. October 19, 2015
30000505011981	Manufacturing industry	Murcia	Murcia OJ. August 6, 2019
30000985011988	Manufacturing industry	Murcia	Murcia OJ. June 19, 2019

30001085011981	Manufacturing industry	Murcia	Murcia OJ. October 19, 2015
31001605011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Navarra	Navarra OJ. January 12, 2018
31003605011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Navarra	Navarra OJ. June 26, 2019
31003805011981	Hostelry sector	Navarra	Navarra OJ. June 14, 2017
31007255011995	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Navarra	Navarra OJ. June 21, 2016
32000305011981	Manufacturing industry	Ourense	Ourense OJ. June 11, 2019
32001055012007	Health and social services activities sector	Ourense	Ourense OJ. January 12, 2013
33000335011980	Manufacturing industry	Asturias	Asturias OJ. August 28, 2014
33002825011994	Manufacturing industry	Asturias	Asturias OJ. September 26, 2016
34000295011981	Manufacturing industry	Palencia	Palencia OJ. June 30, 2017
36000505011981	Manufacturing industry	Pontevedra	Pontevedra OJ. December 26, 2018
38000305011982	Manufacturing industry	Santa Cruz de Tenerife	Tenerife OJ. November 8, 2013
38001035011979	Administrative activities and auxiliary services sector	Santa Cruz de Tenerife	Tenerife OJ. July 12, 2019

38003305012000	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Santa Cruz de Tenerife	Tenerife OJ. June 2, 2017
38100045012014	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Santa Cruz de Tenerife	Tenerife OJ. November 11, 2013
39000365011982	Building sector	Cantabria	Cantabria OJ. January 15, 2018
39002895012004	Professional, scientific and technical activities	Cantabria	Cantabria OJ. August 22, 2019
41000085011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Sevilla	Sevilla OJ. November 8, 2017
41000905011981	Manufacturing industry	Sevilla	Sevilla OJ. March 23, 2018
45000175011981	Manufacturing industry	Toledo	Valencia OJ. April 20, 2018
46000535011981	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Valencia/València	Valencia OJ. April 18, 2018
46000565011981	Manufacturing industry	Valencia/València	Valencia OJ. August 12, 2011
46000805011981	Other services	Valencia/València	Valencia OJ. March 15, 2016
46000845011981	Manufacturing industry	Valencia/València	Valencia OJ. July 26, 2016
46001305011981	Manufacturing industry	Valencia/València	Valencia OJ. December 29, 2017
46005825012000	Transport and storage sector	Valencia/València	Valencia OJ. September 30, 2016

47000755011982	Manufacturing industry	Valladolid	Valladolid OJ. September 18, 2017
48004565011997	Health and social services activities sector	Vizcaya	Bizkaia OJ. May 20, 2014
50000805011981	Manufacturing industry	Zaragoza	Zaragoza OJ. November 5, 2017
50000815011984	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Zaragoza	Zaragoza OJ. January 25, 2013
50100425012016	Other services	Zaragoza	Zaragoza OJ. March 6, 2018
52000615011999	Administrative activities and auxiliary services sector	Melilla	Melilla OJ. March 7, 2014
75000475012009	Agriculture, forestry and fishing sector	Canarias	Canarias OJ. October 23, 2018
77000255012008	Health and social services activities sector	Castilla-La Mancha	Castilla La Mancha OJ. March 6, 2018
79001575011999	Transport and storage sector	Cataluña	Cataluña OJ. May 25, 2015
80000105011990	Agriculture, forestry and fishing sector	Comunitat Valenciana	Valencia OJ. June 26, 2019
80000265011996	Health and social services activities sector	Comunitat Valenciana	Valencia OJ. January 4, 2019
80000305011997	Health and social services activities sector	Comunitat Valenciana	Valencia OJ. July 27, 2015
80000335011999	Other services	Comunitat Valenciana	Valencia OJ. September 17, 2014
80000555012002	Manufacturing industry	Comunitat Valenciana	Valencia OJ. March 8, 2017

