

**EQUAL
PAY
AND
COLLECTIVE
BARGAINING**

Study of national,
sector-wide
collective agreements



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Study of national,
sector-wide
collective agreements

EEA GRANTS

GENDER EQUALITY

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1





INTRODUCTION



Gender equality and the prohibition of discrimination are fundamental rights recognized on an international, European and national level. The principle of equal pay for equal work is an important aspect of the fundamental right to equal treatment for men and women. The standards applicable in this area have a goal: achieving effective equality between men and women in the workplace.

Women's average salary continues to be lower than that of men, both in the EU and in Spain. Although direct gender

discrimination no longer has a place in existing legislation, there are still several examples of indirect discrimination that give rise to a lower value being placed on certain jobs, with the consequence of lower pay for the female workforce.

In this sense, the UGT [General Workers' Union] of Catalonia and the Maria Aurèlia Capmany Foundation have carried out the project 'A future without a gender pay gap', which aims to contribute to the fight against the pay gap by identifying factors in wage structures that in-

fluence the gap. The project is funded by the financial mechanism of the European Economic Area or EEA Grants - which are the contribution of three countries (Norway, Iceland and Liechtenstein) to reducing economic and social inequality and strengthening cooperation with beneficiary countries.

Among other actions, this report has been written on the causes and factors of the wage gap in the field of collective bargaining. It was based on a study of Spanish national, sector-wide collective agreements,

with the aim of highlighting all those factors that still exist in collective agreements and play a major role in wage differentials between men and women.

The report has certain limitations for a correct analysis of its results, while the number of observations is not high enough to be able to draw conclusions and correlations between the content of agreements and their direct effects on wage conditions in each sector. Even so, it is a major step in the study of these relationships and opens the door to further research.



2





MAP OF THE GENDER PAY GAP



2.1. The Wage Structure Survey 2013 and its limitations

On 24th June, the INE [National Institute of Statistics] published the latest Wage Structure Survey (EES in its Spanish initials) for 2013. This document is the main source of data for the study of wage distribution, and thus the wage gap between men and women, in Spain, as it offers a comprehensive compilation of data on wages and wage supplements broken down by sex and sector, occupation, origin, contract type and wage level, among other things, which are also comparable, since the same methodology is used for the EES throughout the European Union with the aim of learning about wage distribution.

Although the information as a whole is very valuable, it should be noted that the methodology¹ used to obtain the data limits the reading of the results, even more so in the study of wage differentials between the sexes, since several categories of paid employment, specifically precarious and temporary employment, which are particularly common in the case of Spain, are not included,

The EES is based on a sample that excludes several categories of low-paid workers, artificially increases the average wage and probably reduces the significance of wage inequality between men and women. The methodological methods to which we refer are basically as follows:

- They do not include paid employees in agriculture, livestock and fishing or domestic workers. Both sectors have very low wages and the second is very feminine.²

1 See the document *Wage Structure Survey (EES). Methodology*, INE

2 The industry 'Household activities as employers of domestic staff; household activities as producers of goods' employed 669.800 people in 2013, 88.3% of whom were women (EPA 2013)

- It also excludes those who do not receive wages in October, since another prerequisite for inclusion in the sample is to have worked for at least one other month in the same year (as well as October). In this way, a large number of people who experience periods of employment and unemployment throughout the year are excluded. Furthermore, people who have not worked for a full year are awarded a wage equivalent to that for continuous employment. For example, a person who has only worked for two months (one of which was October) and who earned one thousand euros per month would be reflected in the EES as earning 12,000 euros, not 2,000.³

For these reasons, we can assume that the data on pay differentials between men and women that we will describe below as a result of the analysis of the information offered through the EES 2013 may be understated and reflect lower wage differentials than the reality.

2.2. Decisive factors in pay differentials between men and women

Firstly, not all pay differentials between men and women entail discrimination. The ILO sets out a number of factors that influence the observable wage differentials between men and women, which include:

- Type of work, due to occupational segregation based on gender (masculine occupations have higher pay than typically feminine occupations) and segregation of employment opportunities (employment difficulties for women in certain sectors).

3 <http://barometrosocial.es>

- Type of working day, due to the unequal distribution of men and women in full and part-time employment.
- Differences in education and training, as a result of the different courses studied and access to higher education.
- Differences in labor market experience, in terms of seniority and the tasks mainly undertaken.
- Size of the company and level of unionization, since wage levels are often lower in small companies with lower levels of unionization.
- Wage discrimination, which can take many forms.

Hence, not all elements or factors that play a major role in pay inequalities between men and women (pay gap) meet the strict definition of discrimination. However, it is possible that the aforementioned factors which are not considered discriminatory are a manifestation, at least in part, of cer-

tain structural inequalities between men and women (gender gap), which may require additional intervention measures.

2.3. Wage differentials by activity sector

The latest data published in the Annual Wage Structure Survey for 2013 in Spain again puts the average wage of women 24% lower than that of men. Women earn an average of 29,485 euros, compared to 31,389 euros for men.

The data collected in Table 1 shows the average annual earnings of men and women in 2013 in all economic sectors and for each sector and the gap, i.e. the wage differential between men and women, expressed as the percentage difference between male and female earnings. Finally, we look at the level of feminization of

Table 1. Average annual earnings per employee (euros), pay gap and level of feminization of the sector

2013	Both sexes	Women	Men	% gap	% women
ALL SECTORS	22,697.86	19,514.58	25,675.17	24.0%	45.6%
B: Extractive industries	31,389.50	29,485.44	31,714.85	7.0%	13.0%
C: Manufacturing industry	26,042.43	21,464.92	27,657.92	22.4%	25.3%
D: Supply of electricity, gas, steam and air conditioning	52,827.56	44,341.93	55,348.54	19.9%	21.7%
E: Supply of water, sanitation, waste management and decontamination	25,291.38	21,693.70	26,208.70	17.2%	16.8%
F: Construction	22,720.53	20,636.21	23,067.15	10.5%	8.5%
G: Retail and wholesale, repair of motor vehicles and motorcycles	19,069.16	16,297.15	22,043.76	26.1%	49.5%
H: Transportation and storage	23,525.42	21,844.42	24,022.66	9.1%	18.0%
I: Hospitality	13,851.08	12,536.29	15,552.49	19.4%	52.5%
J: Information and communications	33,137.17	28,651.29	35,756.26	19.9%	33.9%
K: Financial services and insurance	39,607.49	33,941.56	45,963.58	26.2%	48.8%
L: Real estate	19,156.00	16,700.49	22,821.10	26.8%	58.4%
M: Professional, scientific and technical activities	25,472.07	21,226.60	30,643.51	30.7%	47.3%
N: Administrative and support services	15,809.74	13,028.72	19,466.10	33.1%	56.3%
O: Public administration and defense, compulsory social security	27,707.13	25,583.73	29,827.25	14.2%	41.0%
P: Education	21,946.95	20,974.85	23,890.76	12.2%	67.3%
Q: Health and social services	24,804.42	22,691.89	32,175.94	29.5%	77.6%
R: Arts, recreational activities and entertainment	18,101.83	15,960.79	19,938.50	19.9%	43.5%
S: Other services	16,734.95	14,190.29	21,893.63	35.2%	66.0%

Source: Compiled using data from the Annual Wage Structure Survey (2013) and Active Population Survey (2013)

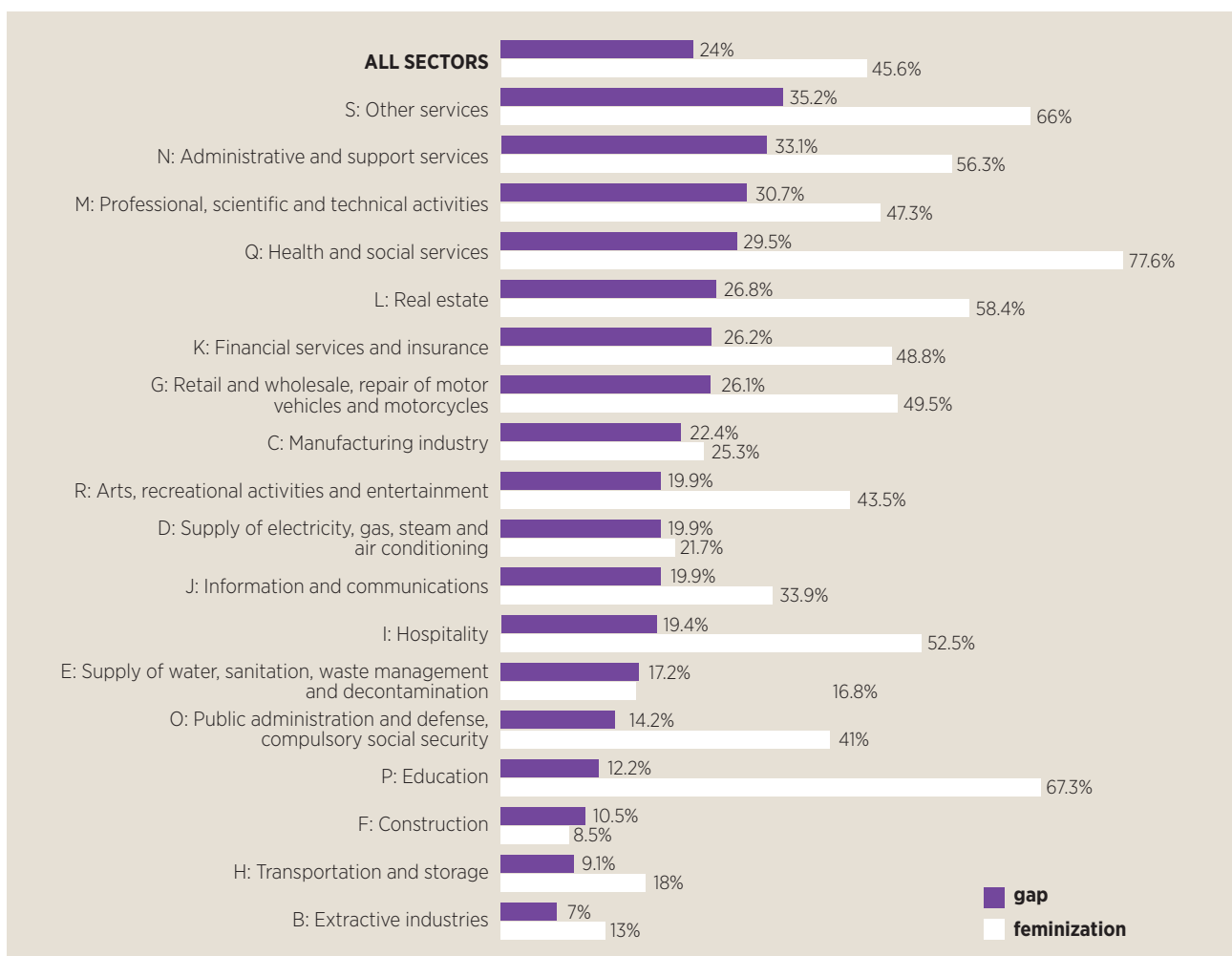
each sector, i.e. the percentage of women employed in the sector in relation to the total number of employees.

If we look at each activity sector, the gender pay gap widens or narrows depending on the sector: the figure varies from a 35.2% differential between male and female employees in 'other services' to as low as 7% in the extractive industries. Despite this wide range, the fact that women's pay is lower than men's is common to all sectors.

By studying the correlation between the level of feminization of the sector and the pay gap between men and women, we

can see that there is a certain relationship between the two: the higher the level of feminization of the sector, the greater the inequality in earnings between men and women. Graph 2 helps us to visualize what is described above: the most feminized sectors, such as 'other services', 'administrative and support services', 'health and social services', 'real estate', 'financial services and insurance' and 'retail and wholesale', have a greater pay differential between men and women. The highly feminized sectors of 'hospitality' and 'education' are an exception; by contrast, they have lower levels of wage inequality. Even so, there is a correlation between the level

Graph 1. Level of wage gap and feminization, overall and by economic sector (2013)



Source: Compiled using data from the Annual Wage Structure Survey (2013) and Active Population Survey (2013)

of feminization of a sector and its level of wage inequality.

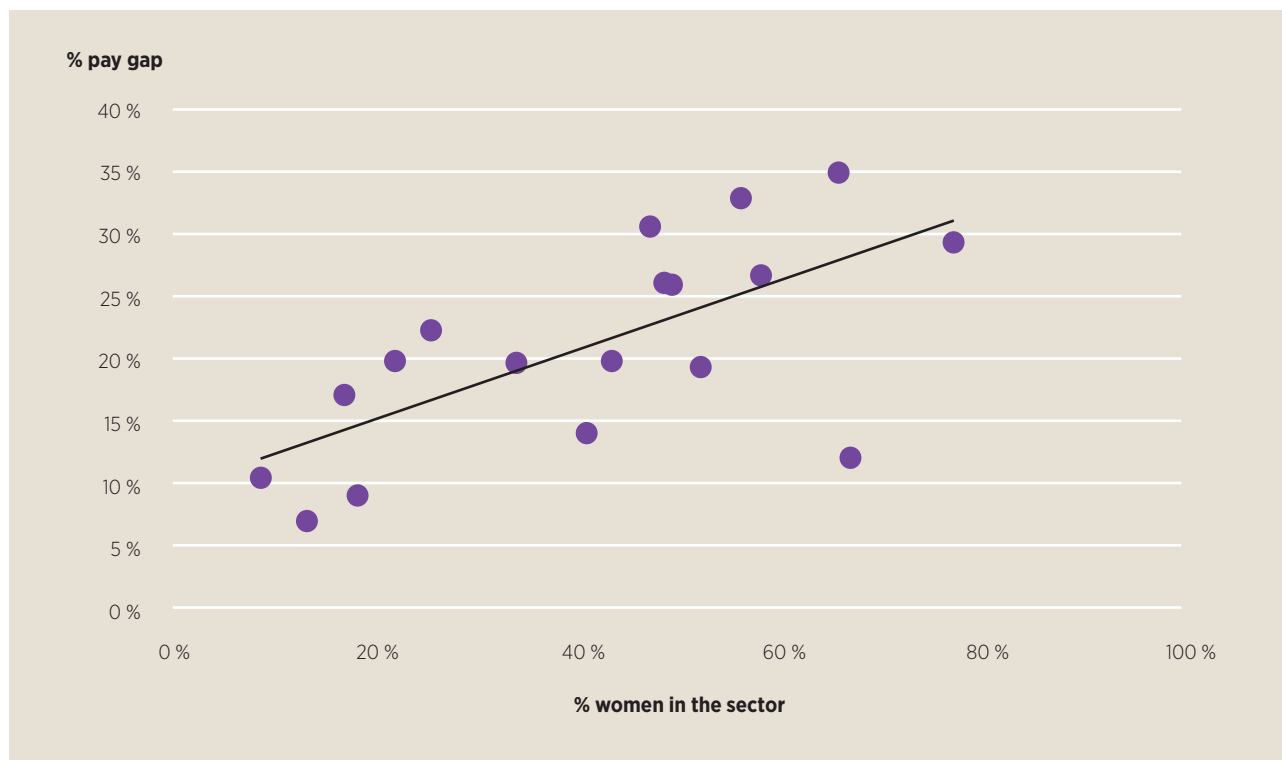
The high level of feminization of some sectors reflects the horizontal segregation suffered by women in the labor market: they are employed in particular occupations in the service and care sectors. We see that, in turn, it is these sectors where the pay differential between the sexes is greatest, since they are probably the worst paid and placed on lower levels of the job classification system (vertical segregation).

2.4. Wage differentials by occupation

Wage differentials between men and women also vary according to the type of occupation being referred to. Thus, some occupations such as 'fixed installation and machine operators and assemblers', 'unqualified service workers' and 'qualified workers in the manufacturing industries' exceed the average gap of 24% and have average wage differentials of 28.5%, 30% and 30.9% respectively.

In this case, there is no positive correlation between the level of feminization of the occupation and the level of wage inequality. With the exception of the occupation 'unqualified service workers', made up mostly of women (81.7%) and with a high pay gap (30%), for the remaining occupations there is no clear correlation between the level of feminization and wage inequality between the sexes.

Graph 2. Pay gap and level of feminization of the sector



Source: Compiled using data from the Annual Wage Structure Survey (2013) and Active Population Survey (2013)

The occupations with the greatest gender pay gap are 'qualified workers in the manufacturing industries', 'unqualified service workers' and 'fixed installation and machine operators and assemblers'. (See Graph 3)

2.5. Wage differentials by working conditions: contract type and working day

As we have seen, women's annual earnings were 24% lower than men's in Spain. This wage differential is also variable if we take into account contract type. Women on permanent contracts earn 25.7% less than men on permanent contracts. However, the wage differential between male and female workers on fixed-term contracts is much lower, at 10.4%. (See Table 3)

The type of working day, whether full or part-time, also influences the size of the pay gap between men and women. Women earn 14.6% less if they work full-time and 8.5% less if they work part-time. (See Table 4)

Table 2. Average annual earnings per employee (euros), pay gap and level of feminization of the sector

2013	Both sexes	Women	Men	% gap	% women
ALL OCCUPATIONS	22,697.86	19,514.58	25,675.17	24.0%	45.6%
A. Managers	51,594.26	45,033.41	55,090.00	18.3%	30.8%
B. Technicians and scientific and intellectual professionals in health and education	29,807.74	28,335.41	33,251.72	14.8%	68.8%
C. Other technicians and scientific and intellectual professionals	35,885.97	31,560.46	39,308.59	19.7%	41.2%
D. Technicians and support workers.	28,501.99	24,960.14	31,027.41	19.6%	38.1%
E. Office workers who do not serve the public	20,983.35	19,251.10	23,844.41	19.3%	58.4%
F. Office workers who serve the public	17,864.17	16,620.05	21,069.99	21.1%	73.5%
G. Restaurant and shop workers	14,642.94	13,397.52	16,761.03	20.1%	58.9%
H. Health service and personal care workers	15,240.88	14,444.14	18,346.00	21.3%	78.9%
I. Protection and security workers	25,711.40	21,039.88	26,483.76	20.6%	10.9%
J. Qualified workers in agriculture, livestock, forestry and fishing	18,217.14	.	18,220.65		19.6%
K. Qualified workers in construction, except machine operators	19,463.18	18,504.22	19,504.40	5.1%	1.5%
L. Qualified workers in the manufacturing industries, except installation and machine operators	21,789.75	15,675.68	22,682.48	30.9%	10.9%
M. Fixed installation and machine operators and assemblers	22,464.69	17,367.02	24,289.43	28.5%	30.3%
N. Drivers and mobile machinery operators	19,934.16	16,785.93	20,125.03	16.6%	3.9%
O. Unqualified service workers (except in transportation)	12,601.53	11,315.44	16,173.09	30.0%	81.7%
P. Laborers in agriculture, fishing, construction, manufacturing industries and transportation	15,888.96	13,245.80	16,862.51	21.4%	27.2%
Q. Military occupations	8.3%

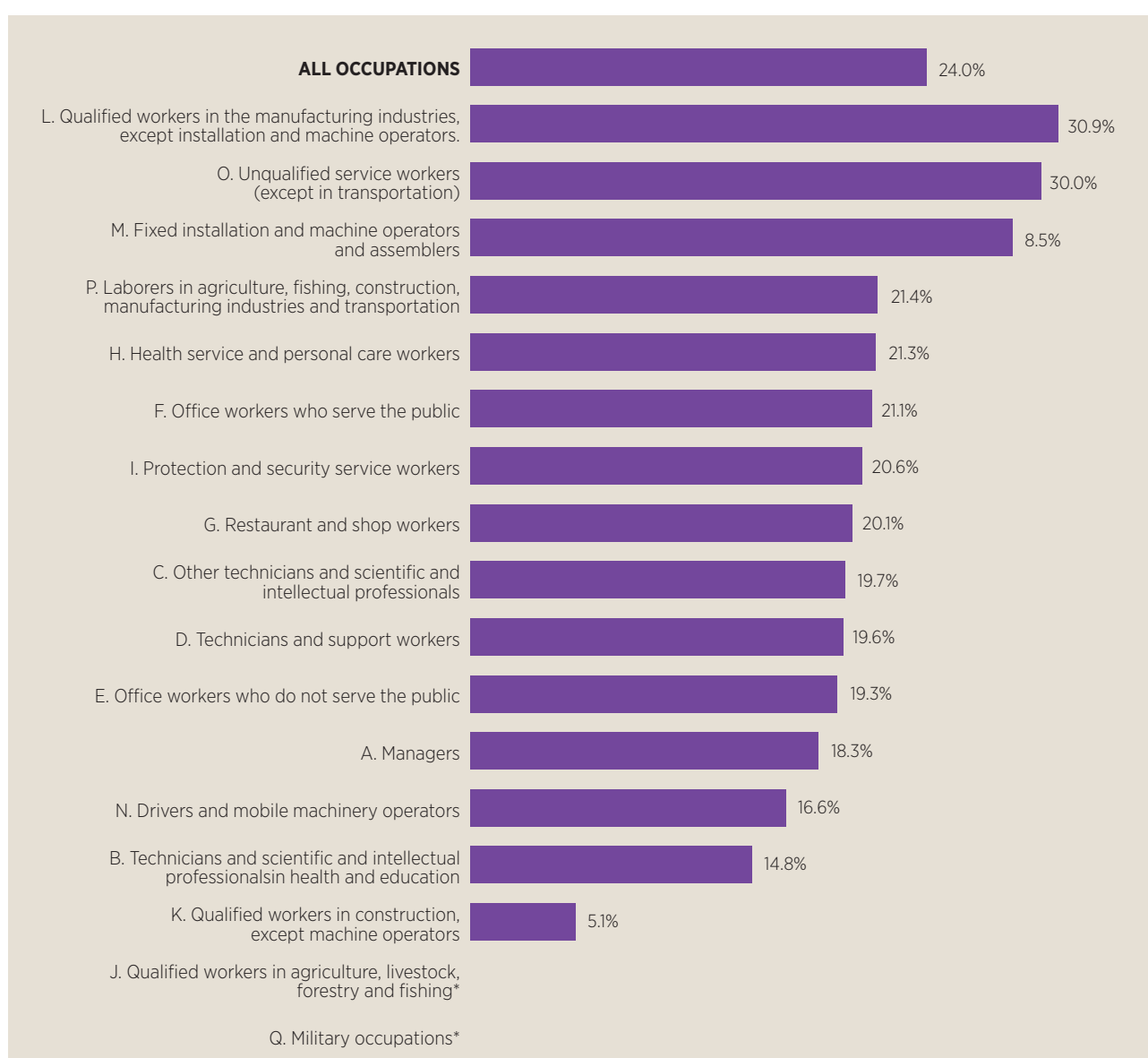
Source: Compiled using data from the Annual Wage Structure Survey (2013) and Active Population Survey (2013)

The higher pay gap between men and women with better working conditions –on permanent, full-time contracts– may be due to a more complicated pay structure for these conditions, with wage supplements and other economic benefits linked to stability.

