

# KNOW YOUR RIGHTS

(2019-1-IS01-KA204-051136)



## SPANISH CURRICULUM AND TRAINING PROGRAM

Co-funded by the  
Erasmus+ Programme  
of the European Union





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## IO2: CURRICUM AND TRAINING PROGRAM



**EINURÐ**



**ACCIÓN  
LABORAL**



**Center for Social  
Innovation**



VEREIN **MULTI  
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Co-funded by the  
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## PRESENTATION

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The curriculum for workshop training program for peer mentors, is based on the results of the GAP analysis and best practices. The training will include an 8 hours workshop training and follow up by facilitators/trainers within partner organization. The curriculum and training will be implemented in partner languages and adapted to the target group of bilingual migrant workers who already have some background and experience as migrant workers and peers in their perspective workplaces and/or communities/community groups. Each partner will involve 1-3 migrant workers from each language/nationality group selected to be addressed by the KYR project activities and outputs.

Facilitators of the peer training, being employees of partner's organizations, will meet, at least, once a month through Skype to review curriculum development, firstly, after the draft curriculum has been developed by ACCIÓN LABORAL. They will hold periodical meetings throughout the project, in relation to pilot training and finalization of the curriculum. Teaching guides and its organization will be prepared for facilitators for the KYR peer training, including defined skills and qualifications of potential facilitators in countries that may in the future be interested to implement similar projects.

The setup of the curriculum will be both central and local. That is central training in English, presented as an outline of peer training for all KYR partners as well as other regions/countries wanting to implement the training in a local setting. The English curriculum will be translated and adapted to partners countries/regions based upon the results from the GAP analysis and taking into consideration cultural diversity and composition of the perspective groups.

A coordinating facilitator will be located in Spain as well as local facilitator in each partner's country/region, plus the fact that partners will involve relevant stakeholders and resources for their region, based upon established network of stakeholders.



## LEARNING OUTCOMES

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The main objective of the curriculum is to offer migrant workers the knowledge and tools necessary to know their labour rights and obligations within the EU countries through a training program.

In addition, pedagogical techniques are shown and skills oriented to train learners so that they can become peer trainers, and transmit the knowledge acquired about the labour market and the rights and obligations of workers to other members of their community.

The emphasis of the curriculum is therefore focused on disseminating knowledge about supporting migrant workers, mentoring approaches and how to present key issues of interest to migrant workers about their rights in relation to:

- Employment contracts.
- Minimum wages, taxes and payroll expenses.
- Working conditions and security standards.
- Health care and insurance.
- Labour unions and other support organizations.

At the end of the course, learners will have acquired the necessary knowledge to understand globally what their rights and obligations are related to the EU labour market, and more specifically, the labour rights and obligations in the country in which they reside. In addition, they will feel empowered to teach this knowledge to other members of their community, helping to spread more knowledge about labour rights among the migrant population.

## INTRODUCTION: HOW TO BECOME A GOOD PEER TRAINER

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When a training action begins, the program must be thoroughly prepared, the purpose and objectives set for developing the activity must be known.

It is considered important to build on experience in order to "choose" the theoretical contents, activities and practices to be implemented during the learning process. You should inquire about the background and characteristics of the learners with whom you are going to share experiences, knowledge, experiences, etc., during the days in which the training is going to take place.

When starting the training it is important to think that you are prepared; even to adjust the program based on the partial results that the learners are obtaining. You must be aware of the strengths and weaknesses that you have as a trainer.

However, when the activity begins, the *mise-en-scène*, it is the moment in which we are going to demonstrate whether all that previous work that has been done with care, dedication and technique is valid.

On one hand is the curriculum, the own means and resources. On the other, there is the group in the training situation; with people and individuals who come - just like the trainer - with prior knowledge and ideas about the course they are going to take.

It is time to get to know each other, to start and start the learning machinery. This first moment is the most important, the subsequent success, the performance and results obtained will depend on the atmosphere that is achieved at the beginning of the training action.





### CONDITIONS THAT FACILITATE LEARNING

- IT IS MORE EFFECTIVE THE MORE ACTIVE
- IT IS MORE EFFECTIVE THE MORE PARTICIPATORY
- IT IS CONSOLIDATED BY PUTTING KNOWLEDGE INTO PRACTICE
- UNDERSTANDING MAKES IT EASIER
- REPETITION CONSOLIDATES IT

### AN ATMOSPHERE MUST BE GENERATED IN THE TRAINING SPACE THAT:

- ENCOURAGE BEING ACTIVE
- FAVORS THE PERSONAL NATURE OF LEARNING
- RECOGNIZE THE CONCEPT THAT BEING DIFFERENT IS HUMAN
- ACCEPT THE RIGHT TO ERROR AND TOLERATE IMPERFECTION
- ENCOURAGE BREADTH OF SPIRIT AND SELF-CONFIDENCE
- STIMULATE AND ALLOW THE GENERATION OF IDEAS
- FACILITATE DISCOVERY
- PROMOTE COLLABORATIVE SELF-EVALUATION



Some strategies to promote learner motivation and that help create an appropriate atmosphere:

- Know the learner; their individual characteristics and their interaction with the group. Explore their motivations and expectations to relate them to learning.
- Report the meaning of learning, its impact on the world of work; advise and guide; relate the learning to the experiences of the learners and the context they live.
- Formulate clear, concrete objectives and link them with the interests of the learners so that they perceive their importance and understand in which direction they are going.
- Attend to learners individually: assess their desire to learn, keep them informed about their progress, skills, difficulties and guide them to improve or overcome them.
- Create a climate of trust, participation and respect in the group.
- Promote initiative, creativity and cooperation.
- Plan the learning sequences and practical activities linked to the socio-occupational reality.
- Ask for and value results.







## PEDAGOGICAL METHODOLOGIES

All training activities pursue the learning of certain contents and the achievement of certain objectives. However, not all actions are equally effective. This is because each training action pursues different objectives and requires the implementation of a different methodology.

The effectiveness of many training plans is that they are developed using two or three different methods. This integrative approach is essential if you want to achieve a useful training proposal.

### a) Exhibition methods

They are characterized by the clarity in the presentation of the information to the learners and are supported by the oral presentation of one or more experts in the content of the didactic unit or topic that is exposed (conference, symposium, panel, round table, etc.).

What should the trainer do?

- Inform learners at the beginning of each didactic act about the objectives to be achieved, together with the content to be addressed.
- Summarize the essential points of the day, of the Didactic Units and of the Modules as a way of reinforcing the concepts and contents.
- Use examples, experiences and redound and influence the most important aspects

These methods, if not alternated with less directed ones, tend to promote superficial learning, which does not favour the acquisition of technical or practical skills.

### b) Methods based on practical demonstration

In training in which the acquisition of practical skills and abilities is necessary for the performance of the job, these are the methods that will find the most applicability. The



aim is for learners to learn through practical and coordinated demonstration processes of tasks (demonstration workshops, laboratory research, social research, etc.)

What should the trainer do?

- State the objectives clearly
- Explain the activity with the breakdown of tasks
- Trainer's demonstration
- Each learner performs the task

c) Methods in which the teacher and the learners actively intervene in the construction of learning

Enquiring methods, in which the communication between trainer-learner is based on the formulation of questions by the trainer. It is used in those training actions where the participants already master the knowledge under study, focusing on the interest in the participants becoming agents of their own training, through personal research, contact with the reality under study and the experiences of the working group.

What should the trainer do?

- Define the objectives of the activity before beginning.
- Raise problem situations.
- Answer the learners' questions to help the discovery process, but without solving the problem.
- Ensure that at the end of the process the procedure for solving the problem and the different solutions are clearly described.

d) Methods based on group work

The peculiarity of these methods is the active participation of the group of learners, harmonized with prior planning and carried out under the direction of a person with the necessary skills for this purpose.

## SKILLS OF A TRAINER

Below are some of the main skills that a trainer should have, but the correct functioning of the training will not only depend on it, since there are many factors that will alter the proposed planning. If the trainer has the majority of these skills, it will be easier to create a good atmosphere in the classroom and efficient communication between the trainer and the learners.



### 1. Effective oral communication

It is the competence to hear, understand and value emphatically information, ideas and opinions that the other person communicates, being able to assertively feedback the communicative process.

Requirements:

- a) Verbal and non-verbal interaction
- b) Speaking capability
- c) Presenting
- d) Active listening



### 2. Active listening

Ability to listen not only what the person is expressing directly, but also the feelings, ideas or thoughts that underlie what is being said.

Requirements:

- a) Understand communication from the point of view of the speaker.
- b) Learn to listen between the "lines".
- c) Do not adopt a hostile or emotional attitude while listening.



### 3. Decision making

Capacity to choose among several alternatives, those that are more viable for the achievement of the objectives, based on an exhaustive analysis of the possible effects and risks as well as possibilities of implementation according to priority and in a timely manner.

Requirements:

- a) Define the problem.
- b) Establish or Enumerate all the criteria (constraints).
- c) Consider or Collect all the alternatives.
- d) Identify the best alternative.



### 4. Energy

Ability to create and maintain an indicated activity rhythm. It shows control, endurance and the ability to work hard.

Requirements:

- a) Be always active.
- b) Do the tasks with dynamism.
- c) Show enthusiasm for new challenges.



### 5. Enthusiasm

It is the energy and the disposition that one has to carry out a work, filled by a positivism and unique optimism, under the conviction and the necessary dynamism oriented towards the achievement of a particular objective.

Requirements:

- a) Speaks positively
- b) Ables to modify the environment.
- c) Likes to grow.
- d) Takes advantage of opportunities.