80000565012003	Manufacturing industry	Comunitat Valenciana	Valencia OJ December 5, 2017
80000715012008	Health and social services activities sector	Comunitat Valenciana	Valencia OJ. August 6, 2019
80100035012012	Manufacturing industry	Comunitat Valenciana	Valencia OJ. December 6, 2018
80100085012017	Manufacturing industry	Comunitat Valenciana	Valencia OJ. August 8, 2019
81000195012006	Health and social services activities sector	Extremadura	Extremadura OJ. March 17, 2017
82001065012010	Artistic, recreational and training activities	Galicia	Galicia OJ. February 6, 2017
99000155011981	Administrative activities and auxiliary services sector	Estatat	Spanish OJ. December 21, 2016
99000275011981	Manufacturing industry	Estatat	Spanish OJ. January 15, 2019
99000985011981	Education sector	Estatat	Spanish OJ. July 4, 2019
99001465011981	Manufacturing industry	Estatat	Spanish OJ. August 2, 2016
99001945011981	Financial and insurance activities sector	Estatat	Spanish OJ May 30, 2017
99003435011900	Manufacturing industry	Estatat	Spanish OJ. June 19, 2017
99003955011981	Manufacturing industry	Estatat	Spanish OJ. July 9, 2019
99004015011984	Manufacturing industry	Estatat	Spanish OJ. August 20, 2019
99010175011996	Manufacturing industry	Estatat	Spanish OJ.

			November 27, 2012
99010555011996	Information and communications' sector	Estatal	Spanish OJ. December 23, 2013
99010825011997	Health and social services activities sector	Estatal	Spanish OJ.September 21, 2018
99011445011900	Transport and storage sector	Estatal	Spanish OJ. May 17, 2017
99012845012001	Transport and storage sector	Estatal	Spanish OJ. March 7, 2017
99013745012001	Information and communications' sector	Estatal	Spanish OJ. August 27, 2019
99015595012005	Transport and storage sector	Estatal	Spanish OJ. October 21, 2014
99016365012007	Agriculture, forestry and fishing sector	Estatal	Spanish OJ. June 5, 2019
99017255012008	Professional, scientific and technical activities	Estatal	Spanish OJ. October 7, 2017
99100115012012	Artistic, recreational and training activities	Estatal	Spanish OJ. May 18, 2012
99100155012015	Health and social services activities sector	Estatal	Spanish OJ. July 3, 2015
99100175012016	Wholesale and retail trade, repair of motor vehicles and motorcycles sector	Estatal	Spanish OJ. March 15, 2016

## Annex 2 – List of collective agreements signed at company level included in the sample

Code	Name	Official Journal
41002232011982	Siderurgica Sevillana, S.A.	Seville OJ, February 26, 2019
03004321012008	Johnson Controls Autobaterias SA (Guardamar)	Alicante OJ, July 25, 2016
71000352011992	Agencia de Vivienda y Rehabilitación de Andalucía	Andalusia OJ, March 3, 2016
08011701012001	Urbaser, SA	Barcelona OJ, September 9, 2019
90100233012014	Grupo Acciona Energia	Spanish OJ, October 21, 2014
08010331011999	Urbaser, SA.	Barcelona OJ, July 10, 2014
90004942011981	Telefonica de España ,S.A.U.	Spanish, August 4, 2011
72100142012017	Sociedad Aragonesa de Gestion Agroambiental S.L.U.	Aragón OJ, July 31, 2017
28014952012009	Johnson Controls Autobaterias SA (Oficinas Centrales)	Madrid OJ, November 12, 2016
33000642011979	Industrial Quimica del Nalon S.A.	Asturias OJ, June 14, 2016
46006952012007	Siro Paterna, SA	Valencia OJ, March 16, 2016
90100303012015	Telefónica de España, S.A.U.; Telefónica Móviles España, S.A.U.; Telefónica Soluciones de Informática y Comunicaciones, S.A.U.	Spanish OJ, January 21, 2016