2.6. Wage differentials by age

The gender pay gap also varies according to age range. As shown in Table 5 and Graph 4, there seems to be a certain correlation between this variable and the level of wage inequality since, in general, the gap increases as the age of workers increases.

Graph 3. Pay gap overall and by major occupational group (2013)



Source: Compiled using data from the Annual Wage Structure Survey (2013).

*No information

Again, older women suffer limitations in their professional and wage development because of the so-called ‘glass ceiling’ and the need to balance work and family life, which falls mainly on older women.

We can see the difference in income between men and women over 65 (retirement age), which increases to 41.2%. As described by Nuria Pumar, ‘social protection policies are not neutral in relation to the social roles assumed by men and women with regard to the family and labor relations. The social and economic subordination of women and the traditional division of social roles condition this neutrality, and social protection systems themselves may perpetuate or even reinforce women’s social disadvantage’.⁴

The contributory social security system in Spain financially penalizes the poorer career paths of women in receipt of contributory pensions, paths influenced by working in lower-paid sectors, working in inferior occupations and job categories, working part-time, working fewer hours

and intermittent careers with entries and exits from the labor market that reduce the contribution base.

2.7. Wage distribution

The data on annual income by sex, distributed according to wage level, shows that the pay gap between men and women is greater at lower wage ranges. Thus, women whose earnings are among the lowest 10% of wages (up to 7,692 euros) earn 35.6% less than their male counterparts. If we widen the income bracket, wage inequality between men and women with a wage in the bottom 25% (up to 13,039 euros) decreases to 30.6%. The average inequality for the half of the population who earn up to 19,030 euros is 23%; for the top 25% of earners (up to 28,564 euros), it is 23.5%; and for the 10% of the population with the highest wages (up to 41,108 euros), it falls to 20.8%.

There is a negative correlation between the wage level and the pay gap; the higher the wage, the lower the income inequality between the sexes.

⁴ PUMAR BELTRÁN, N. *Reforma de pensiones en España, carreras profesionales irregulares e impacto de género*.

Table 3. Average annual income per employee (euros), by contract type

2013 Income	Both sexes	Women	Men	% gap
TOTAL	22,697.9	19,514.6	25,675.2	24.0%
Permanent	24,333.4	20,643.2	27,768.0	25.7%
Fixed-term	15,433.1	14,570.1	16,258.1	10.4%

Source: Compiled using data from the Annual Wage Structure Survey (2013).

Table 4. Average annual income per employee (euros), by type of working day

2013 Income	Both sexes	Women	Men	% gap
TOTAL	22,697.9	19,514.6	25,675.2	24.0%
Full-time	26,345.7	23,994.3	28,095.6	14.6%
Part-time	10,056.1	9,766.2	10,670.7	8.5%

Source: Compiled using data from the Annual Wage Structure Survey (2013).

It should also be noted that relative income inequality (measured in percentages) is measured calculating the wage gap and not absolute inequality (measured in euros).

2.8. Pay gap in basic salaries and supplements

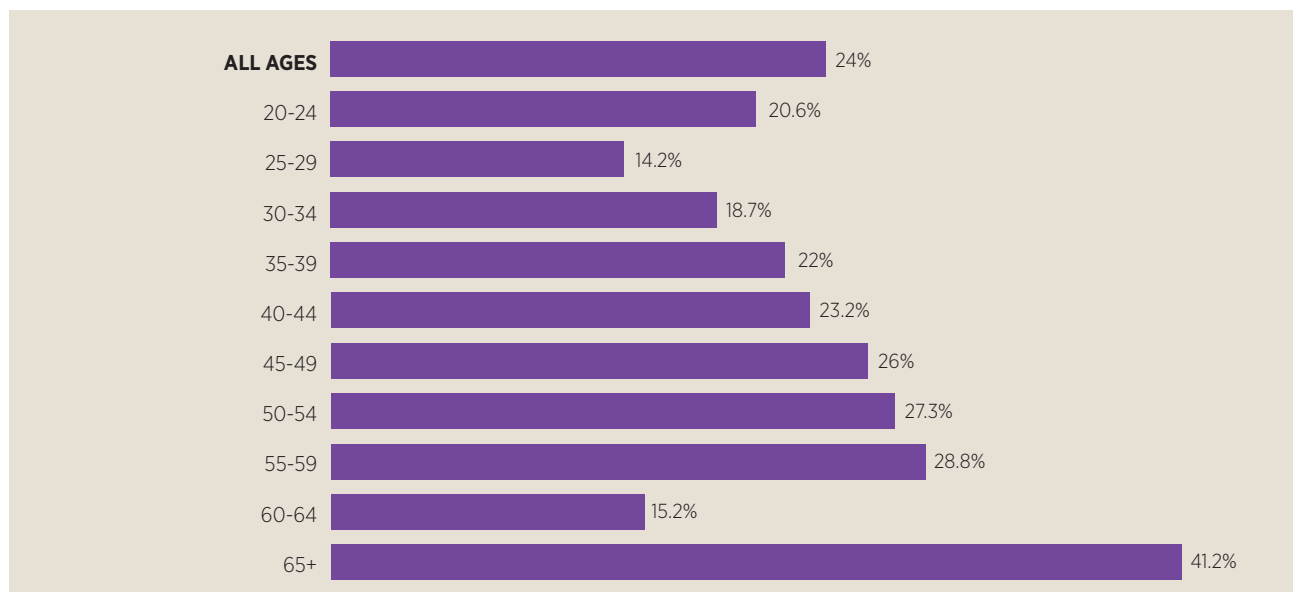
The following data is taken from the INE's four-yearly Wage Structure Survey, so it corresponds to the year 2010. It is of great interest given the information it provides on the impact of wage sup-

Table 5. Average annual income per employee (euros), by age

2013 Income	Both sexes	Women	Men	% gap
ALL AGES	22,697.9	19,514.6	25,675.2	24.0%
Under 20	7,456.6	,	,	,
20-24	10,668.3	9,411.0	11,856.8	20.6%
25-29	15,587.2	14,462.3	16,853.5	14.2%
30-34	19,452.1	17,443.9	21,468.6	18.7%
35-39	22,522.1	19,659.3	25,217.7	22.0%
40-44	23,973.5	20,713.2	26,968.8	23.2%
45-49	24,781.3	20,988.0	28,371.4	26.0%
50-54	25,748.8	21,483.9	29,561.3	27.3%
55-59	27,406.1	22,563.9	31,691.4	28.8%
60-64	22,626.6	20,520.1	24,188.2	15.2%
65.	24,538.1	17,821.3	30,323.8	41.2%

Source: Compiled using data from the Annual Wage Structure Survey (2013)

Graph 4. Wage gap overall and by age group (2013)



Source: Compiled using data from the Annual Wage Structure Survey (2013)

plements, overtime pay and bonuses on wage inequality.

When it talks about wage inequality or the gender pay gap, it is referring to the difference in total pay between men and women. Therefore, it is necessary to take into consideration all items of remuneration that make up the employee's total pay.

On average, the wage differential between men and women in basic salaries is 199 euros, which is a 16.3% differential. In contrast, if we take into account supplements, overtime pay and bonuses, this increases to 421 euros a month, which represents a pay gap of 22.2% in gross wages. (See Table 7)

The most detailed information for each economic activity sector enables us to see how supplements and other items of remuneration influence the gap and shows that in all sectors, supplements act as aggravating factors in inequality.

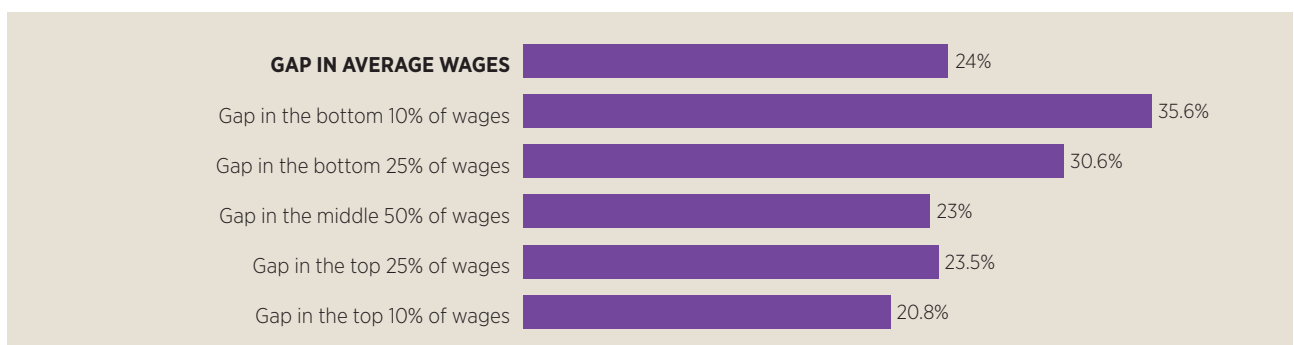
The increase in the gap caused by supplements and other items of remuneration varies from 30% to 470% in relation to the gap in basic salary. It is worth noting the significant increase in the pay gap between men and women in activity sectors such as the extractive industries; supply of electricity, gas, steam and air conditioning; supply of water, sanitation and waste management; construction; health and social services; and education. (See Graph 6)

Table 6. Average annual income per employee (euros), by wage level

2013 Income	Both sexes	Women	Men	% gap
GAP IN AVERAGE WAGES	22,697.9	19,514.6	25,675.2	24.0%
Gap in the bottom 10% of wages	7,692.3	6,457.8	10,020.0	35.6%
Gap in the bottom 25% of wages	13,039.4	10,801.9	15,555.0	30.6%
Gap in the middle 50% of wages	19,029.7	16,452.4	21,371.1	23.0%
Gap in the top 25% of wages	28,563.7	24,568.8	32,114.8	23.5%
Gap in the top 10% of wages	41,108.4	36,068.8	45,516.2	20.8%

Source: Compiled using data from the Annual Wage Structure Survey (2013)

Graph 5. Wage gap overall and by wage level (2013)



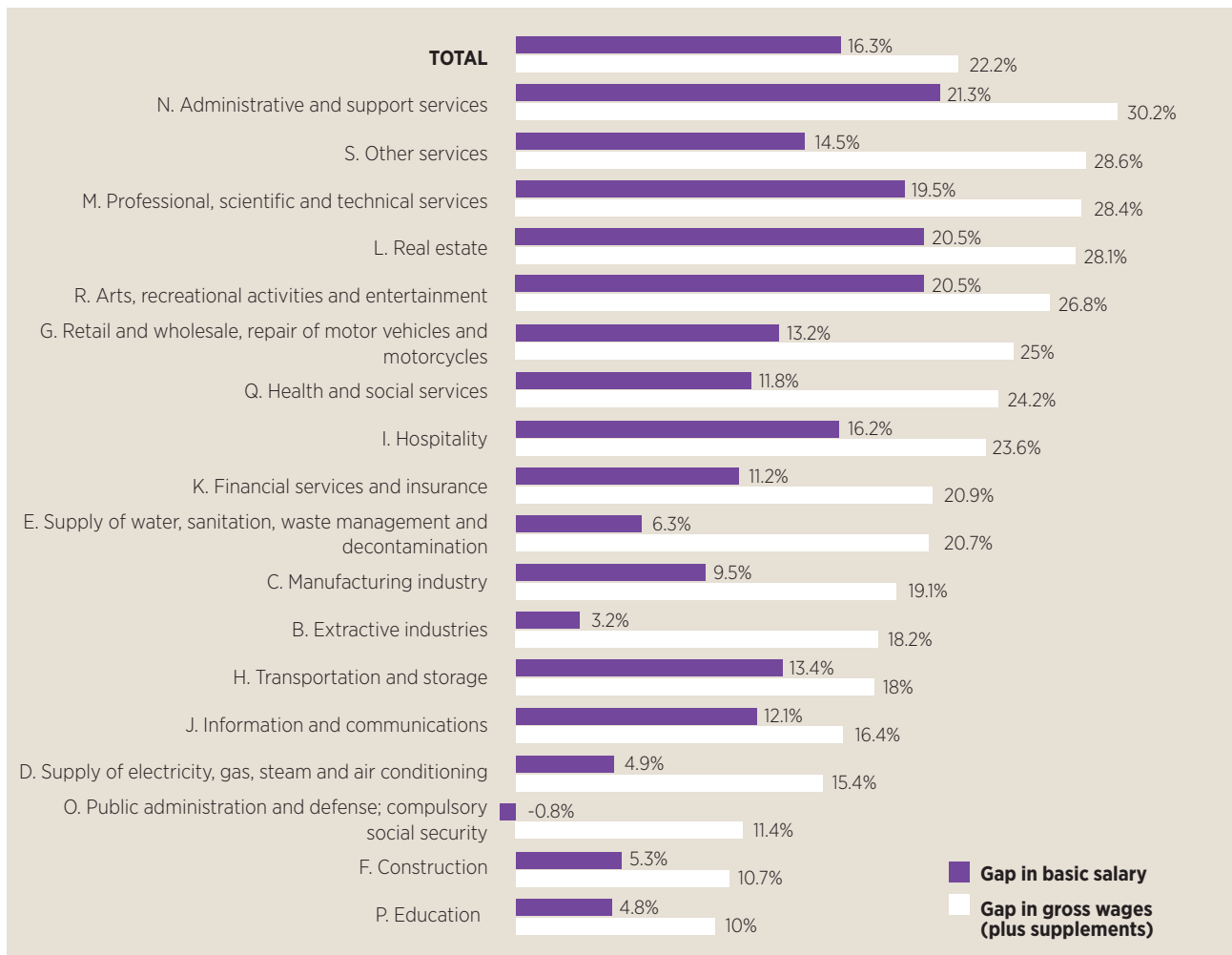
Source: Compiled using data from the Annual Wage Structure Survey (2013)

Table 7. Gap in basic salary and gross wages (basic salary plus supplements)

Wages	Average gross wage	Average gross wage (basic salary plus supplements)
Average wage of women (euros)	1,026	1,478
Average wage of men (euros)	1,225	1,899
Wage differential (euros)	199	421
Wages	Average basic salary	Average gross wages
TOTAL	16.3%	22.2%
N. Administrative and support services	21.3%	30.2%
S. Other services	14.5%	28.6%
M. Professional, scientific and technical services	19.5%	28.4%
L. Real estate	20.5%	28.1%
R. Arts, recreational activities and entertainment	20.5%	26.8%
G. Retail and wholesale, repair of motor vehicles and motorcycles	13.2%	25.0%
Q. Health and social services	11.8%	24.2%
I. Hospitality	16.2%	23.6%
K. Financial services and insurance	11.2%	20.9%
E. Supply of water, sanitation, waste management and decontamination	6.3%	20.7%
C. Manufacturing industry	9.5%	19.1%
B. Extractive industries	3.2%	18.2%
H. Transportation and storage	13.4%	18.0%
J. Information and communications	12.1%	16.4%
D. Supply of electricity, gas, steam and air conditioning	4.9%	15.4%
O. Public administration and defense; compulsory social security	-0.8%	11.4%
F. Construction	5.3%	10.7%
P. Education	4.8%	10.0%

Source: Compiled using data from the Annual Wage Structure Survey (2010).

Graph 6. Gap in basic salary and gross wages (basic salary plus supplements)



Source: Compiled using data from the Annual Wage Structure Survey (2010).



3





**COLLECTIVE
BARGAINING
AS AN
INTERVENTION
MECHANISM**



3.1. The potential of collective bargaining as an instrument for change and a guarantee of equal pay

International and European organizations emphasize the complementary role of collective bargaining in achieving wage equality between men and women. As a result of this complementarity, responsibility for achieving wage equality is shared between:

- legislation, in accordance with the importance of a clear legal framework that establishes transparent parameters for collective bargaining and minimum wage fixing, and
- collective bargaining between employees and employers, since processes for wage fixing and collective bargaining mechanisms can make an important contribution to eliminating the gender pay gap and discrimination and promoting equal pay.

European and national legislation sets out the need and obligation to encourage social dialog and collective bargaining in order to promote equality between men and women in the workplace.

- Pursuant to Directive 2006/54 of the European Parliament and Council (article 21), states must encourage social partners, without prejudice to their autonomy, to promote equality between men and women and to conclude, at the appropriate level, agreements that establish anti-discrimination regulations relating to pay.
- National legislation recognizes the duty to negotiate and places it within the framework of collective bargaining. It establishes the adoption of concrete measures aimed at promoting equal treatment and opportunities in the workplace, so it is the parties, freely and responsibly, who agree the content

of agreements (article 45, LOIEMH⁵ [Organic Law on Effective Equality between Men and Women], and article 85.1, LET⁶ [Law on the Statute of Workers' Rights]).

Collective bargaining, understood as a tool to protect and promote the principle of gender equality, is one of the central principles of the ILO.⁷ Throughout its history, the ILO has demonstrated the close relationship between the right to collective bargaining, gender equality and the fight against gender discrimination. Despite this partnership, the fight against gender discrimination has generally taken a separate path, without achieving a strong and indissoluble union in the implementation of employment systems.⁸

Los diferentes textos legales han establecido. Various legal texts have set out the need and obligation to encourage social dialog and collective bargaining in order to promote equality between men and women in the workplace.⁹ Thus, **Directive 2006/54, on the application of the principle of equal opportunities and treatment for men and women in employment**, expects member states, in accordance with their respective national traditions and practices, to take appropriate measures to encourage social dialog between social partners, in order to promote equal

5 Organic Law for Effective Equality between Men and Women

6 Statute of Workers' Rights

7 Declaration on Principles and Fundamental Rights at Work (1998) <http://www.ilo.org/declaration/lang-es/index.htm>. It advocates for the elimination of discrimination in employment, insisting on the use of two fundamental tools, the application of agreement number 100 on equal pay, 1951, and agreement number 111 on discrimination in employment, 1958.

