



**Fédération Européenne  
des Médecins Salariés**  
European Federation  
of Salaried Doctors

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Author:	<b>CESM</b>		

## REPORT FOR FEMS

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### Precarious work

Our organization, CESM, has recently presented a survey about "Labour conditions of doctors in Spain", with the result that temporality and part-time contracts are increasingly more frequent.

The data obtained from the survey, describes the situation of more than 13.000 physicians. The 58.3% of physicians participating on the survey do not have a fixed position and 43.3% have been working with fixed-term employment contracts for over 10 years. Most of them (72%) work in the public system.

Another of the conclusions of this study reveals that 38.8% of physicians working in the Public System, have fixed-term employment contracts for less than six months. The average of contracts per year is 4,4.

### Agreement between Government and Unions

Last March, the government and the main public sector unions reached an agreement to convert temporary contracts into indefinite contracts in the next three months to come. It is estimated that this could affect more than 100.000 workers in the health sector.

CESM believes this agreement is not fulfilling our expectations:

- 1.- 100% of the doctors with more than one year of seniority must become "*interim*". This involves a reclassification of the fixed-term employment relationship into a '*non-permanent employment contract of indefinite duration*'.
- 2.- Public Employment Offer in the whole country on equal terms for all doctors.

Nevertheless, this will leave out a significant number of doctors.

Recent rulings of the European Court of Justice (Tenth Chamber) 14 September 2016, are helping Spanish courts to declare that workers with temporary contracts have same rights as the public servants with fixed positions in the Public Administration:

- a) Request for a preliminary ruling under Article 267 TFEU from the Administrative Court Nº 4, Madrid (Spain). In Case C 16/15 María Elena Pérez López v Servicio Madrileño de Salud.
- b) In Joined Cases C 184/15 and C 197/15, two requests for a preliminary ruling under Article 267 TFEU from the High Court of Justice of the Basque Country (Spain), by decisions of 9 March 2015, received at the Court on 23 April 2015 (C 184/15) and on 29 April 2015 (C 197/15), in the proceedings Florentina Martínez Andrés v Servicio Vasco de Salud (C 184/15) and Juan Carlos Castrejana López v Ayuntamiento de Vitoria (C 197/15).

These rulings are implementing the Directive 1999/70/EC, as well as measures to prevent the abusive use of successive fixed-term employment relationships. The penalty for such abuse is the reclassification of the fixed-term employment relationship into a 'non-permanent employment contract of indefinite duration'.

### **The wage loss continues**

Although the macroeconomic data show an economic recovery of Spain the fact is that this has not affected the wages of Spanish workers.

CESM is very critical on the fact that the Ministry of Finance has approved a wage increase of 1%, which does not even cover the inflation. This means that the accumulated wage loss since 2010 (higher than 25%) will continue despite there is no more economic crisis.

Spain, April 2017