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F O C U S

RIGHTS VIOLATION: DECENT WORK

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1. Decent work and the social and economic structure

The Spanish labor market has presented its own characteristics for many years, among which the following stand out¹: the high variability of employment compared to the economic cycle, a high level of unemployment that is maintained even in periods of growth, and a high job insecurity in its different dimensions (insecurity, lack of protection, low wages, poor employment conditions). These elements constitute a labor market contrary to decent work.

Decent work is the opportunity to access productive employment that generates a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for individuals to express their views, organize themselves and participate in the decisions that affect their lives, and equal opportunities and treatment for all, regardless of age, gender, origin, etc.

Protecting the right to decent work requires a paradigm shift, thinking about work from the perspective of the people and not from the purely productive and economic dimension. A society that promotes the right to decent work will have to raise the meaning and value of work beyond employment.

Decent work is crucial for sustainable development, as established in the SDGs of the 2030 Agenda², in particular, what is outlined in goal 8 “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. This requires a fair and dignified distribution of employment and social recognition of all the care work necessary for human life, a humanizing articulation of work and rest, fighting for human rights, and the decoupling of rights and their effective enjoyment from tenure and types of employment.

Decent work goes by sector

The very structure of our economic model, supported by a large service sector, generates a high number of jobs in sectors very exposed to the seasonality and the socioeconomic conjunctures (hospitality industry, tourism, auxiliary services...). These sectors are generating working conditions that are sometimes far from decent work. Thus, if we compare the average contribution base of the hospitality industry with the average of workers in the

¹ Banyuls, J., Recio, A. (2019): Inequalities in the labor market: an interpretative proposal, Working paper 2.2. for the VIII FOESSA Report. www.foessa.es/viii-informe/capitulo2.

² Sustainable development goals: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

country, the result is that salaries are 40%³ lower. And if within this sector we focus on the food and beverage service and we observe the difference between men and women, we see that the salaries of waiters are 43% lower and those of waitresses 50% lower.

If we focus on work in the domestic sphere, the first thing that stands out is that there are only 38,274 people registered as contributors in this professional sector, which indicates that a large number of women workers (a highly feminized sector) do their work without the rights and protection that they should have. On the other hand, the salary of domestic staff is up to 52% lower than the average among women.

These figures also serve to testify to the scarcity or ineffectiveness of policies that make it possible to reduce this inequality and unfair conditions for people working in essential sectors such as domestic work, agriculture, and hospitality.

Particularly affected human groups

Difficulties in accessing decent work are suffered by a significant part of society, people of different ages, origins, and educational levels, but they are especially significant among women and the population of foreign origin. In the case of women, it is worth noting the significant wage inequality with respect to men, which, measured in terms of the wage gap, reaches an average earning of **21%**⁴ less among women⁵.

The population of foreign origin suffers particularly severely from the violation of the right to decent work; a part of the population who is pushed into irregularity by the legal framework. These are people in irregular administrative situations, who are forced to fill jobs in the informal economy: an unavoidable experience to achieve the option to regularize their situation and get a work permit, which is not always a decent job. There are therefore institutional conditions that, regardless of their real qualifications, force them to accept jobs with the worst working conditions and wages. Even when the administrative situation is regular, wage inequality measured in terms of the wage gap reaches a lower average gain of **24%** among foreign workers⁶.

2. Precariousness that leads to indecent work

We speak of job insecurity when, although there is a job, the income received through employment is insufficient to get out of situations of poverty. If we take into account the relative poverty threshold, this is a reality in which **13.2%**⁷ of the employed population lives and **3.1%** if we consider severe poverty.

Thus, there are **6.3 million working poor** who, despite being employed, cannot leave situations of relative poverty, that is, a high number of people who, despite getting up early every day and devoting much of their time and energy to fulfilling their job, they continue to be denied the right to cover their own basic needs and those of their families. This may be

³Statistics of Contribution Bases for Common Contingencies and Contributors (Natural Person) under the General Regime (March 2020)

⁴In the attached tables, you can find the figures for each data item in bold, broken down by Autonomous Community.

