

Active Ageing  
through Social Partnership  
and Industrial Relations in Europe.  
National Report  
for Spain

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**ASPIRE**   
Active ageing through Social Partnership  
and Industrial Relations in Europe

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“Supporting active ageing is a shared responsibility and requires the active commitment of all stakeholders, including employers, trade unions and public authorities at the national, regional, local and sectoral levels, as well as adult learners themselves. Promoting stakeholder engagement, creating the right conditions for the different parties to work together and ensuring effective coordination of efforts and resources is the key to success.” (EU-OSHA, Cedefop, Eurofound and EIGE, 2017, p. 58)

## 1. Introduction

Let's be straight from the start: **at a country level, in Spain active ageing is not yet a topic mainly connected to industrial relations.** Though exceptions exist, this report describes a context in which active ageing is mostly connected to retired older people, not to industrial relations and active workers/employers. **Social partners (unions and employers) in Spain have not developed yet strong initiatives to explain and promote active ageing as a necessary approach in industrial relations.**

The following pages present a range of reflections, data, and examples of emerging moves in the direction of paying attention to active ageing in work environments. However, and similar to developmental stages in human life, we may deem Spanish current situation regarding the application of active ageing policies and programmes to the management of industrial relations as just beginning to develop. Although the country has made a great deal to foster active ageing policies across society's sectors (e.g., health services, social participation, leisure activities, volunteering, accessibility, education, rights, pensions, technology, services for frail elderly) –especially after the 2002 Madrid's World Assembly on Ageing, **the development of programmes to support older workers and discourage early retirement has not yet found a solid way forward among social partners.** Insofar as the ASPIRE project intends to help social partners to make the case for active ageing's promotion, this report will be useful to get acquainted with the current state of industrial relations in the country.

This report shall pay significant attention to active ageing endeavours in Spain and particularly in Andalusia (the Spanish region most southward) as per strategic criteria adopted by researchers in the ASIPRE project. In Andalusia, the last social concertation agreement signed by the regional government, the main trade unions and the lead employers' confederation dates from 2011 and it does not mention the ageing process at all. This key agreement to organize labour relations in the region includes just one reference to people 45+ as one of the groups with difficulties to be integrated in the labour market. In fact, “45 Plus” is a specific employability plan addressing that age group. As we shall see below, **unemployment in the Andalusian region is such a**

**critical issue especially among youngsters that attention to extending working life has become a secondary challenge to say the least.**

In the context of the ASPIRE project, and in line with the European Commission's approach, active ageing means helping people stay in charge of their own lives for as long as possible as they age and, where possible, to contribute to the economy and society. To make it happen, and regarding formal work, international organizations such as the World Health Organization have posited that policy-makers must "enact labour market and employment policies and programmes that enable the participation of people in meaningful work as they grow older, according to their individual needs, preferences and capacities (e.g., the elimination of age discrimination in the hiring and retention of older workers), and support pension reforms that encourage productivity, a diverse system of pension schemes and more flexible retirement options (e.g., gradual or partial retirement)." (WHO, 2002, p. 51). It is with this encompassing purpose in mind that the following pages have been drafted.

## 2. Country overview

In 2016, the European Job Mobility Portal, a service within EURES (the European jobs network), released a short overview of the Spanish labour market. From this document we have selected the following highlights to introduce the country overview:

- Spain, which is the fourth largest economy in the euro area, the fifth in the European Union and the thirteenth in the world in terms of nominal GDP, has been experiencing a gradual improvement in its economy since 2014.
- According to the Labour Force Survey data from the third quarter of 2015, the over 16s now total 38.49 million and almost 60% of them are considered as belonging to the active population, which has shrunk recently due in particular to a decrease in the foreign workforce, increased emigration and despondency in the search for employment.
- Eight out of ten companies in Spain have two or fewer employees, clearly pointing to a very fragmented business structure. The Services sector gathers the highest percentage of small businesses. Spanish larger companies are present in sectors like infrastructure development, tourism, banking, renewable energy, the agri-food sector and the textile industry.
- The number of active companies increased by 2.2% in 2014, bucking the trend after six consecutive years of decline. This increase was concentrated in the Services sector, in which there was an increase of 3.9%, while the number of construction companies decreased by 0.5% and industrial companies decreased by 1.4%. The creation and disappearance of companies show great dynamism, since only 15% existed 20 or more years ago and 19.7% have been operational as economically active units for less than 2 years. Most industrial companies are long-standing companies and the presence of recent companies is higher in the Services sector, particularly in the restaurant and the hotel industry.
- While there have been improvements, the Spanish labour market is still showing signs of serious structural problems: high rates of unemployment among young people and the over-50s, high percentage of long-term unemployed, high rate of temporary jobs, low level of (accredited) employment-oriented training and high number of discouraged youths who neither work nor study.
- The economic crisis has had a big effect on the Spanish labour market. Some of the most serious consequences are the large numbers of long-term unemployed and the imbalance between labour demand and supply. This prolonged loss of contact with the world of work and the discouragement that this lack of job opportunities creates has resulted in an excess of unemployed persons in most sectors of Spain's economy and the occupations therein. In some sectors such as tourism (hotels, hostels) or trade, a pull effect is created since these are also the sectors that create most jobs. The consequences are often seen in productive sectors and occupations that attract large numbers of job seekers who are currently finding it hard to secure employment.

- In Spain, the main labour code for private employees is the Statute of Workers' Rights (approved in 1980). It also regulates collective bargaining issues (mechanisms governing coordination between different levels of collective wage setting, opt-out clauses and conditions, etc.). It has been modified by different royal-decrees (e.g., RD 2/2015 of 23 October) and laws (Law 3/2012 of 6 July).
- Industrial relations in Spain during the 1980s were affected by the political transition from a dictatorship to a democracy, as well as a process of industrial and economic modernisation to prepare the country for its integration into the European Community. During the first years of the transitional period (1978–1982), the unions accepted wage moderation in exchange for institutional recognition and further development of social and labour rights. In addition, it favoured some coordination and centralisation of collective bargaining.
- From 1986 to 1997, a period of crisis in 'social concertation' negatively affected collective bargaining. The most important problems at that time were the lack of coordination and the poor renewal of the rounds of collective bargaining (Miguélez & Rebollo, 1999).
- After 1997, social dialogue was revitalised during a period of economic and employment growth. Thus, from 1997 to 2008, different tripartite agreements were achieved. In addition, annual national agreements on collective bargaining started to be concluded by social partners. The economic crisis that began in 2008 has strongly affected the industrial relations context. The Spanish system weathered the impact of the economic crisis relatively well in the first years, but the situation changed dramatically after 2011, when two important reforms on collective bargaining rules were enacted by the government. Both reforms seemed to accept a common diagnosis formulated by different EU and Spanish institutions, which accused Spanish collective bargaining of being too rigid, thus impeding companies from modifying working arrangements to adjust to shocks. The last reform approved in 2012 has affected some of the most important dimensions of the Spanish collective bargaining system: boosting decentralization through prioritization of enterprise-level over sector-level agreements; limited validity of expired agreements in the event of lacking a new agreement; possibility to unhook from sectoral agreements under certain circumstances; entrepreneurs may cut down salaries unilaterally given objective reasons related to issues on competitiveness, productivity, or technical organization of work.

A more recent report by the European Commission (2017a) has depicted the situation of Spain regarding key employment and social development issues as one characterised by several challenges among which there is a critical situation when it comes to early leavers from education and training, and income inequality, and a high rate of youth not in employment, education or training. Average employment rate in the country is rising since 2013 but work under a temporary contract is very extended (a strategy to reduce temporary workers in the public sector is on its way). Measures to improve situation of self-employed workers have been adopted, and

more attention is being paid to long-term unemployed. However, the rate of quasi-jobless households remains particularly high.

## 2.1. Country characteristics

### 2.1.1. Whitley's Business Systems

A few years ago, Hotho (2014) worked out a taxonomy to test Whitley's national business systems typology empirically. He did it through a two-step clustering analysis of data from 2000 and 2011 on four institutional features: the state, financial system, skill-development and control system, and trust and authority relations. This analysis concluded that Spain had moved from a compartmentalized business system type in 2000 to a **state-organized business system** in 2011. More in detailed, and according to this source, the 2011 context of the Spanish business system was one characterized by high strength of state coordination, low incorporation of intermediaries, high extent of market regulation, a financial system based on credit, limited strength of public training system, low Union strength, low centralization of bargaining, limited trust in formal institutions, and high paternalist authority.

### 2.1.2. Short description of the welfare system

In a book devoted to the Spanish welfare state in the European context, León and Guillén (2011) contended that the interaction of national and international dynamics had produced **a hybrid, mixed model**. This model combines extremely high cyclical unemployment, a dual labour market, and a mix of "Bismarckian (social security), social-democratic (health, education) and liberal (minimum income) features" (p. 307). These authors enunciate three main traits of the Spanish Welfare State: policy concertation –"social partners have become more involved in social policy, giving policy concertation a more central role in the consolidation and rationalization phases of the Spanish welfare state" (p. 308)–, political devolution –after the transition to democracy Spain has become "one of the most decentralized states in Europe" (p. 309)–, and public support –though regions tend to show "varying degrees of satisfaction/dissatisfaction with the welfare services offered" (309)–. León and Guillen (2011) conclude: "The links between social protection and a dualised labour market with recurrent high rates of unemployment and a permanently high number of precarious jobs is arguably the main present and future challenge facing Spanish society" (p. 310).