## 6. Interpersonal communication

Ability to generate and maintain an adequate flow of communication between the members of the group or organization, using the different channels that are required in each case and favour the establishment of mutually beneficial relationships.

Requirements:

- a) Manners
- b) Politeness
- c) Respectful and Friendly
- d) Kindness and Sociability



## 7. Leadership

Ability to lead people and make them contribute effectively and adequately to the achievement of objectives. Commit to the development of its collaborators, their evaluation and the utilization of their potential and individual

Requirements:

- a) Set goals, transmit them and perform adequate follow-up in this regard.
- b) Listens to others and is listened to.
- c) Motivates the group to achieve the objectives.
- d) Usually sought for advice



## 8. Management capacity

Ability to manage tasks and processes in charge quickly and reliably; making use of the resources and dynamism necessary for the achievement of the objectives.

Requirements:

- a) Defines tasks in advance, avoiding unforeseen events.
- b) Plans resources.
- c) Gets the best out of your coworkers.
- d) It adapts quickly to changes that may arise.



### Activity 1: TWO TRUTHS AND A LIE

Objective: Break the ice between group members at the beginning of the training to improve the atmosphere in the classroom.

Instructions:

1. Inform the participants that they have to introduce themselves to each other, telling two true and one false thing or fact about themselves.
2. Ask a volunteer to begin by sharing with the group his/her two truths and lie.
3. Ask each participant from left to right to tell which one they think is the lie, and then the volunteer should tell which of the three is really the lie, and explain the truths in more detail if they want to.
4. The left participant of the first volunteer continues, and the game continues until all participants have told their two truths and lie.

### Activity 2. ANIMAL RODEO

Objective: Activation of the group at the beginning of the second phase of the training, and the recovery of an appropriate dynamic and an optimal climate in the classroom.

Instructions:

1. Ask the group members to silently think of their favourite animal.
2. Then ask the group participants, without speaking, to place themselves from the largest animal to the smallest. The group members can only make gestures and the noise of the animal.
4. After they have finished, have the group members mention which animal they were supposed to be to see if they placed themselves correctly.

Duration: 15'





## UNIT 1: TRADE UNIONS AND OTHER SUPPORT ORGANIZATION

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### CONTEXTUALIZATION

Unions play a relevant role in the structure of the labour market and in decision-making around the labour rights of workers. Unions are an establishment that was created so that a series of workers, specially designated for it, defended their colleagues against possible abuses that could be carried out by the employer.

Unions are a democratic association that can be generated freely in both the public and private sectors. One of its main activities is to negotiate, on behalf of its affiliates, issues of common interest such as wages, holidays, working conditions, licenses, etc.

Union members must commit to pay union dues, attend meetings and join actions (for example, strikes) that are agreed within the organization.

Unions elect representatives who negotiate with the employers of the organization where they work (be it a company or public body). This, regarding issues of interest to workers. This type of negotiation is called “collective bargaining” and is generally focused on reaching an agreement regarding the labour conditions that are offered to the workers during a certain period of time. This offer not only includes salary, but also working conditions such as hours, holidays, recognition bonuses, etc.

In addition, there are other organizations that provide labor advice and support to migrant workers, offering help through services that vary from city to city depending on the type and number of migrant support entities that are incorporated in that territory.

1. How can trade unions help migrant workers?

Trade Unions are quite helpful to inform workers about their rights and especially in some cases, they can help even more the migrant workers.

One of the main objectives of the Trade Unions focused on migrants is the fight against discrimination against migrant them and, therefore, the defence of their interests and their social and labour rights.

A task that some unions carry out is union action in companies through advice and their legal services.

Within this support, the unions not only carry advisory work on migrants (work or residence authorizations, renewals, family reunification, nationality, etc.), but also social and union support in order to favour a more secure and effective insertion process.

This aid is an instrument of contact, a gateway for the migrant population to the union, at the service of the organization, and an essential instrument of observation and knowledge of the social and labour reality of this population.

It is also even a tool for political and institutional advocacy with the competent migrant agencies and effective inclusion policies. These services are usually always free for migrants.

From these organizations, migrants are guided in all those issues that may affect them: health, education, housing, etc. referring them to the resources and services offered by municipalities and various institutions and organizations.





## 2. What other organizations can help solve labour disputes?

A labour dispute can be understood as a dispute between members of an organization because of differences of opinion, perception or relationship problems.

In addition, the causes that motivate these conflicts can be of various kinds, from conflicts of interest to characters, going through intolerant attitudes by one of the parties. What they always have in common is that they occur in the workplace.

Although it is kind of difficult to find other organizations that can help to solve labour disputes, but we should take into account that there are several types of these trade unions that can help more specifically with the causes and points of the issue.

The main trade unions can be divided into:

- ✓ Guild Trade Unions: These unions are made up of workers grouped by their profession, trade or specialty.
- ✓ Company Trade Unions: These unions are made up of workers from the same company
- ✓ Industrial Trade Unions: These are made up of workers who work in one or more companies in the same industrial branch.
- ✓ National Industry Trade Unions: These are formed by workers who work in companies of the same industrial branch located in several states
- ✓ Mixed Trade Unions: These are made up of workers of various professions or trades when the number of workers of the same profession or trade is less than twenty people.

Both workers and employers have the right to create their own unions, so there are exclusive workers' unions and employer unions.



Despite the fact that, depending on the country or the specific type of trade union it is, these organizations offer different services for members and non-members. Their services, based on information and the defence of workers, are hugely beneficial for migrant workers, as a group that faces greater difficulties when it comes to finding a job.

In general, its services involve the following aspects:

- Information on rights, but not only at work level. Information about the different collectives' agreements, about how their application should be and which is the most correct in each case.
- Legal information for legal proceedings.
- Legal assistance in case of problems, breaches or violations of rights. In some cases, these services may be free for affiliated workers.
- Administrative assistance. Help for work procedures, drafting and review of documents, contracts, etc.
- Training, not only in employment issues, but also on the social and economic situation of the country or different social problems.
- Social action. Different initiatives focused on the migrant community and specific collectives within them.

## HOW TRADE UNIONS WORK IN SPAIN

In Spain, the most representative trade unions are CCOO (Comisiones Obreras) and UGT (Unión General de Trabajadores).

These unions have general headquarters and federations dedicated to specific national sectors and regional and local headquarters, where they offer their services.

In addition, they also have web platforms, through which their members can also enjoy their services.



### MAIN TRADE UNIONS IN SPAIN

CCOO – Comisiones Obreras	<a href="https://www.ccoo.es/">https://www.ccoo.es/</a>
UGT – Unión General de Trabajadores	<a href="https://www.ugt.es/">https://www.ugt.es/</a>

Their functions include:

- Representation in public administrations or other public entities.
- Collective bargaining.
- Participate in the agreement of working conditions in public administrations.
- Participate in non-jurisdictional systems of labor conflict resolution.
- Promote elections of workers' representatives.
- Participate in the planning, programming, organization and control of the management related to the improvement of working conditions and the protection of the safety and health of workers at work, with the competent public administrations.
- To obtain temporary assignments of the use of public property.

In addition, CCCOO has the portal <https://www.ccoo-servicios.es/>.

In this portal, the union provides information, assistance and training services to both members and non-members.

In it we can find information about:

- Collective bargaining agreements. Search of collective bargaining agreements by sectors and territories.
- Labour legal texts. Workers' Statute, Official State Publications, different labour laws and decrees, as well as Labour Guides from the Ministry of Employment.
- Training and orientation. If you are studying or unemployed, you will be able to obtain updated information on the labour market (productive sectors, content of existing jobs), information on the job search process and even a personal



counselor. If you are working, you will have access to the regulations governing training in your sector and company, information on the content of the job you are doing or want to do, the skills required, associated training, etc.

- Labour consultations. Topics such as occupational health, women and equality, working conditions, working hours and vacation leave, training and guidance, negotiation and collective bargaining or harassment at work, among others.
- Contact with headquarters and affiliation.

Here you can find all the information regarding union membership:

<https://afiliate.ccoo.es/afiliate/afiliate.htm>

As for UGT, this union has a labour counselling service together with ELPLURAL.COM, where they answer any doubts that workers may have about the labour market, both in their access, as well as about their working conditions, dismissals, rights, etc. The objective is to provide a useful and practical tool on the web to inform employees of their labour rights and solve their questions in this field.

You can send any questions through the e-mail address [asesorialaboral@cec.ugt.org](mailto:asesorialaboral@cec.ugt.org) where every 72 hours the answers will be answered and published (in <https://www.elplural.com/economia/asesoria-laboral-ugt> ) to serve as information and support to more people in the same situation.

Here you can find all the information regarding union membership:

<https://www.ugt.es/afiliacion-0>





## EXERCISES:

### Activity 1: NEWS REPORT ON TRADE UNIONS AND THE RIGHTS OF MIGRANT WORKERS

**Objective:** To learn about and analyse a news item on the role of trade unions in defending the rights of migrant workers.

**Instructions:**

1. Ask participants to read the news item carefully.
2. Each participant should write down those aspects related to the topic discussed in this section.
3. Each participant should write a brief opinion on the role of trade unions.

**Duration:** 15 minutes

## Opas y sindicatos se unen y piden Ecyl que ejerza de mediador para garantizar derechos laborales de 10.000 temporeros

20M EP 24.07.2020 - 14:06H



*Los responsables de las organizaciones profesionales agrarias (Opas) de Castilla y León y de los sindicatos UGT y CC.OO se han unido para rubricar un acuerdo a través del que reclaman al Servicio Público de Empleo de Castilla y León (Ecyl) que ejerza como mediador para garantizar las condiciones laborales de los 10.000 temporeros que trabajan en la Comunidad.*

Los dirigentes de estas organizaciones han cerrado este viernes este acuerdo en el que se venía trabajando desde antes de la pandemia provocada por el COVID-19 y que, tras esta situación, a juicio de los representantes, se hace más necesario con el fin de que se ponga en marcha "cuanto antes" para que esta mediación se lleve a efecto ya para la campaña de la vendimia que arranca en septiembre y en la que trabajan unos 4.000 temporeros.