⁵Salary Structure Survey, INE. Wage gap = (average earnings of men-average earnings of women) / average earnings of men

⁶Salary Structure Survey, INE. Wage gap = (average earnings of Spaniards-average earnings of another nationality) / average earnings of Spaniard.

⁷Living Conditions Survey (2019)

due to low wages per se, but undoubtedly scenarios of both bias and unwanted part-times also play a role.

According to the Labor Force Survey of the second quarter of 2020, **13.5%** of the population has a part-time job and almost half of them, **48.1%**, suffer from **undesired part-time work**, that is, they remain in this contractual situation because they have not been able to find a full-time job or get extended hours in their current job. In other words, they would like to work more hours, but they cannot find a place to do so, thus being denied their right to have a full-time job, with all that this implies in terms of personal fulfillment, but, above all, in terms of income and the well-being and comfort that, in this system, is associated with that.

The temporary nature of the hiring and the **short duration of the contracts** is yet another reality that plagues our labor market. In August of this year, and according to the Report of the Public State Employment Service, only 8.6% of the new contracts that were signed were indefinite, which represents a very low generation of stable and long-term employment. On the other hand, temporary contracts reached 56.3% of the total contracts signed in that month and, of these, one out of every four, 37.8%, had a duration of less than seven days. These data show that temporality is a distinctive feature of our labor market.

Thus, the stability offered by full-time employment with an indefinite contract is today a pipe-dream for nearly four out of every ten workers (**34.6%**), a large percentage of the population that does not work the hours they would like nor for the periods of time they would like, in a clear violation of their right to decent work.

In short, we can affirm that there is a **16.4 %** of the population in households whose main breadwinner is in a situation of **serious labor instability**⁸, which is to say that more than **7.8** million people live in households where their main breadwinner maintains a very insecure relationship with employment, either because they have a job but not a contract, because of its intermittent absence or because of a very high succession of short-term jobs that leads them to change companies or contracts every so often.

Of all these realities, we would especially like to highlight that of the people who subsist on informal employment, which encompasses **1.3%** of the population, that is, more than **615,000** who probably live in the worst scenario of job insecurity, and who witness their rights being trampled on without being able to grasp the arbitration of justice or social coverage in less favorable periods.

3. When employment does not guarantee a decent life

The described scenario shows the difficulty that many of these families find in designing vital itineraries, since it is almost impossible to plan in the medium or long term when there is no job security, the salary only allows subsistence or if, due to the short duration of the contracts, there is no stability of employment and, with it, of income.

For example, **52.2%** of families in a situation of serious labor instability do not have the money to cover unforeseen expenses and **42.0%** have had to ask relatives or friends for financial assistance.

⁸ Severe labor instability is defined by fulfilling at least one of the following categories over the last year: having been unemployed for 3 months or more, having had 6 or more contracts, having been hired by 3 or more companies or working without a contract and Social Security benefits

Housing is one of the areas in which suffering such serious labor instability implies an aggravation in the violation of rights. **18.6%** of people in this situation have received cut-off notices for not having enough money to pay for utilities, well over twice as many as the general population (**7.2%**). There are even more people who do not have enough money to meet housing-related expenses (mortgage, rent, utilities, etc.), reaching almost three out of ten of these families (**28.2%**), a reality that is multiplied by **2.3** among households with the aforementioned labor instability.

And while education continues to be presented as a possible lifeline for future generations, we observe that in this area there are also difficulties associated with a situation of serious labor instability. Thus, **13.1%** of the families whose main breadwinner is in this situation have serious difficulties in dealing with school supplies, which is **three times** the percentage of the general population that suffers from this condition (**4.3%**).

