



TWING PROJECT

Spain

Fieldwork Report

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PARTNER: NOTUS

AUTHORS: MARTÍ FERNÁNDEZ SABOYA, PABLO SANZ DE MIGUEL, JUAN ARASANZ DÍAZ



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1. Introduction and methods

This research report presents the findings from fieldwork conducted as part of the TWING project in Spain. It is one of the deliverables for the Fieldwork phase and provides an in-depth analysis of collective bargaining on telework in Spain. The analysis presented in this report is intended to provide an in-depth examination of the impact of telework on collective bargaining in Spain following the implementation of Law 10/2021 on Remote Work and Royal Decree-Law 29/2020. It focuses on four sectors (ICT consultancy, financial sector, chemical industry, and General State Administration) which face different constraints in relation to telework.

The evidence presented in the report is based on 24 semi-structured interviews conducted between September 2023 and March 2024, which included cross-sectoral and sectoral social partners. All organizations involved in sectoral negotiations in every sector were contacted, and most agreed to participate in the interviews. The interviews were conducted in accordance with the guidelines outlined in the Methodological report. Table 1 below shows the organizations that were contacted and the interviews conducted. All interviews were coded using a qualitative data analysis software (NVIVO) to aid in the organization and systematization of the information.

Sector	Organizations contacted	Level	Interviews	Acronyms
ICT consultancy	FSC-CCOO FeSMC-UGT AEC ANIMES	Sector	3	EO1, EO2, TU1
		Company	2	TU2, TU3
Financial sector	FSC-CCOO FeSMC-UGT AEB	Sector	4	EO3, TU4, TU5, TU6
		Company	1	TU7
Chemical sector	UGT-FICA CCOO-Industria Feique	Sector	3	EO4, TU8, TU9
		Company	3	EO5, TU10, TU11
General State Administration	CCOO-Servicios AGE UGT-SP		5	EO6, EO7, TU12, TU13, TU14
Cross-national	CCOO UGT		3	EO8, TU15, TU16
Total			24	

Table 1: Interviews conducted during the fieldwork phase in Spain

Following this introduction, the report is structured as follows:

- Section 2 provides a summary of the perspectives held by trade unions and employer organizations on the advantages, disadvantages, and key concerns associated with telework.

- Section 3 provides an overview of the regulation of teleworking in each sector analysed, along with a brief description of the industrial relations landscape.
- Section 4 analyses the bargaining strategies on telework, as well as the flexibility approaches that were observed in the implementation of telework arrangements as a result of the agreements analysed.
- Section 5 provides some analytical conclusions which aims to clarify how national legislation, sectoral-specific logics, and the industrial relations landscape either facilitated or impeded negotiations on telework. The section also discussed how different bargaining approaches led to different flexibility outcomes.

2. Social partners' interpretation of telework

This section analyses trade unions and employer organisations' interpretations of telework in the four sectors studied in a general context of increasing prevalence and changes in the regulatory framework. Our findings are based on all interviews conducted, including both sectoral and company-level interviews.

2.1 ICT Consultancy

Both parties in this sector agreed that their views on telework had undergone a significant transformation due to the pandemic. Neither side had anticipated the remarkable upsurge in telework arrangements that is currently happening in this sector. Prior to the pandemic, employer organizations asserted that telework was only provided in exceptional circumstances for work-life balance purposes. On the contrary, trade unions emphasized that it was exclusively offered as a reward. Trade unions' representatives claimed that presentism was the primary obstacle to telework implementation.

There was a lot of presence in the offices and it was quite possible that whoever had a workload would follow the office to prove to the new boss that he worked hard and was the best. (TU1)

Both employer organizations interviewed acknowledged that even during the pandemic, there was a reluctance on the part of companies to continue telework arrangements, despite the

sector's great adaptability to mandatory telework¹. According to employer representatives, employers' concerns regarding the impact of telework on productivity were however alleviated after a perceived "assimilation period" in a post-pandemic scenario. In this new scenario, employers find benefits from telework arrangements in terms of talent attraction and productivity, especially in the actual context of increased recruitment needs. Trade unions added to employers' benefits that businesses are actually reducing expenses by shutting down facilities, and some claimed that working remotely makes it simpler for companies to offer services to customers because employees do not have to work on the client company's premises.

The trade unions emphasized that telework had become a desire of employees. Teleworkers gained advantages such as saving time and expenses on commuting, having greater control over their work schedules, and achieving a better work-life balance. However, they also acknowledged that teleworkers tended to work longer hours more frequently, which they attributed to the inherent workload in the sector. With regard to the impact of telework on trade union organization, some employees' representatives admitted having internal discussions. Generally, unions identified opportunities for trade union organization, arguing that employees in ICT consultancy are already used to virtual interactions due to their job requirements.

2.2 Financial sector

Both parties in the financial sector agreed that the outbreak of the pandemic served as a catalyst for the implementation of telework on a larger scale, and most companies demonstrated a high level of adaptability to mandatory telework. Although telework was not widely practised before the pandemic, both parties acknowledged the topic of telework as one of interest and recognized that some companies had already regulated telework before the pandemic.

The key advantages of telework that were highlighted by the employer organization included talent attraction, an improved work environment, increased employee satisfaction (i.e., "emotional salary"), and the enhancement of digital skills. It is important to note that the

¹ Interestingly, employer organizations stated that they were somewhat interested in regulating telework before the outbreak of the pandemic for talent attraction (ICT consultancy) and/or saving costs (telemarketing), but were met with refusals from trade unions (ICT consultancy) and employees (telemarketing).

employer organization did not view cost savings as a reason for implementing telework in their workplaces. However, most trade union representatives concurred that many businesses actually do.

In other words, in the end, they are granting telework to certain departments because it is linked to the cost savings that will result from closing that work center. We have more and more of these departments that [...] they work... 100% of the workday. They no longer have a physical work center to go to. (TU15)

The primary concern of the main employer organization is the effects of national legislation, especially with regard to reversibility and access to telework. According to the employer organization, there is a risk of telework becoming a right for employees, which may undermine reversibility on the employers' part. Actually, they denounced that they can hardly withdraw telework from a given employee if it is not particularly well justified.