En concreto, los sindicatos y las Opas enviarán a la Administración regional el acuerdo que han rubricado de forma bilateral a través del que se solicita el impulso de un servicio específico en el Ecyl para la intermediación en el ámbito del trabajo agrario y ganadero con una comisión de seguimiento que se encargue de garantizar el cumplimiento de la normativa laboral y de los convenios colectivos de este colectivo.



El fin último del este pacto es erradicar prácticas en el campo que contribuyan a fomentar la economía sumergida y la precariedad laboral, además de eliminar la competencia desleal entre las empresas del sector.

Así, la propuesta de sindicatos y organizaciones agrarias pasa por la creación de una sección especial dependiente del EcyL con el fin de que se disponga de una relación de trabajadores en cada una de las zonas de actividad que estén dispuestos a trabajar en el sector en distintas campañas, para lo que se debe contar también con la colaboración de las Consejería de Agricultura y Ganadería.

A través de esta sección, se articulará un instrumento de coordinación que garantice la contratación en condiciones de estabilidad de acuerdo con la normativa laboral aplicable y con un refuerzo de la seguridad y salud de los trabajadores ante la pandemia.

Con esta herramienta se dispondrá de una base de datos que permita la continuidad de trabajadores en distintas campañas de recolección, han señalado sindicatos y opas, quienes han pedido también la colaboración de las autoridades locales para garantizar un alojamiento digno para estos trabajadores que, en el caso de la Comunidad, son en su mayoría extranjeros regularizados y que viven en el medio rural.

Tras firmar este acuerdo, los secretarios regionales de CC.OO y UGT, Vicente Andrés y Faustino Temprano, han destacado que es la primera vez que se rubrica un documento de estas características a través del que se fomenta el Diálogo Social "bipartito" entre sindicatos y Opas.

"Hemos alcanzado un primer acuerdo dentro de un planteamiento global en el que se aborda el problema de los temporeros de forma integral, no sólo en materia de contratación, también con problemas de vivienda y de protección de menores", ha señalado Andrés.

Por su parte, Temprano ha defendido la importancia del pacto para acercar las contrataciones entre oferta y demanda desde un servicio público como es el ECYL. "La mayoría de los temporeros son inmigrantes que tienen papales y están asentados dentro del mundo rural, queremos evitar con este acuerdo que se produzca un efecto llamada, evitar la economía sumergida y la precariedad laboral", ha concluido.

Así, el presidente de Asaja en Castilla y León, Donaciano Dujo, ha señalado la importancia que adquiere este acuerdo con el fin de garantizar los "derechos" laborales de los temporeros en la Comunidad que, como ha señalado, son, en la mayoría de casos, gente que no es de España pero que está asentada en el territorio.

Dujo ha explicado que el fin último es la creación en el EcyL de una especie de comisión o departamento en el que se puedan inscribir los temporeros y los titulares de las explotaciones puedan recurrir a ellos con la garantía de que un servicio oficial actúa como mediado.



"Hay que garantizar al 100 por 100 las condiciones trabajo de Seguridad Social y fiscales a los temporeros y, a la vez, garantizar que se recogen todos los productos agrarios de Castilla y León", ha defendido.

Por su parte, Aurelio González de UPA ha insistido en la importancia de cumplir en este caso la normativa laboral y "frenar" la economía sumergida y la "precariedad laboral". "Es necesario sobre todo conseguir las mejores condiciones sanitarias, más antes las condiciones actuales", ha defendido, algo que ha secundado el responsables de UCCL, Jesús Manuel González Palacín, quien ha recordado que los temporeros son "vitales" para recoger una parte importante de la cosecha.

"Este acuerdo es el primer paso para solucionar problemas y evitar contagios, debemos ser conscientes de que el trabajo de temporeros es muy singular".

## Activity 2. DEBATE

**Objective:** To express and discuss the role and importance of trade unions in the defence of workers' labour rights.

**Instructions:**

1. Ask a volunteer to begin by sharing with the group his/her opinion about the role of the unions.
2. Ask the rest of the participants to freely express their opinion, whether they agree or disagree.
3. Continue asking each participant if you notice that they have not yet expressed their opinion.

**Duration:** 15'

## UNIT 2: EMPLOYMENT CONTRACTS

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### CONTEXTUALIZATION

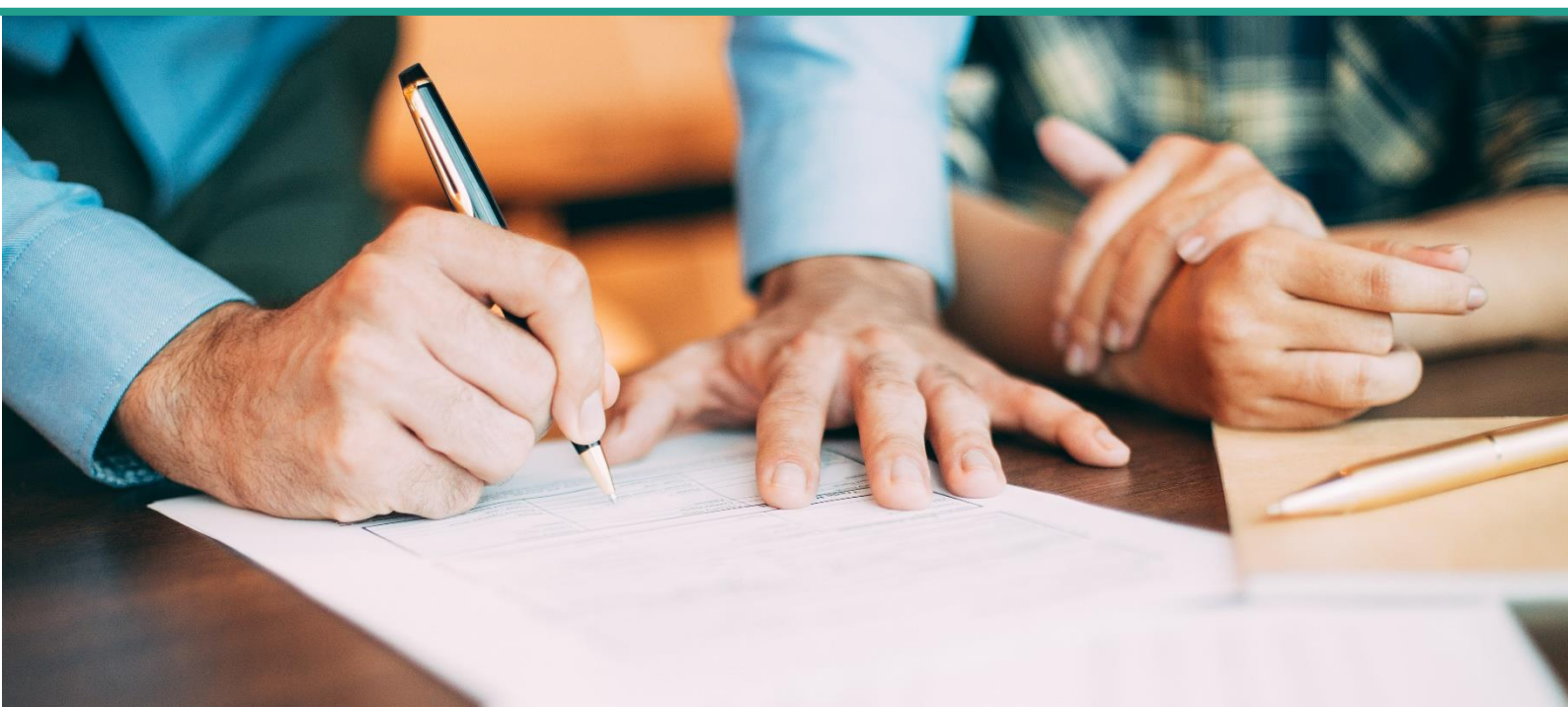
An employment contract is an agreement between an employer and a worker whereby the first one offers his services to the employer in exchange for a salary.

Any employment relationship between an employer and a worker must be documented through a contract. This represents an agreement by which the worker, in exchange for remuneration, offers certain services to the employer under his control and direction.

The employment contract supposes rights and obligations for both the worker and the employer, which must be respected, regardless of the company, sector or company.

The law allows formalizing an employment contract both orally and in writing.

The employment relationship ends when the employment contract is void. This can happen when the employer decides, unilaterally, the termination of said contract, either invoking a cause or not. The worker, in this case, is fired. Another possibility is the termination of the employment contract, which implies the disappearance of the agreed obligations and rights.





### 1. What does it mean to have an employment contract?

Having an employment contract means having all the rights, responsibilities, duties and employment conditions that make up the legal relationship between an employer and employee. Usually, all kind of employment contracts can include terms which, are legally binding, for example: the employer's duty to pay the employee wages, or the duty of the employee of not getting late to the workplace.

It has to be taken into account that different kinds of contract apply, depending on the employment status of the individual. Because of that, it is key to determine correctly the employment status of the person you are going to hire before drafting the employment contract.