8 See *Igualdad de género en la negociación colectiva. Análisis desde la perspectiva de género de los convenios colectivos vigentes en Centroamérica y República Dominicana*. San José, International Labor Organization, 2013

9 See PÉREZ DEL RÍO, T. "El principio de igualdad de trato y no discriminación por razón de sexo en el Derecho comunitario", in AA.VV., coordinated by Pérez Del Río, T. y Cruz Villalón, J. *Una aproximación al Derecho social comunitario*, Tecnos, 2000.

treatment. It must also be remembered that ILO agreements no. 100 and 111 recognize the fundamental role that employers' and workers' organizations must play in the implementation of these measures in order to guarantee their effectiveness. Without real social dialog, implementation of these agreements will be seriously hampered.

In general, a basic presumption of the duty of negotiation is the employer's obligation to inform employees' representatives about the implementation of the principle of equal treatment. This obligation is contained in the LOIEMH and, once it had been passed, was transferred to the LET. The obligation set out in the LET reproduces the provisions of Directive 2002/73/EC,¹⁰ of 23rd September 2002, which modifies Directive 76/207/EEC on the Council on the implementation of the principle of equal treatment for men and women in terms of access to employment, training and professional development, and working conditions. In this sense, the latest AINC¹¹ [Interconfederal Collective Bargaining Agreement] has recognized this obligation.

National legislation recognizes this duty to negotiate and places the adoption of

ILO AGREEMENT ON EQUAL PAY, 1951 (NO. 100).

Agreement on equal pay for the male and female workforce for equal work (article 4).

All members must collaborate with interested employers' and employees' organizations, in the manner it deems most appropriate, in order to apply the provisions of this agreement.

concrete measures aimed at promoting equal treatment and opportunities in the workplace within the framework of collective bargaining so it is the parties, freely and responsibly, who agree the content of agreements (article 45, LOIEMH, and article 85.1, LET).

This obligation has given social partners the role of contributors who are jointly responsible for promoting gender equality –**equality participants**– in the words of López López.¹²

Recently, through the Recommendation of 7th March 2014, with the aim of strengthening the principle of equal pay for men and women, the European Commission again drew attention to collective bargaining as an ideal space to 'address the issue of equal pay'.

This issue, in relation to the link between collective bargaining and gender, has been reflected for years in various interconfederal collective bargaining agreements, as a result of the process of cooperation and social dialog initiated in the 80s. In this way, and through successive agreements, a call was made to negotiators at all levels for model criteria to mitigate the gender pay gap, advocating the establishment of a job classification system with objective and neutral criteria,¹³ the application of the principle of equal pay for equal work and the elimination of

10 Article 8.4. To this end, employers should be encouraged to provide adequate information at appropriate regular intervals to employees and/or their representatives on the equal treatment of men and women in the workplace. This information may include statistics on the proportion of men and women at different levels in the organization as well as possible measures to improve the situation, agreed in conjunction with employees' representatives'.

11 See III Interconfederal Collective Bargaining Agreement 2015, 2015, 2017. 'CHAPTER II. 5. Information and consultation rights. Respect, develop and facilitate (establishing procedures) the rights recognized by law (national, European and international) on information and consultation in every company, for which collective bargaining shall take into account the following aspects: In every company: Information on the company's financial situation and an assessment of its activities; estimates on the type and volume of contracts; statistics on the absence rate and its causes; implementation of the right to equal opportunities and treatment; and other issues under the terms provided for in Article 64 of the LET'.

12 See LÓPEZ LÓPEZ, Julia. 'The guiding principles of OL [Organic Law] 3/2007 on effective equality between men and women in light of the strategies of gender mainstreaming and empowerment'.

13 AINC 1997 stated that 'sector-wide agreements should establish the model procedure at company level for adapting old professional categories to professional groups'.

sexist titles in job classification (categories, roles and tasks). Hence, equal treatment and non-discrimination should be important aspects for collective bargaining (AINC, 2003).

3.2. Job classification: professional groups and categories

What is job classification?

Job classification is the tool by which employees are systematically organized within each company. This form of organization constitutes one of the basic pillars around which the system of grouping and filling jobs is established within the company. Choosing a model is not a trivial matter, especially because of the impact it has on pay structures and progress towards equal work.

The job classification system has been structured around two figures: professional groups and professional categories.

- **A professional group** is understood as a unit of classification that groups together professional aptitudes, required qualifications and general job content.
- **A professional category** is based on a specific identification criterion, and tasks of a job; in short, a set of roles that require the same professional aptitudes. This system is a combination of the tasks or roles carried out and the hierarchical level occupied in the company's structure.

Example:

The national collective agreement of the production of vegetable preserves (Resolution of 31st August 2010) classifies jobs into groups and categories. For group 3, laborers and junior staff, there are also subgroups A, B, C, D and E (see page 27).

Various international texts highlight job classification systems and job assessment

methods as some of the most significant factors behind the gender pay gap. Thus, Directive 2006/54/EC, of 5th July, states the need to consider job classification systems in order to eradicate direct and indirect discrimination. Therefore, article 4 states: 'when a job classification system is used to determine pay, this system shall be based on criteria common to employees of both sexes, and shall be established in a way that excludes sex discrimination'.

LABOR ORDINANCES

The old pre-constitutional labor ordinances¹⁴ were the product of a historical and political time in which regulation of labor relations was annulled, prohibited. Thus, the ordinances were not the product of the autonomy of collective bargaining; rather, the state alone had the power to regulate.

From their creation, the ordinances regulated¹⁵ among other areas, 'the classification of staff by professional specialty, including the definitions of each of these'. Job classification was organized mainly around 'groups and subgroups, and within these there were several categories'.¹⁶

14 These came into being in 1942, with the passing of the Employment Regulation Act, 'Article one. All topics related to employment regulation, understood as the systematic regulation of the minimum conditions that must be met by agreed labor relations between employers and their staff in various sectors and activities, shall be the responsibility of the state, which shall exercise it, without delegation, through the Ministry of Employment, in the conditions established in this law by the Directorate-General of Employment'.

15 See Article 11 of the Law on Employment Regulation: 'The content of this employment regulation shall refer mainly to establishing conditions with regard to those who have address relations between companies and their staff and shall necessarily cover the following points: geographical, functional and personal area and timescale in which the regulations apply; organization of work and job classification by professional specialties, including definitions of each of these; working day, pay and calculation of overtime pay (...)'.

16 See a LAHERA FORTEZA, J. "La regulación de la clasificación profesional y de la promoción profesional en los instrumentos de sustitución de las ordenan-

This way of grouping and systematizing various roles around a professional group first came into being in old labor ordinances, and were then incorporated into Law 8/1980, of 10th March, on the Statute of Workers' Rights¹⁷ by grouping a number of factors, specifically: professional aptitudes, qualifications and general job content.

AGREEMENT ON FILLING GAPS¹⁸

With the proclamation in 1980 of the Law on the Statute of Workers' Rights,¹⁹ the legislation in force until that time (labor ordinances) remained effective until its replacement by the relevant applicable collective agreement, with a time limit of 31st December 1995. Throughout those years, employees were classified according to the provisions of the applicable

zas laborales", in *Balance material del proceso de sustitución de las ordenanzas laborales: continuidad y crisis de sus contenidos normativos*. Director: VALDÉS DAL-RE, F. Colección "Informe y Estudios", Serie Relaciones Laborales, núm. 23. Madrid, 1999.

17 Article 39. 'Functional mobility. A professional group is understood as a group that brings together professional

18 Resolution of 13th May 1997, from the Directorate-General for Labor, which provides for entry in the register and publication of the Agreement on Filling Gaps.

19 Sixth temporary provision of Law 8/1980, of 8th March, on the Statute of Workers' Rights.

Example

CLASSIFICATION GROUPS	Categories within each group
1. Technical staff	<ol style="list-style-type: none"> 1. Technician with a higher-level qualification 2. Technician with an intermediate-level qualification 3. Head technician in charge of manufacturing or management 4. Unqualified technician
2. Administrative staff	<ol style="list-style-type: none"> 1. First-line supervisor. 2. Second-in-command. 3. Head of sales. 4. Skilled worker. 5. Semi-skilled worker. 6. Support worker. 7. Telephonist. 8. Traveling salesperson or salesperson. 9. Analyst. 10. Programmer. 11. Operator.
3. Laborers and junior staff	<ol style="list-style-type: none"> A) Department manager. B) Laborers in industry occupations. <ol style="list-style-type: none"> 1. Skilled worker. 2. Semi-skilled worker. 3. Machine operator., 4. Specialist. 5. Support worker. C) Cold storage staff. <ol style="list-style-type: none"> 1. Engine driver. 2. Assistant engine driver. D) Staff in various occupations. <ol style="list-style-type: none"> 1. Skilled worker. 2. Semi-skilled worker. 3. Assistant. Junior staff. <ol style="list-style-type: none"> 1. Shopkeeper. 2. Security guard. 3. Guard or caretaker. 4. Administrative assistant. 5. Cleaning staff.

collective agreement (according to the rules dictated by the LET) or, in its absence, the model of the labor ordinances was adopted.

Seventeen years after the LET was passed, economic and social partners made clear, through an interprofessional agreement²⁰, (the Agreement on Filling Gaps), the need to establish a regulation capable of filling gaps caused by the disappearance of the labor ordinances with the aim of 'filling gaps in content'. This agreement, among other aspects, provided additional rules to the regulations of the LET in order to consider professional structures.

Thus, each set of factors established by the LET, through article 39, states that the job classifications are based on three areas:

- **Professional aptitudes** necessary for the profession or trade.
- **Qualifications** that enable the employee to practice the profession or trade.
- **General job content**, which defines the roles to be carried out.

The Agreement on Filling Gaps introduces the need to consider a range of factors to determine and specify **professional aptitudes**: knowledge, experience, initiative, autonomy, responsibility, leadership and complexity.

Provisions for assessment include:

- a. Knowledge and experience: assessment of this factor shall take into account, in addition to the basic training necessary to do the job properly, the knowledge and experience acquired and the difficulty of acquiring it.
- b. Initiative; assessment of this factor shall take into account the extent to which rules or guidelines are followed in order to perform the tasks or roles.

- c. Autonomy: assessment of this factor shall take into account the level of dependence on senior staff in performing tasks or roles.
- d. Responsibility: assessment of this factor shall take into account the level of autonomy of action of the role holder, the level of influence on results and the importance of management on human, technical and productive resources.
- e. Leadership: assessment of this factor shall take into account the level of supervision and organization of roles and tasks, the ability to relate to others, group dynamics and the number of people the employee manages.
- f. Complexity: assessment of this factor shall take into account the number and level of integration of the various aforementioned factors of the task or job.

These factors act as an initial tool from which personal aptitudes can be quantified and the first objective assessment method, necessary to progress on the path towards eliminating discrimination through job classification.

Despite this first step, the grouping factors in the Agreement on Filling Gaps value masculine jobs –Pérez del Río warned that selection of these factors was clearly prejudicial to women. The factors used to classify jobs clearly go against typically feminine jobs, since factors such as initiative, autonomy, leadership and complexity are all features of higher, more masculine professional categories or groups.

These factors are prejudicial not only in and of themselves, but also because of the definition of each one of them, which *de facto* favor masculine jobs. They also promote the development of related wage supplements which are very common in masculine jobs (wage supplements for physical effort, responsibility, etc.).

20 AINC of 1997.

LATEST LABOR REFORMS: LAW 3/2012

The reform implemented by Royal Decree Law 3/2012, of 11th February, on urgent measures for labor market reform introduces a number of changes that affect the job classification system.

The new model obliges employees to be organized or classified around a so-called professional group, with the aim of removing other possibilities for subclassification within the central element of the group through professional categories.

The aim of this model is to encourage the disappearance of job profiles, i.e. professionalization through categories, dehierarchization and greater versatility within the group among the old categories of which it was made up.

3.3. Pay structures

THE ROLE OF COLLECTIVE AGREEMENTS IN REGULATING WAGES

The Statute of Workers' Rights entrusts collective bargaining or, in its absence, individual contracts with regulating wage structures (article 26.3, LET). For their part, interprofessional agreements have recommended the inclusion of wage issues among the different levels of negotiation. Thus, sector-wide collective agreements have the role of establishing concepts or criteria that define wage structures and recommend that 'wage issues be referred to the lower levels' (Interconfederal Agreement of 1997).

In practice, we can see that there are many sector-wide collective agreements that calculate wages and include salary scales without prejudice to the possibility of improvements by more beneficial conditions agreed between employees and employers. This desire for precision which

affects 90% of national sector-wide collective agreements probably explains the proliferation of small and medium-sized enterprises that do not have their own collective agreement.

On the basis of a specific legal duty to negotiate measures aimed at promoting equal pay for men and women, legislation does not set out the full impact of the possibilities of collective bargaining in this area. Consequently, based on the legislation, the performance and real potential of the obligation to negotiate to promote wage equality must be linked to certain conditions or requirements of collective bargaining itself:

- Gender mainstreaming, crucial in combating both the danger of gender invisibility and a practice that tends to reduce the presence of the gender issue to a specific or isolated clause in the agreement, with no connection to general regulations on working conditions.
- Innovation in collective bargaining from the equality perspective, which must act as a brake on negative effects for women, facilitate the review of purely declarative or repetitive clauses in legislation on non-discrimination in wages and recommend a comprehensive review of the conventional elements (classification and pay structure) that are often the basis of wage differentials between men and women.
- Complementarity of legislation and collective bargaining, firstly to adapt agreements to existing legislation through a review of their content and secondly to use all legal possibilities of the agreements to achieve the effective equality required in a constitutional manner. It should be remembered that although in certain areas legislation is imperative and leaves little room for collective bargaining, in the regulation of many other issues the legislator resubmits agreements for revision or recognizes without further formality the importance of collective bargaining in their organization. The latter is

reflected in key aspects for the guarantee of equal pay, such as job classification, professional development and wage rates and their necessary adaptation to the reality of the sector or company.

- Greater awareness among social actors of the impact of collective bargaining on gender equality, which is crucial in preventing indirect discrimination, often responsible for different pay for equal work, and even the ability to introduce positive action measures provided by law where these are sufficient to end persistent inequality.

NOTION OF PAY

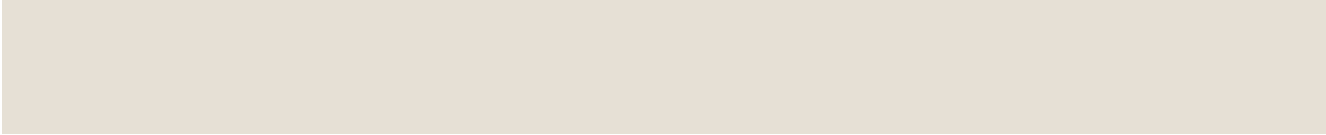
Pursuant to the standard of 'equal pay for equal work', European and Constitutional Court case law embraces a much broader concept of pay than the definition of wages provided by the Law on the Statute of Workers' Rights (article 26.1, LET).

Wages may be paid in cash and/or in kind provided that the latter does not exceed 30% of total pay. The use and enjoyment in an individual capacity by the employee and his or her family of certain goods or services provided by the company (use of a car or house, mobile, etc.) must also be counted as wages.

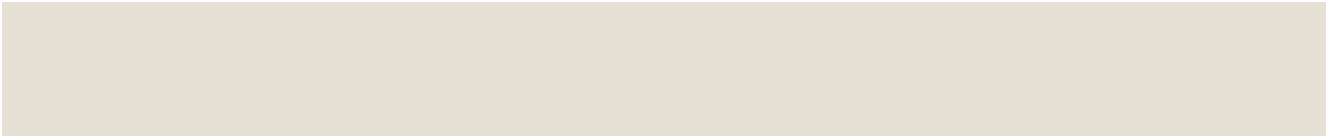
The wage structure regulated in the Statute of Workers' Rights is based on:

- **Basic salary**, which is determined by the job classification system and type of working day, in accordance with results or a combination of both criteria. Collective bargaining is often used to fix the basic salary according to the professional group and/or category. This is a floor salary and introduces stability by mitigating wage disparity and, where applicable, preventing an increase in the pay gap. Therefore, collective agreements that regulate a sector-wide guaranteed minimum wage deserve praise.

- **Special payments** are regulated separately from the basic salary and are considered as wages with the distinctive feature that they are paid at intervals of more than one month. In the regulation of bonuses, collective agreements should avoid penalizing career breaks linked to maternity/paternity or other conciliation rights. Equally, it is advisable not to include wage supplements that, although not discriminatory, are not gender-neutral such as, for example, seniority.
- **Wage supplements.** The Statute of Workers' Rights makes it clear that the inclusion of wage supplements is optional, although the majority of collective agreements regulate them. Article 26.3, ET, lists only the three main reasons for wage supplements: the employee's personal circumstances, the work undertaken and the company's situation and results.
- **Bonuses.** The most common bonuses those that are awarded regularly, but also subsistence allowances, voluntary benefits and contributions to pension plans and other social benefits.



4





METHODOLOGY OF THE STUDY



In carrying out this study, Spanish national sector-wide collective agreements were analyzed. There are 129 agreements whose information was obtained from the Register of Collective Agreements of the Spanish Ministry of Employment and Social Security. This register offers lists of the collective agreements, as well as information on each of them, part of which shall be explained in part 5.1 of the following section, with data on the sectors, employees, women and companies affected by each agreement. It must be noted that this information is only available for collective agreements published from 2010 onwards, since that was the year when the Register of Collective Agreements took effect, so there is no information for agreements prior to that year.²¹

For the study, the agreements were grouped according to the applicable economic activity sector from the 2009 CNAE [National Classification of Economic Activities] classification. It should be specified that some agreements apply to activities that are classified in different sectors, such as the agreement of construction or the collective agreement of tiles, bricks and special baked clay parts. In this case, the information in the agreement was found exclusively in sector 'F': 'Construction'

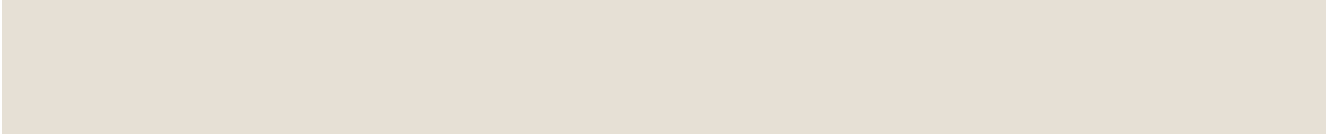
Furthermore, in order to simplify the study, the information from these two agreements was added to the economic activity of construction and the collective

agreement of the salt industry, the only national agreement exclusive to economic sector 'B': 'Extractive industries'. In this way, we have included a single activity sector with information from these three agreements, which we have named 'B+F: Extractive industries and construction'.

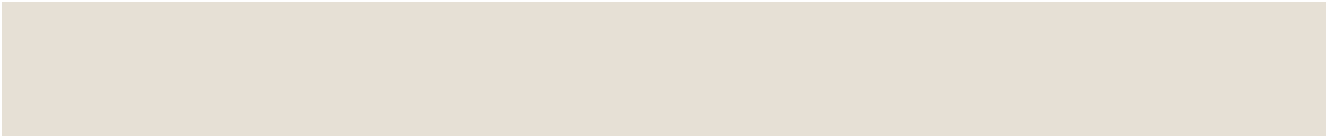
Point 5.2 analyzes the agreements and provides information gleaned from a thorough reading of each of them. Information was obtained from each agreement on the different remuneration mechanisms included, the job classification systems and any other information on equality.