Because regulations do not understand human singularities [...]. And it is true that there is a danger in telework, which for us is a certain risk, and that is that teleworking is understood more as a figure of work-life balance than as a figure of work. (E03)

According to trade unions, employees generally hold favourable views of telework, and both parties have acknowledged that telework is currently a sought-after aspect by workers. The most noteworthy positive assessments on telework identified by trade unions include increased career prospects for the employed population outside the capital (Madrid), enhanced work-life balance, flexibility, and autonomy in working hours. The primary concern raised by trade unions was communication with employees, especially regarding union elections, as the communication means are normally owned by the corporation. They also raised certain concerns about increasing working time and risk assessment, as it was reported that physical inspections of home work-offices were not often carried out.

2.3 Chemical sector

The utilization of telework has increased due to the pandemic in this industry, particularly because this sector was deemed essential during the pandemic. According to the interviewees, the growth in this sector may not be as impressive when compared to the other sectors. Both parties agreed that some companies struggled to adapt to telework and eventually returned to presential work after the pandemic.

The primary benefit of telework for employers, as stated by the main employer organization, is cost savings and an improved labour climate. However, the main employer organization

also reported that implementing telework can worsen the work environment among employees not entitled to telework.

According to trade unions, telework was viewed optimistically by employees. They cited several advantages, such as cost savings for employees (i.e., commuting costs), particularly those with lower salaries and improved work-life balance. However, concerns were also raised about the individualization of labour relations and communication to employees in telework arrangements. Also, an employee representative in a cross-national company expressed slight worry about the impact of telework on employment, particularly cross-border telework, despite holding generally positive views on telework.

2.4 General State Administration

The use of telework arrangements in this sector has noticeably increased following the pandemic, with eligible employees working 1–3 days a week, depending on their department. Trade unions have reported that many employees with teleworkable job positions are requesting telework arrangements.

According to trade unions interviewed, the implementation of telework has been established to offset expenses (specifically, energy savings) that the General State Administration incurs due to the ongoing Ukrainian conflict.

Trade unions in the General State Administration have expressed the most critical views on telework. All employees' representatives have emphasized the risk of telework being perceived as a work-life balance measure, at the expenses of existing rights such as flexibility in working time for work-life balance purposes.

There were people who were forced to be in... not to use that flexible schedule if they were teleworking. And all those things is what people say, "well, but I'm at home. So, I'd rather give up the flextime, but I'm at home". So, these are the things that people give up the rights they have achieved because they are doing me the favor of letting me stay at home (TU12).

On the other hand, all trade unions reported that there is a lack of adequate regulation on telework, which can result in poor citizen service, a non-existent occupational risk-prevention policy, and a heavy workload. However, all trade unions have identified several advantages for employees, including enhanced performance, increased satisfaction, and better work-life balance, especially for employees from other regions.

2.5 Summary

Views on telework are largely consistent across all sectors examined. On the employees' side trade unions identified several positive impacts of telework, including improved work-life balance, cost savings (attributed to rising prices) and reduced commuting time. However, they also expressed concerns regarding the actual implementation of telework in some sectors and/or companies (i.e., risk assessment, access to telework arrangements, economic compensation, communication to employees and provision of means), and most of them reported that telework may contribute to an individualisation of labour relations. However, it is noteworthy that telework has not resulted in any documented adverse impacts on working conditions as reported by trade unions at least in a post-pandemic scenario.

On the other hand, all employers' organisations agreed that telework is mostly being used mainly for talent attraction and to improve the work environment. Interestingly, almost all trade unions representatives interviewed stressed that employers are usually saving costs by implementing telework, but most employer organisations disagreed that saving costs is an actual driver of telework implementation.

Table 2 summarizes specific views gathered in each sector. The following paragraphs aims to synthetize each party's views in every sector as identified in this section.

In ICT consultancy, neither party anticipated the actual increase in telework arrangements. Trade unions reported that employees strongly benefit from saving costs and enhanced work-life balance, but they generally complain about non-regulated forms of telework and poor economic compensation and/or provision of means. Employers' organisations identified opportunities for attracting talent, which may be particularly useful for this sector due to the high turnover rates and the actual context of increased recruitment. On the other hand, the employer side did not identify any drawbacks of telework.

In the financial sector, the trade union side reported that they already expected an increase in telework arrangements, because there had already been discussions on telework in some companies before the pandemic. Trade unions reported that employees generally benefit from saving costs, enhanced work-life balance and career opportunities, but concerns were raised about access to telework arrangements, economic compensation and/or provision of means. On the other part, the main employer organisation reported that employers implement telework to attract talent and improve the work environment. However, they expressed concern about an eventual loss of control on access to telework and/or reversibility on the part of the employer.

In the chemical sector, both parties highlighted the difficulties to implement telework due to the low teleworkability, but reported that telework has generally increased in the sector. Trade unions in this sector expressed mostly positive perspectives on telework, on work-life balance and costs savings. On the employer side, talent attraction was also considered a driver for telework implementation, especially for high-skilled job positions in this sector with high turnover rates. However, it seems that many employers in this sector are still concerned about the impact of telework on productivity and work environment due to the limited teleworkability in the sector.

In the General State Administration, trade unions had more reservations with regard to telework. Some union representatives concurrently reported the potential drawbacks of telework in terms of working conditions, particularly on gender equality (i.e., the possibility of more female employees than male taking telework arrangements) and on the effect that telework may have on other work-life balance benefits such as flexibility in working hours. However, they also identified benefits in terms of work-life balance and saving costs for employees, particularly for employees from other regions. On the employers' part, the only benefit identified was saving costs as reported by trade unions. On the other hand, all trade unions reported a worsening in public service as a result of telework implementation.