According to the minimums established in the European Union, an employment contract has to include and clarify several points regarding the following data:

- ✓ Name and address of employer and employee
- ✓ Start and duration of employment
- ✓ Type of activity and description of its tasks
- ✓ Workplace location
- ✓ Remuneration amount (usually gross salary)
- ✓ Composition of said remuneration (base salary and supplements if any)
- ✓ Workday
- ✓ Holidays
- ✓ Deadlines for terminating the employment contract
- ✓ Reference to applicable collective agreements or company or service agreements

It is very important that the contract clarifies all this information for both sides, especially, for the employee. Regarding some aspects such as annual vacations, the length of the notice periods, workdays, remuneration or the applicable collective agreements, it is necessary to refer workers to the corresponding national / regional and administrative laws and regulations, which can heavily differ from one country to another.



Here you can see all the European information about it according to official sources of the European Union:

[https://europa.eu/youreurope/business/human-resources/employment-contracts/employment-terms/index\\_en.htm](https://europa.eu/youreurope/business/human-resources/employment-contracts/employment-terms/index_en.htm)

## 2. Types of employment contract

There are several types of employment contracts that must be taken into account to make clear the status of the employee and its relation with the company:

### a. Permanent employment contract

This kind of contracts are for employees who work regular hours and count on a regular salary or hourly rate. Permanent employment contracts are ongoing until terminated by either the employer or employee. On these contracts, employees can enjoy full range employment rights.

There are two types of permanent employment contracts:

- Full time contracts

This contract is the most common type of contract, these employees usually work a full week of around 35 hours or more, depending on the country.

- Part time contracts

The contract for part-time workers is similar to those who have a full-time contract, with more emphasis on the number of hours worked and how overtime is handled, but can have the same stability as the full-time ones.





b. Fixed-term employment contract

This kind of contracts already have a start and end date, for example six months or one year. Fixed-term employees have protection and can count on the same rights as permanent employees. Employers cannot offer them less favourable conditions because they're fixed-term instead permanent employees.

c. Casual employment contract

This kind of contracts are indicated for situations where the employee commit to work with the company, but the company has no certainty about how many hours will be able to offer to the employee each week and cannot guarantee a regular working pattern. Casual employment contracts should specify the minimum number of working hours that you foresee to offer to the employee each week approximately.

d. Apprentice and trainee employment contracts

Apprentice and trainee contracts, completed and signed, are used to register the period of learning on the company.

### 3. Self-employment

Self-employment is an activity in which a person creates his own job and decides to be his own boss, and this can be done, among other ways, through the creation of his own business or a digital venture.

This kind of employment means that the person creates his own job, using his own capital, effort and ingenuity to work independently.

We could say that every day more people decide choosing this path and undertake business or jobs, which not only allows them to be more independent but also offers them the opportunity to generate income without having to leave their homes.

There are several advantages and disadvantages to take into account regarding self-employment in comparison with contracted employment down below:



## ADVANTAGES

### SELF-EMPLOYMENT

- IT IS AN ATTRACTIVE WAY TO GET OUT OF UNEMPLOYMENT.
- WHEN YOU ARE SELF-EMPLOYED YOU BECOME YOUR OWN BOSS, YOU WORK FOR YOURSELF PURSUING YOUR OWN INTERESTS.
- IT OFFERS THE POSSIBILITY OF WORKING FROM HOME AND ORGANIZING YOUR TIME ACCORDING YOUR NEEDS.
- IT ALLOWS OBTAINING GREATER BENEFITS AND ECONOMIC PROFITABILITY.
- ENTREPRENEURS WHO ARE SELF-EMPLOYED OVER TIME OBTAIN SOCIAL, PROFESSIONAL PRESTIGE AND GREATER PERSONAL SATISFACTION.
- IT IS THE BASIS FOR BECOMING AN ENTREPRENEUR.
- WITH DISCIPLINE IT IS POSSIBLE TO OBTAIN GREAT BENEFITS.

### CONTRACTED EMPLOYMENT

- IT IMPLIES YOU HAVE A FIXED AND STABLE INCOME PER MONTH, WHICH COVERS BASIC NEEDS.
- YOU HAVE AN ESTABLISHED SCHEDULE, SO YOUR LIFE CAN BE "PLANNED": DAILY LEISURE, VACATIONS, SHOPPING, ETC.
- THERE IS LESS RISK OF LOSING YOUR JOB, WITH LESS UNCERTAINTY.
- YOU ARE BETTER BACKED BY SOCIAL AND UNEMPLOYMENT BENEFITS, IN ADDITION TO THE COMPENSATION CORRESPONDING TO YOUR DISMISSAL.
- FISCAL OBLIGATIONS REGARDING SALARY ARE MANAGED BY THE COMPANY, NOT BY THE EMPLOYER HIMSELF.



## DISADVANTAGES

### SELF-EMPLOYMENT

- YOU DO NOT HAVE FIXED HOURS AND IT IS IMPORTANT TO NOTE THAT UNLIKE A NORMAL JOB YOU MUST DEDICATE AS MUCH TIME AS POSSIBLE, SINCE SUCCESS DEPENDS ONLY ON YOU AND YOUR EFFORT.
- THERE IS ALWAYS THE POSSIBILITY THAT THE PROJECT WILL FAIL.
- YOU WILL NOT BE ABLE TO BLAME YOUR BOSS FOR THE PROBLEMS.
- IF YOU DON'T WORK YOU DON'T MAKE MONEY.
- THE BEGINNINGS ARE USUALLY DIFFICULT.
- THE PAYMENT OF A "FEE" IS MANDATORY. THIS FEE CAN BE INDEPENDENT OF THE INCOME GENERATED, MONTHLY OR ANNUAL.

### CONTRACTED EMPLOYMENT

- THE BIGGEST "CON" IS THAT THE EMPLOYEE DOES NOT HAVE A REAL CONTROL OF HIS/HER SITUATION: IT IS THE BOSS WHO DECIDE. THE EMPLOYEE WORKS WITH COLLEAGUES HE/SHE DOES NOT CHOOSE AND IN TASKS HE/SHE DOES NOT SELECT, BUT ARE GIVEN.
- SOMETIMES, THERE IS A "CEILING" OF GROWTH, THAT IS, A LIMIT WHEN IT COMES TO ASCENDING, AND THAT CEILING DOES NOT DEPEND ON THE WORKER.



— THERE ARE MORE FISCAL DUTIES  
APART FROM INCOME TAXES, SUCH  
AS THE VAT.

Some examples and ideas for self-employment could be creating a start-up, working as freelancer, open a face-to-face business, offer consultancy advice on a topic of your expertise, creating an e-commerce...

In any case, self-employment is an important element of the labour market, since the creation of own employment can be added to that of the workers needed to carry out the activity. In short, self-employment is about creating your own job.

Both regimes show differences depending on the country in which the worker is located. There is no EU-wide regulation that establishes important aspects such as the way incomes from work (or from other sources such pensions, benefits, property, successions and donations, or any other sources) should be taxed or the rates or different tax obligations depending on the type of worker.

Therefore, it is important that the worker is aware of the elements that must be taken into account in order to make an informed and conscious decision regarding the work regime.

### LABOR CONTRACTS IN SPAIN (Source: [ennaranja.com](http://ennaranja.com))

An employment contract is used to define the relationship between the employer and the employee. Both parties must sign the document voluntarily.

A specific template provided by the Employment Service is used, and it should never be drafted by the employer or the employee. In the header of the contract, at the top left, appears the logo of the Government of Spain next to the text "Ministerio de Empleo y Economía Social" (Ministry of Employment and Social Economy). In the upper right-



hand corner, next to the European flag, the phrases "Servicio público de empleo estatal" and "Fondo social europeo, el FSE invierte en tu futuro" (European Social Fund, the ESF invests in your future) must be read.

In Spain, there are four **types of contracts: permanent, temporary, training and apprenticeship, and internship**. The document signed to work as an intern is not exactly a contract, but an agreement, and the intern is not considered a worker by the Public Administration.

### Company information

The next field is the company's data, which includes its CIF/NIF/DNI, a person of responsibility in the company (proxy, general manager, human resources manager) with his/her name, NIF/NIE and, in the "Concept" section, the position he/she holds within the company. This position must justify his signature on the contract.

DATOS DE LA EMPRESA			
CIF/NIF/NIE			
D.DNA.		NIF/NIE	EN CONCEPTO (1)
NOMBRE O RAZÓN SOCIAL DE LA EMPRESA		DOMICILIO SOCIAL	
PAIS		MUNICIPIO	C. POSTAL

In this section, the name of the company, its registered office (which may or may not coincide with the work address) and the country, municipality and postal code in which it is located are also filled in.

### Contribution account information

This is the company's affiliation number with the Social Security General Treasury. It is an administrative code, and must be completed by the company.

DATOS DEL CENTRO DE TRABAJO	
PAIS	MUNICIPIO

### Work center data

In this section it is mandatory to match the work center with the physical place, where the employee will work. Failure to do so may result in an error of form or even a major problem in the future.



DATOS DEL CENTRO DE TRABAJO	
PAIS	MUNICIPIO

Here it is not necessary to write street and number, but only country and municipality. The rest will be filled in later.

### Worker's data

In this section all relevant information about the worker is filled in, such as his/her name, identity document, date of birth, Social Security number, educational level, nationality, municipality of residence and country of residence, with emphasis on:

Educational level. This should be completed with the level required to perform the tasks within the company. If, for example, the person has a master's degree but does not require this degree for day-to-day work, it would not be necessary to put it in this box.

DATOS DEL/DE LA TRABAJADOR/A			
D./Dña.		NIF/NIE	FECHA DE NACIMIENTO
Nº AFILIACIÓN S.S.	NIVEL FORMATIVO	NACIONALIDAD	
MUNICIPIO DEL DOMICILIO		PAIS DOMICILIO	

con la asistencia legal, en su caso, de D./Dña. .... en calidad de (2) .....

con N.I.F./N.I.E. .... en calidad de (2) .....