Given that the information provided on annual wages is different in each agreement and we wanted to compare wage levels between agreements, it was necessary to standardize the information on wages in all the collective agreements studied. Therefore, we took into account the number of bonuses set out in the agreements in order to obtain comparable monthly wages. Furthermore, we used the 2014 CPI to update the wages of those collective agreements prior to 2010.

²¹ 28 of the 129 agreements studied were registered prior to 2010.



5





RESULTS AND ANALYSIS



5.1. Data from the agreements

Of the 129 agreements studied, 86 correspond to activities in the service sector and 43 to other sectors, of which 32 are agreements from the manufacturing industry; 5 from the sectors of agriculture, livestock, forestry and fishing; 3 from the

supply of water, sanitation, waste management and decontamination, and 3 from the extractive industry and construction. Given that many of the agreements apply to more than one economic activity belonging to different sectors, they have been grouped into two main sectors: industry²² and services.

²² The 'industry' classification includes agreements

Table 8. Number of agreements per sector, coverage of collective agreements overall and by sex, and distribution of employees affected

	No. of agreements	Total number of employees affected	Women affected	Men affected	Distribution of employees	Distribution of female employees	Distribution of male employees	% women affected	% men affected
AGRICULTURE, LIVESTOCK, FORESTRY AND FISHING	43	2,377,968	335,168	2,042,800	41.8%	16.6%	55.7%	14.1%	85.9%
A: Agriculture, livestock, forestry and fishing	5	186,735	13,485	173,250	3.3%	0.7%	4.7%	7.2%	92.8%
B.F: Extractive industries and construction'	3	1,249,635	62,731	1,186,904	22.0%	3.1%	32.4%	5.0%	95.0%
C: Manufacturing	32	779,497	228,358	551,139	13.7%	11.3%	15.0%	29.3%	70.7%
E: Supply of water, sanitation, etc,	3	162,101	30,594	131,507	2.9%	1.5%	3.6%	18.9%	81.1%
SERVICES	86	3,308,327	1,686,201	1,622,126	58.2%	83.4%	44.3%	51.0%	49.0%
G: Retail and wholesale	10	238,500	124,356	114,144	4.2%	6.2%	3.1%	52.1%	47.9%
H: Transportation and storage	13	403,810	40,732	363,078	7.1%	2.0%	9.9%	10.1%	89.9%
I: Hospitality	2	29,699	14,850	14,849	0.5%	0.7%	0.4%	50.0%	50.0%
J: Information and communications	6	6,152	3,062	3,090	0.1%	0.2%	0.1%	49.8%	50.2%
K: Financial services and insurance	6	341,046	142,418	198,628	6.0%	7.0%	5.4%	41.8%	58.2%
L: Real estate	1	70,157	35,157	35,000	1.2%	1.7%	1.0%	50.1%	49.9%
M: Professional, scientific and technical activities	7	175,396	62,913	112,483	3.1%	3.1%	3.1%	35.9%	64.1%
O: Administrative and support services	11	610,181	327,611	282,570	10.7%	16.2%	7.7%	53.7%	46.3%
P: Education	12	749,360	450,590	298,770	13.2%	22.3%	8.2%	60.1%	39.9%
Q: Health and social services	5	388,000	292,375	95,625	6.8%	14.5%	2.6%	75.4%	24.6%
R: Arts and recreational activities	8	154,716	76,490	78,226	2.7%	3.8%	2.1%	49.4%	50.6%
S: Other services	5	141,310	115,647	25,663	2.5%	5.7%	0.7%	81.8%	18.2%
OVERALL TOTAL	129	5,686,295	2,021,369	3,664,926	100.0%	100.0%	100.0%	35.5%	64.5%

Source: Compiled using data from the Register of Collective Agreements.

The activities belonging to the major 'service' sector that have the largest number of agreements are 'transportation and storage' (13), 'education' (12), 'administrative and support services' (11) and 'retail and wholesale', except 'motor vehicles and motorcycles' (10).

These 129 agreements cover a total of 5,656,295 employees, of whom 58.2% work in the service sector and 41.8% in the agriculture, industry and construction

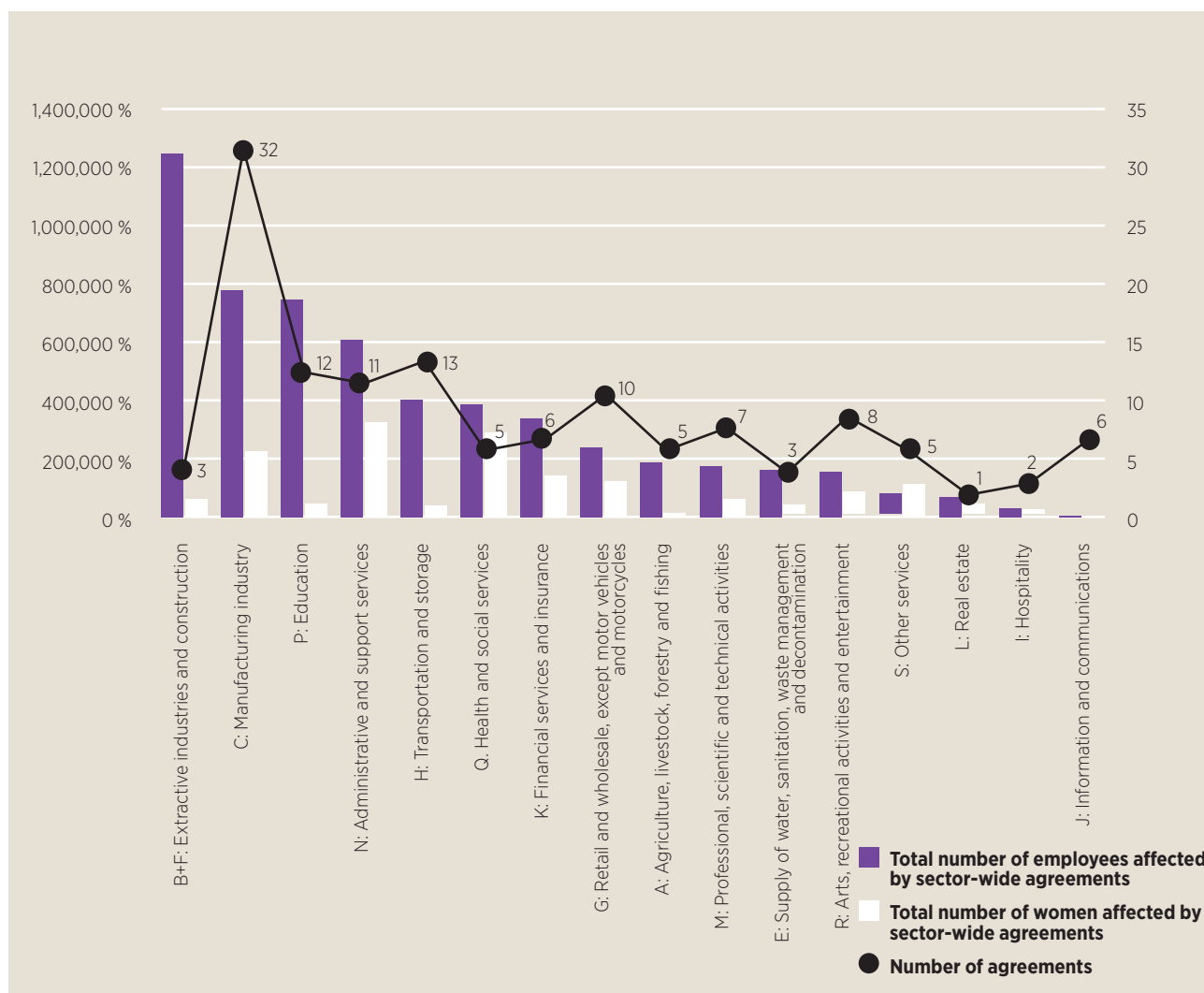
from the agriculture and construction sectors.

sectors. The sectors with agreements covering the most people are the extractive industries and construction²³ (22%), the manufacturing industry (13.7%), education (13.2%), and administrative and support services (10.7%).

By sex, 83.4% of women are covered by sector-wide agreements in the service sector, compared with 16.6% in the industry

²³ The extractive industries and the construction sector have been added together in the tables, since these two activities share agreements that affect them equally.

Graph 7. Number of employees covered, in total and women, and number of agreements by sector



Source: Compiled using data from the Register of Collective Agreements.

trial, agricultural or construction sectors. Women working in industrial sectors are virtually all concentrated in the manufacturing industry, mainly the subsectors of food and textiles. For their part, agreements covering women in the service sector are concentrated in three sectors: education (22.3%), administrative and support services (16.2%) and health and social services (14.5%).

The level of feminization of the agreements -i.e. the percentage of women covered by agreements according to sector- coincides with the data on the feminization of sectors seen previously from the National Institute of Statistics. The service sector is the most feminized, with 51% of women covered by agreements in that sector, compared to 14.1% in the agriculture, industry and construction sectors. Agreements in the 'other services', 'health and social services' and 'education' sectors are the most feminized, covering 81.8%, 75.4% and 60.1% of women respectively. (See Table 8)

Graph 7 shows the total number of employees and the number of women covered by agreements, by sector, as well as the number of agreements in each sector. There is a certain correlation between the number of agreements and the number of employees affected by sector, since the number of agreements decreases at the same time as the number of employees covered. The major exception is the extractive industries and the construction sector, which cover 1,249,635 people and only have three agreements. This is because the national agreement in the construction sector covers 1,241,620 people.

5.2. Study of the agreements

As has been explained, for this study, information was gathered from 129 sector-wide collective agreements, 43 from the industry, agriculture and construction sectors and 86 from the service sector. In quantitative terms, the 32 agreements from the manufacturing industry stand out.

The majority of agreements were easily classified into the applicable economic activity sectors. In some cases classification was more complicated, since the agreement covered more than one economic activity sector. This is the case, for example, with the construction agreement, which covers 20 economic activities belonging to different activity sectors. In order to analyze data for this study, the agreement was placed in the construction sector.

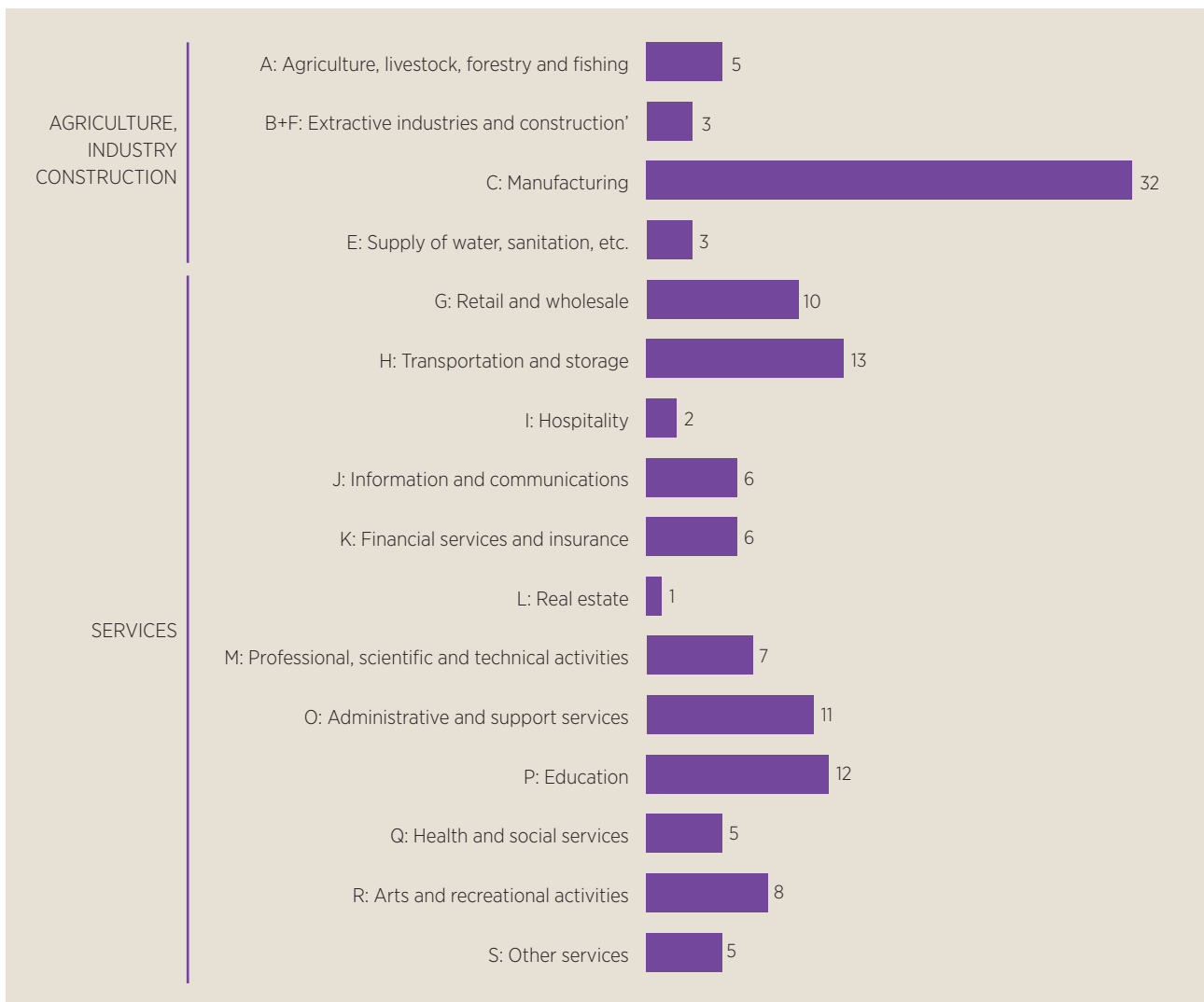
Furthermore, activity sectors B and F are included in the same sector throughout the study, since they have few agreements (only 3²⁴), which in turn are not applicable to a single economic sector.

The items that have been analyzed through a comprehensive reading of the collective agreements are the following:

²⁴ National agreement of tiles, bricks and special baked clay parts, national agreement of the salt industry and national agreement of the construction sector.

- Type of language used in drawing up the text of the agreement.
 - Reference to gender equality in wages
 - Job classification structure.
 - Salary scales.
 - Existence of an agreed guaranteed minimum wage.
 - Basic salary.
 - Level of coverage of the lowest salary in the agreements in relation to the SMI.
- Wage supplements:
 - a. Fixed according to the personal qualities of employees.
 - b. Fixed according to circumstances relating to the work carried out (the job and the quantity/quality of work).
 - c. Fixed according to circumstances relating to the company's situation and results.
 - d. Other items of remuneration.

Graph 8. Number of national agreements studied for each economic activity sector



Source: Compiled using data from the Register of Collective Agreements.

5.3. Language

Language is a vital tool to keep progressing on the path towards a labor market free from gender bias. Organic Law 3/2007, on effective equality between men and women, emphasizes that language is an ideal instrument for correcting inequality of opportunity.

Using equal and inclusive language makes women visible, breaking stereotypes and sexist prejudices; therefore, it is necessary to modify the androcentric approach of expressions, using neutral and non-sexist titles. Thus, not including the feminine noun alongside the masculine

makes women invisible in negotiation regulations, overriding the visibility and therefore the participation of women in the productive sector to which the agreement applies.

In the words of the linguist Eulalia Lledó, 'language in itself is not sexist, but its use is'. Throughout the negotiation texts, the unnecessary or excessive use of the generic male form is a way of hiding women, establishing itself as an obstacle to real equality between men and women.

Androcentrism, in linguistic terms, is based on two fundamental rules:

- a. everyone is male, unless otherwise specified;
- b. women are erased from language.

Table 9. Distribution of agreements according to type of language used

	Total	Masculine with a gender-neutral clause	Sexist-masculine	Non-sexist-masculine and feminine or neutral	Discriminatory
AGRICULTURE INDUSTRY CONSTRUCTION	43	0	35	6	2
A: Agriculture, livestock, forestry and fishing	5	0	5	0	0
B+F: Extractive industries and construction	3	0	3	0	0
C: Manufacturing industry	32	0	26	4	2
E: Supply of water, sanitation, waste management and decontamination	3	0	1	2	0
SERVICES	86	8	61	13	4
G: Retail and wholesale, except motor vehicles and motorcycles	10	0	7	1	2
H: Transportation and storage	13	0	12	1	0
I: Hospitality	2	0	2	0	0
J: Information and communications	6	1	5	0	0
K: Financial services and insurance	6	0	6	0	0
L: Real estate	1	0	0	0	1
M: Professional, scientific and technical activities	7	3	4	0	0
O: Administrative and support services	11	4	3	3	1
P: Education	12	0	9	3	0
Q: Health and social services	5	0	2	3	0
R: Arts, recreational activities and entertainment	8	0	6	2	0
S: Other services	5	0	5	0	0
OVERALL TOTAL	129	8	96	19	6
% OF THE TOTAL	100%	6%	74%	15%	5%

Source: Compiled using data from the sector-wide national collective agreements studied.

From this perspective, by studying the type of language used in national sector-wide collective agreements, it has been found that almost all collective agreements (80%) use androcentrist language: 74% use masculine nouns for professional categories and other references. 6% also extensively use masculine nouns, but have a clause entitled 'Gender-neutral clause', which states the following: 'The text of the agreement uses masculine nouns as the generic form encompassing all male and female employees without ignoring existing gender differences in order not to make the writing to complex'.²⁵

In this regard, it should be noted that Spanish does not have neutral nouns. Only the article *lo*, the third person impersonal pronouns and the demonstratives (*esto*, *eso*, *aquello*) have neutral forms. The use of sexist language in collective agreements 'legitimizes, albeit indirectly through language, an inegalitarian discourse'.²⁶

Although they are in the minority, agreements that are clearly discriminatory in language are still being drafted and published. 6 of the 129 agreements use different language for different genders, choosing the sex according to typically 'masculine' or 'feminine' roles in the category or job.²⁷

Finally, only 15% of agreements use non-sexist and neutral language (or always use both masculine and feminine nouns or a neutral gender).

5.4. Reference to gender equality in wages

On average, 32,6 % of all sector-wide agreements contain a reference to equal pay. Distributed by major sectors, almost 42% of the 43 agreements from the industry, agriculture and construction sectors and 28% of agreements from the service sector make some reference to equal pay.

Not all agreements do this in the same way or in the same amount of detail. Some, such as the general collective agreement of jobs in the textile industry and dressmaking (2014), are precise in their definition of the concept of pay and prohibit discrimination not only in terms of pay, but also in the conditions for obtaining payments. The text in this case is very similar to article 28 of the Statute of Workers' Rights.

In the general collective agreement of jobs in the textile industry and dress (2014), article 59, reads: 'Equal pay on the grounds of sex: The company is obliged to pay the same for equal work, whether in wages or in benefits, directly or indirectly; under no circumstances may there be any discrimination on the grounds of sex in any of its elements or conditions'.

²⁵ See the national collective agreement on administrative agencies (2014), fifth additional provision: Neutral gender. 'Some parts of the text of the agreement use masculine singular or plural nouns as the generic form encompassing all male and female employees without ignoring existing gender differences in order not to make the writing excessively complex'. See also the national collective agreement of temporary agency workers (2008) and the general collective agreement of the maintenance and preservation of water installations (2014), among others.

²⁶ See LOUSADA AROCHENA, José Fernando *El principio de igualdad en la negociación colectiva*, National Advisory Commission on Collective Agreements. Colección "Informes y Estudios", Serie Relaciones Laborales, número 85. Ministry of Employment and Immigration. Sub-Directorate-General of Administrative Information and Publications. Madrid, 2005.

²⁷ The collective agreement of companies that produce seafood using freezing and refrigeration processes uses masculine or feminine nouns according

to the role undertaken: feminine noun for department manager, masculine noun for head of maintenance, masculine noun for driver, feminine noun for line manager, etc.; the national collective agreement of the extractive, glass and ceramics industries uses the feminine noun for packer and masculine noun for everything else; the agreement for drugs retailers, herbalists and perfumeries uses masculine nouns for everything except secretary, which uses both masculine and feminine nouns.