The Spanish welfare state, which experienced a late development amid a significant supportive role played by families, has demonstrated a low capacity to reduce poverty and inequality, especially in times of deep crisis: "expansion of inequality in Spain compared to the other Southern economies is surprising" (Gómez, Molero-Simarro, & Buendía, 2016). The lowering of dismissal costs, the cutting of labour rights, and the reduction of real wages are behind the consolidation of a new status: **"the working poor."**

In terms of so-called ‘welfare regimes’, the typology put forward by Esping-Andersen –*liberal, conservative, and social-democratic*– has been widely debated. For instance, Arcanjo (2011) combines analysis of that typology with those raised by Ferrera (1996), Bonoli (1997) and Kautto (2002) to conclude that while a sort of a hybrid country, Spain fits mostly into a fourth category, namely the **southern or Mediterranean model of welfare regimes**. This cluster may be “distinguished by the crucial role of family support with the benefit system being uneven and under-developed” (Nolan, Roser, & Thewissen, 2016, p. 5).

Tendera-Właszczuk and Szymański (2016) argue that Spain exemplifies the Mediterranean model of welfare state whose main features are the following:

- An elaborate pension system that allows an earlier retirement than in other models.
- Job protection is high and labour unions play an important role.
- Labour market policy seldom takes on an active role. Apart from paying pensions, the state does not actively engage in the benefits and allowances system.
- Social security allowances, such as unemployment benefits or single-parent benefits, are relatively low.

More recently, Martins (2017) has wondered whether the existence of a differentiated southern European model may be just a “transitory phenomenon”, especially after the crisis that began in 2007/2008. In the case of Spain, the last decade has witnessed significant restructuring of both its welfare state and labour market. According to Martins (2017), the following features describe some of the most recent changes carried out in several areas of the Spanish welfare and labour context:

- Employment protection:
  - Liberalising approach, deregulation and weakening of the job protection.
  - Low restrictions regarding individual and collective dismissals.
  - Less rigidity of its labour market.
- Work contracts:
  - New type of indefinite contract in support of entrepreneurs.
  - Extension of age limit for training and apprenticeship contracts.
  - Trend is that jobs being created are primarily temporary.
- Working hours:
  - Allowances on working overtime for part-time workers.
  - Possibility to reduce the work day up to 70%.
- Collective bargaining:
  - Decentralisation of collective bargaining processes.
  - Reduction of agreements’ duration.

- Flexibilisation of norms for unhooking from agreements.

In sum, and regarding the Spanish employment policies, Martins (2017) concludes that there is a **clear trend toward labour market flexibilisation** (which already existed prior to the crisis); judicial dimension in the implementation of labour market policies has been reinforced; applied policies “have worsened living and working conditions for an important segment of the population” (p. 18) leading to increasing poverty and inequality; job creation is mainly in the way of temporary employment; collective dismissals have been made easier. Differences among Mediterranean countries such as Greece, Portugal and Spain seem to accrue.

Given the issue at stake in the framework of the ASPIRE project, namely active ageing and the significance of work trajectories throughout life, it seems interesting to mention Katja Möhring’s (2016) empirically based typology of *life course regimes*. Contrary to usual typologies of welfare regimes, Möhring’s uses micro-level information on life histories as the basis and combines this approach with attention to how institutions and policies at macro-level shape individuals’ living situations and life courses. How is Spain positioned in Möhring’s typology? Initially, and through conceptual work in this typology, Spain is assumed to be included in the *Southern Europe* country group along with Italy and Greece. Beyond a low degree of state penetration of the welfare sphere and a high relevance of the family as provider of social welfare, individual life courses in these countries are less regulated by governmental institutions (than in other European countries); not so dominated by regular employment but by self-employment in subsistence farming and family care; there is dualisation of careers; gender differences in employment are more pronounced. Once empirical data analysed, Spain is finally included in the ***Gendered low standardisation*** cluster:

“Here exists a pronounced labour market segmentation with a minority in continuous regular employment, while career standardisation on the average is very low. Self-employment plays an important role; women are mainly engaged in family care and men have high shares of inactivity. Furthermore, the employment histories are very stable and homogenous, mostly with maintenance of the initial labour market placement over the whole career. This especially applies to women, who exhibit even lower levels of volatility than men” (Möhring, 2016, p. 135).

Möhring’s work invites us to be cautious when applying welfare state typologies since the latter may provide a rather static view unaware of diversity of patterns in individual behaviours and biographies.

### **2.1.3. Pension system**

#### ***Pillar #1: Public pension system***

The roots of the Spanish public pension system regarding old age date from legislation issued between 1908 and 1919. In 1966 a General Law on Social Security (SS) was passed including commitments on public

pensions. Later on, once democracy reinstated, Section 50 of the new Spanish Constitution dating from 1978 established that “the public authorities shall guarantee, through adequate and periodically updated pensions, a sufficient income for citizens in old age.” This background explains why the first and main tier in the Spanish pension system accrues to the public Social Security. This earnings-related contributory system is mandatory for all employees and self-employed persons. Moreover, people aged over 65 years with less than a settled income threshold per year and unable to reach the minimum requirements to enjoy a contributory pension are entitled to a non-contributory pension.

Along the years, Spanish public SS has introduced many changes in the retirement pension system which has become its number one expenditure. The crux of the system lays on the concepts of *repartition and solidarity*: both employers and workers contribute, along with the State, to the SS’s specific budget that it is distributed in the way of pensions to be paid to current beneficiaries. The rationale of this system is based on the principle that contributions must exceed expenditure. However, Spanish SS is affected by persistent deficit deserving policy attention (European Commission, 2017b).

In order to enjoy a lifelong *regular retirement pension* through the SS system candidates must fulfil the following requirements:

- 1) To be 65 years old (this threshold age will increase progressively until 67 years old in 2027) and demonstrate a contributory trajectory of 36 years and 3 months (from 2027 onwards this minimum will reach 38 years and 6 months).
- 2) To have contributed to the system a minimum of 15 years, two of which must have been made in the 15 years prior to apply for the pension.
- 3) To terminate paid employment.

Any worker willing to delay his regular retirement beyond the established age may be granted an increase in his pension from 2% to 4% depending on the number of years which that worker has been contributing to the system. Provided the observance of certain conditions, employers won’t have to pay any contribution to SS when hiring 65+ workers under a permanent contract. Generally speaking, and in the framework of active ageing policies, **SS accepts the compatibility between 50% of the regular pension** (up to 100% in the case of the self-employed hiring at least one other worker) **and the realization of full and part-time work except for workers in the public sector.**

Does the Spanish public pension system allow for early retirement? Yes, it does in the way of *anticipated retirement* but only in two instances: (i) whenever the employee must terminate paid employment under

certain involuntary circumstances (e.g., collective redundancy due to corporative restructuring<sup>1</sup>) and his legal retirement age is less than 4 years away; (ii) voluntary early retirement when legal retirement age is less than 2 years away (this means that in a decade from now nobody will be able to retire voluntarily prior to 65 years old). In both cases, employees must have contributed to the SS system during 33 and 35 years, respectively. Likewise, a reduction coefficient spanning from 6% to 8% in their pensions will be applied to discourage either possibility. Disable workers as well as those involved in a limited list of especially harsh and risky jobs (e.g., mining, fire workers) may also enjoy anticipated retirement but never before being 52 years old.

The SS system considers as well the so-called *partial retirement*: before or after retirement age paid workers may combine a reduced retirement pension with part-time employment. Minimum age to access this type of retirement is 61.5 years old in 2017 (it will be 63 years old in 2027) for those employees who have accumulated 34.25 years as contributors to the SS. In this case, employers must hire a new worker through a replacement contract to carry out from 25% to 75% of original tasks developed by the older worker (should the older worker's age be 65+ it won't be necessary to hire anyone, but reduction of daily work hours will be limited to 25%-50%).

Finally, there are *flexible retirement* and *active retirement*. Unlike *partial retirement* *flexible retirement* (which entered into force in 2002) intends to foster re-entry in the labour market of fully retired workers as a vehicle to alleviate SS's burden. Disregarding his age, through *flexible retirement* any pensioner may be hired under a part-time contract for a minimum of 50% and a maximum of 75% of the full-time working hours. Consequently, his pension will be cut down proportionately to the new salary. *Active retirement* is the most recent modality introduced in the SS system. Thanks to a Royal Decree Act passed in 2013 those older workers (either employees or self-employed) who have become pensioners at the standard retirement age and are entitled to a maximum pension are allowed to combine full and part-time work and retirement benefits as far as they accept a 50% reduction of their pension throughout the working period.

According to official figures ([www.seg-social.es](http://www.seg-social.es)) on access to the public pension system, from 2013 the mean effective retirement age in Spain (64.2 years old) has not changed despite recent legal reforms implemented to advance later retirement. Monthly average retirement pension in 2017 for people 65+ is 1298 Euros for men and 942 Euros for women (this gender gap is narrowing as younger cohorts reach retirement age). The total number of retirement pensions paid by SS amounts to 5.8 million (ten years ago this figure had reached 4.8 million).

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<sup>1</sup> If workers aged 55+ are affected, the employer will have to cover expenses allocated to these workers until the age of 63.