Legal assistance. In case legal representation is required, the name and ID of the guardian or person in charge, who must sign the document, acquiring his/her responsibilities. In case that this figure is necessary, the voluntariness of the contract is also a matter for him/her, being then an agreement between the employee, the employer and the guardian or legal responsible.

### Declaration of clauses

- From this point on, the contract establishes a series of clauses that both parties must accept willingly and voluntarily:
- Type of services, where it is marked what functions the worker will perform and what he/she may be asked to do. Specific tasks are recommended to avoid suspensive points and gaps that may lead to doubt.





- Work category to which the worker belongs. It is usually marked as two digits (01, 02, 03...) and refers to the list of professional categories with which the contribution base is then marked.
- Work center where the worker works on a daily or regular basis. If the worker works from home, it is mandatory to check the specific box.
- Working hours. It is one of those points that can create labour frictions in the future, and that is why it is necessary to take special care at the time of completing this section. In it, you can write as much as necessary to make it clear what the working hours are and from what moment overtime will be counted.
- Duration of the contract. Specify when it starts and when it ends, if defined. In temporary contracts, the end of the contract may depend on a fixed date in time or on the end of a project, something that must be made clear in the contract.
- Salary, usually given as annual gross, may include when extra payments will be taken or what day of the month the payment will be made. Based on the negotiated salary, the payroll will be calculated.
- Vacation that the employee will enjoy, generally expressed as days per year. This section may include the order in which vacations may be taken within the same team.

In case of conflict, the following will be respected, in this order: what is agreed in the contract, what is stipulated in the employee's collective bargaining agreement and the Workers' Statute. It is because of its position in this list that the labour contract must be read well, since we may be renouncing to advantages given by our agreement.

### The company's obligations after signing the contract

After signing the contract, the company is obliged to safeguard the data contained in the document, which are protected under the Organic Law 15/1999 on the protection of personal data. Likewise, the company must submit the contract within 10 calendar days to the Public Employment Service and register the worker in the General Social Security Regime.



## EXERCISES:

### Activity 1: GETTING TO KNOW AN EMPLOYMENT CONTRACT.

Objective: To familiarize participants with reading an employment contract.

Instructions:

1. Each participant receives a copy of an employment contract. [Download contract.](#)
2. Ask each participant to check that all of the above fields are on the document.
3. Ask participants to try to complete the document as if they were the employer.

Duration: 20'

### Activity 2. DISCUSSION

Objective: To share and resolve with the group the doubts and difficulties encountered in understanding an employment contract.

Instructions:

1. Ask a volunteer to begin by sharing with the group his or her doubts and difficulties related to the labour contract.
2. The rest of the participants are asked to freely share their doubts or to help other participants to solve them.
3. Continue asking each participant if you notice that they have not yet expressed their doubts.

Duration: 10'



## UNIT 3: MINIMUM WAGES, TAXES AND PAYROLL EXPENSES

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### CONTEXTUALIZATION

The objective of the minimum wage is protecting workers against unfairly low pay. They help ensure a just and equitable share of the fruits of progress to all, and a minimum living wage to all who are employed and in need of such protection.

Some of the advantages of a minimum wage exists in a country are: boosting of productivity, reduce of the income inequality, spurring of economic growth, promotion of education and self – employment and improving employee retention.

1. What is the minimum wage and how is it structured?

The International Labour Organization defines the minimum wage as "the minimum amount of remuneration that an employer is obliged to pay its employees for the work they have done during a certain period."

The annual adjustment to the minimum wage that occurs around an agreement between the leaders of trade unions, representatives of the production unions and the National Government, is a crucial decision for the finances of all citizens, since this increase also influencing the financial readjustment of the personal finances of them, has a lot to do with the increase in the prices of products and services.

There are countries where there is no minimum wage, the market rules, this minimum wage may exist through collective bargaining but not by state regulation, as in countries that do count on this minimum wage.

Some countries present agreements or conventions for different sectors, by which the salary of professionals in those sectors is set. It is important for the employees to keep up with their agreements to avoid being included in an incorrect one with a difference set salary and different conditions.



In the European Union, of the 28 member states, 22 have an SMI, which ranges from 286 euros in Bulgaria to 2,071 euros in Luxembourg, according to data from the Community Statistical Office (Eurostat). Denmark, Italy, Cyprus, Austria, Finland and Sweden, by contrast, lack an interprofessional minimum wage.

The wage is composed, on the one hand, of the so-called "base salary" that remunerates the work provided by the worker based on the time worked, or the work carried out and.

On the other hand, the second part of the wage is the "salary supplements" that are added to the "base salary" and is destined to special circumstances or conditions of the worker.

Regarding the salary supplements, there are several types included in the wage:

- ✓ Personal supplements: Seniority, languages, special knowledge
- ✓ Supplements of job and by quality or quantity of work
- ✓ Supplements in kind
- ✓ Supplements of company situation and results

Although there is no EU-wide regulation that establishes a common minimum wage or the supplements included in the wage, in EU, workers' wage may not be less than the local minimum wage or the wage set by universally binding collective agreements in specific sectors of employment if these are in force in the host country.

It is important that the worker is aware of the local rules, the minimum wage, its supplements and the possible collective agreements or conventions as elements that affect salary. For that specific information, the different national Trade Unions always play an important and facilitating role.



## 2. What kind of taxes do I have to pay as a worker?

Mostly, there are two types of taxes paid by the worker. Payroll tax and income tax are separate groups, but you need to know both in order to withhold employment taxes.

- ✓ Payroll tax: This tax is destined to Social Security and Medicare taxes. Payroll tax is an employer-employee tax, that means both the employer and the employee will contribute to it.
  
- ✓ Income Tax: The income tax is a tax that governments impose on income generated by businesses and individuals within their jurisdiction. By law, taxpayers must file an income tax return annually to determine their tax obligations. Income taxes are a source for the government. These incomes are destined to fund public services, pay government obligations, and provide goods for citizens.

In addition to the necessity of knowing the different types of taxes everyone has to pay as a worker, it is important to understand the rights or benefits offered by this payment in each country.

There are no EU-wide rules that stipulates that, so local regulations will determine the differences from country to country and the length of this services. Even then, in a general way, the monthly deduction of payrolls serves as contribution for:

- Situations of common illness, non-work accident, maternity, paternity, healthcare, etc.
- Retirement pensions (in those countries where retirement pensions have a public profile).
- Unemployment, to cover the loss of income when the employment relationship ends.
- Situations of need derived from work accidents and professional illnesses, as well as disability, death, etc.



- Vocational training through courses whose costs can be 100% financed through this contribution for employees or unemployed.

It is also relevant that workers have a knowledge concerning the situations where their salaries' deductions or contributions are more than the expected. In these cases, workers should get part of the paid amount back.

Where, when and how to declare it is something that depends on national regulations and stipulations.

Here you can see information about it according to official sources of the European Union:

[https://europa.eu/youreurope/citizens/work/unemployment-and-benefits/index\\_en.htm](https://europa.eu/youreurope/citizens/work/unemployment-and-benefits/index_en.htm)

## HOW TO READ A PAYROLL IN SPAIN (Source:ennaranja.com).

The payroll is a document mandatory issued by the company to each worker and in which are reflected a series of data about the company, the type of work performed, the period worked ... as well as various economic amounts. We are going to see what each one of these points is, and the sections in which all the payrolls are divided.

### Header data

The payroll is an invoice, and therefore, there are some minimum points that must appear related to the type of work or the economic amounts. These are the company data: legal name of the company (not the commercial name, but the one that appears in the register), registered address, tax identification code (CIF), social security contribution code, settlement period (the period for which the payroll is paid), as well as the work center. The employee's data must also appear: name, identity document number (DNI), employee's social security contribution code, professional category or professional group, date of seniority in the company and type of contract code.



## Payments

The second point of any payroll that must appear by law is the accruals, which refer to income, i.e., what the employee receives. In this section a division is introduced: wage and non-wage payments.

I. DEVENGOS		
1. Percepciones salariales		2. Percepciones no salariales
Salario Base .....	857,30	Indemnizaciones o suplidos .....
Horas extraordinarias .....		Prestaciones e indemnizaciones de la Seg. Soc. ....
Gratificaciones extraordinarias .....	162,11	.....
Salario en especie .....		.....
P. Convenio .....	60,32	.....
Cta. Conv. ....	55,06	.....
C.P. Trabj. ....	215,21	.....
.....		Indemnizaciones por traslados,
.....		suspensiones o despidos .....
.....		.....
.....		Otras percepciones no salariales .....
.....		.....
.....		.....
.....		.....
.....		.....
II DEDUCCIONES	A. TOTAL DEVENGADO .....	1.350,00

Salary payments are the amounts to be paid to the employee as remuneration for his/her work, while non-wage payments are those goods and services received from the company but which are not taxed as salary (such as restaurant tickets) and can never exceed 30% of the salary payments.

When we look at our respective pay slips we usually notice a division of salary payments into several different items:

- Base salary. This is the minimum salary established by our collective bargaining agreement.
- Salary supplements. This remuneration is fixed according to circumstances related to each employee: responsibilities, knowledge, languages, work performed, results for the benefit of the company, etc.
- Overtime. This item corresponds to the hours worked in excess of our working hours, whether voluntary or forced. Remember that overtime is voluntary as long as it does not appear by agreement, or if it is due to force majeure (for example, moving files because there has been a flood).