33001152011973	Cementos Tudela Veguin Factoria de Aboño 2014-2018	Asturias OJ, September 16, 2015
90013173012008	Grupo Endesa	Spanish OJ, February 13, 2014
46007042012008	Horno del Espinar SL (Antes Galletas Siro SA)	Valencia OJ, December 18, 2013
90015762012005	Galletas Siro, S.A.	Spanish OJ, January 29, 2013
30001842011996	Sabic Innovative Plastics España S.C.A.	Murcia OJ, June 27, 2018
20100101012013	Cruz Roja Gipuzkoa	Guipuzcoa OJ, July 11, 2016
90006282011989	Lufthansa	Spanish OJ, September 25, 2015
46007142012009	Centro de Empleo Estudios y Formacion SLU (CEMEF,SLU)	Valencia OJ, January 9, 2015
31003352011996	Volkswagen Navarra, S.A. (antes Fabrica Navarra de Automoviles, S.A.)	Navarra OJ, March 13, 2014
08100512012013	Ara Vinc S.L	Barcelona OJ, February 3, 2014
13100052012012	Elcogas, S.A.	Ciudad Real OJ, April 13, 2012

### Annex 3 – Nomenclature of economic activity

Code	Economic Activity
A	Agriculture, forestry and fishing sector
B	Extractive industries
C	Manufacturing industry
D	Supply of electricity, gas, steam and air conditioning
E	Water supply, sanitation activities, waste management and decontamination
F	Building sector
G	Wholesale and retail trade, repair of motor vehicles and motorcycles sector
H	Transport and storage sector
I	Hostelry sector
J	Information and communications' sector
K	Financial and insurance activities sector
L	Real estate activities
M	Professional, scientific and technical activities
N	Administrative activities and auxiliary services sector
O	Public administration and defence; Mandatory social security
P	Education sector
Q	Health and social services activities sector
R	Artistic, recreational and training activities
S	Other services
T	Activities of households as employers of domestic personnel; household activities as

	producers of goods and services for their own use
U	Activities of extraterritorial organizations and organizations

## Annex 4 – Tables

**Table 10** – Collective agreements signed at the provincial level

Province	Nº	%	Province	Nº	%
Valencia/València	6	10.5%	Barcelona	1	1.8%
Málaga	4	7.0%	Huelva	1	1.8%
León	4	7.0%	Álava	1	1.8%
Santa Cruz de Tenerife	4	7.0%	Albacete	1	1.8%
Zaragoza	3	5.3%	Cáceres	1	1.8%
Alicante/Alacant	3	5.3%	Castellón/Castelló	1	1.8%
Almería	3	5.3%	Coruña (A)	1	1.8%
Cádiz	3	5.3%	Huesca	1	1.8%
Córdoba	3	5.3%	Jaén	1	1.8%
Sevilla	2	3.5%	Palencia	1	1.8%
Granada	2	3.5%	Pontevedra	1	1.8%
Guadalajara	2	3.5%	Toledo	1	1.8%
Guipúzcoa	2	3.5%	Valladolid	1	1.8%
Ourense	2	3.5%	Vizcaya	1	1.8%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 11** – Collective agreements signed at the autonomous community level (included the autonomous city of Melilla)

Autonomous Community	Nº	%	Autonomous Community	Nº	%
Comunitat Valenciana	9	22.5%	Canarias	1	2.5%
Madrid	8	20.0%	Castilla-La Mancha	1	2.5%
Murcia	6	15.0%	Cataluña	1	2.5%
Navarra	4	10.0%	Extremadura	1	2.5%
Balears (Illes)	3	7.5%	Galicia	1	2.5%
Cantabria	2	5.0%	Melilla	1	2.5%
Asturias	2	5.0%			

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 12** – People covered by collective agreements signed at the provincial level