Other agreements, such as the collective agreement of the transportation sector, aerial work with helicopters and their maintenance and repair, are less precise and only mention equal pay for equal work.

Article 50 of this agreement states: 'Equal pay on the grounds of sex. The company is obliged to pay the same for equal work, with no discrimination on the grounds of sex'.

Finally, there is a third group of agreements that refer to equality and non-discrimination in pay by listing the areas to be taken into account in the development of equality plans, according to the provisions of the agreement.

Article 63 of the national collective agreement of universities and research centers (2012) includes the following: 'In order to achieve the objectives set, equality plans may consider, among other things, access

to employment; job classification, professional development and training; pay; organization of the working day to encourage, in terms of equality between men and women, a balance between work, personal and family life; and the prevention of sexual harassment and sex-based harassment'.

Table 10. Total number of agreements, number of agreements that refer to pay equality and percentage of the total

	Total number of agreements	Reference to equal pay	Percentage
AGRICULTURE INDUSTRY CONSTRUCTION	43	18	41.9%
A: Agriculture, livestock, forestry and fishing	5	3	60.0%
B+F: Extractive industries and construction	3	2	66.7%
C: Manufacturing industry	32	12	37.5%
E: Supply of water, sanitation, waste management and decontamination	3	1	33.3%
SERVICES	86	24	27.9%
G: Retail and wholesale, except motor vehicles and motorcycles	10	7	70.0%
H: Transportation and storage	13	4	30.8%
I: Hospitality	2	0	0.0%
J: Information and communications	6	2	33.3%
K: Financial services and insurance	6	0	0.0%
L: Real estate	1	1	100.0%
M: Professional, scientific and technical activities	7	2	28.6%
O: Administrative and support services	11	4	36.4%
P: Education	12	2	16.7%
Q: Health and social services	5	0	0.0%
R: Arts, recreational activities and entertainment	8	0	0.0%
S: Other services	5	2	40.0%
OVERALL TOTAL	129	42	32.6%

Source: Compiled using data from the national sector-wide collective agreements studied.

5.5. Job classification structure

As stated previously, the Law on the Statute of Workers' Rights, which arose from the latest labor reforms, bases job classification in the agreements around professional groups. Even so, some agreements are still structured around categories. The most common formula is to classify into professional groups and categories, and many agreements also include functional areas.

Graph 9 shows the classification performed in collective agreements around the major sector groups that we have established: agriculture, industry and construction on one side, and services on the other.

As we can see, classification into groups and categories is the most common form in both sectors, with more than half of the agreements in each major sector using this type of classification.

Table 11. Type of job classification, distribution by type

	Total number of agreements	Categories	Groups	Groups and categories	Groups and/or functional areas	Unclassified
AGRICULTURE INDUSTRY CONSTRUCTION	43	2	6	25	10	0
A: Agriculture, livestock, forestry and fishing	5	0	0	3	2	0
B+F: Extractive industries and construction	3	0	0	1	2	0
C: Manufacturing industry	32	2	6	19	5	0
E: Supply of water, sanitation, waste management and decontamination	3	0	0	2	1	0
SERVICES	86	2	13	49	16	6
G: Retail and wholesale	10	0	5	2	3	0
H: Transportation and storage	13	1	4	7	1	0
I: Hospitality	2	0	1	0	1	0
J: Information and communications	6	1	0	2	2	1
K: Financial services and insurance	6	0	0	4	2	0
L: Real estate	1	0	0	0	1	0
M: Professional, scientific and technical activities	7	0	1	6	0	0
O: Administrative and support services	11	0	0	9	2	0
P: Education	12	0	0	10	2	0
Q: Health and social services	5	0	0	4	1	0
R: Arts, recreational activities and entertainment	8	0	0	3	0	5
S: Other services	5	0	2	2	1	0
OVERALL TOTAL	129	4	19	74	26	6

Source: Compiled using data from the national sector-wide collective agreements studied.

As well as the type of job classification in each agreement, we analyzed the following issues (see Table 12):

- Bargaining structure: we see here the number of agreements that organize topics at the lower levels of collective bargaining. Thus, almost 40% of the national collective agreements studied list and define the topics to be addressed by agreements with a geographical scope other than national.
- Labor ordinance: as we have seen, the regulations in force until the promulgation in 1980 of the Law on the Statute of Workers' Rights were labor ordinances, which remained effective until their replacement by the relevant applicable national agreement.²⁸ Throughout that time, employees were classified according to the provisions of the applicable collective agreement (according to the rules dictated by the LET) or, in its absence, the model of the labor ordinances was adopted.

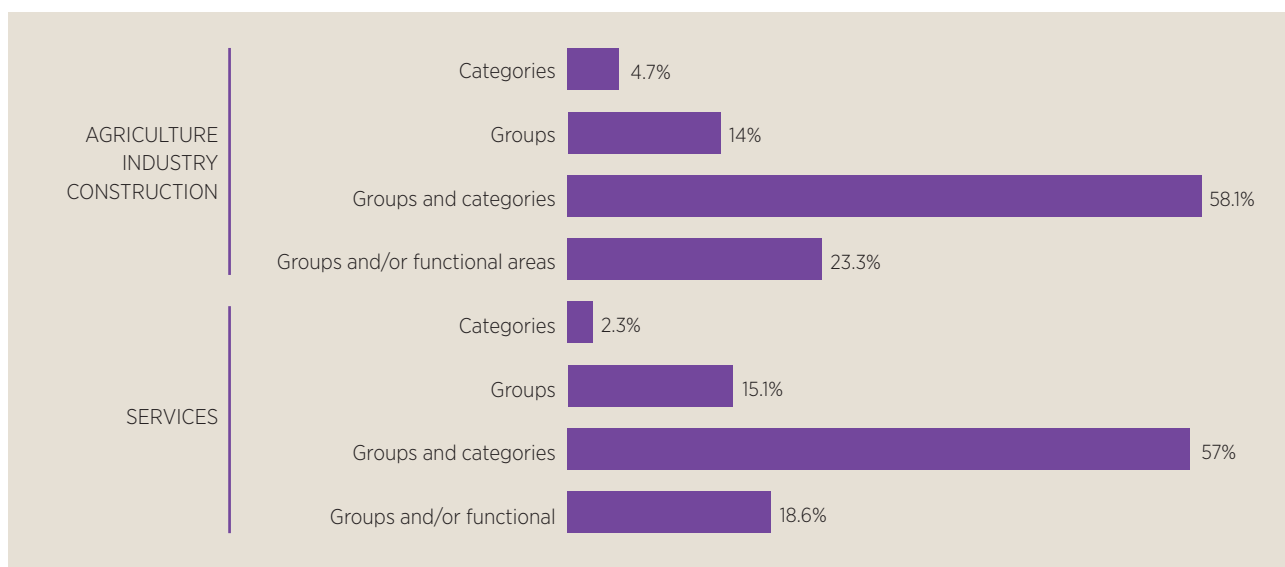
²⁸ With a time limit of 31st December 1994.

We can see that, even today, there are agreements that continue to regulate the job classification system following the model of the old labor ordinances. Thus, 1 in 4 agreements still set up their job classification system in the same way as that provided in the relevant labor ordinance.²⁹

- Agreement on gaps: as has been described previously, seventeen years after the LET was passed, economic and social partners made clear through an interprofessional agreement, the Agreement on Filling Gaps, the need to establish a regulation capable of filling gaps caused by the disappearance

²⁹ See the collective agreement of hair salons, beauty parlours and gymnasiums, which continues to adopt the classification model of the repealed labor ordinance on hair salons alongside grouping factors from the Agreement on Filling Gaps; the sector-wide collective agreement on cleaning buildings and facilities; the general agreement of companies that transport goods by road; and the collective agreement for the sector of preserves, semi-preserves, smoked goods, boiled goods, dried goods, manufactured goods, salting, fish oil, fishmeal, and seafood, which retains the classification of the labor ordinance.

Graph 9. Distribution of agreements according to type of job classification, by major sectors



Source: Compiled using data from the national sector-wide collective agreements studied.

of the labor ordinances, i.e. 'fill gaps in content'. This agreement included, among other aspects, some additional regulations to those provided by the LET to consider professional structures. In this case, 36.4% of the agreements studied use a classification system based on the factors provided for in the agreement on filling gaps.

- Good practice:³⁰ agreements that innovate with regard to job classification with a gender perspective. Thus, we have already explained throughout this report the factors recognized in the Agreement on Filling Gaps -initiative, autonomy, responsibility, leadership and complexity. As an instrument from which personal aptitudes can be quantified, the personal aptitudes of women are assessed negatively, bearing in mind the definition in the agreement itself. In this sense, we understand as good practice those collective agreements that have complemented the grouping factors in the agreement on gaps with a series of subfactors that allow for a more objective professional grouping that does not reward or incentivize those factors common to typically masculine jobs

In this sense, the national collective agreement on timber is one of the three examples of good practice that we found and defines, by way of example:

'Complexity. This factor is assessed according to the greater or lesser number, as well as the greater or lesser level of integration, of the other factors listed in the assigned task or position. a) Difficulty of the job. This subfactor considers the complexity of the task to be carried out and the frequency of possible incidents. b) Special skills. This subfactor determines the skills required for certain jobs, which may be physical effort, men-

tal skills, good vision, etc., and their frequency in the working day. c) Work environment. This subfactor assesses the circumstances under which the work must be carried out, and the extent to which these conditions make the job unpleasant. This subfactor shall not include circumstances relating to the way of working (night work, shift work, etc.).'

In the definition of this factor in the agreement on gaps, the national agreement on timber incorporates other factors with a gender-neutral perspective, such as manual dexterity, good vision and an unpleasant working environment.

On page 49, we list three different examples from the collective agreements studied: according to the type of job classification, the use of grouping factors from the agreement on gaps and references to the old labor ordinances.

5.6. Salary scales

This section refers to the presence of salary scales in the national sector-wide collective agreements studied. In 88.4% of cases, the agreements organize and structure the pay of employees covered according to salary scales. In this case, there are no differences between the major activity sectors, since the percentage of agreements both in services and in industry, agriculture and construction is practically the same. (See Table 13)

One of the agreements that does not include salary scales is the collective agreement of the construction sector (2012), but it does give a detailed description of the various items of remuneration and their structure, and sets out a minimum annual gross pay scale by professional levels:

'Minimum gross annual pay for the construction sector was set out on 1st January 2012, for full-time employees, taking into account for this purpose all items of remuneration'

³⁰The English term 'labor good practices' has been translated into Spanish as 'buenas prácticas'. To date, there is still no agreed definition in this regard. We use the definition provided by LÓPEZ LÓPEZ, J.: 'performance criteria that are considered useful for obtaining certain results'.

Table 12. Agreements with a bargaining structure, classification factors from the agreement on gaps, systems inherited from the labor ordinances and good practice (total number of agreements and percentage, by activity sector)

	Total number of agreements	Collective bargaining structure	Agreement on gaps	Labor ordinances	Good practice
AGRICULTURE INDUSTRY CONSTRUCTION	43	20	25	21	3
A: Agriculture, livestock, forestry and fishing	5	4	3	4	1
B+F: Extractive industries and construction	3	1	3	2	0
C: Manufacturing industry	32	12	17	14	2
E: Supply of water, sanitation, waste management and decontamination	3	3	2	1	0
SERVICES	86	30	22	10	0
G: Retail and wholesale	10	5	7	2	0
H: Transportation and storage	13	4	1	3	0
I: Hospitality	2	0	2	0	0
J: Information and communications	6	0	0	0	0
K: Financial services and insurance	6	2	1	0	0
L: Real estate	1	0	1	0	0
M: Professional, scientific and technical activities	7	1	3	3	0
O: Administrative and support services	11	5	3	2	0
P: Education	12	4	0	0	0
Q: Health and social services	5	4	1	0	0
R: Arts, recreational activities and entertainment	8	2	0	0	0
S: Other services	5	3	3	0	0
OVERALL TOTAL	129	50	47	31	3

	Total number of agreements	Collective bargaining structure	Agreement on gaps	Labor ordinances	Good practice
AGRICULTURE INDUSTRY CONSTRUCTION	43	46.5%	58.1%	48.8%	7.0%
A: Agriculture, livestock, forestry and fishing	5	80.0%	60.0%	80.0%	20.0%
B+F: Extractive industries and construction	3	33.3%	100.0%	66.7%	0.0%
C: Manufacturing industry	32	37.5%	53.1%	43.8%	6.3%
E: Supply of water, sanitation, waste management and decontamination	3	100.0%	66.7%	33.3%	0.0%
SERVICES	86	34.9%	25.6%	11.6%	0.0%
G: Retail and wholesale	10	50.0%	70.0%	20.0%	0.0%
H: Transportation and storage	13	30.8%	7.7%	23.1%	0.0%
I: Hospitality	2	0.0%	100.0%	0.0%	0.0%
J: Information and communications	6	0.0%	0.0%	0.0%	0.0%
K: Financial services and insurance	6	33.3%	16.7%	0.0%	0.0%
L: Real estate	1	0.0%	100.0%	0.0%	0.0%
M: Professional, scientific and technical activities	7	14.3%	42.9%	42.9%	0.0%
O: Administrative and support services	11	45.5%	27.3%	18.2%	0.0%
P: Education	12	33.3%	0.0%	0.0%	0.0%
Q: Health and social services	5	80.0%	20.0%	0.0%	0.0%
R: Arts, recreational activities and entertainment	8	25.0%	0.0%	0.0%	0.0%
S: Other services	5	60.0%	60.0%	0.0%	0.0%
OVERALL TOTAL	129	38.8%	36.4%	24.0%	2.3%

Source: Compiled using data from the national sector-wide collective agreements studied.

For its part, the sector-wide collective agreement on cleaning buildings and facilities, which forms part of the administrative and support services sector, classifies the topics to be negotiated according to the scope of the agreement and establishes, among other things, the amount of the basic salary, the determination and amount of wage supplements, the wage structure and benefits as topics to be negotiated at provincial or autonomous community level. Therefore, the national agreement is exempt from including these topics in negotiation.

In five of the eight agreements in the arts, recreational activities and entertainment sector, there are no salary scales. These are the national collective agreements of professional football, professional basketball, professional cycling, professional handball and professional women's league basketball; agreements which, given their genuine organization

and job classification, do not include salary scales, although they do include minimum pay.

5.7. Existence of a guaranteed minimum wage

Some agreements introduce the concept of a guaranteed minimum wage (SMG), as has previously been explained by the agreement of the construction sector, which determines minimum gross annual pay and does not include salary scales with basic salaries for each professional group or category.

BASIC NATIONAL COLLECTIVE AGREEMENT FOR THE MANUFACTURE OF VEGETABLE PRESERVES (BOE [OFFICIAL STATE GAZETTE], 26/12/2014)

Job classification:

- This is organized around professional groups and categories.
- Its **grouping factors** are: initiative, autonomy and responsibility. It uses the same definition as the agreement on gaps.

NATIONAL COLLECTIVE AGREEMENT OF THE NOUGAT AND MARZIPAN INDUSTRY (BOE, 1/4/2014)

Job classification:

- This is organized around professional groups and categories.
- Its **grouping factors** are: level of autonomy, level of training, initiative, leadership, responsibility and job complexity, using the same definition as that provided by the agreement on gaps.
- Classification within the groups of professional categories is based on the nomenclature of the repealed **Labor ordinance for the food industries** (Ministerial Order of 8th July 1975).

NATIONAL COLLECTIVE AGREEMENT OF DRUGS RETAILERS, HERBALISTS AND PERFUMERIES (BOE, 2/10/2014)

Job classification:

- This is organized around professional groups and functional areas.
- The 5 professional groups use the **grouping factors** (level of autonomy, level of training, initiative, leadership, responsibility and job complexity) provided for in the 1997 agreement on gaps.

There are, in addition, quite a few agreements which, as well as containing sector-wide salary scales, also incorporate the concept of an SMG. This is true of the national collective agreement of perfumeries and related shops (2011), and the general collective agreement of the chemical industry (2013), which in article 31 calculates the SMG and defines the items that make up this minimum, excluding supplements and payments that do not derive from normal or habitual activity.³¹

For its part, the general collective agreement of centers and services for people with disabilities (2012) defines in article 31 the composition of the SMG, which 'shall be calculated by adding the basic salary and the amount received for the former seniority or quality improvement supplement prior to 30th June 2012'.

The recently published national collective agreement of the daily press (2015) sets out in article 3 the SMG for each professional group, which 'shall be made up of all payments received by employees in each company, in their course of their normal or habitual activities, as well as the personal allowances necessary to make up this amount'.

³¹ General collective agreement of the chemical industry: 'Article 31. Guaranteed minimum wage (SMG). This agreement assigns to full-time employees a guaranteed annual minimum wage of 14,255.57 euros gross. The SMG shall be made up exclusively of all items of remuneration received by employees in each company, in the course of their normal or habitual activities in non-assessed jobs. The SMG does not include the following concepts: seniority; shift bonus; night shift bonus; hazard pay; job-related supplement (CPT); sales commission and incentives, except where these incentives consist of a

fixed payment received by employees in the course of their normal or habitual activity in non-assessed jobs (...)'.

Table 13. Total number of agreements, number of agreements with salary scales and percentage of the total

	Total	With scales	% with scales
AGRICULTURE INDUSTRY CONSTRUCTION	43	39	90.7%
A: Agriculture, livestock, forestry and fishing	5	5	100.0%
B+F: Extractive industries and construction	3	1	33.3%
C: Manufacturing industry	32	31	96.9%
E: Supply of water, sanitation, waste management and decontamination	3	2	66.7%
SERVICES	86	75	87.2%
G: Retail and wholesale, except motor vehicles and motorcycles	10	10	100.0%
H: Transportation and storage	13	9	69.2%
I: Hospitality	2	2	100.0%
J: Information and communications	6	5	83.3%
K: Financial services and insurance	6	6	100.0%
L: Real estate	1	1	100.0%
M: Professional, scientific and technical activities	7	7	100.0%
O: Administrative and support services	11	10	90.9%
P: Education	12	12	100.0%
Q: Health and social services	5	5	100.0%
R: Arts, recreational activities and entertainment	8	3	37.5%
S: Other services	5	5	100.0%
OVERALL TOTAL	129	114	88.4%

Source: Compiled using data from the national sector-wide collective agreements studied.

Few agreements refer to a guaranteed minimum wage; only 29 of the 129 studied, distributed fairly evenly between the agriculture, industry and construction sector and the service sector. (See Table 14)

5.8. Basic salary

Table 15 shows the average of the lowest and highest salaries established in the salary scales of the 123 collective agreements³² studied, by sector. In order to

³² For a better interpretation of the results of the study of salaries in the collective agreements, the six collective agreements applicable to professional sports and the agreement of film production and actors have been excluded, since the minimum salaries established therein are unrepresentative and too far from the overall average.

compare the lowest and highest salaries in the agreements studied, it was necessary to standardize them. Therefore, the number of bonuses set out in the agreements has been taken into account, pro-rated over twelve months and added to the lowest and highest basic salaries in the agreements. In this way, it has been possible to compare the purchasing power of the salaries.

The overall average of the lowest and higher salary in the salary scales of the 123 collective agreements is 784 euros and 1,517 euros a month respectively (12 payments); The average salaries of agreements in the agriculture, industry and construction sectors are 789 euros and 1,475 euros a month, while the averages in the service sector are 781 euros and 1,538 euros.

The last column in table 12 shows the inequality in the lowest and highest basic

Table 14. Total number of agreements, number of agreements with a guaranteed minimum wage and percentage of the total

	Total number of agreements	with an SMG	% of the total with an SMG
AGRICULTURE INDUSTRY CONSTRUCTION	43	13	30%
A: Agriculture, livestock, forestry and fishing	5	1	20%
B+F: Extractive industries and construction	3	2	67%
C: Manufacturing industry	32	10	31%
E: Supply of water, sanitation, waste management and decontamination	3	0	0%
SERVICES	86	16	19%
G: Retail and wholesale, except motor vehicles and motorcycles	10	2	20%
H: Transportation and storage	13	3	23%
I: Hospitality	2	0	0%
J: Information and communications	6	0	0%
K: Financial services and insurance	6	0	0%
L: Real estate	1	1	100%
M: Professional, scientific and technical activities	7	1	14%
O: Administrative and support services	11	1	9%
P: Education	12	0	0%
Q: Health and social services	5	2	40%
R: Arts, recreational activities and entertainment	8	4	50%
S: Other services	5	2	40%
OVERALL TOTAL	129	29	22%

Source: Compiled using data from the national sector-wide collective agreements studied.

salaries in the agreements: on average, the highest basic salary is 93.5% higher than the lowest salary, and this differential is greater in the service sector, which is more feminized, as shown in the second column in the table.