- Extraordinary bonuses. In Spain we have two obligatory extra payments: a Christmas bonus and another one that will depend on our collective labour agreement. The twelve-monthly payments plus the two extra payments make fourteen payments, which we usually receive in fourteen payments, but they can also be prorated in twelve payments (one each month).
- Salary in kind. Although difficult to monetize, it is the remuneration that the worker receives in goods or services and that forms part of his salary. It is completely optional on the part of the worker, who is not obliged to receive this type of benefit for his work unless it is reflected in his collective bargaining agreement.

Non-salary payments also have a division:

- Indemnities or allowances. These are expenses that the employee has had to advance for the performance of a job. It can be an expense for transportation, materials, etc.
- Social Security benefits and indemnities. This concept refers to benefits for transfers, suspensions or dismissals, as well as expenses paid by the company for temporary disability or unemployment.

Non-salary payments are a split of payments that differ from salary payments in that they do not have income tax deductions and do not pay social security contributions. In the following section we will see how this affects payroll.

## Personal income tax deductions

II DEDUCCIONES		A. TOTAL DEVENGADO		1.350,00	
1. Aportaciones del trabajador a la Seg. Social y conceptos de recaudación conjunta					
Contingencias comunes	4,70 %	63,45			
Desempleo	1,60 %	21,60			
Formación profesional	0,10 %	1,35			
Horas extraordinarias	%				
			1. TOTAL APORTACIONES	86,40	
			2. I.R.P.F.	7,19 %	97,07
			3. Anticipos		
			4. Valor de productos en especie		
			5. Otras deducciones		
			B. TOTAL A DEDUCIR (1+2+3+4+5)	183,47	
			LIQUIDO TOTAL A PERCIBIR (A-B)	1.166,53	





If accruals are the part of the payroll that adds up, deductions are those points that subtract. In essence, it is what we have to contribute for Personal Income Tax and Social Security. To avoid unexpected decimals, these concepts are not made on the total amount accrued, but from a rounding of the same.

As regards Personal Income Tax, each worker will have a different amount, although it is advisable to be aware of what it means and how it affects us. The IRPF (Personal Income Tax) is the amount that goes to the Tax Agency, and with which we will then have to make the Income Tax Return. If the IRPF is very low we have to count on that the Declaration will come out "to pay" (we will have to return part of the collected money) whereas, if the IRPF is very high, the Declaration will come out "to return" (we will have advanced money previously that will be returned to us).

### Social Security deductions

In the case of the amount to be contributed to the Social Security, the calculation is made as follows:

- Common contingencies. It is calculated as 4.7% of salary accruals less overtime (which will be computed separately).
- Unemployment. This amount is different for workers with a general contract (1.55%), with a full-time fixed-term contract (1.60%) or with a part-time fixed-term contract (1.60%).
- Professional training. Again, on the same amount mentioned above, it will be 0.1%.
- Force majeure overtime. Overtime due to force majeure is subject to a low withholding because it is considered non-voluntary.
- Overtime without force majeure. In this case the deduction amounts to 4.7%. It should be borne in mind that these hours are totally voluntary and that they are an addition to the "common contingencies".

Payrolls sometimes contain the concepts of "advances", "value of product in kind" and "other deductions", but these items are usually subdivisions of the aforementioned concepts (Personal Income Tax and Social Security deductions). In the case that we see



them as independent items, we will have to make sure that the sum is well done and that the same item has not been counted twice.

The total of the deductions will be the sum of each and every one of the items it contains. A typical mistake is to confuse payroll deductions with income tax deductions. The word "deduction" means subtraction, but in each document, it will be a different subtraction, and both documents should not be confused with each other. The income tax return is a document subsequent to the collection of the payroll, by means of which values such as the IRPF are adjusted.

### Liquid to be received

The liquid to be received is the so-called "net salary", and it is the one that we will end up seeing as income in our current account. This account is the easiest of all the payroll since it is a simple subtraction:

**TOTAL LIQUID TO BE RECEIVED = TOTAL ACCRUED - TOTAL DEDUCTIONS**



## EXERCISES:

### Activity 1: UNDERSTANDING A PAYROLL

Objective: To get participants to know how to read a payroll and understand what is right.

Instructions:

1. Provide participants with a payroll without amounts [Download document](#), and give them only the amounts of the payments, and the percentages of the deductions.
2. Ask the participants to do the calculations and fill in the fields: Total Payments, Total Deductions, and then Total Net Amount to be Received.

Duration: 20'

### Activity 2. GROUP DISCUSSION

Objective: to share and resolve with the group the doubts and difficulties encountered in reading and calculating a payroll.

Instructions:

1. Ask the following questions and let participants give their opinions freely
  - Do you already know how to read and calculate your payroll?
  - Do you have any doubts or items that you do not understand?
  - Do you see differences between what is calculated here and your payroll?

Duration: 10'

## UNIT 4: WORKING CONDITIONS AND SECURITY STANDARDS

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### CONTEXTUALIZATION

The International Labour Organization (ILO) established in its Declaration on Fundamental Principles and Rights at Work and its Follow-up in 1998, that social progress goes hand in hand with economic progress and development, highlighting four principles and rights:

- The elimination of discrimination in the workplace.
- The abolition of child labour.
- The elimination of forced and compulsory labour.
- Freedom of association and the right to collective bargaining.

The fact that these four principles have to be established as fundamental and at the present time they are not yet 100% respected, indicates that there is still work to be done.

Based on these four undeniable principles, there are more issues which are important to attend to, regardless the company or job position. From the moment there is an employment relation between employer and employee, both acquire the commitment to respect the other's rights and to fulfil their obligations.





## 1. Rights and obligations of the worker

Starting with the rights, it is important to take into account the following aspects that define the worker's working day:

- **Working hours.** As well as knowing how the working day is structured and fulfilling the mandatory hours is the first step, being aware of when is necessary to stop is also important. Every worker has to know:
  - Maximum working hours per week.
  - Maximum working hours continued.
  - Minimum rest between days.
  - Weekly minimum rest.
- **Work calendar.** Just like workers must be aware of the appropriate proportion of daily and weekly hours, the distribution of the annual calendar must be shown by the company. Every worker has to know:
  - Maximum working hours per month.
  - Weekly rest.
  - Public holiday.
  - Vacation days.
- **Overtime.** Not all days are equal for work. Employees must know if overtime is allowed, how much is paid for that overtime and what limits or maximums they must abide by.

It is not unusual that these figures are not respected by employers in certain sectors, such as hospitality, agriculture or construction, so workers' knowledge about them is fundamental for assert their rights.

There is no EU-wide regulation that establishes these rules and minimums necessary to respect. We have to descend to the national level, even more, to the specific collectives' agreements or conventions to define the minimums set.



Here you can see information about it according to official sources of the European Union:

<https://ec.europa.eu/social/main.jsp?catId=157&langId=en>

<https://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPagId=205>

However, it is important that workers have the knowledge of what can be done if their labour conditions and rights are not respected or whom to address to.

Generally, Trade Unions (and the specialized Guild Trade Unions) play the facilitating role of disseminate this information among workers and to take action in situations where workers are helpless in the national context. Although, depending on the country, the usual procedures could be:

- Filing a complaint with the Labour Inspectorate. The worker has to inform himself about what happened, but the Inspection will keep the secret about the identity of the worker who made the complaint. If there are clear indications, an inspector will appear at the workplace without any notice to check if everything is correct. It is a very effective option for breach of labour and safety conditions.
- Reporting through a lawsuit in courts. Here it is necessary to identify the worker himself (not anonymous). To carry it out, it is convenient to have legal and social assistance, professional lawyers, etc. It could be an expensive option and sometimes, more difficult form migrants.

Another important labour point to be informed about is dismissal and how the employment relation could end. Dismissal could be a sudden situation and it is critical to be aware concerning national/sectoral specifications, regulations and procedures about:

- Disciplinary dismissal. The employer, unilaterally, decides to end the employment relation due to a serious breach of the contract by the worker. Punctuality or indiscipline are the most common forms.



- Unfair dismissal. Same concept that the previous one, but without legal reasons in this case. Trade unions help and support could clarify when a dismissal is unfair, against national regulations.
- How and when dismissal is effective. How and when it has to be notified and how pending issues have to be managed, such as outstanding payments, pending vacations, etc.
- How ex-worker's unemployment situation is managed.

It is obvious that to be able to demand these rights, it is necessary to fulfil some obligations that are intrinsic in the employment contract, regardless the worker's job position.

These duties have to be taken into account in terms of discipline and following the aspects drawn in the workers' contract and the companies' agreements:

- Working hours. Punctuality, the fulfilment of the mandatory hours and the respect of work shifts are crucial for the satisfactory development of workers' activities.
- Hygiene, safety and risk prevention regulations. For workers, employer and company's sake, these norms have to be a priority at all times.
- Obeying direct and indirect requests of a supervisor. Indiscipline could lead in this case to different kind of sanctions and, at last step, to a disciplinary dismissal.
- Respecting the contract's appointments. Reviewing them before sign the contract is also important because contracts define any worker's duties and rights.



