

Committee on the Application of Standards

Date: 16 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Spain (ratification: 1984)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Government has provided the following written information.

Spain has been included in the list of individual cases based on a series of observations made some years ago by social partners on the application of the Convention.

First, reference is made to an observation from 2017 by the social partners in which they requested the inclusion of the Confederation of Small and Medium-Sized Enterprises (CEPYME) in the tripartite consultation procedures on the preparation of reports on ratified ILO Conventions. This matter has been resolved as the CEPYME is traditionally part of the consultation procedures. This was specified in the report on the Convention presented by Spain in 2022 after the Government had ensured, in consultation with the social partners, that this issue had been effectively resolved. This can be verified in the observations on the reports prepared by the employers, where the CEPYME is included as a participant.

Second, reference is made to a request by the Committee of Experts to provide updated and detailed information on how consultation is guaranteed with the social partners in the procedures required under the Convention.

In this respect, it should be highlighted that in the case of Spain, the Government and the social partners have made efforts in recent years in the area of social dialogue, including in relation to the consultations to be carried out with the social partners on international labour matters.

More generally, social dialogue agreements have been reached on important matters such as the short-term work scheme regulations during the coronavirus (COVID-19) pandemic (2020), the labour reform (2021), which changed the recruitment model in Spain, and the Fifth Agreement for employment and collective bargaining (2023). In this regard, the Committee of Experts' 2024 General Survey entitled *Labour administration in a changing world of work* states that "in Spain, the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish

CEPYME indicated that business organizations have considered social dialogue to be an extraordinarily useful tool for dealing with difficult situations. For instance, during the COVID-19 pandemic, the social partners reached an agreement in record time which established a series of urgent measures to address the consequences of the crisis in the labour and business sphere.

This drive toward social dialogue showed up, in previous years, in the willingness to continue improving consultation procedures with the social partners on matters relating to ILO activities.

With regard to the consultation procedure with the social partners concerning reports on ILO Conventions, since 2017 work has been carried out to extend the timelines for trade unions and employer organizations to enable them to analyse the content of the reports effectively, and prepare comments and observations on them.

Further, the final published texts of the reports on ILO Conventions include, since 2017, the observations of the social partners and the Government's replies to those.

In addition, it should be noted that consultation with the social partners in the process of both preparing reports on ILO Conventions and their ratification is ensured in the following way: first, the Government prepares the documents and files, then it sends them to the social partners for their comments and observations, giving enough time for this process. Once the comments and observations of the social partners have been received, they are distributed to the executive bodies competent in the relevant areas, where they are closely examined and the response to these observations is prepared. That response is included in the report documents together with the comments of the social partners.

In the case of files for the ratification and submission of international labour instruments, the social partners receive the administrative file and can make comments on it, and their views are included in the submission and ratification files sent to the Cortes Generales.

As regards the International Labour Conference, the Government holds an annual meeting with the social partners regarding preparation of the items on the Conference agenda.

In addition, after consultations with the social partners, a series of procedural modifications are implemented with the aim of further improving reinforced tripartite consultation procedures with the social partners on ILO matters.

Thus, in 2024, as regards the consultation procedure on reports relating to ILO Conventions, the Government will send the social partners the observations of the other partners so that all parties will be apprised of the various contributions throughout the process and not just once it has been completed.

Moreover, the final drafts of reports will be sent subsequently to the social partners, immediately before their dispatch to the ILO, in order to receive any final reactions before the end of the process.

Furthermore, a meeting will be held before the final documents are sent to the ILO to enable an exchange of information and views between the social partners and the Government.

Regarding the timelines for the procedure, the Government will continue to send the draft reports on ILO Conventions in sufficient time for validation by the social partners and the formulation of observations.

These specific improvements will be applied to the processes for the preparation of reports on both ratified and unratified Conventions, without any distinction, and also to reports relating to ILO Recommendations.

In addition, in a meeting held with the social partners aimed at improving these procedures, it was agreed that the Government would be available for convening additional meetings to deal with any other matters referred to in Article 5 of the Convention:

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organization;
- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organization;
- (e) proposals for the denunciation of ratified Conventions.

In these meetings it will also be possible to raise other matters such as, for example, those covered by Paragraph 6 of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152): ILO technical cooperation activities; resolutions and conclusions of ILO conferences and other meetings; or promotion of a better knowledge of ILO activities.

Thus, this constantly evolving consultation procedure conveys the manner in which account is being taken of the views expressed by the representative organizations of workers and employers on the functioning of the effective prior consultation procedures required by ILO Convention No. 144, and also on the updating of procedures in a form which responds to the concerns expressed by the representative organizations in their observations.

In light of the above, our Government considers that although improvements are needed in the tripartite consultation procedure, account should be taken of the constant efforts being made in terms of social dialogue to achieve the major social agreements which have enabled our country to progress.