Province	People	%	Province	People	%
Alicante/Alacant	65,792	19%	Huesca	7,000	2%
Santa Cruz de Tenerife	42,700	13%	Zaragoza	5,445	2%
Málaga	42,000	12%	Sevilla	4,150	1%
Valencia/València	30,530	9%	Jaén	3,458	1%
Almería	29,200	9%	Guipúzcoa	2,062	1%
Barcelona	20,000	6%	Vizcaya	1,600	0%
Granada	14,700	4%	Valladolid	1,585	0%
Albacete	12,000	4%	Toledo	750	0%
Córdoba	10,450	3%	Álava	435	0%

León	10,260	3%	Pontevedra	350	0%
Ourense	10,102	3%	Huelva	320	0%
Castellón/Castelló	9,875	3%	Cáceres	139	0%
Cádiz	7,600	2%	Coruña (A)	137	0%
Guadalajara	7,000	2%	Palencia	75	0%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 13** – People covered by collective agreements signed at the autonomous community level (included the autonomous city of Melilla)

Autonomous Community	People	%	Autonomous Community	People	%
Balears (Illes)	100,620	28.8%	Canarias	9,000	2.6%
Comunitat Valenciana	87,846	25.2%	Galicia	3,911	1.1%
Madrid	65,229	18.7%	Asturias	3,425	0.9%
Murcia	29,900	8.6%	Castilla-La Mancha	1,622	0.5%
Navarra	19,278	5.5%	Melilla	1,200	0.3%
Cantabria	13,230	3.8%	Extremadura	812	0.2%
Cataluña	13,000	3.7%			

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 14** – People covered by collective agreements signed at the provincial level by sex

Province	Men		Women	
	Abs. Num.	%	Abs. Num.	%
Alicante/Alacant	49,597	75%	16,195	25%
Santa Cruz de Tenerife	22,940	54%	19,760	46%
Málaga	23,950	57%	18,050	43%
Valencia/València	15,510	51%	15,020	49%
Almería	24,500	84%	4,700	16%
Barcelona	5,000	25%	15,000	75%
Granada	14,600	99%	100	1%
Albacete	11,500	96%	500	4%
Córdoba	8,020	77%	2,430	23%
León <sup>1</sup>	-	-	-	-
Ourense	9,028	89%	1,074	11%
Castellón/Castelló	9,530	97%	345	3%
Cádiz	970	27%	2,630	73%
Guadalajara	2,940	42%	4,060	58%
Huesca	6,999	100%	1	0%
Zaragoza	4,488	82%	957	18%
Sevilla	2,496	60%	1,654	40%
Jaén	2,147	62%	1,311	38%
Guipúzcoa	1,601	78%	461	22%
Vizcaya	20	1%	1,580	99%

Valladolid	185	12%	1,400	88%
Toledo	600	80%	150	20%
Álava	95	22%	340	78%
Pontevedra	70	20%	280	80%
Huelva	275	86%	45	14%
Cáceres	129	93%	10	7%
Coruña (A)	106	77%	31	23%
Palencia	65	87%	10	13%

<sup>1</sup> The collective agreement applicable in León does not report the data concerning people cover disaggregated by sex.

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>).

**Table 15** – People covered by collective agreements signed at the autonomous community level (included the autonomous city of Melilla) by sex

Autonomous Community	Men		Women	
	Abs. Num.	%	Abs. Num.	%
Balears (Illes)	50,077	50%	50,543	50%
Comunitat Valenciana	73,364	84%	14,482	16%
Madrid	23,302	36%	41,927	64%
Murcia	17,450	58%	12,450	42%
Navarra	10,924	57%	8,354	43%
Cantabria	10,040	76%	3,190	24%
Cataluña	10,000	77%	3,000	23%

Canarias	1,500	17%	7,500	83%
Galicia	2,169	55%	1,742	45%
Asturias	3,100	91%	325	9%
Castilla-La Mancha	1,216	75%	406	25%
Melilla	200	17%	1,000	83%
Extremadura	666	82%	146	18%

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 16** – Companies covered by collective agreements signed at the provincial level