Sector	Employers' risks	Employees' risks	Employers' benefits	Employees' benefits
ICT	No identified	Increasing working time	Talent attraction Cost savings* Provision of services to customer companies.	Cost savings. Work-life balance
FIN	Non-reversible telework arrangements Security concerns	Communication to employees Increasing working time	Cost savings* Work environment	Career opportunities for employees not living in the capital. Cost savings (commuting) Work-life balance
CHE	Productivity Worsening of work environment (i.e., non teleworkable job positions)	Communication to employees Increasing working time	Talent attraction Work environment	Work-life balance Cost savings
GSA	Quality of citizens' services.	Conflicts with work-life balance measures. Telework may lead to increased workload. Gendered access to telework arrangements	Energy savings*	Employees from other regions strongly benefits from telework. Work-life balance Cost savings

Table 2: Singular views on telework of each partner in each sector

**Information from trade unions, employers' organizations disagree or have not provided information.*

3. Regulation of telework through collective bargaining

This section provides a comprehensive overview of the industrial relations landscape across the four sectors studied, with a focus on the key organizations involved in sectoral negotiations and the structure of collective bargaining. Additionally, it offers a concise summary of the regulation of telework through collective bargaining agreements. For a more

in-depth analysis, the Desk Research Report for Spain offers additional information on this subject².

3.1 Structure of collective bargaining

In Spain, the organization of collective bargaining differs between the public and private sectors. The collective bargaining structure for public employees is regulated in the EBEP (Estatuto Básico del Empleado Público, Basic Law for Public Employment). According to this law, there are three bargaining levels. In the more centralized level, there is a joint bargaining forum comprising public employees (civil servants as well as salaried employees) from any level of the public administration (General State Administration, Autonomous Communities and the Local level). These joint bargaining forums deal with common issues for civil servants and salaried employees. In the second level, there is a bargaining forum for each administration, i.e., one for the general administration, one for each of the Autonomous Communities and one for each local government. Finally, the third level consists of sectoral bargaining forums created by the general bargaining forums at higher level. Collective bargaining in the sectoral bargaining forums will deal with any issue not covered by the general bargaining forums, or that the general tables explicitly delegates to the sectoral bargaining forums. Finally, the EBEP also considers the existence of specific bargaining forums for civil servants only, that could be formed at State level (The General Bargaining Forum of the Public Administrations) as well as at the level of the Autonomous Communities and Local government

In the private sector, a multi-tier collective bargaining model exists where different bargaining levels are articulated in different sectors (national-sectoral, regional, provincial and company agreements). Although legislative reforms on collective bargaining regulation enacted in 2011 and 2012 gave prevalence to company agreement over multi-employer with regard to pay and pay supplements, current legislation approved in 2022 gives prevalence to sectoral collective agreements over company agreements.

Below we describe the structure of collective bargaining in the three private sectors studied in the TWING project:

ICT Consultancy. There are two multi-employer sectoral agreements concluded at national level covering the sector: ICT consultancy (the most important) and metal sector agreement (only covers a small part of the sector). The primary employer organizations

² Please, find Desk research reports in [TWING project website](#).

in this sector are AEC (ICT consultancy) and ANIMES (telemarketing), while CCOO-Servicios and FeSMC-UGT are the most important trade unions signing both agreements. Company collective agreements are relatively uncommon in this sector. Information and consultation practices and individual contracts are the most common forms of governing employment and working conditions at company level. The sector comprises both large companies, particularly in the ICT consultancy sector, and SMEs in both ICT consultancy and telemarketing.

Financial sector. This industry comprises three sub-sectors: banks, savings banks, and credit cooperatives, each with its own sectoral multi-employer collective agreement. This report focuses specifically on the banking sector. Employers in this sector are organized under the AEB, while CCOO-Servicios and FeSMC-UGT represent the employees' interests. Company collective agreements also exist in this sector. According to trade union estimates, approximately 80% of workers in the banking sector are employed by large corporations.

Chemical sector. The industrial relations in this sector are regulated by a comprehensive sectoral agreement, which is characterized by its extensive scope and the absence of significant conflicts during negotiations. The primary employer organization, Feique, represents the interests of employers, while UGT-FICA and CCOO-Industria represent the interests of employees. The sector encompasses a wide range of company sizes and activity domains, with SMEs being the most prevalent. Company collective agreements are not common. Instead, the sectoral collective agreement allows a particular type of agreement in a company level, i.e., company pacts (“pactos de empresa”), which aims to further regulate on the sectoral collective level. Interestingly, this legal figure has the same requirements as company collective agreements, but its validity is subjected to the sectoral collective agreement. Thus, this agreement must be signed with the legal representation of workers, and are valid only as long as the agreement is in force.

3.2 Regulation on telework in each sector

The regulations governing telework differ between the private and public sectors. In response to the Ukrainian conflict, national legislation allowing telework in the General State Administration was enacted with the aim of saving energy (Order PCM/466/2022). However, this legislation does not allow for full-time telework and does not provide any reimbursement for related expenses. The implementation of telework is dependent on each individual

department, and no negotiations regarding telework have taken place in the General State Administration as of yet.

In the private sector, the enactment of legislation is characterized by a comprehensive approach to the acknowledgment of rights, with numerous references made to collective bargaining. Nevertheless, sectoral collective bargaining does not encompass telework in extensive detail. The regulation of telework in each sector is limited and often amounts to a legal adaptation that mirrors national legislation. While some sectors provide more detailed regulation of telework, it typically consists of provisions related to; 1) the reimbursement of expenses; 2) the provision of equipment (computers, etc.), and to a lesser extent, 3) access to telework. Table 3 summarizes the main provisions regulated in sectoral collective agreements in the three private sectors studied (See Desk research report for a more in-depth analysis of sectoral collective agreements regulating telework).