An analysis of the SS figures in the last few years leads to conclude that *anticipated retirement* keeps growing up in terms of the number of people opting for this type of withdrawal from the labour market: from 119 115 in 2013 to 136 941 in 2106 (Gómez, 2017). In the same period, and as stated in annual reports issued by the Spanish Department of Employment and Social Security, *Partial retirement* has escalated from 18 360 to 28 987 pensioners in 2016. *Flexible* and *active retirements* have not found their way yet in the Spanish context as visible and preferential types of progressive withdrawal from the labour market. Less than 34 000 people (many of which –84%– are self-employed workers) were enjoying both pension benefits and work income in March 2017 (in all, 5.6 million were receiving a retirement pension from the contributory public system) (Gómez, 2017).

### *Sustainability of Pillar #1*

The Toledo Pact Parliamentary Committee is a forum for the follow up and evaluation of the Toledo Pact agreement, which laid out the reform of the Spanish SS system that was approved by the Spanish parliament in 1995. According to a recent country report by the European Commission (2017b), in the long term 2011 and 2013 reforms of the pension system should lead to contain the increase in pension expenditure while lowering income replacement rates at retirement. Moreover, the European Commission points out the possibility of further reforms in the near future since the Toledo Pact is currently involved in a discussion on the possible further revisions of Spain's pension system, “in the light of the persistent social security deficit but also as part of a regular review of the sustainability and sufficiency of the pension system against the backdrop of the increase in life expectancy and low fertility rates.” (p. 22). The prediction has been made that the pension Reserve Fund might be exhausted by end-2017 (OECD, 2017a) —the remainder of this Fund has dropped 87.8% in the last six years (Maqueda, 2017). From 2019, the level of state pensions will be linked to life expectancy instead of inflation as it had been the case until now.

In 2017, the Bank of Spain has suggested that the public pension system needs new sources of income since current contributions by employers, employees and self-employed workers are too demanding. Otherwise, current public pensions' replacement rates will probably reduce by 20 percentage points by 2060. This institution recommends the strengthening of saving and insurance mechanisms to supplement public allowances.

### *Pillars #2 & #3: Supplementary pension schemes*

**Occupational and private pension arrangements in Spain are limited given traditional security provided by first pillar.** For one exception, all public employees (environ 1.5 million) participate in a mandatory occupational scheme. The complementary pension market in the country is relatively small with

clear domination by third pillar insurance products. In Spain, only 7% of companies are offering some kind of retirement plan ([www.pensionfundsonline.co.uk](http://www.pensionfundsonline.co.uk)), the key of Pillar #2.

Unsurprisingly, Spain has one of the lowest Private Pension Assets (PPA) in the OECD. PPA are defined as all forms of private investment with a value associated to a pension plan over which ownership rights are enforced by institutional units, individually or collectively. For instance, total investment of pension funds as percentage of GDP in 2015 was 9.6% (OECD, 2016). Whereas investment by pension funds providing personal plans was 69 015 million Euros (6.4% of GDP) in 2015, 34 930 million Euros (3.2% of GDP) were invested in occupational pension plans (OECD, Pensions statistics 2017). According to a European Parliament (2014) study, in Spain stock of individual voluntary contributions (Pillar #3) per capita of active population as percentage of average gross annual earnings has rocketed in ten years from 1.3% in 2002 to 23.8% in 2012.

The 2016 report on Insurances and Pension Funds (Ministerio de Economía, Industria y Competitividad, 2017) concluded that the number of participants<sup>(2)</sup> in all types of pension funds (individual, associated, and corporate) had reached 9.8 million. Only 20.69% were taking part in a corporate fund whereas 78.6% were participating at an individual level. Interestingly, 67.45% of participants had not made any contribution to their plans during 2016. In terms of age distribution of participants, the peak value is in the 51-55 cohort (17.1% of all participants in pension funds belong to this age group).

The gender gap in coverage by pillar deserves attention. For pillar #1, 90.1% of men and 62.7% of women are covered; in the case of pillar #2 the gap narrows: 4.5% of men versus 1.2% of women; finally, for pension systems in pillar #3 the gap has been slightly reversed: 1.4% of women and 1% of men are covered (European Parliament, 2014).

### *Replacement rate*

OECD defines the Net Pension Retirement Rate (NPRT) as the individual net pension entitlement divided by net pre-retirement earnings, and it takes into account personal income taxes and social security contributions paid by workers and pensioners. It measures how effectively a pension system provides a retirement income to replace earnings, the main source of income before retirement. This indicator is measured in percentage of pre-retirement earnings by gender. According to OECD 2017 data, in the case of Spain the 2014 NPRT was 89.5% for workers earning 100% of average wage whether men or women. This is one of the highest NPRT in the OECD.

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<sup>2</sup> One individual may participate in different pension funds simultaneously.

OECD projections indicate that pension income relative to previous individual earnings (so-called theoretical replacement rate) will drop from 88.2% in 2013 to 79.5% in 2053.

### ***Incentives for early/late retirement***

In Spain the real mean retirement age in 2016 was 64.1 years (64.6 years for women and 63.9 years for men), 0.2 years less than it was in 2013 when the last significant piece of legislation to discourage early retirement was passed. Whereas in 2016 official retirement age was 65.25 years, 44% of new retirees were younger. Percentage of early retirees in 2013 was 38%, it mounted to 43.9% in 2015 and it peaked in 2016 at 44.62% (Spanish Department of Employment and Social Security). Why this unexpected growing trend? On the one hand, the 2013 Royal Decree Act on active ageing still allowed for anticipated retirement under exceptional conditions regulated by previous legislation. On the other hand, **incentives for late retirement don't seem to be yet interesting enough among older workers. More orientation and training to the latter regard would be necessary.**

According to a EU-OSHA, Cedefop, Eurofound and EIGE (2017) report, in 2012 only 2% of 55- to 69-year-old people (retired or in employment) in Spain reported to have reduced their working hours in a move towards full retirement, and barely 2.1% were working after they started receiving a pension. On the opposite side, that same year 59.9% of persons under old-age pensions reported having taken part in an early retirement scheme, with a difference of 4.3 years between regular retirement (at 64.3 years on average) and early retirement (attained at 60.1 years on average).

**From 2012 Spain has cancelled compulsory retirement age except for civil servants but the remaining question is whether Spanish workers really want to continue working beyond the official retirement age.** Eurobarometer survey on active ageing carried out in 2012 found out that 45% of Spanish interviewees believed that people should be able to continue working. In 2013, a national study (Rodríguez, Rodríguez, Castejón, & Morán, 2013) delved into this issue and concluded that 44.6% of respondents were prone to work after the age of 65 provided that possibilities to combine pension and salary existed. These figures suggest that **there is room for expanding delayed retirement in the country.**

Are there at this point any incentives for late retirement? The following list presents current boosters in place to encourage continuity in the workplace instead of retirement:

- For older employees 60+:
  - o 50% reduction of employer's contribution.
- For older workers 65+ (whether employees or self-employed):
  - o 100% reduction in the contributions to the pension system made by employers and employees.

- Yearly increase of 2%-4% in the public pension's allowance.
- These workers may keep receiving up to 50% of their retirement pension while gaining a full or part-time salary (in the case of self-employed workers it has been set a maximum annual income equivalent to the minimum legal inter-professional salary).
- *Partial retirement*: combination of part-time job (25%-50% of full-time daily working hours) and due proportion of retirement pension.

The Spanish government is planning to issue new legislation allowing work after retirement and perception of full pension (at the moment older retirees who are working can only get a maximum of 50% of their pensions, except for self-employed workers who have hired one or more workers).

What about incentives for early retirement? Generally speaking, **Spanish labour legislation does not acknowledge any incentive for workers to retire earlier**. However, there are a few cases in which early retirement is legally allowed:

- *Partial retirement* as described above plus the hiring of a younger worker under a replacement contract. In 2017, employees aged 61 years and 10 months with a contributory career of 33 years (25 years in the case of disable employees) qualify for this modality of early retirement. Exceptionally, mutuality workers already in the public system by January 1967 will be able to access partial retirement at the age of 60 (their pensions will be reduced 8%).
- *Anticipated retirement* whether after collective redundancy, objective dismissal, or voluntary decision gives access to becoming a pensioner from 2 to 4 years prior to legal retirement age depending on the circumstances. However, reduction coefficients will be applied when calculating the amount of the pension (current retirement legislation in place indicates that anticipated retirement pensions will be cut down from 6% to 8% per every year of early retirement prior to legal retirement age).
- Workers with high disability may as well anticipate their retirement age down to a maximum of 52 years old. Likewise, people working in especially harsh or hazardous jobs such as sea workers, railway and aircraft workers, artists, policemen in the Basque Country, and bullfighters may apply for ordinary retirement as early as at the age of 52 with no application of any reduction coefficient.
- Retirement at 65 is mandatory for state's civil servants who are enrolled in a separate pension scheme. In the case of those civil servants at work prior to January 2011 retirement at 60 will be possible if a contributory career of 30 years has been accomplished. Recently, Spanish government has legislated that new employees in the civil service will be covered by the general mandatory public system.

### ***Support for older unemployed workers***

Unemployment is the number one issue in the Spanish labour market. In 2015, 18.6% of older active population (55-64) was unemployed. However, **spending on active labour market programmes per**

**unemployed worker is low in Spain** according to OECD figures for the year 2013: 3.9% of GDP per capita in Spain versus 14.5% on OECD countries on average.