## 2. Safety at work

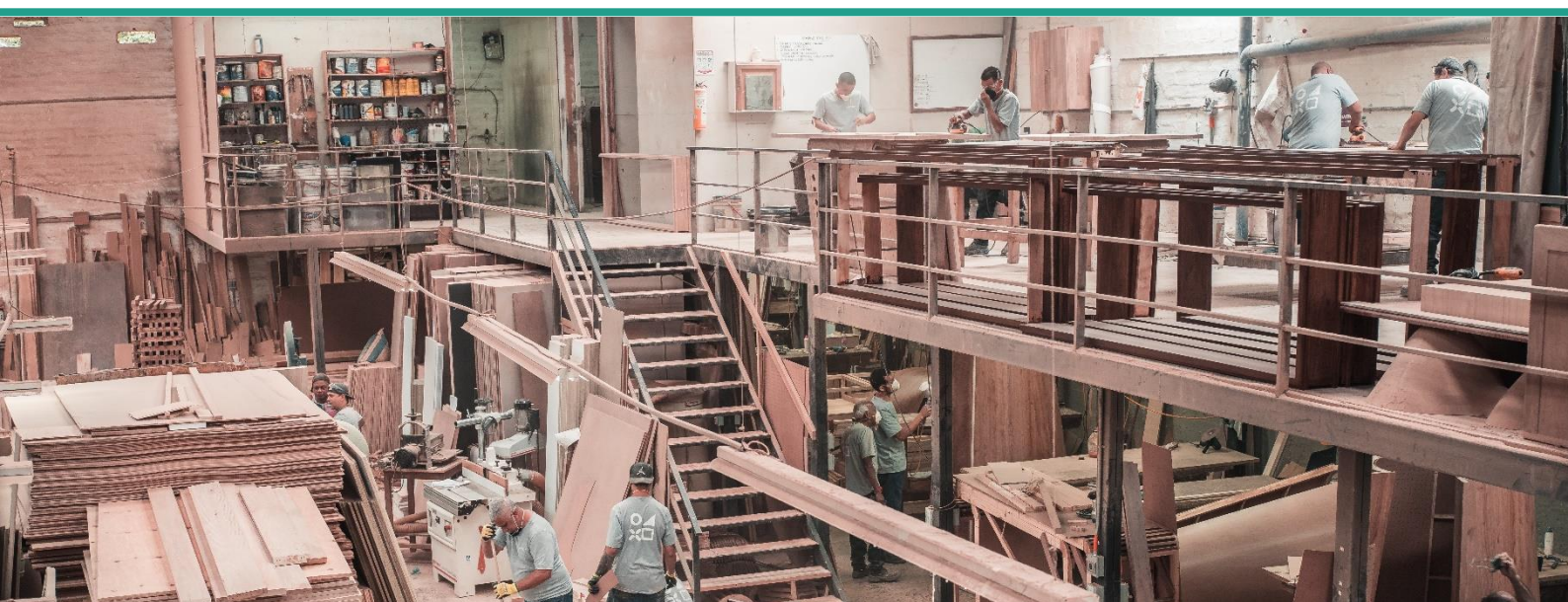
Safety at work is a right and a duty for both workers and employers and must always be present regardless the sector, company or job function.

Safety is an occupational risk prevention discipline; whose objective is the creation and application of measures and procedures for eliminating or reducing the risk of accidents derived from work.

Each company is a workplace that must keep the rules and have optimal conditions for employees for being able to carry out their work activities in the best possible way and with the greatest security.

Although the regulations differ from one Member State from another, their foundations are common and share the same pillars. Thus, the following aspects must be clear for every worker in every job position:

- Keeping track concerning your job position rights and responsibilities. Knowing the necessary safety procedures of your role, being informed of the changes that are made in the specific countries' regulations, as well as be involved in your own safety promote a good and environment at work.
- Receiving job orientation and training concerning your workplace and job position risks. Every company must have training workers specialized in occupational risk prevention to ensure workers have the adequate knowledge to carry out their activities safely and effectively.







- Identifying the possible risks at your workplace. It is important to identify the types of risks that your job position could involve, as well as knowing the correct reporting and communication procedures for possible risks or accidents.
- Having a specific equipment for the development of your activities. If necessary, is employer's obligation to provide workers with the appropriate equipment and tools – Personal Protective Equipment (PPE) – as well as is workers' obligation to demand and to use it properly.

In addition to keeping in mind our obligations and rights regarding safety in the workplace, every employee must have an in-depth knowledge of what they are exposed to while carrying out their work. The following charts show the most common type of risks, those related to accidents and those which could have consequences on employees' health.

It is essential that every worker have complete and specific information on:

WORKING SITUATIONS WHICH COULD CAUSE AN ACCIDENT	
REGARDING WORK EQUIPMENT	REGARDING WORK ACTIVITIES
— UNGUARDED MACHINERY	— LIFTING HEAVY WEIGHT
— MOVING VEHICLES/MACHINERY	— HEIGHT
— SPARE PARTS	— ENCLOSED SPACES
— FACILITIES IN POOR CONDITION	— SUDDEN MOVEMENTS

WORKING SITUATIONS WHICH COULD IMPACT ON HEALTH	
REGARDING CHEMICALS	REGARDING PHYSICAL AGENTS
— LACK OF OXYGEN	— EXTREME TEMPERATURES
— INHALATION, INGESTION AND ABSORPTION OF MATERIALS HAZARDOUS TO HEALTH	— NOISE
	— POOR LIGHT
	— RADIATION
REGARDING ERGONOMICS	REGARDING PSYCHOLOGICAL ASPECTS
— BAD POSTURE	— DISCRIMINATION
— REPETITIVE MOVEMENTS	— HARASSMENT
— LONG PERIODS OF STANDING	— INSULATION
— FAST WORK PACE	
— INSUFFICIENT REST	

There is no EU-wide regulation that establishes these rules in a common way for the Member States. It is necessary to descend to the national and regional level, even more, to the specific collectives' agreements or conventions to define it.

Here you can see information about it according to official sources of the European Union:

<https://osha.europa.eu/en/safety-and-health-legislation>

And here, regarding official sources in Spain:

<https://www.boe.es/buscar/pdf/1995/BOE-A-1995-24292-consolidado.pdf>



## EXERCISES:

### Activity 1: WORK CLIMATE TEST

Objective: To analyse a work climate measurement questionnaire and understand the most important aspects to take into account in relation to this aspect.

Instructions:

1. Give each participant the example of a work climate survey [Download document](#) .
2. Ask the participants to read it carefully, and even to fill it in to compare results.

Duration: 10'

### Activity 2. GROUP DISCUSSION

Objective: To discuss with the group the most relevant aspects to take into account when analysing working conditions and work climate in the work environment.

Instructions:

1. Ask the following questions and let the participants give their opinions freely
  - What aspects have caught your attention the most?
  - Do you consider that your work environment is adequate and meets the appropriate quality and safety requirements?
  - What do you think could be done to improve the working conditions and working climate in your work environment?

Duration: 20'

## UNIT 5: HEALTH CARE AND INSURANCE

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### CONTEXTUALIZATION

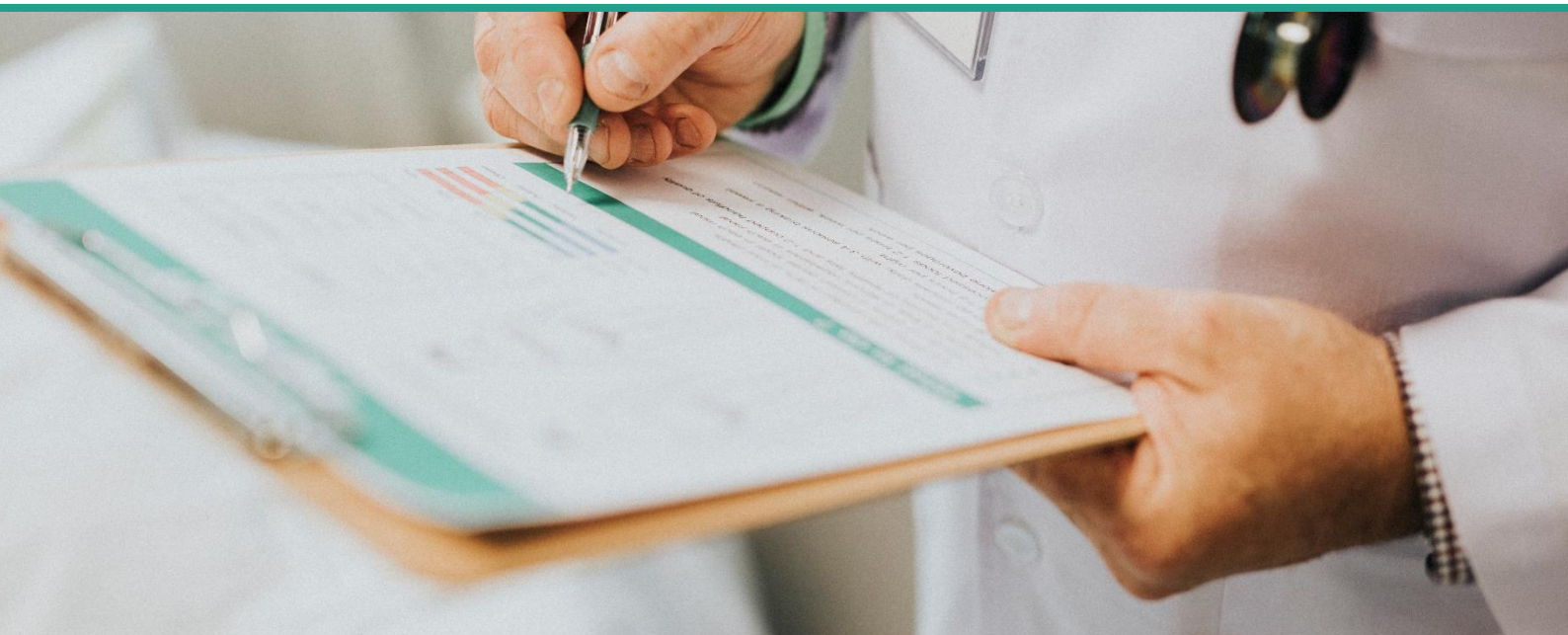
According to the World Health Organization (WHO), there is something call *universal health coverage*, which means that “all people and communities can use the promotive, preventive, curative, rehabilitative and palliative health services they need, of sufficient quality to be effective, while also ensuring that the use of these services does not expose the user to financial hardship”.