While the correlation study is not conclusive, graph 10 shows that there is a certain relationship between the level of feminization of the sector and the level of inequality between the minimum and maximum basic salaries on the salary scales.

The economic activity sectors with the greatest disparity between the lowest and highest basic salaries are J: Information and communications (155.5%), K: financial services and insurance (147.4%), P: education (137.8%) and I: Hospitality (125.1%).

This indicator of inequality does not explicitly show the level of income inequality between men and women in each activity sector, but we can presume that it **de facto** represents the level of gender pay inequality in each economic activity and, therefore, there is consistency in the positive correlation between the feminization of the agreement and the level of inequality. As we have seen previously, women are employed at lower levels, which shows the so-called glass ceiling –defined as the clear barrier or subtle discrimination against women that prevents them from reaching the highest levels in organizations and companies.³³ For this reason, we can presume that the greater inequality between the lowest and high-

33 Morrison, A. *Breaking the Glass Ceiling*, 1987.

Table 15. Total number of agreements, feminization of the agreements, lowest and highest basic salary on the salary scale and the relationship between the two

	Number of agreements	Feminization	Lowest basic salary	Highest basic salary	Relationship between highest and lowest
AGRICULTURE INDUSTRY CONSTRUCTION	43	39	90.7%	1,475	87.0%
A: Agriculture, livestock, forestry and fishing	5	5	100.0%	1,497	81.9%
B+F: Extractive industries and construction	3	1	33.3%	1,020	42.9%
C: Manufacturing industry	32	31	96.9%	1,508	90.4%
E: Supply of water, sanitation, waste management and decontamination	3	2	66.7%	1,160	66.5%
SERVICES	86	75	87.2%	1,538	96.8%
G: Retail and wholesale, except motor vehicles and motorcycles	10	10	100.0%	1,289	51.5%
H: Transportation and storage	13	9	69.2%	1,281	72.1%
I: Hospitality	2	2	100.0%	1,785	125.1%
J: Information and communications	6	5	83.3%	1,880	155.5%
K: Financial services and insurance	6	6	100.0%	2,296	147.4%
L: Real estate	1	1	100.0%	1,295	65.6%
M: Professional, scientific and technical activities	7	7	100.0%	1,408	88.0%
O: Administrative and support services	11	10	90.9%	1,485	90.1%
P: Education	12	12	100.0%	1,613	137.8%
Q: Health and social services	5	5	100.0%	1,522	108.4%
R: Arts, recreational activities and entertainment	8	3	37.5%	1,175	32.5%
S: Other services	5	5	100.0%	1,605	88.4%
OVERALL TOTAL	129	114	88.4%	1,517	93.5%

Source: Compiled using data from the national sector-wide collective agreements studied.

est basic salaries on the salary scales in agreements would have a greater impact on women, employed in inferior occupations with lower salaries.

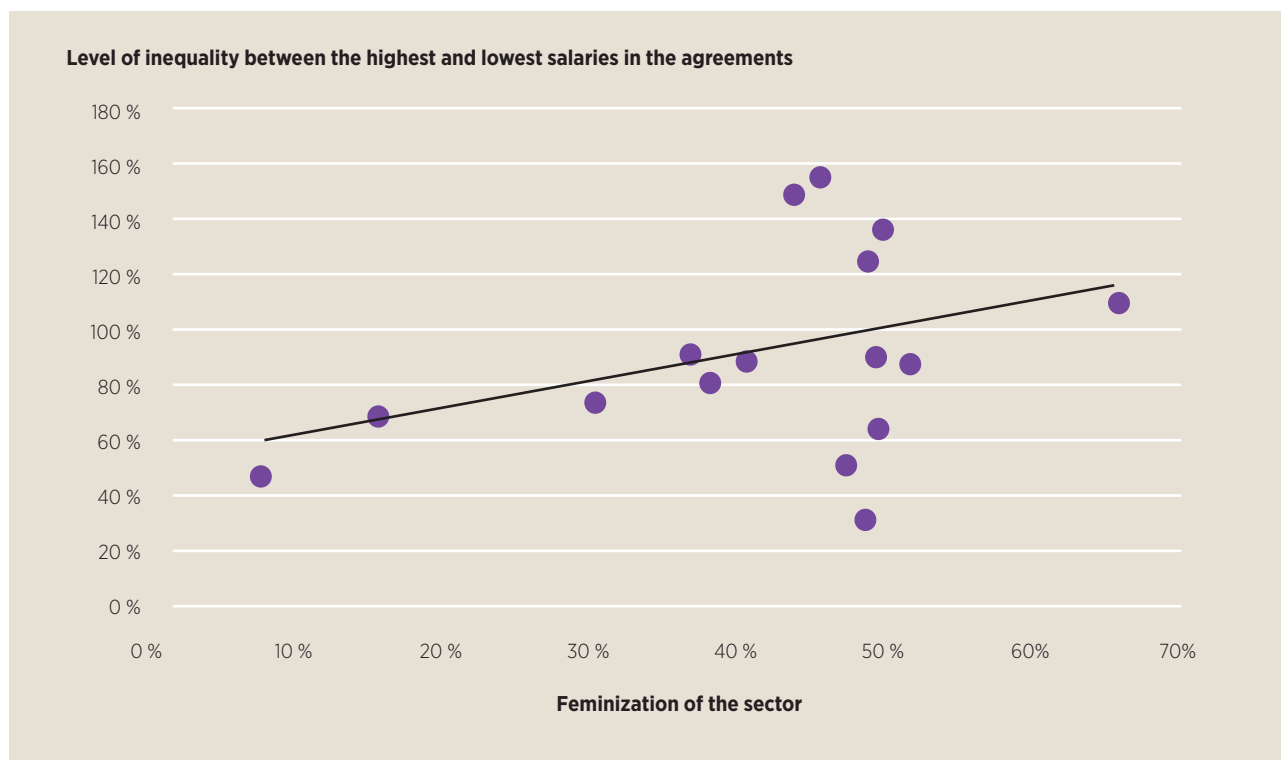
5.9. Level of coverage of the lowest salary in the agreement in relation to the minimum wage

One of the desired functions of national collective agreements is to guarantee a minimum income threshold that guarantees an improvement over the meager Spanish minimum wage (SMI), which does not reach the level of 60% of the average salary indicated through the European Social Charter.

In this sense, it is interesting to compare the basic salary in relation to the SMI since the lowest salary on the salary scales will show pay for the higher categories. We can see that on average, the lowest basic salary in the collective agreements studied is 45.9% higher than the SMI in the year of publication of the agreement. By sector, and on average, all improve on the annual SMI, from 18.8% for agreements in sector E: supply of water, sanitation, waste management and decontamination, to 66.7% for agreements in sector K: financial services and insurance.³⁴ (See Table 16)

³⁴ Again, for a better interpretation of the results of the study of salaries in the collective agreements, the five collective agreements applicable to professional sports and the agreement on film production and actors have been excluded, since the minimum salaries established therein are unrepresentative and too far from the overall average.

Graph 10. Correlation between the feminization of agreements and the level of pay inequality



Source: Compiled using data from the national sector-wide collective agreements studied.

5.10. Wage supplements

Article 26.3³⁵ of the ET lists only the three main reasons for wage supplements: the employee's personal circumstances, the work carried out and the company's situation and results. Therefore, any supplements that do not fall within these three categories must be considered as basic salary.

This is the case with regular bonuses such as the so-called standard bonus, whose

35 'Through collective bargaining or, in its absence, individual contracts, the wage structure shall be determined, which must include the basic salary, as fixed remuneration per unit of time or work and, where applicable, wage supplements fixed according to circumstances relating to the employee's personal conditions, the work carried out or the company's situation and results, (...)'.³⁵

existence is often explained in the guarantee of rights acquired by employees in relation to items of remuneration that have been removed.

Following the classification in the legal text, we have studied the type of wage supplements incorporated in the various collective agreements. According to legislation, wage supplements are determined voluntarily. Even so, we have identified that 121 of the 129 collective agreements (94% of the total) include wage supplements.

In order to study them, we have classified them into four categories: wage supplements fixed according to the employee's personal circumstances, including seniority and other aspects; supplements fixed according to circumstances relating to the work carried out, which have in turn been divided into two types: those relating to the job performed by the employee

Table 16. Average lowest salaries by economic activity and percentage in relation to the minimum wage

	Lowest basic salary	Average of SMI
AGRICULTURE INDUSTRY CONSTRUCTION	789	144.6%
A: Agriculture, livestock, forestry and fishing	823	151.6%
B+F: Extractive industries and construction	714	129.1%
C: Manufacturing industry	792	145.7%
E: Supply of water, sanitation, waste management and decontamination	697	118.8%
SERVICES	781	146.5%
G: Retail and wholesale	851	165.2%
H: Transportation and storage	744	145.3%
I: Hospitality	793	143.9%
J: Information and communications	736	147.9%
K: Financial services and insurance	928	166.7%
L: Real estate	782	141.3%
M: Professional, scientific and technical activities	749	136.4%
O: Administrative and support services	781	144.4%
P: Education	678	128.6%
Q: Health and social services	730	133.1%
R: Arts, recreational activities and entertainment	887	153.4%
S: Other services	852	158.7%
OVERALL TOTAL	784	145.9%

Source: Compiled using data from the national sector-wide collective agreements studied.

Table 17. Total number of agreements with supplements and by type of supplement. By economic activity sector (total number of agreements and percentage)

	NUMBER OF AGREEMENTS WITH SUPPLEMENTS												
	Number of agreements	Number of agreements with supplements	1. Personal		2. Circumstances relating to the work carried out						3. Company's results	4. Other	
			With seniority supplements	With other supplements	With hazard pay	With shift work supplements	With night shift supplements	Job		Overtime		Other	In kind
								Other	Quantity				
AGRICULTURE INDUSTRY	43	40	24	1	23	7	37	14	38	26	9	39	27
CONSTRUCTION													
A: Agriculture, livestock, forestry and fishing	5	4	2	0	4	1	5	1	5	3	0	5	4
B+F: Extractive industries and construction	3	2	1	1	1	1	2	1	3	3	0	3	2
C: Manufacturing industry	32	31	18	0	17	4	27	10	28	19	9	28	19
E: Supply of water, sanitation, etc.	3	3	3	0	1	1	3	2	2	1	0	3	2
SERVICES	86	81	43	16	9	5	44	33	59	33	14	72	27
G: Retail and wholesale	10	10	6	2	1	0	8	4	7	5	3	8	3
H: Transportation and storage	13	12	7	1	1	1	7	4	7	5	0	8	6
I: Hospitality	2	2	1	0	0	0	1	1	2	0	0	2	1
J: Information and communications	6	5	1	1	0	0	1	3	4	3	0	5	2
K: Financial services and insurance	6	6	3	3	0	1	0	4	5	4	5	6	2
L: Real estate	1	1	1	0	0	0	0	1	1	1	0	1	1
M: Professional, scientific and technical activities	7	7	4	0	2	0	1	0	4	1	2	6	5
O: Administrative and support services	11	11	6	4	3	0	8	6	10	6	1	9	2
P: Education	12	12	7	3	1	0	8	6	10	3	1	12	1
Q: Health and social services	5	3	3	2	0	2	4	2	2	3	0	3	2
R: Arts, recreational activities and entertainment	8	7	2	0	0	0	2	1	3	1	0	7	1
S: Other services	5	5	2	0	1	1	4	1	4	1	2	5	1
OVERALL TOTAL	129	121	67	17	32	12	81	47	97	59	23	111	54

	NUMBER OF AGREEMENTS WITH SUPPLEMENTS												
	Number of agreements	Number of agreements with supplements	1. Personal		2. Circumstances relating to the work carried out						3. Company's results	4. Other	
			With seniority supplements	With other supplements	With hazard pay	With shift work supplements	With night shift supplements	Other	Overtime	Other		In kind	Standard bonus
AGRICULTURE INDUSTRY	43	93%	56%	2%	53%	16%	86%	33%	88%	60%	21%	91%	63%
CONSTRUCTION	5	80%	40%	0%	80%	20%	100%	20%	100%	60%	0%	100%	80%
A: Agriculture, livestock, forestry and fishing	5	80%	40%	0%	80%	20%	100%	20%	100%	60%	0%	100%	80%
B+F: Extractive industries and construction	32	67%	33%	33%	33%	33%	67%	33%	100%	100%	0%	100%	67%
C: Manufacturing industry	3	97%	56%	0%	53%	13%	84%	31%	88%	59%	28%	88%	59%
E: Supply of water, sanitation, etc.	3	100%	100%	0%	33%	33%	100%	67%	67%	33%	0%	100%	67%
SERVICES	86	94%	50%	19%	10%	6%	51%	38%	69%	38%	16%	84%	31%
G: Retail and wholesale	11	100%	60%	20%	10%	0%	80%	40%	70%	50%	30%	80%	30%
H: Transportation and storage	8	92%	54%	8%	8%	8%	54%	31%	54%	38%	0%	62%	46%
I: Hospitality	6	100%	50%	0%	0%	0%	50%	50%	100%	0%	0%	100%	50%
J: Information and communications	1	83%	17%	17%	0%	0%	17%	50%	67%	50%	0%	83%	33%
K: Financial services and insurance	7	100%	50%	50%	0%	17%	0%	67%	83%	67%	83%	100%	33%
L: Real estate	5	100%	100%	0%	0%	0%	0%	100%	100%	100%	0%	100%	100%
M: Professional, scientific and technical activities	10	100%	57%	0%	29%	0%	14%	0%	57%	14%	29%	86%	71%
O: Administrative and support services	12	100%	55%	36%	27%	0%	73%	55%	91%	55%	9%	82%	18%
P: Education	2	100%	58%	25%	8%	0%	67%	50%	83%	25%	8%	100%	8%
Q: Health and social services	6	60%	60%	40%	0%	40%	80%	40%	40%	60%	0%	60%	40%
R: Arts, recreational activities and entertainment	5	88%	25%	0%	0%	0%	25%	13%	38%	13%	0%	88%	13%
S: Other services	13	100%	40%	0%	20%	20%	80%	20%	80%	20%	40%	100%	20%
OVERALL TOTAL	129	94%	52%	13%	25%	9%	63%	36%	75%	46%	18%	86%	42%

Source: Compiled using data from the national sector-wide collective agreements studied.

and those relating to the quantity or quality of the work carried out; those relating to the company's situation or results; and finally others that are very common in the majority of agreements such as benefits in kind or the 'standard bonus'.

Of all these, the wage supplements that are most common in national sector-wide collective agreements are benefits in kind (in 86% of agreements), overtime payments as a supplement for quantity of work (75%), night shift supplements (63%), personal seniority supplements (52%), the 'standard bonus' (42%), hazard pay (25%), company results supplements (18%) and finally shift work supplements (9%). (See Graph 11)

SUPPLEMENTS FIXED ACCORDING TO THE EMPLOYEE'S PERSONAL CIRCUMSTANCES

The first type of wage supplements provided for in the Statute on Workers' Rights are those fixed according to the personal circumstances of the potential recipient.

The most common personal supplement in the agreements studied is the seniority supplement. This refers to the employee's seniority in the company, so he or she

receives a reward that normally increases over the years spent in the company. Over half of agreements (52%) include this supplement (67 of the 129 agreements studied).

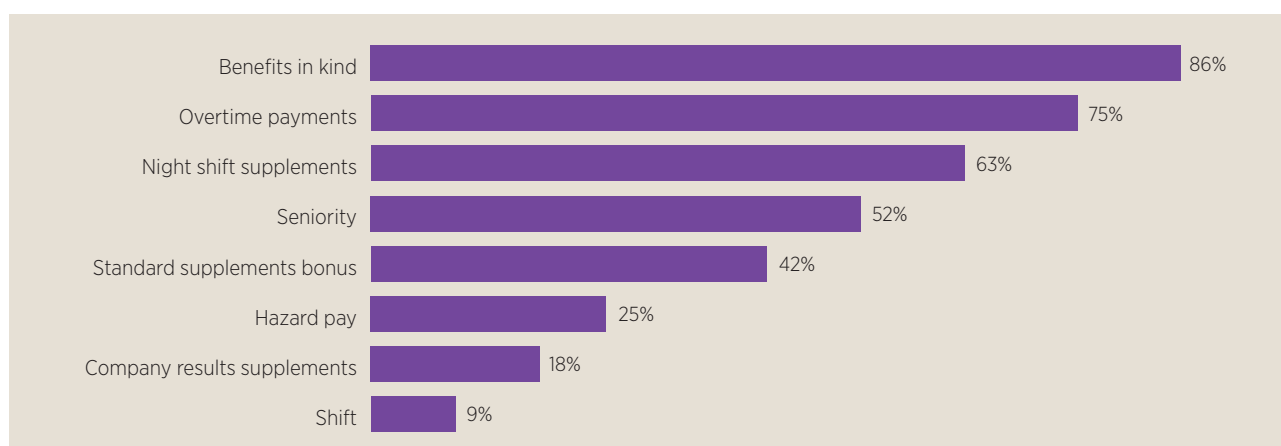
56% of collective agreements in the agriculture, industry and construction sectors include this supplement, compared to 50% of agreements applicable to the service sector. Thus, there is no significant difference between the two sectors. (See Graph 12)

We found other personal supplements in 17 agreements, the most common of which were the qualifications supplement and the languages supplement. In total, we counted 10 types of personal supplements.

Some agreements, such as the national collective agreement of temporary employment agencies (2008), encompass in one supplement all of the employee's personal conditions that have not been assessed previously,³⁶ such as qualifications, languages or specialist knowledge.

³⁶ Article 28.5. Personal supplement: a supplement applied to qualifications, languages, specialist knowledge or similar deriving from the employee's personal circumstances which were not assessed when fixing the basic salary'.

Graph 11. Presence of the main wage supplements in national sector-wide collective agreements (percentage of agreements)



Source: Compiled using data from the national sector-wide collective agreements studied.

Conversely, the national collective agreement of the trade cycle of paper and graphic arts (2010) envisages payment for diplomas, even though its text does not define this as a supplement; rather, it refers to ‘special cases of remuneration’.³⁷

The national collective agreement of private universities, private university centers and postgraduate training centers (2010) takes into account payment of a qualification supplement linked to a certain professional category, so this supplement is called ‘functional’.³⁸

The languages supplement or bonus is often awarded for habitual use, For example, the national collective agreement on gardening (2013) defines it as follows: ‘All administrative personnel with perfect

knowledge of a written or spoken language(s) that they habitually use for the benefit of the company shall receive the so-called languages bonus (...)’

This supplement is not always defined as personal. The national collective agreement of the *contact center* sector (previously telemarketing) (2012) includes a languages bonus in the article defining job-related supplements.³⁹

Other supplements that may be classified as personal that we found when studying the agreements take into account experience, age or disability, among other things. (See Table 18)

SUPPLEMENTS FOR CIRCUMSTANCES RELATING TO THE WORK CARRIED OUT JOB-RELATED SUPPLEMENTS.