In order to improve the effectiveness of active labour market policies, OECD (2017a) recommends as follows:

“subsidies should be phased out or targeted solely on the most disadvantaged or difficult to place workers, such as older workers that have been unemployed for over a year. Moreover, greater efforts are needed to improve the efficiency of spending on labour market programmes. For that it is essential that evaluation mechanisms, which are very uncommon in Spain not only for labour market programmes but also in other policy areas, are put in place to assess what works and what does not and to reallocate resources towards effective schemes and to shut down ineffective ones” (p. 77).

**Active labour market policies are too concentrated in employment incentives**, i.e. job rotation and job sharing schemes as well as programmes making payments for a limited period only to facilitate the recruitment, or continuing employment in the case of restructuring, of unemployed persons and other target groups into jobs where the majority of the labour costs are covered by the employer<sup>(3)</sup>.

The European Commission (2017b, p. 39) has made a similar appraisal of Spanish policy on hiring incentives:

“At the national level, there are a wide variety of incentives, including rebates in social contributions or lump-sum subsidies to hire on a permanent basis and to transform temporary into open-ended contracts. In 2015, 10.9 % of subsidised contracts were to hire workers with permanent contracts (mainly for young or older workers in small firms). The groups of eligible workers are rather broad, suggesting that incentives are not sufficiently targeted towards those with greater difficulties to (re-)enter the labour market. Moreover, research shows that subsidies entailed deadweight and substitution effects, i.e. they either were not effective, or incentivised the replacement of non-subsidised workers”.

**Older workers above fifty-five years old (in regions such as Andalusia the lower age limit for this group is 45 instead of 50) are part of the long-term unemployed group**, i.e. people who have been unemployed for longer than one year. In the first trimester of 2017 there were 560 100 jobless 55+ people in Spain, and 73.6% of them had been unemployed for more than one year (Fundación ADECCO, 2017). Three years earlier this percentage was 75.4%, according to the 2014-2016 Spanish Strategy for Employment Activation. This problem is lowering very, very slowly. Different programmes (*Renta Activa de Inserción*, *Programa de Recualificación Profesional*, *Programa de Activación para el Empleo*) have been launched since the beginning of the crisis targeting diverse populations.

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<sup>3</sup> The system of incentives to stop dismissals and encourage the hiring of 45+ people has not demonstrated to be very efficient until now (CES, 2014).

The State Public Employment Service (SEPE) manages passive employment programmes. For instance, SEPE accepts applications by population 55+ to get an allowance addressed to people unable to find a job once all their unemployment benefits have been terminated (and given that overall income in the household where the unemployed person lives does not exceed a maximum limit established by law). This allowance may be continued (as far as original unemployment conditions remain) until the legal retirement age has been achieved; during this period public funds will be allocated as well to cover minimum contributions of the beneficiaries to the pension system so that when they reach legal retirement age they may qualify to become a pensioner. According to December 2016 figures from SEPE, 21.7% (803 180 individuals) of all unemployed people in Spain were 55+ years old. Within this group, 71.4% were getting some type of public subsidy whether contributory, welfare support, insertion income, or through active employment programmes (UGT, 2017).

**Active labour market measures are administered at regional level while their policy design is still made at central government level.** More intensive and effective co-operation between the central government and regional authorities have been demanded repeatedly (OECD, 2017a). For sake of the ASPIRE project we are going to focus on Andalusia since this will be the region in Spain where most of the ASPIRE activities will be implemented. In 2016 there were 258 200 people (55.3% men and 44.7% women) older than 50 unemployed in Andalusia (this is 24% of all unemployed people from this age cohort in the whole country). This figure reached a peak in 2015 with 272 700 people.

**In Andalusia specific initiatives addressed to support older unemployed workers are very scarce.** One of the reasons is the alarming youth (less than 25 years old) unemployment rate: 48.7% (39.5% for Spain as a whole). Even if national legislation establishes that unemployed people 55+ who have exhausted all sources of public subsidies will be considered a priority group in terms of active labour market policies, reality is that few regional actions have been carried out in Andalusia focused on older jobless people. Moreover, when measures exist they are included in the initiatives for the 45+ group since it is this age threshold that has been set up to pay attention to the older workers sector. Actually, **the Andalusian government has been implemented a so-called Integral Programme of Employment for 45+** since April 2011. This initiative included a Personalised Insertion Itinerary (PII) for these jobless group along with five different action streams: (i) strengthening professional projects and enhancing the employability level; (ii) training for employment with preference for 45+ candidates; (iii) fostering mobility; (iv) stimulating the hiring of 45+ people through subsidies for indefinite contracts; (v) encouraging self-employment and entrepreneurship. From 2015, in Andalusia the hiring of 45+ long-term unemployed people under an indefinite contract is incentivized (lump-sum subsidy of 6 000-7 500 Euros) –at state level there are similar subsidies for 55+ and 45+ workers without family-related burdens. However, and in line with criticism by OECD above, **there is a lack of impact evaluation of these measures allowing to decide whether the implemented approach is achieving its purpose.**

Of course, older unemployed workers (as it is the case with anyone else) may visit regional offices of the Andalusian Employment Service for career counselling and job search guidance. In this framework, the Personalised Insertion Itinerary (PII) has become the main support mechanism for integration in the work market. During 2016 (Junta de Andalucía, 2017), a total of 26 897 PIIs for 45+ jobless people were made (this figure is 27.5% of all PIIs put in place).

There is as well a specific Insertion Accompaniment Programme (IAP) addressed to long-term unemployed workers (those who have been unemployed more than 12 months). In July 2017, this proportion amounted to 43.85% of all unemployed people in Andalusia, within which people 45+ were a very significant group: by the end of 2016, 63.18% of 45+ unemployed workers in the region were long-term. However, in 2016 only 428 people 45+ benefited from the IAP initiative (Junta de Andalucía, 2017).

The Professional Experiences for Employment Programme (PEEP) gives the opportunity to unemployed workers in Andalusia to participate in an internship (2-6 months) allowing them to get acquainted with habits, routines, and values of new work environments and sectors. During 2016, 14.73% (196 people, 66.8% of which were women) of all PEEP's participants were 45+.

#### **2.1.4. Short description of the industrial relations system**

In 2015, Eurofound released a report on the working life in Spain. This report included a section on the main actors and institutions involved in the governance of industrial relations in the country. Then, in 2017 the OECD published its *Employment Outlook* with a monographic section on collective bargaining. From these documents we would like to highlight the following bulleted information on industrial relations in Spain:

- Trade unions, employers' organizations and public institutions are interlocking parts in a multilevel system of governance spanning at national, sectoral, regional, and company levels.
- Once signed, all collective agreements in the country must be sent to the national/regional public authority to make sure that every agreement is in line with the legislation. For instance, in 2016 a total of 1 761 national collective agreements were signed (79% at corporation level and 21% at supra-corporation level) reaching 2.7 million of workers (Spanish Department of Employment and Social Security). Collective bargaining coverage rate has been following a decreasing trend from the mid 90's: while it was 90.9% in 1995 it dropped down to 77.6% in 2013 (OECD, 2017b).
- A 2012 labour reform "inverted the favourability principle giving priority to firm-level agreements over those at the sector or regional level, and also made it easier for firms to opt-out from higher level agreements or firm-level agreements either upon an agreement with worker representatives or by unilaterally referring the matter to arbitration by a public tripartite body." (OECD, 2017b, p.

152). Figures from 2013 about bargaining level bespoke a clear majority (65.15%) of collective agreements to have been signed only at a higher level (i.e. higher than company level).

- Both trade unions and employers' organisations hold *erga omnes* representation.
- Principle of 'most representative organisations': "employers' organisations and trade unions are entitled to conclude multiemployer collective agreements, to have institutional representation (in other words, to be a part of tripartite bodies, to be consulted by the government and to conclude social pacts) and to take part in extrajudicial systems of labour conflict resolution."
- *Representativeness* is the main legal criterion to allocate bargaining power to both trade unions (representativeness depends on the number of workers' delegates and working committee members at the workplace through electoral processes) and employers' organisations (representativeness is assessed according to their membership).
- **In Spain union's membership is low and it seemed to remain stable until a few years ago.** OECD data for 2013 indicated that there were only 2.3 million of affiliated people within a total of 13.9 million of employees, i.e. 16.8% of affiliation rate. However, more recent union density figures point out that an augmentation of the affiliation rate may be on its way ([www.worker-participation.eu](http://www.worker-participation.eu)).

### *Hyman's Variety of Trade Unionism*

A recent study on Spanish unions (Sánchez Mosquera, 2017) asserts that the country has a model of union representation characterized by high rates of collective bargaining coverage and low union density. According to this study, in the period 1996-2015 trade unionism in Spain has been articulated in two sequential stages: **competitive consensus and confrontation** in a context of government unilateralism after 2011. Sánchez Mosquera (2017, p. 2) concludes as follows:

"the long period of social pacts did not sufficiently empower the main Spanish trade union organizations, dependent on consensus with the incumbent government, which did not accumulate enough strength to change government policies that they have considered to be regressive and detrimental, above all socially and in terms of employment."

When it comes to union power four forms have been identified: structural, associational, organizational, and institutional (Gumbrell-McCormick & Hyman, 2013). In Spain, it has been difficult for unions to develop a high level of associational and organizational power, and the focus has been set on the **maintenance of institutional power resources** which "have failed to prevent a high level of precarious employment and a significant reduction in real pay" (Rigby & García, 2007, p. 12). Therefore, we might say that trade unionism in Spain is closer to the *class interest* variety as laid out by Hyman (2001).