Province	Total	%	Province	Total	%
Santa Cruz de Tenerife	8,920	21.0%	Ourense	459	1.1%
Málaga	5,000	11.8%	Guadalajara	450	1.1%
Valencia/València	4,899	11.6%	Sevilla	412	1.0%
Castellón/Castelló	4,000	9.4%	Valladolid	216	0.5%
Barcelona	3,000	7.1%	Huesca	200	0.5%
Almería	2,730	6.4%	Toledo	80	0.2%
Alicante/Alacant	2,387	5.6%	Guipúzcoa	45	0.1%
Granada	2,140	5.0%	Huelva	36	0.1%
Jaén	1,874	4.4%	Cáceres	28	0.1%
León	1,617	3.8%	Pontevedra	18	0.0%
Córdoba	1,535	3.6%	Palencia	15	0.0%
Albacete	1,080	2.5%	Álava	13	0.0%
Zaragoza	726	1.7%	Vizcaya	10	0.0%

Cádiz	485	1.1%	Coruña (A)	2	0.0%
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**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

**Table 17** – Companies covered by collective agreements signed at the autonomous community level

Autonomous Community	Total	%	Autonomous Community	Total	%
Madrid	11,218	45.01%	Canarias	100	0.40%
Cantabria	4,990	20.02%	Galicia	75	0.30%
Navarra	4,020	16.13%	Asturias	42	0.17%
Comunitat Valenciana	3,115	12.50%	Melilla	30	0.12%
Murcia	1,035	4.15%	Extremadura	9	0.04%
Balears (Illes)	153	0.61%	Castilla-La Mancha	4	0.02%
Cataluña	130	0.52%			

**Source:** Own elaboration with data obtained from the Official Registry of Collective Agreements (<https://expinterweb.empleo.gob.es/regcon/>)

## Annex 5 – List of people interviewed

Most of the information reported in this article flowed from the interview to the following workers' representatives (WR) and employers' officials (EO):

- WR1: National Secretary for Environment and Mobility, Comisiones Obreras CC.OO, Spanish most representative Trade Union Confederation (18 June 2019).
- WR2: Technical Istars of Occupational Health and Environment Institute (Instituto Sindical de Trabajo, Ambiente y Salud, CCOO (8 July 2019).
- WR3: National Secretary of Occupational Health and Environment, Unión General de Trabajadores UGT, Spanish most representative Trade Union Confederation (24 September 2018).
- WR4: Secretary of Occupational Health and Environment of the Federation of Unión General de Trabajadores of the Catalan Chemical Sector. FICA-UGT (1 October 2018).
- WR5: Responsible of the Observatory of Catalan Collective Bargaining (CCOO), most representative Trade Union Confederation). Author of 'Sustainable Mobility'.
- EO1: Sustainable Development and Environment Council. Lafarge-Holcim (16 July 2019).
- EO2: Head of the Department of Climate Change of Iberdrola (9 September 2019).
- EO3: Manager of Economic Policy and Local Development of the Barcelona City Council and Chief Executive Officer (CEO) of Barcelona Activa. Ajuntament de Barcelona (13 February 2019).
- EO4: Head of Spanish Transition Hub. Project Manager and Team Coordinator of the Project Municipalities in Transition (13 December 2018)

The following workers' representatives (WR) and employers' officials (EO) were involved in the focus-group discussion was held on October 2th, 2019, in the University Pompeu Fabra (Barcelona):

- WR6: National Secretary for Environment and Mobility, Comisiones Obreras CC.OO, Spanish most representative Trade Union Confederation
- WR7: Secretary of Industrial Policies, Unión General de Trabajadores UGT

- EO5: Counsellor of Foment del Treball, Catalan representative employers' association. Member of the Spanish State Advocacy Council. Expert on Spanish regulated sectors.
- EO6: Responsible of the Program "Barcelona City Council + Sustainable" Barcelona City Council. Ajuntament de Barcelona. Programa Ajuntament + Sostenible. Area of City's Ecology
- EO7: Sustainable Development Council. Lafarge-Holcim
- External expert 1: full professor of labour law and social security law
- External expert 2: associate professor of labour law and social security law