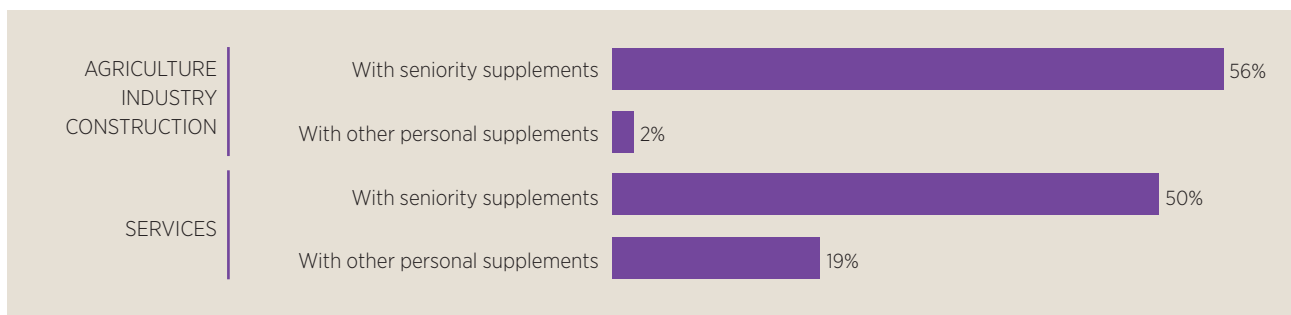
The second group for classifying wage supplements is those fixed according to the circumstances of the work carried out. For their part, these supplements

³⁷ ‘Article 24. (...) Special cases of remuneration. Employees with knowledge accredited by their companies of one or more foreign languages, provided that this knowledge is required and agreed with the company, shall receive 10% of their basic salary for each language. Employees who have a diploma issued by a School of Library and Information Science shall receive a 10% increase on their basic salary, provided that they work in the library sector’.

³⁸ ‘Article 22. Functional supplement. (...) In addition, all those with doctorates in the professional category of lecturer working in universities shall receive, over twelve monthly payments, a supplement also specified in Annex 1’.

³⁹ ‘Article 46. Job-related supplements. Languages bonus: this is received by all operations personnel whose job requires them to use one or more foreign languages or one or more co-official languages of Spain outside of the Autonomous Community, where the co-official language is recognized (...)’

Graph 12. Presence of personal supplements in national sector-wide collective agreements: seniority supplement and others (percentage of agreements by major sector)



Source: Compiled using data from the national sector-wide collective agreements studied.

can be classified into two subcategories. The first, which refers to conditions associated with the normal course of activities, are called *job-related supplements*. These include hazard pay, shift work supplements and night shift supplements.

In this case, there are key differences between sectors: 53% of agreements covering the typically masculine sector of industry (and agriculture and construction) include hazard pay compared to 10% of the service sector, which is highly feminized. 16% include supplements for shift work and 86% include supplements for night shifts, compared to 6% and 51% respectively of service sector agreements.

The supplements cited are the most common in the category of job-based- or workplace-based- supplements and, as we have seen, they are much more common in masculine sectors. Lower pay for more feminine activities partly explains the lower pay of women, who have fewer opportunities to improve their wage conditions.

Other job-based or workplace-based supplements

36% of the collective agreements analyzed (47 agreements) include other types of work-place-based supplements. There are 79 references to job-based wage supplements, divided into four categories (see Table 19):

- Supplements associated with high-level professional categories are present in 25.3% of cases. These are supplements related to high-level categories or leadership positions, such as, for example, the coordination bonus (in the collective agreement of wholesalers, specialist distributors and pharmaceutical products); the instruction, supervision and assessment bonus (collective agreement of civilian private air traffic control service providers); the responsibility bonus (external support services and customer service in rail companies and the collective agreement on educational leisure and sociocultural animation); and the management supplement (in the collective agreement on youth reform and child protection and the collective agreement of centers and services for disabled people).
- We counted 28 examples of supplements that compensate job-related financial losses. These include, for example, the currency devaluation bonus (in the collective agreement of the steel industry, the collective agreements of cooperative credit societies and gas stations, and the collective agreement of companies that organize bingo games, among others); the transport or distance bonus (the collective agreement of home delivery companies and the collective agree-

Table 18. Other personal supplements, distributed by type

Other personal supplements	Number of references
Qualifications	5
Languages	4
Experience	2
Seniority supplement	2
Location and insularity bonus	1
Specialization bonus	1
Age bonus	1
Disability	1
Professional development	1
Personal level supplement	1

Source: Compiled using data from the Annual Wage Structure Survey (2013)

ment of field services companies for replenishment activities); and the cleaning and maintenance of work-wear bonus (the collective agreement on disinfection, fumigation and rodent control), among others.

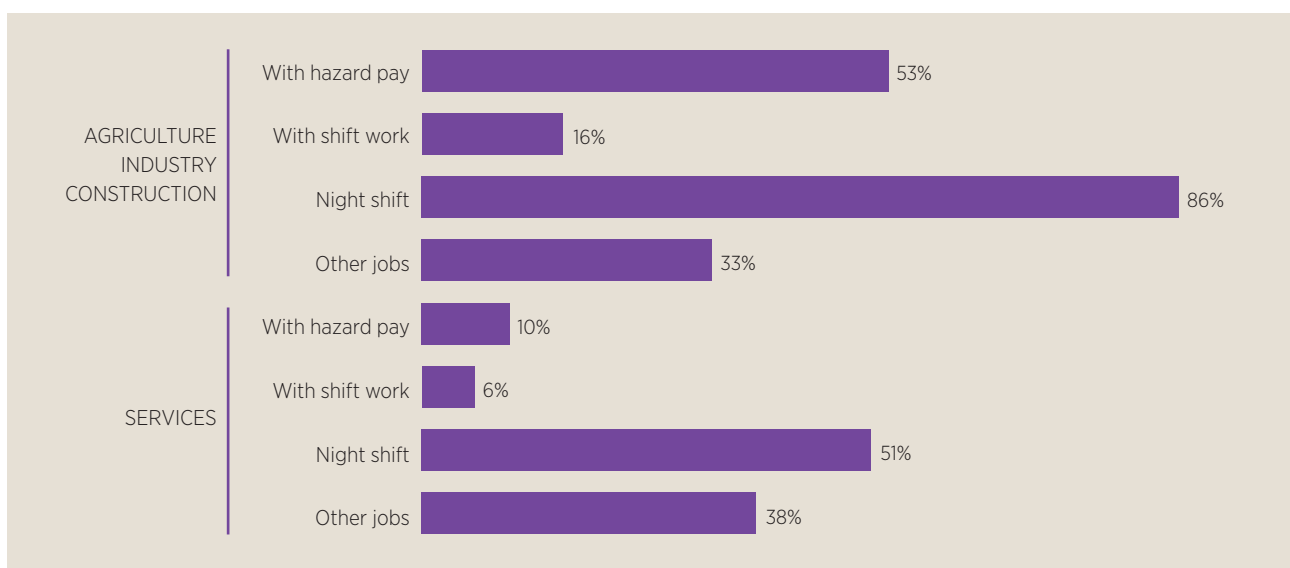
- We found 6 supplements that compensate poor working conditions which, in addition to the hazard pay we have already seen, are specific supplements in certain collective agreements, such as, for example, the cold or refrigeration bonus, the airport X-ray bonus, depth supplements and the versatility bonus, among others. All of these refer to worse physical working conditions.
- Finally, there are some supplements associated with the professionalization or specialization of the employee for any condition required in the job. By way of example, some of the 25 agreements counted in this category are: the caretaker bonus (the collective agreement of security companies); the cashier bonus (the collective agreement of savings banks); the delivery person bonus (the collective agreement on

self-propelled mobile cranes; and the general service bonus (the collective agreement on banking).

The vast majority of supplements fixed according to the circumstances of the work carried out are applicable to masculine jobs. By way of example, the higher categories with greater responsibility are mostly occupied by men, and so these types of supplements favor men. Furthermore, they have a multiplying effect on the gap, since they doubly reward the highest positions which are already masculine.

In addition, as we have seen, the majority of supplements for unfavorable working conditions are for hazard pay, which is closely associated with masculine jobs. In turn, we can see that other job-related supplements that compensate for other kinds of unfavorable working conditions are also associated with conditions in masculine workplaces, such as the cold or refrigeration bonus. An exception is the versatility bonus in the national collective agreement on banking, since it rewards or compensates multitasking at work, a feature typically associated with women.

Graph 13. Presence of job-related supplements in national sector-wide collective agreements: hazard pay, night shift supplements and others (percentage of agreements by major sector)



Source: Compiled using data from the national sector-wide collective agreements studied.

SUPPLEMENTS FOR CIRCUMSTANCES RELATING TO THE WORK CARRIED OUT: SUPPLEMENTS FOR QUALITY OR QUANTITY OF WORK

The second category by which supplements for circumstances relating to the work carried out can be classified are supplements for quality or quantity of work. Of this group of supplements, overtime pay is the most common in the collective agreements studied, appearing in 75% of cases.

Again, as with job-based supplements, these this type of supplement is more common in agreements in the most masculine sectors. 88% of agreements in the agriculture, industry and construction sectors include overtime pay, compared to 69% in the service sector.

It should be noted here that the collective agreement on lasts, heels, wedges, shanks, wood and cork expressly prohibits pregnant women from working overtime, thus resulting in clear sex discrimination: 'article 24. Over-time at night, with certain legal exceptions, and by apprentices, pregnant women and those under the age of 18, is hereby prohibited'.

46 % of the collective agreements analyzed (59 agreements) include other types of supplements for quality or quantity of work. In this case, they are again more common in collective agreements in more masculine sectors: 60% of agreements in the agriculture, industry and construc-

tion sectors include supplements for the quality or quantity of work other than the overtime supplement, compared to only 38% in the more feminine service sector. (See Graph 14)

Other supplements for quality or quantity of work

Supplements for quality or quantity of work have been classified into three subcategories or types (see Table 20):

- The first has been called the quality of attendance supplement, which mainly rewards attendance, diligence and punctuality in the workplace. Of the 97 supplements for quality or quantity of work present in the collective agreements analyzed, 17.5% are associated with this concept of quality in the work carried out.
- The second subcategory of supplements for quality of work is those bonuses or supplements that reward flexibility, such as, for example, availability bonuses; weekend bonuses; ready availability bonuses; holiday supplements and extension of working hours bonuses. These make up 37.1% of supplements for quality or quantity of work.
- Finally, the third subcategory is for supplements associated with the quantity and results of the work carried out: bonuses; incentives; pieceworks; efficiency bonuses; and revenue bonuses, among others. The type of supplements in this subcategory are most

Table 19. Other job-related supplements, distributed by type

Other job-related supplements	Number of references	Distribution
High categories	20	25.3%
Compensation	28	35.4%
Physical working conditions	6	7.6%
Specialization	25	31.6%
TOTAL	79	100.0%

Source: Compiled using data from the national sector-wide collective agreements studied.

common, since they are found in 44% of the collective agreements analyzed.

Wage supplements for quality or quantity of work are more common in collective agreements in the most masculine sectors. In turn, this type of supplement, as we have seen, is closely linked to availability. Again, compensation through supplements is prejudicial to women, as they are the ones who de facto have to balance work and family life and are also less able to improve their earnings.

In terms of attendance bonuses, few agreements define situations that are considered as *absence from work*. One of these, the collective agreement of private civilian air traffic service providers, defines it as follows: 'any time an employee misses work, including temporary invalidity, shall be considered absence unless caused by an accident at work or occupational illness'.

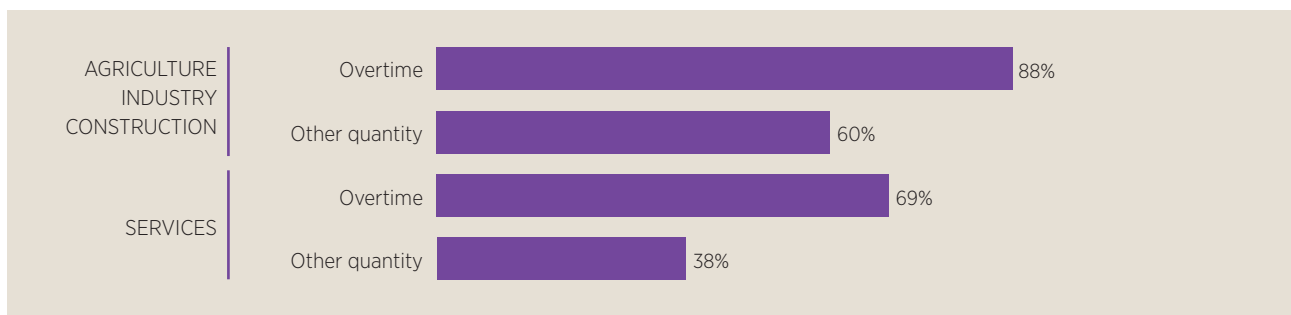
SUPPLEMENTS FIXED ACCORDING TO CIRCUMSTANCES RELATING TO THE COMPANY'S SITUATION AND RESULTS, BENEFITS IN KIND AND STANDARD BONUS

The third group of wage supplements are those fixed according to circumstances relating to the company's situation and results. In the study we analyzed collective agreements that include the payment of profit-sharing supplements or bonuses. 23 agreements include this, making up 18% of the total number of agreements. By major sector, 21% of agreements in the agriculture, industry and construction sectors include this, compared to 16% in the service sector.

Finally, we noted that many agreements include the payment of benefits in kind. 111 agreements, which equates to 86% of the total, include this type of supplement (91% in the agriculture, industry and construction sectors and 84% in the service sector).

We highlight the 'standard bonus', present in 63% of agreements in the most masculine sectors of industry (and agriculture and construction) and 31% of agreements in the most feminine service sector. This figure corresponds in 61% of cases to old seniority supplements which, after

Graph 14. Presence of quality or quantity supplements in national sector-wide collective agreements: overtime and others (percentage of agreements by major sector)



Source: Compiled using data from the national sector-wide collective agreements studied.

being removed from new agreements, have been maintained in the figure of the standard bonus. On other occasions, this supplement corresponds to other types of improvements and bonuses that have been removed, and thus act as a guarantee of the rights acquired. (See Graph 15)

BENEFITS: VOLUNTARY BENEFITS (FOR COMMON TEMPORARY INVALIDITY AND ACCIDENTS OUTSIDE WORK)

Because of its equal significance in examining the gender impact, we have also analyzed the most common benefits such as voluntary benefits. We highlight voluntary benefits laid down by collective

agreements for payments for temporary invalidity due to common illness or an accident outside of work.

These figures are extremely important for the analysis of the gender impact, as illnesses or disabilities suffered in the most feminine occupations and economic activities are not yet cataloged as work-related (which are better paid), so many women are financially penalized for the duration of their incapacity.

In this sense, 64% of agreements offer improvements in pay for temporary incapacity due to common illness and 56% for accidents outside work, and the percentage is higher in agreements for the more traditionally feminine service sector. (See Table 21)

Table 20. Other supplements for quality or quantity of work, distributed by type

Other supplements for quality or quantity of work	Number of references	Distribution
Quality of attendance	17	17.5%
Quality: flexibility	36	37.1%
Quantity: results	44	45.4%
TOTAL	97	100.0%

Source: Compiled using data from the national sector-wide collective agreements studied.

Graph 15. Presence of supplements fixed according to the company's situation or results, benefits in kind and standard bonus (percentage of agreements by major sector)



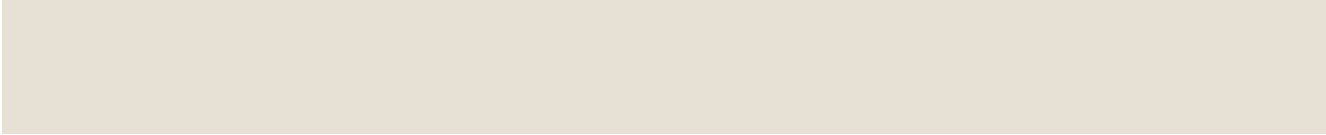
Source: Compiled using data from the national sector-wide collective agreements studied.

Table 21. Voluntary benefits in agreements, distributed by type, By economic activity sector (total number of agreements and percentage)

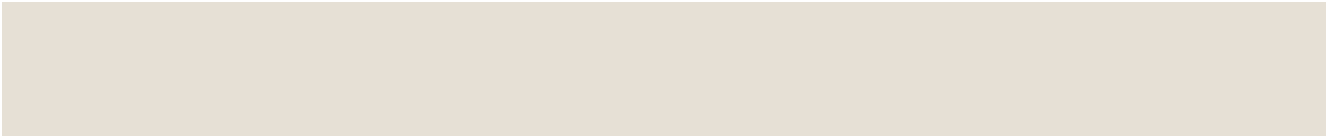
	Total number of agreements	Temporary invalidity due to common illness	Temporary invalidity due to accident outside work	Other voluntary benefits
AGRICULTURE INDUSTRY CONSTRUCTION	43	25	17	24
A: Agriculture, livestock, forestry and fishing	5	2	2	
B+F: Extractive industries and construction	3	2	0	3
C: Manufacturing industry	32	20	14	20
E: Supply of water, sanitation, etc.	3	1	1	1
SERVICES	86	58	55	46
G: Retail and wholesale	10	10	6	3
H: Transportation and storage	13	4	3	6
I: Hospitality	2	2	2	2
J: Information and communications	6	3	3	2
K: Financial services and insurance	6	5	4	5
L: Real estate	1	1	1	0
M: Professional, scientific and technical activities	7	6	6	4
O: Administrative and support services	11	5	6	7
P: Education	12	10	10	7
Q: Health and social services	5	3	3	1
R: Arts, recreational activities and entertainment	8	6	8	4
S: Other services	5	3	3	5
OVERALL TOTAL	129	83	72	70

	Total number of agreements	Temporary invalidity due to common illness	Temporary invalidity due to accident outside work	Other voluntary benefits
AGRICULTURE INDUSTRY CONSTRUCTION	43	58%	40%	56%
A: Agriculture, livestock, forestry and fishing	5	40%	40%	0%
B+F: Extractive industries and construction	3	67%	0%	100%
C: Manufacturing industry	32	63%	44%	63%
E: Supply of water, sanitation, etc.	3	33%	33%	33%
SERVICES	86	67%	64%	53%
G: Retail and wholesale	10	100%	60%	30%
H: Transportation and storage	13	31%	23%	46%
I: Hospitality	2	100%	100%	100%
J: Information and communications	6	50%	50%	33%
K: Financial services and insurance	6	83%	67%	83%
L: Real estate	1	100%	100%	0%
M: Professional, scientific and technical activities	7	86%	86%	57%
O: Administrative and support services	11	45%	55%	64%
P: Education	12	83%	83%	58%
Q: Health and social services	5	60%	60%	20%
R: Arts, recreational activities and entertainment	8	75%	100%	50%
S: Other services	5	60%	60%	100%
OVERALL TOTAL	129	64%	56%	54%

Source: Compiled using data from the national sector-wide collective agreements studied.



6





SUMMARY AND CONCLUSIONS



6.1. SUMMARY

MAP OF WAGE INEQUALITY ACCORDING TO THE WAGE STRUCTURE SURVEY

Pay gap and type of economic activity.

The data shows that there is a certain correlation between the economic activity and the pay gap: the more feminized the sector, the greater the income inequality between men and women. The high level of feminization of some sectors reflects the horizontal segregation suffered by women in the labor market: they are employed in certain economic activity sectors within the service and care sectors. In turn, it is these sectors where the pay differential between the sexes is greatest, since they are probably the worst paid and placed on lower levels of the job classification system.

Pay gap and type of occupation. While occupations in lower-level categories are more feminized, there is no positive correlation between the level of feminization of the occupation and the level of wage inequality.

Pay gap and working conditions. There is a greater wage gap between men and women with better working conditions: permanent contract and full time. This could be because the pay structure for these better conditions is more complex, with wage supplements and other financial benefits linked to stability that are more common in masculine sectors and occupations.

Pay gap and age. Older women suffer limitations in their professional and wage development because of the so-called 'glass ceiling' and the need to balance work and family life, which falls mainly on women of reproductive age. This creates worse career paths, with irregular entries and exits from the labor market that are penalized at retirement age. We can see the income differential between men and women from the age of 65 which increases to 41.2%, a

result of penalization by the Spanish contributory social security system.

Pay gap and wage level. There is a negative correlation between the wage level and the pay gap; the higher the wage, the lower the income inequality between the sexes.