## *Recent Labour Politics*

In 2012 the Spanish government carried out unilaterally a relevant labour market reform whose main acknowledged objective was lowering down inflexibility and rigidity affecting bargaining and hiring models. Likewise, this reform intended to reconfigure social dialogue since it was poorly coordinated and not aligned with company-level circumstances. Finally, more employment creation and stability were as well a clear necessity in the country. Which changes did this reform introduce?

- Company-level collective agreements should prevail in certain areas.
- Companies may carry out more easily unilateral changes to some working conditions, including the temporary modification of salary levels.
- Employer and employees may agree on opting out of collective agreements in force at higher level.
- Collective dismissals could be justified if a company's revenues are falling down during an established period of time.
- New "entrepreneurs' contract" was passed to provide companies with fewer than 50 employees with friendlier conditions.
- Trainee and apprenticeship contract was promoted to make it more attractive to employers and more accessible to unemployed youngsters.

Assessment of this labour market reform is ambivalent. For instance, transition from unemployment to employment didn't seem to have increased as expected and salary inequality has experimented a clear augmentation, but salary restraint implemented may have helped to avoid thousands of dismissals (Eurofound, 2015a). Company-level collective agreements have not boomed either: small and medium companies (the vast majority in the country) still find difficult to devote resources to social dialogue processes. Consequently, the leading employers' organization –Spanish Confederation of Business Organisations (CEOE), is asking a reinforcing of flexibility. The two main trade unions in the country – General Union of Workers (UGT) and Workers' Commissions (CCOO), have made a negative appraisal of the 2012 reform. Both unions have concluded that employment has been destroyed, part-time work has increased (to the detriment of open-ended and full-time jobs), labour precariousness is higher, and living conditions have worsened.

As of mid-2017, Spain is now going through financial recovery, with sustained economic growth and ongoing reduction of unemployment. However, **recovery is not preventing more temporary and precarious work to keep growing, and the duality in the labour market (permanent versus temporary workers) has not been contained.** The country still has five of the ten EU regions with highest unemployment, the highest temporary employment rate in the EU (26.1%), and the second highest proportion of people in underemployment in the European Union (Durán & Muñoz-Baroja, 2017).

Unemployed people under the age of 30 are the number one priority in terms of labour politics. **Special attention is being devoted to those youngster Not in Education, Employment or Training (NEETs)**: in 2011, the rate of NEETs in Spain was 22.7% (Eurofound, 2015b). Figures from 2016 have confirmed a dropping of that percentage, that it is still 3.6% above EU average (European Commission, 2017a).

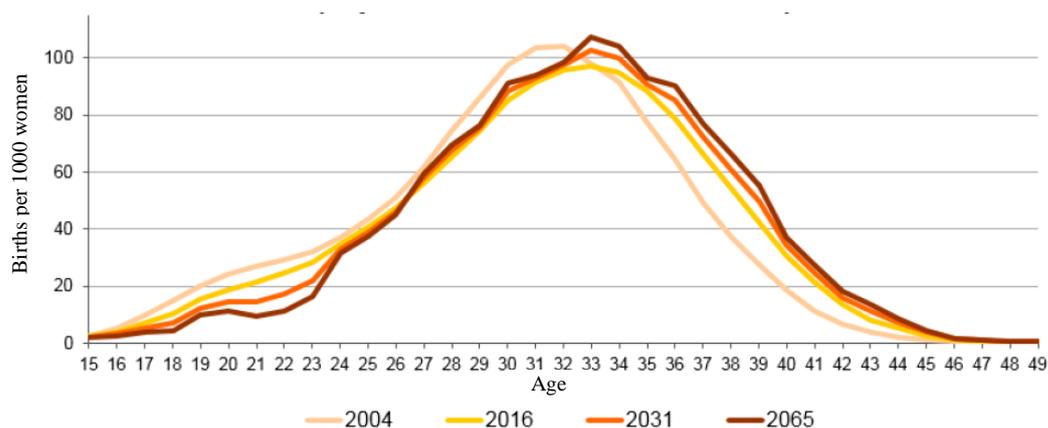
### 3. Data and information on ageing

#### 3.1. Data and trends

##### *Demographic dimensions*

Current ageing rate in Spain is the highest in history. In January 2016, the country's population had reached 46.5 million within which 8.6 million (18.6%) were aged 65+. Both in absolute and relative terms, **demographic ageing is a steady trend**. Behind this process there are two main causes: fertility's drop and life expectancy's extension. Women's fertility is projected to maintain a slightly growing trend. Compared to 1.33 fertility rate nowadays, average number of children per women is expected to be 1.36 by 2031 and 1.38 in 2065 (see Figure 1).

**Figure 1. Projected evolution of fertility rate per age**



Source: INE. Population projections 2016-2066.

Regarding life expectancy, its projection is presented in Table 1:

**Table 1. Projection of life expectancy at birth  
and at 65 years old**

Year	Life expectancy at birth		Life expectancy at 65	
	Men	Women	Men	Women
2015	79,94	85,41	18,81	22,67
2016	80,26	85,71	19,08	22,97
2021	81,31	86,41	19,72	23,55
2026	82,30	87,08	20,37	24,13
2031	83,23	87,74	21,0,1	24,70
2036	84,12	88,37	21,64	25,26
2041	84,97	88,98	22,27	25,80
2046	85,79	89,57	22,89	26,34
2051	86,57	90,14	23,50	26,86
2056	87,32	90,69	24,09	27,37
2061	88,04	91,22	24,68	27,86
2065	88,60	91,64	25,13	28,25

Source: INE. Population projections 2016-2066.

### *Sectoral composition*

According to the 2016 National Report on the 45+ Work Market (data from 2015) presented by the State Public Employment Service (SEPE), the sectoral profile of 45+ workers affiliated to the Social Security is very similar to the general profile for all working population.

**Older workers are barely more represented within primary sector and industry.** However, they are underrepresented in the construction and services sectors. In Spain, examples of economic activities in which participation of 45+ people is higher than any other age group are trade (34.31%) and food and drinks (34.63%). Older workers in the sectors of Defence and Public Administration tend to extend their occupational careers until reaching retirement age because in both cases dismissal is very unrealistic. In the case of 45+ people hired as housekeepers, maintenance staff, and gardeners it is the nature of the relationship developed with employers that explains why contractual commitments are prolonged until retirement.

Now, regarding 60+ workers (6.36% of all affiliations in national Social Security), it is the primary sector that gathers the highest percentage of workers (10.21%). It is followed by affiliations in industry (6.53%),

construction (5.90%), and services (6.18%). Representation of 60+ workers in all these sectors has experimented a little increase in 2013 compared to the previous year.

If we turn now to describe how population in this cohort of workers breaks down into sectors this is the output: 72.13% are integrated in the services sector, 12.10% in industry, 10.51% in the primary sector, and 5.26% in the construction sector.

While still a minor amount, attention should be paid to transition of some of these workers into partial retirement (especially those involved in education, public administration, defence, and health professions). For 61.5+ workers this move implicates adopting part-time employment and sharing their expertise with a younger person hired through a replacement contract.

### *General unemployment rate*

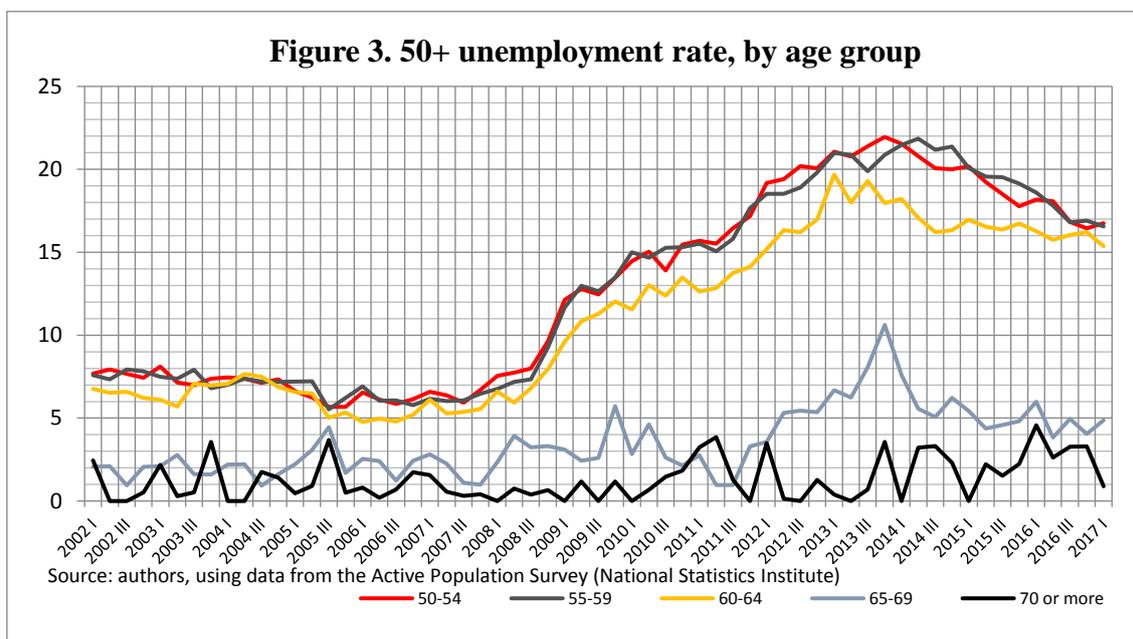
Similarly to other Western countries, unemployment rate in Spain is a good proxy to understand how the economic cycle has developed. In the past 15 years Spanish unemployment rate has moved through three different stages (see Figure 2):

- 2002 to 2007, sustained decrease: unemployment rate in mid-2007 reached 8%, the lowest rate ever in the history of Spanish labour market.
- End of 2007 to beginning of 2013, strong increase: the rate peaked at 27% which means that tripled in just 6 years.
- Mid-2013 to 2017, contraction motivated by recent expansion of economy in the country. Current unemployment rate is 18.75%.