Sector	Compensation of costs	Collective rights	Access to telework	Provision of equipment
ICT	€17	General reference		Computer and screen or laptop, mouse and keyboard.
FIN	€55	Use of company resources for trade union activities. Trade union control on telework implementation and/or teleworkers.		If required: Computer, tablet or laptop; smartphone with internet connection; ergonomic chair. Up to €130 of compensation or provision of screen, mouse and keyboard.
CHE	€35 (not a minimum)	General reference.	Annual census of teleworkable job positions if requested	General reference.

Table 3: Main differences in sectoral regulation on telework in each sector analysed.

4. Bargaining approaches

This section presents the central findings from the fieldwork drawing on the interviews conducted. The first part outlines each sectoral negotiation process involving telework. It examines the topics discussed, each party's priorities, the main difficulties encountered in negotiations, and the outcomes of the agreement. Subsequently, the section examines how the agreements were further implemented by analysing interviews from sectoral organizations at both the sectoral and company levels. This is done to understand the flexible approach to telework arrangements on a sectoral basis.

In the second part, a cross-sectoral analysis is carried out which aims to identify similarities and differences on bargaining and flexibility approaches in the sectors analysed.

4.1 Sectoral analysis

4.1.1 ICT consultancy

This sector was undeniably the most contentious in sectoral collective bargaining negotiations. Negotiations started in 2019 and were unexpectedly disrupted by the outbreak of the pandemic. The key topics of discussion focused on occupational categories and economic compensation. Although telework was addressed, it was not a source of significant contention, with reimbursement of expenses and provision of resources being the primary concerns.³

Trade unions attempted to incorporate as many items as possible into the negotiations, such as shifts and guards, working hours, permits, offsets, and irregular working hours. Conversely, employer associations sought to limit the scope of the negotiations as much as possible and initially declined to discuss most trade unions' demands. In a similar vein, the employer's side initially refused to regulate on telework.

It is evident that the sector-level regulation should be minimal, respecting any agreements that companies have reached and, above all, avoiding any harm to any business. From here, everyone can improve whatever they want in terms of days, intensity, or means. And well, that's what we did. (E01)

³ Employer organizations stated that companies in ICT consultancy tend to provide more intensive telework arrangements (2-5 days per week) than telemarketing companies (1-2 days per week).

During the most severe period of the COVID-19 pandemic, negotiations were interrupted. In late 2021, following a change in the unions' negotiators, negotiations resumed. The union side put forth an audacious suggestion regarding occupational categories and remuneration, whilst the employers' side countered with a proposal for increased employer flexibility in determining annual working hours (a 15% allowance). Due to this, the conflict intensified and trade unions backed negotiation stoppages and strikes during 2022, aiming to incorporate additional topics into the negotiations.

After the summer of 2022, discussions re-started with a focus solely on salaries and occupational categories, without addressing any other claims from either party. The number of occupational categories was increased, albeit less than the initial demands, and wages were raised to just above the minimum wage.

Telework was only negotiated at the end of the negotiations, with minimal discussion. The agreed-upon economic compensation of €17 was deemed small by both parties. It is important to note that only one of the two trade union organizations, which was less representative, pushed for regulations on telework. They suggested that allowing employees to work from home without a formal arrangement could lead to accusations of job abandonment, leaving them in a precarious situation. The decision to reimburse costs was influenced by both inflation and companies' cost savings.

We did want to address compensation, because if this was indeed a key point that companies were trying [...] to call it something else, flexible work... is that you don't come to work because your job is here, which leaves the worker defenseless because [...] if you do not come tomorrow, I can give you a disciplinary dismissal because you have abandoned your job. [...] It was a time when there was also something that also created external unrest and that was the increase in the price of electricity. This also made the workers very angry because they felt that by not going to the company, the company was actually saving money. [...] Yet, even with these increased expenses, no one would consider giving up telework, they just wanted us to fight for compensation. Do you see why it is so important to get telework in? (TU1)

Both parties (trade unions and employer organisations) reported being satisfied with the agreement. While the employer side stated that they would have conceded more if their claims were taken into account and considered the mobilization unsuccessful but damaging, the trade union side viewed the social mobilization as a success in achieving their objectives (increases in occupational categories and salaries). Although they did express some self-

criticism about the consequences of the conflict on the implementation of the agreement and the targets reached.

Implementation of telework at company level

In contrast to the limited relevance of telework in sectoral level negotiations, the implementation of telework at the company level proved to be much more contentious. Employees' representatives at the company level all agreed that the widespread implementation of telework signified an employer-oriented regulation. Many companies were said to circumvent statutory legislation and collective bargaining regulation on telework agreements. Conflicts arose over economic compensation, provision of equipment (such as ergonomic chairs and screens), the right to disconnect, and access to flexible work arrangements (including telework) for work-life balance purposes. Employees' representatives emphasized their weakened position in company collective bargaining, since companies were accused of refusing to negotiate in many cases. In this context, employees' representatives stressed that negotiating equality plans are sometimes the only way to improve working conditions. Note that equality plans are normally a requirement to apply to a call for public tender, which are particularly important for companies in the ICT consultancy industry, as they often work for national authorities.

Despite those conflicts reported under a generally employer-oriented regulation of telework, trade unions and workers assess that telework is having beneficial outcomes due to the heavy workload in the sector and the general increase in prices. Interestingly, debates on employees' working time autonomy have not been found to be relevant in this sector, as both industry sides emphasized that employees already had a certain degree of autonomy in the allocation of working time even before the implementation of telework. Note that these statements only apply to ICT companies. In the telemarketing sector, telework is less extensive. This is companies in this sector tend to be smaller in size and offer fewer benefits. Additionally, there are fewer high-skilled job positions available.

4.1.2 Financial sector

The financial industry was the first to establish regulations on telework once national legislation was put in place. Similarly, the ongoing sectoral negotiations were disrupted by the outbreak of the pandemic. Telework was a key concern for trade unions, who anticipated an increase in its use in the post-pandemic period, and there were already some regulations in place in sectoral and company collective bargaining.

