

Question for written answer E-004600/2019
to the Commission
Rule 138
Jordi Cañas (Renew)

Subject: Non-compliance with Directive 1999/70/EC: abuse of temporary contracts in Spain

A large proportion of the 800 000 public-sector workers in Spain are covering permanent roles whilst on temporary contracts, because their employers are ignoring the provisions of Directive 1999/70/EC designed to prevent the abuse of temporary contracts.

The workers have passed selection procedures that are intended to guarantee the fundamental right of equal access on the basis of merit and ability. Yet they cannot secure open-ended contracts because they have not passed the much more rigorous selection procedure required for permanent posts. They do not receive any proper compensation for damages or missed opportunities either, nor is there a fine for those responsible for the abuse of the rules.

Spain has approved budgetary measures that enable the administration to dismiss temporary workers quickly and at no cost, leaving it free to advertise their posts, a move which has triggered thousands of lawsuits.

Will the Commission warn Spain that, unless it imposes penalties consistent with CJEU case-law, it may be in breach of Directive 1999/70/EC if it continues to apply laws that enable it to advertise temporary posts already occupied by workers even though there are no valid grounds for not making the post permanent?