## Unemployment 50+

In the 50+ cohort unemployment's impact varies a lot depending on the age since the latter is linked to legal retirement and inactivity. **Unemployment has always been higher among 50-64 people.** In the same way as general working population, 50+ unemployment rate has followed ups and downs in economy (Figure 3).



In Spain, **labour force participation rate for the 55-64 age group as a percentage of the population in this age group has risen from 40.9% in 2000 to 59.2% in 2016** (OCDE, 2017b). In the case of the male population the rate went from 60.5% in 2000 to 67% in 2016. However, female's rate skyrocketed from 22.6% to 51.7% in the same period.

Now, **unemployment rate for this same age group (percentage of the total labour force in the group) has mounted from 9.4% in 2000 to 17% in 2016.** 55-64 years old's unemployment rates for males and females in the period were different but they tend to converge:

	2000	2016
Male	8.6%	16.9%
Female	11.3%	17.2%

Most recent figures, from June 2017, presents the following breakdown (in percentages) of national unemployment rate by age groups:

	Total	Men	Women
50-54 years	11.3	11.1	11.5
55-59 years	9.2	9.7	8.7
60-64 years	4.5	5.3	3.8
65-69 years	0.1	0.1	0.1
70+ years	0	0	0

A comparison between national and Andalusian contexts clarifies to what extent differences exist: if 55+ unemployment rate for the whole country is 14.85% (14.15% for men and 15.73% for women), Andalusian's rate is 23.61% (23.15% for men and 24.28% for women). However, considering 55+ jobless people as just one share within the unemployed population differences between Spain and Andalusia vanish: in both cases around 13.8% of all unemployed people belong to the 55+ cohort.

Regarding the population over 65, EU-OSHA, Cedefop, Eurofound and EIGE (2017) indicate that the employment rate is 5.5%, varying from the highest in Sweden to the lowest in Spain and Greece. Randstad (2017) has announced that the percentage of 45+ with permanent contracts in Spain has reached a peak in 2016 with an increase of 10.7% compared to the previous year.

### *'At risk' unemployment*

Based on data from December 2016, findings from the first Study on Especially Vulnerable Population on Employment in Spain (Felgueroso, Millán, & Torres, 2017) indicate that this population (known by the acronym EVAE) include 4.2 million people. In this group, 57.1% have a high probability to become “working poor” (employed people unable to make a living over the poverty threshold). The rest of current EVAE (42.9%) will probably keep being unemployed in 2017.

Age-wise, the most represented cohorts amongst EVAE are 45-54 (26.2%) and 35-44 (26.2%). However, the age group in the country with the highest EVAE rate (i.e. the proportion of EVAE over 16-64 people) is that of 25-34 with a rate of 17.5%. EVAE is only 3.5% in the 16-26 age group, but it swells up to 9.5% for 55-64 years old. **When looking at 'risk of poverty while employed', the older the better:** while 13.8% of 24-34 are at risk that it is only true for 2.1% of 55-64 years old.

### *Fertility rate*

Data from the National Statistics Institute on the number of new-borns per 1 000 women (both Spanish and foreigner) in 2016 set at 38.3 the global fertility rate for Spain and 39.8 for Andalusia. The average number of children per fertile woman (aged 15-49) that year was 1.3 for the whole country and 1.4 for Andalusia.

### *Dependency rate*

As explained above, current share of 65+ population in Spain is expected to grow from current 18.7% to 34.66% in 2066. Should this demographic projection confirm 2017 dependency rate in the country (53.8%) will reach 62.2% in 2031 and 87.7% in 2066. Dependency rate in Andalusia is a little lower: 51.3% in 2017.

**In both levels (national and regional) dependency rate has raised relentlessly:** a decade ago was around 47.3% for both Spain and Andalusia.

## 4. Overview on public policies

### 4.1. Age discrimination regulations

The 2013 Royal Decree Act on the fostering of active ageing and the extension of work amongst older workers included explicit measures to “avoid older workers’ discrimination in collective dismissals”. How? Forcing employers to make a significant payment in case of making redundant a proportion of 50+ workers higher than the share of these workers within all workforce in the corporation (for enterprises with 100 workers or more). The idea is that at least half of these moneys paid by employers are invested in initiatives to occupy unemployed 50+ workers.

In 2014 the government issued an Action Framework for Older People including basic principles and orientations for implementing active ageing policies. This document delved into the issue of preventing 50+ workers’ discrimination in work environments and listed the following objectives and measures to that regard:

- Reduce the number of dismissed 50+ workers.
- Count on older workers in labour force’s bodies representing workers’ interests, both in public and private work environments.
- Prevent exclusion of older workers from training activities in the work place and encourage these workers to participate<sup>(4)</sup>.
- Promote positive approaches towards the value of older workers’ contribution, productivity and resources with a view to enhance intergenerational exchange among workers from all ages.

There is a project under discussion to pass a new 2018-2021 National Older Persons Strategy for Active Ageing and Good Treatment. This document includes one objective focused exclusively on the prevention of age discrimination. A range of measures to protect older workers’ employability, access to training opportunities, contributions, and their right to participate in representation bodies is presented in the project (IMSERSO, 2017).

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<sup>4</sup> “Although participation in lifelong learning is crucial for keeping older people skilled and employed, more needs to be done to promote learning among older people, as their average participation is still significantly lower than that of younger generations.” (EU-OSHA, Cedefop, Eurofound and EIG, 2017, p. 53). Eurostat data from 2011 showed that whereas 25-64 workers in Spain had participated an average of 167 hours per year in formal and non-formal education and training, the mean instructions hours for older workers (55-64) dropped to 100.

## 4.2. Other discrimination regulations

Precedent legislation in Spain makes explicit the need to fight different treatment of workers depending on their age. Article 14 in the Spanish Constitution as well as article 17 in the Workers Statute prohibit age discrimination in labour contexts. Moreover, the Spanish Strategy on Social Responsibility in Corporations (2014-2020) calls attention on the need of implementing activities to improve equality of treatment, work-life conciliation, non-discriminatory practices, and integration of older workers with difficulties to access the work market or maintain their employments.

## 4.3. Employment protection

In Spain, at national level and regional level it has been acknowledged that either 45+ or 50+ people must be approached as a group deserving priority attention in terms of employment and employability. However, **real and specific initiatives to this regard are insular and have low visibility in the country**. The impact of the most recent piece of legislation tackling this issue (the 2013 Royal Decree presented above) has not yet been assessed, therefore it is very difficult to withdraw any conclusion about which type of measures might be more effective to protect older workers' employment. However, preliminary and partial attempts to evaluate have been made with uncertain findings:

“Partial retirement has not fulfilled its original function as facilitator of knowledge transmission within an active ageing framework nor as promoter of youth workers' hiring by corporations. This type of retirement has provoked important costs to the pension system and it has been used as a resource for early retirement and rearrangement of the workforce” (Quílez, 2014, p. 221).

## 4.4. Union recognition/consultation

We have commented above how low are in Spain affiliation rates to trade unions. Furthermore, Spanish public opinion doesn't seem to value a lot the role played by trade unions: in a scale 0-10 points a national sample interviewed in April 2015 scored 2.6 points on average when asked about trust in trade unions (CIS, 2015).

In terms of collective agreement, trade unions along with main employers' associations are involved in regular discussions to reach compromises. The last one of these agreements which have come into force was signed in June 2015 with participation of the two main trade unions (General Union of Workers –UGT–, and Workers' Commissions –CCOO–) and the leading employers' organizations (the Spanish Confederation of Business Organisations –CEOE– and Spanish Confederation of Small and Medium-Sized Enterprises –CEPYME–). However, **attention to older workers** in this document **is minimal**, similarly to what happens in the case of Andalusia with the last social concertation agreement signed by the regional government, the main trade unions and the lead employers' confederation in 2011.

Regarding the role of social dialogue in industrial policies (Sanz de Miguel, 2014) at national level, tripartite consultation to social partners (mainly through the setting of a commission) is fairly common but not consistently used: “the involvement of social partners in the industrial policy process has been traditionally rather limited, except in some areas such as training, restructuring and social plans.”

## 5. Overview on normative provisions

Both, Spain and Andalusia have produced white papers on active ageing. The former was published in 2011 and didn't focus on older workers at all since its approach was centred on 65+ retired people. When the possibility to work longer was mentioned in the document it was made just through a minor comment with no normative aspiration. The Andalusian white paper on active ageing was released in 2010 and it was structured in four main areas: health, security, participation, and lifelong learning. Again, references to work extension and industrial relations in later life were insignificant. This second white paper recommended the introduction of restrictive mechanisms to limit forced retirement as far as possible, especially in activities compatible with the aging process in which the years of experience can also be a professional and social advantage. Along these lines, it was proposed in the document an increase in the economic incentives to partial retirement at the age of 65, as a mechanism to create occupational active aging, combining partial work with active leisure.