In this context, it is not surprising that **25.9%** of people in situations of serious labor instability have needed their savings to cover daily expenses, which reflects how the absence of decent work brings millions of families to subsistence levels, since savings, when they are there, are limited, and the stringing together of jobs that are insufficiently paid or in which people work fewer hours than they need, causes that cushion to diminish until it disappears.

On the other hand, public unemployment protection systems have not been able to adapt to this mutation that has taken place in the labor market. As various fields have reiterated, having a job, especially if it is precarious, does not protect against situations of exclusion or poverty, and that is something that must be assumed and understood from the public protection systems in order to face it, since work has lost its relevant role as a guarantor of social inclusion.

This mismatch between the new forms of exclusion generated by the current structure of the labor market and the protection systems is shown by the fact that only **24.8%** of households supported by a person in a situation of serious labor instability receive some type of unemployment benefit or guaranteed minimum income.

In summary, we are faced with a labor market that is incapable of assuring a high percentage of the employed population the right to decent work and that, as a consequence, is denied its right to housing and other basic needs, without the protection systems of the welfare state reacting with the flexibility that reality requires.

METHODOLOGICAL NOTE:

The published information has four main sources:

- Living Conditions Survey 2019, INE.
- Salary Structure Survey, 2018, INE.
- Statistics of Contribution Bases for Common Contingencies and Contributors under the General Regime, 2020, Social Security.
- EINSFOESSA 2018. Foessa Foundation 2018 Integration and Social Needs Survey, which is based on a global sample of 11,655 households and 29,953 individuals, representing a margin of error of less than 1%. The sample for the Autonomous Communities is made up of a minimum of 650 households and a minimum of 1,500 people, representing a maximum margin of error of 5.5%.

4. Annexes

Table 1. Variability in income from wages of women compared to men and of foreign workers compared to Spanish workers.

<i>Autonomous Communities</i>	<i>Labor gap by gender</i>	<i>Labor gap by nationality</i>
Andalusia	24.4%	33,0%
Aragon	24.6%	25,6%
Asturias	29.3%	19,9%
Balearic Islands	13.7%	21,1%
Canary Islands	14.7%	26,6%
Cantabria	22.6%	32,0%
Castilla-La Mancha	20.3%	23.2%
Castile and León	22.9%	27,3%
Catalonia	22.2%	21.5%
Valencian Community	21.6%	21.7%
Extremadura	17.5%	18.1%
Galicia	21.3%	25.3%
Madrid	19.8%	29.6%
Murcia	21.4%	23.3%
Navarra	23.2%	27.0%
Basque Country	22.6%	29.7%
La Rioja	22.7%	20.1%
Total Spain	21.0%	24.0%

Table 2. Percentage and estimate of the number of workers in a situation of relative and severe poverty.

<i>Autonomous Communities</i>	<i>Workers in relative poverty</i>	<i>Workers in severe poverty</i>	<i>Estimation of workers in relative poverty</i>
Andalusia	21.6%	6.6%	1,116,000
Aragon	13.4%	2.6%	175,400
Asturias	16.6%	6.7%	134,500
Balearic Islands	6.5%	3.6%	154,500
Canary Islands	19.0%	3.1%	287,000
Cantabria	11.0%	0.5%	77,000
Castilla-La Mancha	15.7%	3.9%	316,000
Castile and León	8.4%	1.9%	270,000
Catalonia	8.5%	1.7%	1,027,000
Valencian Community	15.5%	3.4%	667,000
Extremadura	24.2%	2.7%	140,000
Galicia	12.5%	2.2%	356,500
Madrid	11.2%	2.2%	895,000
Murcia	19.2%	3.6%	199,500
Navarra	3.7%	0.9%	87,200
Basque Country	7.0%	1.2%	293,000
La Rioja	8.4%	3.6%	42,000
Total Spain	13.2%	3.1%	6,260,000

Table 3. Percentage of workers who have part-time and unwanted part-time contracts.