Other significant issues addressed in the sectoral collective bargaining negotiations included employment maintenance, salaries, and the use of artificial intelligence, as well as the registration of working hours, for which a pre-agreement had been reached prior to negotiations on telework⁴.

The main focus of the discussions about telework was on the reimbursement of expenses. Initially, employer organizations were reluctant to negotiate on this topic; however, national legislation ultimately compelled them to reach an agreement on an economic compensation. Even now, the largest employer organisation continues to maintain that “telework is already a form of compensation”.

When someone wants to telework, they don't want you to convince them to telework, because, of course, for them, telework is an advantage, right? And, therefore, if you give me a computer, I work from home, so I save money.[...] And, in addition, there are risks that can be consulted, which is the displacement itself. [...] In such a position, it would require a higher compensation to the one who travels, right? [...] Well, these expenses, in short, are still a bonus, in quotation marks, for telework. [...] I believe that this is an element on which we have reached an agreement, because, as I said, both parties are interested in telework, but we do not have a conviction, that telework really involves higher costs for everyone, right? [...] if they ask me, I say, yes, indeed, the companies know perfectly well that telework is more expensive for the companies than face-to-face work. Because they do not turn off the lights by sectors, do they? (EO3)

Interestingly, trade unions reported that they did not insist on their initial proposal for compensation of costs (approximately €110 per month) to avoid discouraging telework implementation. Consequently, the main employer organization agreed on a compensation equal to €55 per month, as they did not consider it a high cost. According to trade unions, the employer organization wanted to specify the concept of compensation of costs (e.g. internet, etc.), but trade unions refused.

⁴ Other issues were also discussed, following the line of past negotiations, given that this agreement is quite extensive.

We were considering much higher figures, in the range of hundreds of euros, and at one point we said, that is, we cannot make it in such a way that it discourages companies from offering telework. (TU6)

The other issues that emerged during negotiations on telework, specifically the provision of equipment and the regularity criterion, were not the subject of significant disagreement between the two parties.

Both parties expressed satisfaction with the sectoral collective agreement; however, they also voiced several concerns about the implementation of telework, albeit for diverse reasons. Trade union representatives primarily expressed concerns about inequalities in access to telework arrangements, particularly for employees stationed in branch offices. They claimed that these employees were less likely to be offered telework because their roles were not as well-suited to remote work as those of central service employees.

There are those who work in a tower or in a central service, whose clients are the offices, and then we have the offices whose clients are the people. [...] there was no possibility of teleworking for those people. (TU6)

Moreover, all trade unions stressed that real access to telework arrangements usually depends on the direct supervisor and/or the willingness to implement telework in specific departments. Along with the increased demand on telework, the latter would imply some employer-oriented practices which would foster informal telework in some companies.

In many cases, we are finding that companies are refusing to grant telework because you are neither in the department that they consider susceptible to remote work nor maybe... your job or even your manager wants you to be there in person. So there is a lot of discrimination [...] and the companies manage it as they please. (TU5)

In the end, the area managers authorize telework, ultimately human resources, but first it has to be authorized by the area manager, based on what they call meritocracy. In other words, if I like you or I don't like you [...] to give you that telework or not to give it to you, or to give you more days or to give you less days. (TU4)

Well, we find that companies tell you, we do it but we don't sign anything. And the employee accepts. [...] "With 27 euros I save more". [...] That is to say, there is a "non-monetary salary". (TU6)

There is such an eagerness to work remotely. "Ah, no, no, I am not demanding anything". So... we are the union representatives who are there, telling you that you have to give this, that you have to do it this way, that the agreement says this, that the law says this, because if it were up to the staff, they would put their means without any problem, they would invest in whatever it takes, as long as they could work remotely. [...] the companies often threaten as you continue claiming this we remove the telework to all these people... which then does not happen, because when they grant telework, especially to specific units of specific departments, it is because those premises are closed, sold. (TU6)

The primary concerns of the employer organization were reversibility and access to telework. Granting reversibility may not be feasible as it would require extensive justification⁵. They emphasized that telework should not be considered a "right" for employees. Rather, their primary concern is with legislation, and they acknowledged that telework ought to be subject to trade union regulation to prevent the use of access to telework as a reward or punishment.

When the norm enters to say... Well, no, but it is that the worker will also be able to request telework and you will have to communicate in a justified way why not. That complicates because it is true that on the one hand it makes sense and it is logical, but on the other hand, when you have hired a worker, telework becomes an offer. [...] But when it is no longer perceived as a decision or proposal of the company... [...] And, indeed, we all have the balance to say, hey, it is reversible.... What does that mean? It means that I can go back to work in person whenever I want and the company can return me to work in person whenever it wants. But it is true that the first premise is fulfilled and that is that when the person asks for it you give it automatically, but when the company asks for it, the person's reversibility is not always so automatic. (EO3)

Despite the various concerns raised, both parties had a positive outlook on the outcomes of telework. The main employer organization claimed that the advantages of telework outweighed the disadvantages, while trade unions reported that employees held very positive views on telework and acknowledged the good practices employed in several companies. Furthermore, the unions reported that they had not observed a direct correlation between

⁵ Note that they showed concerns about the enforcement of the right to disconnect, arguing that it may have a detrimental impact on employee's autonomy.

formal telework and overtime. Instead, it was noted that overtime was more common in job positions that were ineligible for telework, such as employees in branch offices who, in some cases, are forced to do informal telework. The main causes identified for this were the provision of electronic devices without automatic disconnection, staff shortages, and high managerial expectations.