A follow-up study of efforts to use these documents to produce normative provisions demonstrates that both **white papers on active ageing have been almost irrelevant to transform the legal context**. At national level, the government presented in 2014 the aforementioned Action Framework for Older People with basic principles and orientations (therefore, not legally binding) for active ageing policies' implementation. This Framework devoted a whole section to introduce proposals relative to older people and employment such as the following:

- Organize training addressed to older workers so that they can update their skills and competences properly.
- Improve safety and health conditions in the work place to grant quality of life and wellbeing of workers throughout their working life, with special attention to more vulnerable groups such as older workers.
- Enhance age management in the work environment and incentivise the hiring of older workers in jobs that are adequate to them.
- Increase opportunities for tiered and progressive retirement such as transitioning into part-time jobs, flexible work schedules, voluntary work, and the like.
- Improve counselling services and orientation programmes for older workers wishing to extend their working life<sup>(5)</sup>.
- Launch public campaigns around available support public system to get employed in later life.
- Foster self-employment and entrepreneurship amongst older people.

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<sup>5</sup> In fact, the 2013 Royal Decree on active ageing confirmed 55+ unemployed people as priority group for participation in employment's active policies. A report by the Social and Economic Council, a consulting governmental body in the area of socioeconomic and labour policies, alerted that 55+ people are lagging behind in terms of being approached by employment orientation services (CES, 2014).

- Introduce fiscal schemes and contributory benefits encouraging older workers to keep their involvement in the work market, especially in the case of combining pension and salary.
- Strengthen intergenerational exchange of knowledge between workers from different generations.
- Introduce new measures to facilitate conciliation between family life's responsibilities (such as caregiving) and involvement in professional life.

**At Andalusian level, except for isolated initiatives such as the “45 Plus” programme, active ageing keeps being a concept mostly to do with older retirees’ wellbeing and rights.**

The 55+ Strategy approved by the Spanish employment authorities in November 2011 deserves attention in the context of this report. This Strategy originated in the Social and Economic Agreement signed by the government, and the main social partners in the country. Its main objective was establishing a general framework for labour policies deemed to facilitate employment to older people either making possible for them to stay in the work market longer or supporting those older unemployed people wishing to get back to work again at a later stage in their lives. Between 2012 and 2014 this Strategy tried to implement the following action threads:

- *Preservation of employment amongst 55+ workers:* partial retirement; incentives for employers; fostering self-employment; elimination of age limits for retirement in agreements from collective bargaining; increasing opportunities for continuing training at work; dissemination of good practices in managing employment for 55+.
- *Amelioration of work conditions for 55+ workers:* more flexibility in the organization of work; evaluation of risks associated to safety and health at work; facilitation of functional mobility.
- *Support to unemployed 55+ people:* specific programmes for professional orientation and activation addressed to this group<sup>(6)</sup>; training and accreditation of professional competencies to ease requalification, with special attention to 55+ women; incentives to hire people from this age group; subsidies for unemployed men and women in this population to help them reach retirement age successfully in case that finding a new job is not possible.

At the time of publication, the 55+ Strategy mentioned the need to follow up and evaluate through proper indicators all measures to be implemented. However, and to the best of our knowledge, to date no specific evaluation report has been released.

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<sup>6</sup> Ideally, these programmes should be able to offer individualized tailor-made support services given the demonstrated heterogeneity of the older workers’ profile.

Finally, we would like to mention the Spanish Strategy on Occupational Safety and Health (2015-2020). This governmental document constitutes the framework for developing the main policies covering occupational safety and health. It tries to improve the conditions of occupational safety and health through the engagement of social partners. This Strategy pays slight attention to the need to identify good practices for a better protection of older workers, and it commits to analyse consequences of population ageing on workplace accidents.

To sum up, **normative provisions on active ageing and work has been discontinuous** as different political parties have come into office. Furthermore, **we miss a more coordinated and less scattered set of approaches and measures as well as more systematization, transparency and publicity regarding the outputs from all normative initiatives undertaken.**

## 6. Review of responses, strategies and policies of social partners on active ageing

### 6.1. Employers' organizations

It is very difficult to list employers' responses to normative provisions on active ageing because so far explicit and publicly visible moves from employers in this area have been limited. However, we'll try to provide examples based on available information. As a way of introduction, it is relevant to share that a 2013 report by the Catalanian Association of Human Resources with data from 2000 businesses in the country concluded that 75% of these corporations do not appreciate quite enough the value of 45+ workers. **In general, Spanish employers' sensitivity about older workers and their worthiness is still low.**

CEOE is the leading employers' organization in the country. It was established in 1977 and, according to its own data, it brings together, on a voluntary basis, two million companies and self-employed entrepreneurs from all activity sectors, which are linked to CEOE through more than 4,000 base associations, and 200 territorial and sectoral organizations. Hence, enterprises are represented both through the sector to which they belong and through the region in which they operate. The Spanish Confederation of Small and Medium- Sized Enterprises (CEPYME) and the Spanish Federation of Self-employed Entrepreneurs (CEAT) are as well affiliated to CEOE.

In 2011, CEOE, CEPYME and the two leading trade unions in Spain (CCOO and UGT) signed a Social and Economic Agreement. All these social partners (employers and unions) agreed on the need to adopt new measures to make employment possible throughout active life in order to delay retirement age and take advantage of older workers' experience. On these grounds, these employers' organizations have been consulted by the government around different legislative initiatives developed in the past six years especially in the framework of the Toledo Pact Parliamentary Committee. However, **these organizations have not embraced active ageing as a general priority issue in their agendas.** Their involvement in active ageing is being developed through the implementation of a range of scattered actions such as seminars, conferences, and participation in national/international projects.

On February 2016 and July 2017, the CEOE's Commission on Social Security, Risk Prevention, Mutual Insurance, and Active Ageing released its yearly priorities. Regarding active ageing, items on the agenda in both years have been the following:

- Analyse across sectors the impact of population ageing on corporations.
- Identify actions already being implemented by entrepreneurs regarding ageing and to figure out CEOE's policy to that regard.
- Set up procedures leading to rejuvenation of the workforce.

CEOE's yearly reports for 2016 and 2017 don't mention any outputs regarding the three active ageing initiatives, and this leading employers' organization has not presented yet its institutional policy on active ageing. However, its participation as consulting body in the works developed by the Toledo Pact Parliamentary Committee indicates a clear position in favour of accelerating changes in the public pension system to control current level of expenses. The other employers' organization cited above, CEPYME, is asking as well for more reforms of the system to balance expenses and income even before the end of the transitory period established in 2013 and due to end in 2027.

### *Age management*

Probably, **age management has been the only strategy at employers' level in Spain that has found its way forward in the debates about the ageing workforce.** In 2013, a mutual insurance company in Navarra, in collaboration with the Employers' Confederation in the region, presented a study on age management in corporations as challenge and opportunity. This study referred to the existence of "stigmatization factors" in the employers' culture and deduced that **"an age perspective is not present in entrepreneurial policies, and diversity management policies tackling human resources are not used to include an age perspective"** (Mutua Navarra, 2013, p. 36). Two years later, in 2015, the Top Employers Institute released a report on age management among Spanish entrepreneurs pointing out that only 29% of companies certified as Top Employers admitted having implemented policies related to retention and recruitment of 50+, compared with 52% of European businesses.

In 2015, 42 corporations participated in a study by the Enterprise and Society Foundation on age management (Fundación Empresa & Sociedad, 2017). Which age management measures did these employers consider more appropriate for implementation?

- Adapt responsibilities, tasks, schedules, and salaries as workers' ageing progresses along time.
- Develop talents, commitments, and motivation of the workforce on a continuing basis.
- Foster healthy life habits and thinking.
- Promote intergenerational exchange of experiences and knowledge (mentoring).
- Maintain active links with former workers who have already retired.
- Encourage partial retirement and incentivized dismissals.

This Foundation kept its inquiry and in 2017 published preliminary findings from 14 interviews to Human Resources top managers in the country about ageing in the workplace. The following four good practices emerged in this occasion:

- Availability of flexible regulations to manage work conditions for older workers.

- Strengthen age diversity.
- Foster employability of all workers throughout all stages in their work trajectories.
- Take advantage of senior talent as much as possible.