<i>Autonomous Communities</i>	<i>Part-time</i>	<i>Unwanted Part-time</i>	<i>Outside the Social Work Norm*</i>
Andalusia	13.4%	57.8%	40.9%
Aragon	13.4%	38.2%	33.5%
Asturias	12.2%	49.7%	31.7%
Balearic Islands	12.1%	42.5%	35.3%
Canary Islands	11.7%	67.7%	36.4%
Cantabria	12.8%	55.1%	37.4%
Castilla-La Mancha	14.8%	46.7%	33.8%
Castile and León	12.4%	49.6%	35.4%
Catalonia	13.1%	41.6%	30.7%
Valencian Community	15.2%	41.9%	35.1%
Extremadura	14.3%	55.9%	46.6%
Galicia	13.0%	46.2%	34.9%
Madrid	12.1%	53.3%	24.5%
Murcia	14.4%	44.1%	36.6%
Navarra	14.1%	36.2%	37.0%
Basque Country	15.8%	47.2%	29.9%
La Rioja	15.7%	39.8%	31.9%
Total Spain	13.5%	48.1%	34.6%

*Social Work Norm: having a full-time and indefinite-term contract

Table 4. Households whose main breadwinner is in a situation of Serious Labor Instability (SLI) or in the informal economy. Number of people living in these households.

<i>Autonomous Communities</i>	<i>Households with main breadwinner in SLI</i>	<i>Number of People in SLI households</i>	<i>Households with the main breadwinner in the Informal Economy</i>	<i>Number of People in informal economy households</i>
Andalusia	23.2%	1,964,000	1.0%	84,000
Aragon	17.0%	225,500	0.3%	4,000
Asturias	20.7%	210,500	1.4%	14,000
Balearic Islands	20.7%	243,000	3.2%	37,000
Canary Islands	22.1%	481,500	1.5%	33,000
Cantabria	11.8%	68,500	--	--
Castilla-La Mancha	16.1%	328,500	0.6%	12,500
Castile and León	11.2%	268,500	0.9%	22,500
Catalonia	11.7%	906,500	1.0%	78,000
Valencian Community	19.0%	959,500	3.6%	181,000
Extremadura	19.5%	207,500	0.4%	4,000
Galicia	13.6%	368,000	0.6%	15,500
Madrid	12.5%	850,000	1.2%	82,500
Murcia	18.0%	271,500	1.2%	18,000
Navarra	14.5%	96,000	0.6%	4,000
Basque Country	8.3%	184,000	0.9%	19,500
La Rioja	---	---	1.2%	3,800
Total Spain	16.5%	7,812,000	1.3%	615,00

Table 5. Percentages of households whose main breadwinner is in Serious Labor Instability and that suffer the following situations.

<i>Autonomous Communities</i>	<i>Not having money to meet unforeseen expenses</i>	<i>Being forced to borrow money from friends or relatives</i>	<i>Using part of their savings to meet daily expenses</i>
Andalusia	51.1%	41.6%	22.5%
Aragon	28.6%	21.8%	16.4%
Asturias	46.4%	41.1%	19.6%
Balearic Islands	62.5%	43.8%	36.9%
Canary Islands	55.8%	43.7%	27.0%
Cantabria	50.0%	31.3%	12.5%
Castilla-La Mancha	63.2%	45.5%	25.0%
Castile and León	47.4%	33.8%	32.1%
Catalonia	53.6%	40.1%	29.0%
Valencian Community	64.8%	53.4%	36.9%
Extremadura	38.1%	28.6%	12.2%
Galicia	46.2%	46.2%	35.5%
Madrid	42.2%	41.6%	9.8%
Murcia	73.4%	50.8%	33.8%
Navarra	44.4%	27.8%	11.8%
Basque Country	49.0%	43.4%	40.4%
La Rioja	---	---	---
Total Spain	52.2%	42.1%	25.9%

Table 6. Percentage of households that have experienced threats of housing utility cuts.