There are a lot of pressures, especially now, that is, more sales people. It is true that the people who do sales, who are the ones in the office network, most of them cannot telework [...] but [...] these people now have laptops, okay? [...] They take it home and more than one at night answers to the client I don't know what, I counted I don't know what, I don't know how many. It is clear that this is not registered as normal.[...] Why is it caused by this? Basically, for example, the commercial part is more due to pressure, because there is a lot of pressure for sales, for reaching objectives, always. Those who are not in the network of commercial offices and who do telework, usually do not [...] we do not see that they extend their working day excessively due to telework. (TU7)

Implementation of telework at company level

At company level, other aspects of telework have been negotiated. In this regard, representatives of trade unions reported conflicts regarding the provision of ergonomic resources (outside the legal obligation specified in the sectoral agreement); in employees' autonomy in working hours under telework arrangements, on which no agreement was reached; in the recording of working hours (i.e., a demand by the trade union side to automatically record working hours by tracking connections, which was not ultimately met); and occupational health and safety.

When you ask for more resources, then the rest of the resources allowed by the agreement, that is where the problems come. They refuse to give it to you and that's where we go wrong. [...] We are also going badly with the whole issue of occupational health and job evaluation. Because the questionnaires that are passed to the staff that starts working remotely are not agreed with the Health and Safety Committee. [...] there are issues there that we do not agree on how the positions are being evaluated. (TU5)

Taking into account the upcoming sectoral negotiations, salaries were reportedly the primary concern for the trade union. Having reported that they conceded in salaries at the sectoral negotiations analysed, and that employers generally experienced an increase in benefits, they anticipate a distributive approach in incoming negotiations. Thus, it appears that telework is

not among their priorities in the next agreement, despite expecting to regulate on better provisions on the regulation of telework.

4.1.3 Chemical sector

Sectoral negotiations in this field were postponed due to the emergence of the pandemic. Although both parties acknowledged that the designated time for discussion was inadequate, they proclaimed reaching a satisfactory agreement within a record time frame. Unlike the extensive negotiations that occurred in the chemical sector, only salaries were discussed and telework was only addressed in the latter stages of negotiations. The primary focus of these negotiations revolved around salary increases. Both parties agreed to link salary increases to the Consumer Price Index (CPI), and both parties believed that it was to the employees' advantage compared to other private sectors in Spain due to the higher inflation. Notably, the main employer organization was eager to reach an agreement in a timely manner, not only because of the lack of time, but also due to the anticipated increase in inflation.

Telework was not a priority concern for either party. The main employer organisation highlighted that they would have preferred to negotiate on absences, flexibility in guards, and drug controls, but they did not consider it appropriate to raise these topics due to the limited time available for negotiations. On the employees' side, the workers' desire to maintain telework arrangements dampened trade unions' claims to some extent. Consequently, the negotiations concluded with a legal adaptation of telework and a general agreement on a compensation for costs without any actual negotiations.

The reimbursement for telework costs stipulated in the industry-wide collective agreement (€35) may be reduced upon mutual agreement between the employer and employees in a company pact, which is a legally binding arrangement distinct from an extra-statutory agreement, or a company-wide collective agreement.

The expense... It was something shared. I remember that we said 30, and in the end they said 35. But without much discussion. I think we expected that they were going to ask us for more. So, we did an internal study to be prepared and to argue, hey, no, the cost for a worker at home is one euro a day. [...] I don't know if they asked us, I don't remember very well, but there was not much conflict and it seemed to us that they asked us for very little. [...] I think [...] the companies would have given a little more, surely, but it was not something they were very concerned about, either. (E04)

Implementation of telework at company level

The regulation of telework varies significantly depending on the company in question. Both social partners acknowledge that the viability of telework in this particular industry is heavily influenced by the nature of the economic activity or subsector. They maintain that the implementation of telework typically requires a reorganization of work, which has not always been successful. In this regard, the primary employer organization asserts that the role and/or age of managers can play a crucial role in determining the success of telework, as working teams tend to be dominant. The findings from interviews with employees' and employers' representatives in various companies suggest that the implementation of telework requires significant coordination to maintain the continuity of service (i.e., employees taking turns to work remotely, and restricting telework to occasional instances), and the careful planning of tasks that can be performed from a distance. It is noteworthy that we came across two contrasting examples when it comes to autonomy in working hours under telework arrangements. One company imposed a specific schedule, allowing employees to choose when to work within certain time slots, while another company adopted telework as a means to compensate for the minimal presence of employees. Consequently, teleworkers were bound by a fixed schedule and required to work extended hours, while employees in the company's premises had a minimal presence time, although their working hours remained the same.

The sole reported disagreement among social partners is about the accessibility of telework for employees in positions that are not conducive to remote work, particularly those whose tasks involve some on-site presence (e.g. laboratory staff). There were no other disputes uncovered, and social partners denied any involvement in telework-related conflicts during the joint committee meetings.

4.1.4 General State Administration

In the public sector, there has been no identified negotiation process regarding the implementation of telework. This measure has been put in place as a cost-saving measure in response to the ongoing conflict in Ukraine. The trade union representatives interviewed all agreed that this implementation is expected to be temporary until proper legislation is enacted. Therefore, the decision to implement telework rests with each individual department, and the trade union representatives reported that they can only provide their opinions on each department, without the ability to negotiate.

Prior to the enactment of regulations governing telework, trade unions were consulted during the legislative process for a proposed Civil Servants Law. However, this particular legislation

was never ultimately passed. It would have established a limit of three days per week for telework, voluntary and reversible principles, annual revisions of telework agreements, and a minimum of one year's experience required before entering into a telework arrangement⁶.

When new elections were called and all this, this fell, the whole process that was in place broke down. It was already in the consultation process... [...] But it does not seem that this standard is going to be taken up where it was, but that they want to start the process all over again and make a new standard out of it. (TU12)

A working group was formed on the regulation of teleworking in the General Administration of the State. This working group was hard and intense. [...] However, the events and the vicissitudes of the national politics determined that this royal decree of teleworking would be taken forward. [...] and also that text was quite positive and quite complete from a regulatory point of view and guarantees for people who teleworked in the GSA because the obligations and rights were established. (TU14)

In the actual context, each department regulates telework on its own without actual negotiations with trade unions, who admitted trying to claim at least the minimum provisions stated in the prior legislative process. As a result, outcomes differ, mainly in the number of working days under a telework arrangement.