Pay gap and wage supplements. Supplements and other types of remuneration have a positive impact on the gap, i.e. they significantly increase the pay differential between men and women. We can see that wage supplements in all economic activity sectors aggravate inequality. The gap in basic salaries increases because of supplements and other items of remuneration. These increase the initial gap in basic salary by between 30% and 470%.

RESULTS OBTAINED FROM THE STUDY OF NATIONAL SECTOR-WIDE COLLECTIVE AGREEMENTS

Agreements studied. The 129 agreements studied cover a total of 5,656,295 employees, of whom 35.5% are women. 83.4% of women are covered by agreements in the service sector, compared to 16.6% who are covered by agreements in the industrial, agriculture or construction sectors.

Language. Using egalitarian and inclusive language makes women visible, breaking sexist stereotypes and prejudices; it is therefore a vital tool in continuing to progress on the path towards a labor market free from gender bias. By studying agreements, we found that virtually all collective agreements (80%) use androcentric and sexist language, using masculine nouns for job categories and other references. We found 6 agreements that also discriminate through language by using feminine nouns for typically feminine job categories.

Reference to gender equality in wages. Only 32.6% of all sector-wide agreements contain any reference to equal pay.

Job classification structure. The Law on the Statute of Workers' Rights, which

arose from the latest labor reforms, bases job classification in the agreements around professional groups. However, there are still some agreements that structure only by category, even though the most common formula in the majority of collective agreements is classification into professional groups and categories.

Furthermore, almost 25% of collective agreements still determine their job classification system in the same way as that provided for in the relevant labor ordinance and 36.4% of the agreements studied adopt a classification system based on factors provided for in the Agreement on Filling Gaps.

Salary scales. Even though it is not required by law, 88.4% of agreements organize and structure the pay of the employees covered according to salary scales.

Agreed Guaranteed Minimum Wage. Few agreements refer to a guaranteed minimum wage (only 29 of the 129 agreements studied).

Basic salaries and inequality between minimum and maximum salaries on the salary scale. The average of the lowest and highest salaries on the salary scales in the collective agreements analyzed is 784 euros and 1,517 euros a month respectively (12 payments). Therefore, the highest basic salary is 93.5% higher than the lowest salary, and this difference is more pronounced in the more feminine service sector.

This indicator of inequality is not in itself a reflection of the level of income inequality between men and women in each activity sector. However, it can be taken as such, since more women than men are employed in lower categories, thus receiving lower wages.

Level of coverage of the agreed salary and SMI. We can see that, on average, the lowest basic salary in the collective agreements studied is 45.9% higher than the SMI in the year of publication of the agreement.

Wage supplements. 94% of the 129 collective agreements include the existence of wage supplements. Of all these, the wage supplements that are most common in national sector-wide collective agreements are benefits in kind (in 86% of agreements), overtime supplements (75%), night shift supplements (63%), personal seniority supplements (52%), the 'standard bonus' (42%), hazard pay (25%), company results supplements (18%) and finally shift work supplements (9%).

- **Supplements fixed according to the employee's personal circumstances**

Seniority supplement: This is a type of a supplement that has a negative impact on many women, especially in traditionally masculine occupations, since women's inclusion in these sectors came later and they therefore have less earning potential. Over half of the agreements (52%) include a seniority supplement (67 of the 129 studied) and there is no significant difference between the industry and service sectors.

- **Supplements related to the work carried out**

Job-related supplements: These supplements are mostly associated with occupations and professional categories typically made up of men and take into account criteria such as physical effort, environmental conditions, etc.; they are much more common in agreements in masculine sectors. This is true of hazard pay, which is included in 53% of agreements in the industrial sector compared to 10% in the service sector.

Job-related supplements associated with high-level job categories (coordination bonus, responsibility bonus, management bonus, etc.) are present in 25.3% of cases, and again improve the high-level categories that are more masculine. Furthermore, they have a multiplying effect on the gap, since they doubly reward the highest positions which are already masculine.

Supplements for quality or quantity

of work: Wage supplements for quality or quantity of work are more common in collective agreements in the most masculine sectors. In turn, this type of supplement, as we have seen, is closely linked to availability. Again, compensation through supplements is prejudicial to women, as they are the ones who de facto have to balance work and family life and are also less able to improve their earnings.

88% of agreements in the agri-culture, industrial and construction sectors include overtime payments, compared to 69% in the service sector.

We highlight the 'standard bonus', present in 63% of agreements in the most masculine industrial (and agriculture and construction) sectors and 31% of agreements in the most feminine service sector.

6.2. CONCLUSIONS

JOB CLASSIFICATION AS A DETERMINING FACTOR IN THE SHAPING OF PAY STRUCTURES

The current labor relations model has its roots in the scientific Taylorist method of organizing jobs that emerged in the 1920s in France. This method originated as a consequence of the needs of the productive system at a time of high industrialization.

It shaped the job classification system of the old labor ordinances, organizing jobs into professional categories by breaking down the various tasks and roles performed by employees in those jobs. This method of classification involved a high level of hierarchization, linked to the levels of responsibility and initiative necessary to perform those roles.

Since their creation, the ordinances regulated, among other things, the '*classification of personnel by professional specialties*' including the definitions of each of these. The ordinances, still present in many of the agreements analyzed, maintain this description of roles and the names of many jobs are also taken from this productive model.

17 years after the Law on the Statute on Workers' Rights was passed, and faced with the need for an instrument capable of filling gaps caused by the disappearance of the labor ordinances, the Agreement on Filling Gaps was signed in 1997.

This agreement established a number of grouping factors (knowledge, experience, initiative, autonomy, responsibility, leadership and complexity) with the aim of quantifying the professional aptitudes necessary to appoint an employee to a certain job. These elements were not reflective of the time, with heavy losses in industry in favor of a growing service sector and feminization of the productive model.

The study of the collective agreements shows that the grouping factors established in the agreement on gaps are still used to assess personal aptitudes.

The introduction of these classification models and professional grouping factors, which are still used in many collective agreements, has given rise to an assessment of the professional aptitudes of employees through an old-fashioned methodology, unsuited to the widespread inclusion of women in paid employment.

If job classification systems have not adapted to the large increase in jobs in the typically feminine service sector, and the factors most taken into account are those such as initiative and responsibility, associated with typically masculine jobs, we can accept the theory that job classification systems, and job assessment methods, are some of the main factors behind the gender pay gap.

It should be noted that grouping factors are not prejudicial in terms of gender in

and of themselves. What makes them prejudicial is the definition established by the Agreement on Filling Gaps, which de facto favors masculine jobs. It also promotes the development of wage supplements linked to factors that are very common in masculine jobs (wage supplements for physical effort, responsibility, etc.).

The factors used to classify jobs are clearly prejudicial to typically feminine jobs, since factors such as initiative, autonomy, leadership and complexity are all included in higher, more masculine professional categories or groups.

Consequences for pay structure

As a consequence of the above, the basic salary received by women is lower than that of men: the roles they carry out are less valued and job classifications places more feminine jobs in lower professional categories or groups.

As a result of the old ordinances and the application of assessment criteria from the Agreement on Filling Gaps, which benefits more masculine categories and workplaces, the presence of wage supplements in more masculine sectors and professional categories is also common: hazard pay, productivity supplements and attendance or initiative supplements, among others. However, capacities that are desirable or necessary for more recent and typically feminine paid jobs are hardly valued.

Supplements associated with the manufacturing and productive system or highly industrialized jobs, with ascendant and linear careers, are still very common. The seniority supplement, for example, rewards long service in a company, which is much more common for men than women, whose career paths are intermittent, with many more entrances and exits from the labor market than men due to their dual role of work and family care.

Overtime, also a result of the productive system, is again prejudicial to new feminine jobs, for the same reason already explained. This supplement remains in collective agreements for the more mas-

culine sectors of industry and less so in agreements for the service sector.

What should a job classification with no negative impact on women look like?

- Turning to the situation in which we find ourselves, it would be advisable to start a process to adapt the basis of the current job classification model to a much more feminized labor market with a much more important service sector.
- Job classification must be neutral from the gender perspective: General professional grouping criteria must facilitate a neutral allocation of roles to each group of employees.
- The names of professional categories must be neutral and aim not to prejudice.
- Jobs requiring equal work must be placed in equal categories for the purposes of equal pay.

What should a wage structure with no negative impact on women look like?

- Criteria for items of remuneration must be clearly fixed and transparent.
- It is recommended that the collective agreement fix a sector-wide guaranteed minimum wage to avoid significant wage dispersion.
- We must determine what percentage of the total pay is made up of wage supplements and benefits.
- We must review the reasons for wage supplements and benefits to make sure they have an objective and reasonable justification.
- We must avoid supplements that penalize extended leaves of absence linked to conciliation (attendance and length of service bonuses).
- We must avoid giving excessive weight to supplements linked to attendance and flexibility of working hours (extension of working hours bonus) or mobility.

- We must avoid giving excessive weight to seniority and take into account other aspects linked to professional experience such as the knowledge and training acquired.
- It is advisable to avoid supplements that penalize extended leaves of absence linked to conciliation (attendance and length of service bonuses).
- In the regulation of bonuses, collective agreements must avoid penalties caused by career breaks linked to maternity/paternity or other conciliation rights. Equally, it is advisable not to include wage supplements that, although not discriminatory, are not neutral from the gender perspective such as, for example, seniority.



7





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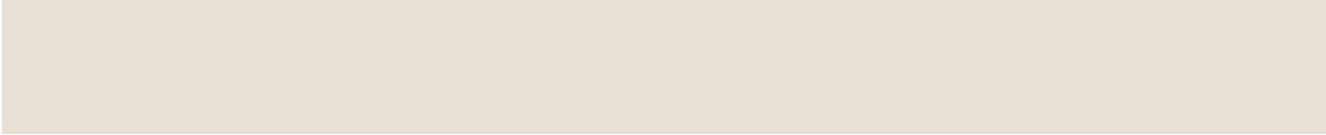
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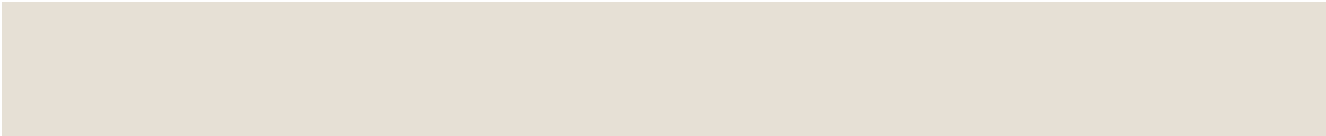
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8





ANNEX



NATIONAL SECTOR-WIDE COLLECTIVE AGREEMENTS STUDIED

AGRICULTURE INDUSTRY CONSTRUCTION

A: AGRICULTURE, LIVESTOCK, FORESTRY AND FISHING

NATIONAL MARINE AQUACULTURE
NATIONAL COLLECTIVE AGREEMENT ON GARDENING
POULTRY FARMS AND OTHER ANIMALS
WOOD
RABBIT AND POULTRY ABBATOIRS

B+F: EXTRACTIVE INDUSTRIES AND CONSTRUCTION

CONSTRUCTION (SECTOR)
SALT INDUSTRY
TILES, BRICKS AND SPECIAL BAKED CLAY PARTS

C: MANUFACTURING INDUSTRY

GRAPHIC ARTS PAPER AND CARDBOARD MANIPULATION, EDITORIAL AND ANCILLARY INDUSTRIES
SUGAR (INDUSTRY)
FIBRE OPTIC CABLE DEALERSHIPS
VEGETABLE PRESERVES
SALTED, TINNED AND PRESERVED FISH AND SEAFOOD
TANNED STRAPS AND INDUSTRIAL LEATHER AND TANNING SKINS FOR PRODUCTION
CEMENT PRODUCTS
COMPANIES SPECIALISING IN PRODUCING SEAFOOD PRODUCTS WITH FREEZING AND REFRIGERATION PROCESSES
PRODUCERS OF PLASTER, CASTS, LIMES AND THEIR PREFABRICATION
STEEL INDUSTRIES
REFRIGERATION INDUSTRIES
BAKING AND SEMOLINA FLOURS (FLOUR AND SEMOLINA INDUSTRY)
ICECREAM, PRODUCTION OF
WOODEN AND CORK LASTS, HEELS, WEDGES AND MIDSOLES
FOOTWEAR INDUSTRY
CHEMICAL INDUSTRY
MEAT INDUSTRY
BOTTLED WATER INDUSTRY
COMPOUND FEEDINGSTUFFS INDUSTRY
RICE PRODUCTION INDUSTRY
CEREAL PRODUCTS INDUSTRY
PERFUME AND RELATED INDUSTRIES
NOUGART AND MARZIPAN INDUSTRY
EXTRACTIVE INDUSTRY, GLASS INDUSTRY, CERAMIC INDUSTRY
DAIRY INDUSTRIES AND THEIR DERIVATIVES
LEATHER GOODS, TRAVEL ITEMS, EMBOSSED LEATHER AND SKINS
RECUPERATION AND RECYCLING OF WASTE AND SECONDARY RAW MATERIALS
TAILORING, SHIRTMaking, DRESSMAKING, AND OTHER TAILOR-MADE ARTISAN PRODUCTS
CORK SECTOR
TABACALERA S.A. (GUARANTEED REPRESENTATIONS)
TEXTILES AND CLOTHING (INDUSTRY)
TRANSPORT AND AREAL WORK THROUGH HELICOPTERS, THEIR MAINTENANCE AND REPAIR

E: SUPPLY OF WATER, SANITATION, WASTE MANAGEMENT AND DECONTAMINATION

IND. COLLECTION, ELEVATION, PIPING, TREATMENT, DISTRIBUTION, SANITATION AND PURIFICATION OF DRINKING WATER AND SEWAGE
RECUPERATION AND RECYCLING OF WASTE AND SECONDARY RAW MATERIALS
SANITATION PUBLIC, ROAD CLEANING, IRRIGATIONS, TREATMENT AND ELIMINATION OF WASTE MATERIALS, CLEANING AND CONVERSATION OF SEWAGE

SERVICES

G: RETAIL AND WHOLESALE, EXCEPT MOTOR VEHICLES AND MOTORCYCLES

CONVENIENCE STORE CHAINS
WHOLESALE AND IMPORTERS OF CHEMICAL, PHARMACEUTICAL, PERFUMERY AND RELATED PRODUCTS

FLOWERS AND PLANTS TRADE
PAPER AND GRAPHIC ARTS TRADE (CYCLE)
SPECIALIST WHOLESALE DISTRIBUTORS AND PHARMACEUTICAL PRODUCTS
NATIONAL COLLECTIVE AGREEMENT OF DRUGS RETAILERS, HERBALISTS AND PERFUMERIES
GARDEN CENTRE COMPANIES
GAS STATIONS
DEPARTMENT STORES
PHARMACIES
H: TRANSPORTATION AND STORAGE
AUTO-TAXIS
BOAT WORKERS
PARKING LOTS AND GARAGES (PREVIOUSLY VEHICLE PARKING, UTILITY COMPANIES AND PRIVATE COMPANIES)
HOME DELIVERY COMPANIES
UNDIRECTED DELIVERY COMPANIES
PRIVATE CIVILIAN AIR TRAFFIC SERVICE PROVIDERS
PORT HANDLING
SELF-PROPELLED MOBILE CRANES
COURIER SERVICES
UNDIRECTED DELIVERY COMPANIES
AIRPORT GROUND HANDLING SERVICES
EXTERNAL SUPPORT AND CUSTOMER SERVICES IN RAIL COMPANIES
ROAD TRANSPORT OF GOODS
I: HOSPITALITY
HALLS OF RESIDENCE
MANUFACTURERS OF COOKED PRODUCTS FOR DOOR-TO-DOOR SELLING
J: INFORMATION AND COMMUNICATIONS
FILM DISTRIBUTORS AND THEIR EMPLOYEES
MAINTENANCE OF TELEPHONE BOXES, SUPPORTS AND TELEPHONES FOR PUBLIC USE
NON-DAILY PRESS
FIRST NATIONAL COLLECTIVE AGREEMENT OF THE COMMERCIAL SOUND BROADCASTING SECTOR
AUDIOVISUAL PRODUCTION INDUSTRY (TECHNICIANS)
FILM PRODUCTION AND ACTORS
K: FINANCIAL SERVICES AND INSURANCE
BANKING
SAVINGS BANKS
MEDIATION COMPANIES IN PRIVATE INSURANCE (PREVIOUSLY INSURANCE AGENTS AND BROKERS)
INSURANCE AND REINSURANCE COMPANIES, MUTUAL FUNDS FOR OCCUPATIONAL ACCIDENTS
CREDIT INSTITUTIONS
COOPERATIVE CREDIT SOCIETIES
L: REAL ESTATE
REAL ESTATE MANAGEMENT AND MEDIATION COMPANIES
M: PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES
CONSULTANCY, MARKET RESEARCH AND PUBLIC OPINION SURVEYS
TAX TECHNICIANS AND CONSULTANCY FIRMS
ADMINISTRATIVE AGENCIES
PHOTOGRAPHIC INDUSTRIES
ENGINEERING COMPANIES AND TECHNICAL CONSULTANCY FIRMS
ADVERTISING COMPANIES
PROPERTY AND TRADE REGISTRARS
O: ADMINISTRATIVE AND SUPPORT SERVICES
TRAVEL AGENCIES
CONTACT CENTERS (previously TELEMARKETING SECTOR)
RAIL CONTRACTS
NATIONAL COLLECTIVE AGREEMENT ON GARDENING
DISINFECTION, FUMIGATION AND RODENT CONTROL
SECURITY COMPANIES

FIELD SERVICES COMPANIES FOR REPLENISHMENT ACTIVITIES
CLEANING OF BUILDINGS AND FACILITIES
MAINTENANCE AND PRESERVATION OF WATER INSTALLATIONS
PARKING REGULATIONS LIMITED TO PUBLIC THOROUGHFARES
TEMPORARY EMPLOYMENT AGENCIES

P: EDUCATION

DRIVING SCHOOLS
PROFESSIONAL DIVING AND HYPERBARICS
CHILDCARE AND PRE-SCHOOL CENTERS
HAIRDRESSING AND BEAUTY SHOOOLS, MUSIC AND APPLIED ARTS SCHOOLS AND ARTISTIC PROFESSIONS
GENERAL PRIVATE SCHOOLS OR REGULATED SCHOOLS WITH NO SUPPORT OR SUBSIDIES
UNIVERSITIES AND RESEARCH CENTERS
CENTERS AND SERVICES FOR DISABLED PEOPLE
PRIVATE EDUCATIONAL INSTITUTIONS FINANCED WHOLLY OR PARTLY WITH PUBLIC FUNDS
UNREGULATED EDUCATION AND TRAINING
TOURISM SCHOOLS
EDUCATIONAL LEISURE AND SOCIOCULTURAL ANIMATION
PRIVATE UNIVERSITIES, PRIVATE UNIVERSITY CENTERS AND POSTGRADUATE TRAINING CENTERS

Q: HEALTH AND SOCIAL SERVICES

AMBULANCES (TRANSPORT OF THE SICK AND ACCIDENT VICTIMS)
CENTERS AND SERVICES FOR DISABLED PEOPLE
NATUROPATHY CENTERS AND PROFESSIONAL NATUROPATHS
YOUTH REFORM AND CHILD PROTECTION
SERVICES FOR DEPENDANT PERSONS AND THE DEVELOPMENT OF PERSONAL AUTONOMY

R: ARTS, RECREATIONAL ACTIVITIES AND ENTERTAINMENT

PROFESSIONAL BASKETBALL
WOMEN'S LEAGUE PROFESSIONAL BASKETBALL
PROFESSIONAL HANDBALL
PROFESSIONAL CYCLING
COMPANIES THAT ORANIZE GAMES OF BINGO
PROFESSIONAL FOOTBALL
SPORTS FACILITIES AND GYMNASIUMS
FUNCTION ROOMS, DANCE HALLS AND NIGHTCLUBS IN SPAIN

S: OTHER SERVICES

GARDEN CENTER COMPANIES
PULP, PAPER AND CARDBOARD
HAIR SALONS, BEAUTY PARLOUS, GYMNASIUMS AND SIMILAR
DAILY PRESS
EXTERNAL PREVENTION SERVICES