In sum, the Enterprise and Society Foundation considers that **in Spain it is still infrequent hearing of corporations which have set up a structured age management plan. However, more attention is being paid to fighting age discrimination.**

### *Human resources management*

One of the deliverables from the EU project Inclusive Human Resources Practices for Older Workers (iHRM) consisted of a 2014 research report into older worker practices within European companies. Fieldwork with from this project in Spain through interviews and focus groups with participation of HR professionals identified relevant themes on the issue of managing older workers. We believe it to be relevant for the ASPIRE report to include the following main findings from the iHRM fieldwork in Spain (available at [www.i-hrm-eu](http://www.i-hrm-eu)):

- 1) **Big companies in Spain are trying to adapt their traditional and successful HR programmes, such as those focused on talent management, performance assessment and competences' development from the perspective of age management.** Examples of such initiatives are promoting horizontal mobility of older workers, positioning them in external advisory services and introducing knowledge management programmes.
- 2) **The real problem in Spain is youth unemployment and companies are currently focused on surviving the harsh economic climate instead of focusing on practices that could increase the participation of older workers in the labour market.** Due to the high labour costs of older workers, organizations focus on letting them go (this is especially true for the private sector).
- 3) Organizations might find it more attractive to hire older workers if the costs are lower. If early retirement schemes continue their progress this could have a very negative impact on the pension funds. **Currently there is relatively low attention for the ageing of the labour market from the government.**
- 4) During their careers, employees gain more experience, organizational skills, and manage more teams. The logical trend is that the more experienced workers ascend in the hierarchy of the organization. However, if companies have to deal with an ageing workforce, then they may not have enough positions available at the appropriate management level. It is often the case that organizations have the option for vertical mobility: growing towards the top of the organization. However, organizations should also focus on horizontal mobility by specialization. **This theme is closely linked to mobility, and in this regard the mobility for older workers can be considered low.**

- 5) **It is hard to keep older workers motivated and productive over the years.** There is a need for other ways to motivate older workers. For instance, the use of temporary breaks in the occupational career might be an additional tool to keep workers committed to the company. This is a practice which has been conducted in the banking sector. Office managers were offered the option of taking paid leave for three years. During these years many of them undertook business projects, joined faculty positions in college or enrolled in a master programme allowing for other ways of experiencing some form of purpose or meaningfulness during the working life. There should be more attention paid to the values and commitments of older workers.
- 6) Companies differ in their use of older workers but **in general senior workers are considered indispensable due to their knowledge and experience.** However, older workers also lack some technical know-how to keep up with the fast pace of today's world. To this regard, a best practice example might be reverse mentoring, i.e., younger employees mentoring older workers. Training and development of older workers is also a policy to increase the motivation of older workers, at relatively low costs.

From the iHRM project, and to illustrate previous comments, we may refer to Abbott Spain, a pharmaceutical company with over 1 000 employees in the country. Among the range of HR practices to retain and develop older workers, this company is implementing programmes like the following:

- **“Knowing Talent” Programme:** through this programme, people with outstanding contributions and trajectories for the business are identified. The programme has two main actions: a) showing the talent people of the organization to the general directors and b) developing a mentoring project for promoting relationships of these workers with other workers.
- **“Succession Plan” Programme:** the main objective is to identify the gaps in the organization and to establish an action plan to fill key vacancies.
- **“Measurement of Acquired Knowledge” Programme** to establish evaluation processes that allow to certificate the grade of acquired knowledge by the employees for the development of their roles within the organization, together with the satisfaction and usefulness of the training activities carried out.

## 6.2. Trade unions

Which has been the general reaction by the main unions in Spain with regard to governmental normative provisions on pensions and active ageing? **The two leading unions in the country (Workers' Commission – CCOO– and General Union of Workers –UGT–) have made strong declarations against most recent**

**normative developments as issued in the Royal Decree passed in 2013**, just one and a half year after the 2011 reform that counted on the support of trade unions.

**CCOO and UGT consider that the narrowing of access to anticipated and partial retirement will have a negative and discriminatory impact on many older workers.** These unions have expressed a special concern about dismissed older workers in their 50s unable to find a job and keep contributing so that their retirement pensions may be guaranteed when the time to enter retirement arrives. At this moment, these anticipated retirees can enjoy a two-year period of covered contributions once they have been forced to leave their jobs. Risk of impoverishment amongst these unemployed adults afterwards is high. Actually, **in 2013 the highest percentage of people at risk of poverty or social exclusion in Spain was 34.3% corresponding to the 55-59 years old population group living in households with low work intensity** (CES, 2014).

Summarizing, CCOO highlights the weakening of subsidies addressed to the older unemployed population and the stricter conditions to access partial retirement as negative moves which will bring more incertitude and risk to the less affluent and frailer social stratum. In 2017 UGT has published a report on the 55+ workers in the Spanish labour market in which some of the criticism made previously is illustrated with actual figures like the following (UGT, 2017):

- In the period 2007-2016 unemployment rate for 55+ people has multiplied by three, and the number of unemployed people in this age group has experimented a 322% raise (from 137 500 to 580 130 individuals).
- While 50.8% of 55+ unemployed individuals had been long-term unemployed in 2007, in 2016 the proportion has mounted to 76.2%.
- In 2016, 52.2% of part-time 55+ workers were unable to find a full-time job (in 2007, the percentage was around 20%).
- Currently, long-term unemployment amongst 55+ workers may imply a reduction of up to 40% of their retirement pension should they have retired after being employed until the legal retirement age.
- The lack of appropriate active policies addressed to 55+ unemployed people has provoked a strong discouragement amongst them: 192 700 of them recognize not searching for employment because they are convinced that they won't be able to find one.
- 229 788 55+ unemployed individuals (28.6% of all people in this situation) were not getting any subsidy from the public system in 2016.

Given the context just described, UGT has presented to the government a battery of proposals such as:

- New public services for guidance, training, orientation, and requalification of jobless people in the 55+ age cohort.
- New social subsidies for 55+ unemployed people with no income at all.
- New specific insertion programmes for 55+ unemployed individuals including combination of training and internships in the public and private sectors.
- New rules to calculate public pensions so that less affluent older workers who have been dismissed may reach retirement age with a right to a decent pension.

In the particular case of Andalusia, CCOO and UGT along with the Andalusian Confederation of Entrepreneurs and the regional Department of Employment were involved in the EQUAL project ‘ACTIVE. Promoting active ageing in the work market (2004-2007)’. This project was articulated around the following aims:

- To increase employment among older men and women.
- To delay average retirement age as much as possible.

ACTIVE was focused on the 55+ population but with special attention to 45+ women. Among the strategies implemented by ACTIVE were (i) setting up an on- and off-line centre for support and counselling addressed to older workers; (ii) training older workers to upgrade their ICT skills; (iii) introducing older people, whether unemployed or at-risk of exclusion, to new sources and opportunities for employment; (iv) raising awareness among employers about the potential of older people as workers; (v) advancing research on the present and future situation of older people in the labour market.

In the framework of the ACTIVE project, UGT reiterated its commitment around unemployed older people and engaged to support this group through its training and counselling services throughout the region, and “specific programmes addressed to older people so that delayed retirement and continuation in the labour market are favoured, alike with implementation of actions on retirement preparation and the fostering of active ageing” (UGT Andalucía, 2007, p. 43).

Through the ACTIVE project a long list of good practices to extend working life was laid out. From this list we have selected those practices that were more innovative at the time:

- Good practices to reintegrate unemployed older people to the labour market: opportunities to combine employment and training, promotion of organizational culture able to acknowledge the value of experience, training all-ages selection teams to prevent discriminatory attitudes.
- Good practices to delay retirement and promote work engagement in the pre-retired population: improve health conditions in work environments, supporting the creation of heterogeneous work groups with participation of people of all ages, cultivate intergenerational relationships, experience

exchange and tutoring, and advance flexible working schedules and transitions from labour to retirement (e.g., retirement tasters six months long before taking the official decision to retire).

**All these efforts by trade unions clearly understand the concept of active ageing as linked to employment and work environments. However, this conceptualisation lives side by side with another one that approaches active ageing as mainly to do with older people, whether retirees or not.** For instance, in 2014 CCOO released a report on active ageing which had been prepared by the union's section on pensioners and retirees (Federación de Pensionistas y Jubilados de CCOO, 2014). However, this report just focused on life conditions in the 65+ population (life styles, living arrangements, income, poverty, pensions, taxation and social services' provision, health and caregiving services, policies to prevent dependency in old age). Work environments were not covered at all.

This report is but another example of what it might be considered an extended bias: **the understanding of active ageing in Spain is mainly linked to older people considered as a population group outside the work market.** This bias explains to some extent the lack of commitment and relevant initiatives by Spanish social partners on active ageing as a workplace related issue. For another example CCOO's regional section on retirees based in Navarra published in 2015 a document entitled *Guidelines towards Active Ageing* (Asociación Navarra de Jubilados Progresistas, 2015). In this document there was only a few words about fostering employment as an endeavour within active ageing with the following unspecific implications:

- Enabling healthy and safe work conditions.
- Setting up employment services for older people.
- Preventing age discrimination in employment.
- Acknowledging older workers' contribution.
- Conciliate work and caregiving.

Again, a few general principles with no further implementation as far as we have been able to find out. At a national level, CCOO has recently rethought its whole raison d'être as a trade union and ageing was not even mentioned throughout the document describing the horizon for this organization.

### **6.3. NGO's and others**

Finally, we would like to name some organizations in Spain other than social partners that are engaged in the promotion of active ageing as connected to senior workers.

- **Observatory of 45+ Senior Work** is a non-for-profit entity supporting 45+ adults who wish to continue their involvement in the work market.

- **mYmO** focuses on social innovation projects aimed at raising consciousness and capacities of organizations around the management of age and generational diversity.
- **Civic Platform against Age Discrimination** gathers ten civic organizations to coordinate initiatives (such as the use of age-blind CV) aimed at removing and prohibiting all types of age discrimination.
- Some **companies in the training, staffing and recruitment sector** have committed to support opportunities to enhance older workers' employability: INNOVA Profesional Centro Técnico, Empleandose.com, ATPERSON formación para el empleo, CEI & Languages, Centro de Formación EDUCA, and High Tech Formación are some examples.
- **Foundations** such as Edad & Vida [Age & Life], ADECCO, and Empresa y Sociedad [Enterprise and Society], and **private organizations** like the Observatorio Generación y Talento [Generation and Talent Observatory] are disseminating documents and resources about the need to foster an age-sensitive multigenerational management of human resources.

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