We, of course, can understand that what we have right now, "distance work", can be an intermediate thing until telework is really implemented. (TU13)

In relation to the consequences of telework on working conditions, the trade union representatives have highlighted a number of key concerns. These include the absence of financial compensation and the inadequate protection of occupational health and safety, which is based on self-declarative risk assessments. However, the increased workload was not attributed to telework itself, but rather to specific sectoral factors such as staff reductions. Nevertheless, some trade union officials have criticized certain employer-oriented practices, such as the use of telework as a means of offsetting excessive workloads. Additionally, there are concerns that telework may lead to a diminishment of work-life balance measures and/or existing rights. Given the growing interest in telework, this could leave employees vulnerable.

⁶ According to a trade union representative, a minimum work experience in the department required to access to telework arrangements negatively effect on experience but transferred employees.

It is also worth noting that all trade unions agreed that telework undermines the quality of public services.

According to trade unions, the drawbacks of telework are typically not recognized by employees. Therefore, their primary focus would be on gaining access to telework and implementing more extensive telework arrangements, which are especially appealing those working in different regions.

I, for example, have to work 35 hours a week, so I have to do those 5 and a half hours of obligatory attendance and then I can manage the rest of the time to do it at other times. Well, there were people who were forced to be on... not to use that flexible schedule if they were teleworking. And all those things is what people say, well, but I'm at home. So, I prefer to give up the flexibility of the working day, but I am at home. So, it is these things that we give up the rights we have achieved because they do me the favor of letting me stay at home. (TU12)

According to trade union representatives, the implementation of telework was not a contentious issue. Despite variations in eligibility criteria for teleworkable job positions across departments, dismissals in these positions are rarely seen. Access to telework is standardized through a written formula that is subject to managerial approval. It is worth noting that there is a general consensus among staff that telework arrangements are not customized to suit individual employees, which could potentially result in cross-departmental grievances.

4.2 Cross-sectoral analysis

Evidence from fieldwork indicates that telework has not been a significant concern in any sector during sectoral bargaining negotiations. Instead, traditional topics dominated discussions. In the ICT consultancy sector, the most contentious and lengthy negotiations identified, social partners concentrated on professional categories and salaries. In the chemical sector, telework was not addressed at all and was not a priority concern for either party, who instead focused on salaries. Only in the financial sector telework became a relevant topic, even though they expected that telework may not be a primary topic of discussion in upcoming negotiations. Interestingly, it was the first sector analysed to establish regulations on telework following the approval of national legislation, and some interviewees cited this collective agreement as having served as an example for further regulations.

Distributive negotiations on telework prevailed in most negotiation processes analysed. Discussions on telework mainly focused on determining an appropriate economic

compensation and the means to be provided by the company. Employer organizations and trade unions held differing perspectives on access to telework, economic compensation and provision of ergonomic means.

All the social partners acknowledged that employees were eager to continue working from home following the pandemic, so trade unions toned down their demands to facilitate telework arrangements. This was because they argued that less specific regulation in a sectoral level would encourage the adoption of telework. For instance, in the financial sector, trade unions reduced their initial demands for compensating costs, and in the chemical sector, they did not have any argument on this matter.

Negotiations regarding telework have become increasingly significant at the company level across all industries, resulting in the development of more specific telework regulations. Similar to the sectoral level, negotiations were predominantly distributive in nature, with discussions surrounding economic compensation and/or the provision of means within the ICT consultancy and financial sectors. The regulation of access to telework arrangements was found to be highly controversial, particularly in the financial and chemical sectors, where employees in non-teleworkable job positions, such as laboratory staff in the chemical sector and branch office employees in the banking sector, were not permitted to telework. Attempts to regulate on teleworkers' autonomy in working time led to quite different outcomes in companies from the chemical and the banking sectors. Risk assessment and registering of working time, when discussed, always implied an auto-declarative approach in the agreement, which was not normally contested by unions despite having expressed reservations. In this sense, trade unions usually admitted the difficulties in implementing proper risk assessment for teleworkers.

All social partners agreed that employers and employees perceive telework as highly beneficial. Even when it lacks proper regulation, employees are said to take advantage of this form of work organization in terms of work-life balance and cost savings.

Notably, the primary concerns of major trade unions regarding telework are not consistently echoed by employees, who frequently prioritize access to telework and/or more extensive telework arrangements. This disparity between the interests of trade unions and employees may impede discussions on other workplace issues, such as occupational health and safety. Additionally, trade unions have expressed apprehension that employees' demands for telework may compromise existing rights and benefits associated with telework implementation. Indeed, all social partners concurred that telework was a more desirable

alternative to some conventional benefits, such as salary increases, at least for some employees.

The ICT consultancy sector provides a relevant illustration. Trade unions in this sector expressed significant concerns about the decline in working conditions, in terms of excessive overtime and wages. These issues are closely linked to increased profits, elevated employee turnover (referred to as “burning of employees”), and unfair competition⁷. Indeed, they argued that working from home has, to some extent, improved the working conditions in the sector (“if before more hours were worked in the office, now they can be done from home”), and also allowed them to save costs (i.e., meal tickets were not high enough). It is noteworthy that it was the widespread implementation of telework, low salaries, and the large amount of informal telework and overtime, which shaped the main argument regarding telework in the ICT consultancy sector.

In a similar vein, trade unions from the chemical sector have pointed out that telework can compensate for the lack of work-life balance benefits in the sector, as employees in this sector face many presential requirements and such a high amount of annual working hours. Trade unions in the chemical sector somehow envisioned telework for alleviating these requirements, given the increasing number of technicians in the sector. In contrast, trade unions from the General State Administration have been more critical of the implementation of telework, stressing that it may undermine the enforcement of existing rights to work-life balance.