<i>Autonomous Communities</i>	<i>Serious Labor Instability Households</i>	<i>Households in general</i>	<i>Differential</i>
Andalusia	9.3%	3.9%	2.4
Aragon	9.3%	3.9%	2.4
Asturias	14.3%	6.6%	2.2
Balearic Islands	23.1%	9.1%	2.5
Canary Islands	29.5%	17.0%	1.7
Cantabria	12.5%	3.3%	3.8
Castilla-La Mancha	19.7%	6.5%	3.0
Castile and León	9.3%	3.1%	3.0
Catalonia	23.7%	8.5%	2.8
Valencian Community	31.9%	12.6%	2.5
Extremadura	21.4%	8.5%	2.5
Galicia	19.4%	4.7%	4.2
Madrid	19.7%	6.5%	3.0
Murcia	27.7%	11.2%	2.5
Navarra	16.7%	4.9%	3.4
Basque Country	13.2%	4.2%	3.1
La Rioja	---	2.4%	---
Total Spain	18.6%	7.2%	2.6

Table 7. Percentage of households that do not have enough money to meet housing-related expenses (mortgage, rent, utilities ...).

<i>Autonomous Communities</i>	<i>Serious Labor Instability Households</i>	<i>Households in general</i>	<i>Increased probabilities among SLI households</i>
Andalusia	21.1%	10.1%	2.1
Aragon	9.3%	4.8%	1.9
Asturias	23.6%	13.3%	1.8
Balearic Islands	38.5%	19.1%	2.0
Canary Islands	33.1%	18.5%	1.8
Cantabria	25.0%	5.3%	4.8
Castilla-La Mancha	35.5%	12.2%	2.9
Castile and León	32.0%	10.3%	3.1
Catalonia	28.0%	13.4%	2.1
Valencian Community	43.2%	20.4%	2.1
Extremadura	21.4%	8.9%	2.4
Galicia	23.7%	8.7%	2.7
Madrid	27.2%	8.7%	3.1
Murcia	37.5%	15.4%	2.4
Navarra	22.2%	6.2%	3.6
Basque Country	24.5%	8.3%	3.0
La Rioja	---	7.2%	---
Total Spain	28.2%	12.0%	2.3

Table 8. Percentage of households that have difficulties coping with school supplies.

<i>Autonomous Communities</i>	<i>Serious Labor Instability Households</i>	<i>Households in general</i>	<i>Differential</i>
Andalusia	10.5%	4.2%	2.5
Aragon	5.5%	2.7%	2.0
Asturias	7.1%	2.4%	2.9
Balearic Islands	12.3%	7.4%	1.7
Canary Islands	14.0%	7.9%	1.8
Cantabria	---	.7%	---
Castilla-La Mancha	11.7%	5.1%	2.3
Castile and León	7.7%	1.9%	4.1
Catalonia	18.8%	4.5%	4.1
Valencian Community	22.5%	7.4%	3.0
Extremadura	14.3%	4.8%	3.0
Galicia	6.5%	1.5%	4.5
Madrid	13.3%	2.3%	5.9
Murcia	17.2%	9.8%	1.8
Navarra	5.9%	2.5%	2.4
Basque Country	9.6%	4.1%	2.4
La Rioja	---	3.7%	---
Total Spain	13.1%	4.3%	3.0

Table 9. Percentage of households supported by a person in a situation of serious labor instability that receive some type of unemployment benefit or guaranteed minimum income.

<i>Autonomous Communities</i>	<i>Serious Labor Instability Households that do not receive protection</i>
Andalusia	27.8%
Aragon	9.1%
Asturias	32.7%
Balearic Islands	30.8%
Canary Islands	22.1%
Cantabria	37.5%
Castilla-La Mancha	15.8%
Castile and León	25.3%
Catalonia	27.5%
Valencian Community	24.6%
Extremadura	35.7%
Galicia	24.5%
Madrid	15.0%
Murcia	21.9%
Navarra	38.9%
Basque Country	30.2%
La Rioja	---
Total Spain	24.8%