However, both parties have generally viewed the implementation of telework as satisfactory in all sectors, except in the General State Administration. Almost all social partners have denied being aware of any negative outcomes resulting from telework implementation, despite trade unions raising concerns about the risks involved in this form of work organization. Thus, telework has not been seen as having a negative impact on employees' working conditions, and all social partners have agreed that it makes life easier for employees. Nonetheless, trade unions raised that some employees have resigned themselves to non-regulated forms of telework arrangements, especially in ICT consultancy and banking sectors.

⁷ A trade union representative stressed that unfair competence promotes a worsening of working conditions among non-affiliated companies to the main employer organisation.

5. Conclusions: understanding collective bargaining approaches and outcomes

This section aims to determine the factors that contribute to the differences and similarities in bargaining and flexibility approaches among the sectors studied. To achieve this, it examines the industrial relations' landscape, sectoral logics and national legislation.

Initially, it is important to note that all sectors examined engaged in sectoral negotiations following the mandatory implementation of telework due to the pandemic. At that time, employees may have been particularly concerned about returning to the office, and trade unions at both the sectoral and national levels endeavoured to preserve telework arrangements by reaching agreements on the practice. Additionally, the lockdown complicated negotiations in every sector. In a post-pandemic context, as an increasing number of companies continue to adopt telework, discussions on the practice at a sectoral level may gain increased significance.

Thus, we argue that the certainty expressed by trade unions in the financial sector led them to raise telework in negotiations, because companies in the financial sector already started to implement telework. While we lack strong evidence, at least in the chemical sector, trade unions have included more stringent demands for telework in upcoming negotiations, which contrasts with the minimal impact telework had on prior sectoral negotiations. In a similar vein, trade union representatives in the ICT consultancy industry emphasized that the sudden and dramatic increase in telework arrangements was unexpected, and therefore, we anticipate that telework will become a more prominent topic in upcoming sectoral negotiations.

On the other hand, teleworkability and sectoral composition may have influenced sectoral negotiations on telework. Both parties in the chemical sector acknowledged that low teleworkability and industry diversity impede sectoral negotiations on telework. Notably, all union representatives affirmed their commitment to promoting telework in the sector. In a similar vein, employers' organizations in the ICT consultancy sector argued that the sector's diversity in terms of company sizes and activities precluded the possibility of a unified regulation of telework, although the union side strongly contests this argument. In contrast, in the banking sector, which is mainly composed of large companies, both social partners accorded significance to telework in sectoral negotiations. Similarly, the General State Administration, as well as trade unions, prioritized the regulation of telework in a sectoral level.

Teleworkability also appeared to be linked to discussions on teleworkers' autonomy in working time, especially in a company level. In the field of ICT consultancy, it was agreed upon

by all social partners that employees possessed a certain level of autonomy in the allocation of their working time, even prior to the implementation of telework. Thus, this was not typically a subject of discussion at the company level in this sector, because telework did not entail significant changes in the organization of work.

Conversely, this debate received significant attention in remaining sectors, with diverse results. Observe the following instances of telework implementation in the chemical sector, that approached a form of interest-based negotiations. These two companies successfully adapted to telework while maintaining continuity in their 24-hour services, despite negotiations on telework resulted in diverse outcomes with regard to employees' autonomy in organizing their working time. In one company, teleworkers were allocated a specific number of hours per day by the employee, while another provided more fixed and less flexible schedules to teleworkers, allowing for the compaction of working days for presential employees (equal working time).

In all sectors examined, national legislation had a direct influence on collective bargaining related to telework. Each sector analysed has undergone some form of legal adaptation, except for the General State Administration, where a temporary regulation applies.

In the private sector, the impact of legislation was twofold. On one hand, it required discussions on collective bargaining issues that were the most controversial topics (compensation of costs and access to telework arrangements). On the other hand, it also limited more extensive telework arrangements, as most social partners argued that companies should remain "unregulated" by providing less intensive telework arrangements such as occasional telework. Notably, all peak-level social partners strongly advocated for a modifiable regularity criterion in both directions to encourage telework due to the diversity of contexts.

It is noteworthy that in response to the refusal of a chemical industry to allow more intensive telework arrangements, the workers' council requested the implementation of hybrid work on non-teleworking days, approaching interest-based negotiations, because the company's intention was to remain below the regularity threshold.

Sectoral collective agreements demonstrated a diverse range of adaptations to telework arrangements, which can be attributed to the varying degrees of normalization of industrial relations within each sector. This could explain the similar significance of telework in negotiations across the chemical sector and ICT consultancy, both of which exhibit similar levels of diversity in terms of company sizes and activity domains.

The chemical sector boasts the most institutionalized negotiation process among the three sectors. It has never experienced a strike during negotiations, nor has either party shown reluctance to engage in talks. All chapters are discussed, and stakeholders typically adopt an optimistic and confident demeanour regarding the cession and concession of positions during negotiations (e.g., exchanges). A generalist approach is adopted, but efforts are made to include a minimum for ensuring fair competition within the sector.

In ICT consultancy, no elements were identified that could foster integrative negotiations. Prior negotiations have already been disrupted by labour mobilizations within the companies of the same negotiators, and employer organizations have been accused of maintaining suspended negotiations for years despite the sectoral collective agreement being expired. Unfair competition accusations were levelled by trade unions, who criticised the lack of minimums in sectoral collective agreements and the refusal of employers' organisations to negotiate on many dimensions. Both parties acknowledged that individual negotiations are expected to improve working conditions in areas such as salaries. Even at the company level, employees' representatives stressed that trust towards both parties is typically broken, and managers often refuse to negotiate.

Negotiations in the financial industry are typically marked by tension, a distributive nature, and tend to last for a considerable duration. However, recent developments suggest that these negotiations might become more routine as discussions encompass a wider range of topics. Notably, trade unions at the sectoral level have been reluctant to engage in telework negotiations due to pressure from employees, even though all social partners agreed that telework regulations were a separate chapter in the negotiation process. Besides, many companies in this sector also made public their willing to implement telework.