From this definition we can deduce that:

- All people have access to the services they need, regardless of their purchase power, situation or nationality because health is a fundamental human right.
- It includes the full range of essential health services, from health promotion to prevention, treatment, rehabilitation, and palliative care.

However, although most countries declare that healthcare is universal, it does not cover all services or all groups, with many not having access even to a healthcare card or free care.

In many cases, migrant workers find themselves in this situation, with different difficulties and complications, both in regular and irregular situation.





## 1. Universal health care

There is no EU-wide regulation that establishes common rules so it is necessary to descend to the national level for specifications.

In the EU, the country responsible for social security and health cover depends on people economic status and place of residence – not nationality. So, the first step is to make sure workers understand which country's social security system should cover them.

Within health care we can find different services or attentions. The extent and cost of these services depends directly on the specific regulations and norms of each country and, above all, on the situation of the migrant worker. So, the next step is to make sure workers understand which health services are free, which of them are paid, which are private, with right to reclaim part of the money afterwards from the social insurance, etc in their country.

If the worker lives permanently in a new country (different from his/her home country), the state in charge of health care should be the country where the worker is carrying out his/her activity (the new one).

Thanks to a regular labour situation (i.e. a legal labour contract), workers are registered in the social security system in the host country. Depending on each national regulation, that register can mean:

- A total coverage as native people. Even, worker's dependants will then be covered by that country's social security system.
- Different coverages based on the social security contribution or the length of stay:
  - Just emergency health care (theoretically, undeniable).
  - Primary health care.
  - Various specialities health care.



It is important to identify the coverage given by the employment contract because in some cases, there are sectors/job positions which not involve health assistance or free health assistance.

- Temporary migrants from another European country.

Thanks to the European Health Insurance Card, any person from another EU country has access to the necessary healthcare during a temporary stay in other European country, provided by the state. This service counts with the same conditions and at the same cost (in some countries, it is free) as people insured in that country. It is also important to highlight that this card is only available in the public sector, not the private one.

This service can be used when migrants are in unemployment situations in their home European countries or they have decided to move to another EU country to look for a job during the period they are receiving unemployment benefits but, it is necessary to pay attention in case of unemployment, because the social insurance will probably only covers health care for a certain period, differing from country to country. Migrants have to keep up with national requirements for these coverages.

- Non-EU temporary migrants

When migrants are not insured in any EU country and decide to move to another EU country to look for a job, the social security institutions of each will decide which system will cover them (probably, it would be the country they move to).

Here you can see information about it according to official sources of the European Union:

[https://europa.eu/youreurope/citizens/health/index\\_en.htm](https://europa.eu/youreurope/citizens/health/index_en.htm)



## HEALTHCARE IN SPAIN

In Spain, healthcare is public and not universal, and it also depends on the autonomous communities, which means that it is not applied in exactly the same way throughout the national territory. Since 2012, only insured persons or beneficiaries are entitled to it, ie:

- Insured:
  - Be employed or self-employed, affiliated to the Social Security system.
  - Be a pensioner of the Social Security system.
  - Receive any other periodic benefit from the Social Security (including unemployment benefit).
  - Have exhausted the unemployment benefit or other similar benefits, to be in a situation of unemployment, not to prove the condition of insured by any other title and to reside in Spain.
- Beneficiaries:
  - Spouses of the insured person or cohabiting with him/her as domestic partners.
  - Former spouses or who are judicially separated, receiving a compensatory pension from the latter.
  - Descendants of the insured person or of his/her spouse under 26 years of age or, in case of being older than 26 years of age, having a recognized disability of 65% or more.
  - Minors subject to the guardianship or legal foster care of an insured person or his/her spouse.
  - Siblings of the insured person.

There are exceptions for:

- Foreigners from a country of the European Union, the European Economic Area or Switzerland residing in Spain (provided that their income does not exceed 100,000 euros per year).
- Political asylum seekers with authorized residence in Spanish territory.
- Victims of human trafficking, during the period of reinstatement and reflection.



- Persons requiring urgent health care due to serious illness or accident, pregnancy, childbirth and postpartum care.
- Minors under 18 years of age.

According to this regulation, migrants in an irregular situation do not have the right to access the health card and, practically, neither to be attended, only when it comes to urgent issues.

Since 2018, these people can be attended in the National Health System, but without recovering the right to have a card. In order to apply for it, there are the following requirements:

- Be of legal age at the time of application.
- Not receiving any other benefit.
- Demonstrate that you have been registered in the country for a certain period of time (this is the main aspect that varies from one autonomous community to another).
- Not to reach 100,000 euros of income.

If these criteria are met, a document is obtained that serves as a health card, useful only in the autonomous community in which the person is registered and valid for one year. Its application is made through the social workers assigned to health centers.

This is the theory, but even so, it will always be necessary to comply with the requirements established by each autonomous community.

Each autonomous community applies the law differently and this results in significant differences between them. According to Reder ( <https://reder162012.org/> ) Madrid and Murcia are two of the communities with the greatest difficulties in obtaining care. In Galicia, although the registration requirement has been lowered from 6 to 3 months, all kinds of barriers continue to be put in place for migrants who do not have the documentation in order, even referring them to private healthcare.

Although the 2018 reform was a positive step, problems remain:





- There are 17 different types of health coverage, one for each autonomous community with different access requirements.
- Most of the Autonomous Communities require 3 months of census registration to be able to access the public health system, when this requirement is not included in the law.
- The law does not specify that the most vulnerable groups (pregnant women, children under 18, victims of trafficking, asylum seekers and people requiring emergency care) will receive care under any circumstances and some Autonomous Communities require payment for this care.

Here you can see information on the subject according to official sources of the European Union:

[https://europa.eu/youreurope/citizens/health/index\\_en.htm](https://europa.eu/youreurope/citizens/health/index_en.htm)

And here, with respect to official sources in Spain:

<https://www.iberley.es/temas/prestacion-asistencia-sanitaria-seguridad-social-5591>

## 2. Workers Health Insurance

Apart from the public side, there also exists different types of insurances for workers' health regarding the private sector.

In some cases, companies offer private health insurance or services as a plus of the workers' rights. These insurances can be complemented with the public assistance service or cover:

- Just health care assistance.
- Reimbursement of some medical expenses.
- Compensation or subsidy in specific cases.



Sometimes they can be complemented with certain benefits of an economic nature (for example, with coverage for personal accidents or for the collection of a temporary rent, etc.) or with other additional coverage (special treatments).

However, for a self-employed person, this type of services is often at his/her own expense.

## EXERCISES:

### Activity 1: REAL TESTIMONIES

Objective: To make participants aware of different experiences and ways of dealing with problems in health care.

Instructions:

1. Provide participants with the following videos with real testimonies of migrants where they talk about their experiences in Spanish healthcare.

<https://www.youtube.com/watch?v=wchjXMizz4o&feature=youtu.be>

<https://www.youtube.com/watch?v=6lw0HRxCNaA&feature=youtu.be&list=PLXPK1-jJZbABEundvZR9ZtBgdy4nMG1Dq>

2. Ask participants to watch the videos.

Duration: 10'

### Activity 2. GROUP DISCUSSION

Objective: To share and resolve with the group the doubts and impressions after watching the videos with real testimonies.

Instructions:

1. Ask the following questions and let the participants give their opinions freely
  - Do you know of any similar case?
  - Do you know if it was resolved?
  - What would you do in that situation?

Duration: 20'



## TRAINING SCHEDULE

### ONE DAY TRAINING PROPOSAL

TASK	DURATION	CONTENT
PRESENTATION	30 minutes	Presentation of the project, the objective of the curriculum and the training and the learning outcomes
INTRODUCTION: HOW TO BECOME A GOOD PEER TRAINER	60 minutes	30' Explanation of concepts 30' Practical exercises
UNIT 1: EMPLOYMENT CONTRACTS	60 minutes	30' Explanation of concepts 30' Practical exercises
COFFEE BREAK	30 minutes	-
UNIT 2: MINIMUM WAGES, TAXES AND PAYROLL EXPENSES	60 minutes	30' Explanation of concepts 30' Practical exercises
UNIT 3: WORKING CONDITIONS AND SECURITY STANDARDS	60 minutes	30' Explanation of concepts 30' Practical exercises
LUNCH TIME	90 minutes	-
UNIT 4: HEALTH CARE AND INSURANCE	60 minutes	30' Explanation of concepts 30' Practical exercises
UNIT 5: LABOUR UNIONS AND OTHER SUPPORT ORGANIZATION, ETC.	60 minutes	30' Explanation of concepts 30' Practical exercises
EVALUATION	30 minutes	It's time to complete the questionnaires and share doubts and suggestions.



## TWO DAYS TRAINING PROPOSAL

1 <sup>st</sup> DAY		
PRESENTATION	30 minutes	Presentation of the project, the objective of the curriculum and training and the learning outcomes
INTRODUCTION: HOW TO BECOME A GOOD PEER TRAINER	60 minutes	30' Explanation of concepts 30' Practical exercises
COFFEE BREAK	30 minutes	-
UNIT 1: EMPLOYMENT CONTRACTS	60 minutes	30' Explanation of concepts 30' Practical exercises
UNIT 2: MINIMUM WAGES, TAXES AND PAYROLL EXPENSES	60 minutes	30' Explanation of concepts 30' Practical exercises

2 <sup>nd</sup> DAY		
UNIT 3: WORKING CONDITIONS AND SECURITY STANDARDS	60 minutes	30' Explanation of concepts 30' Practical exercises
UNIT 4: HEALTH CARE AND INSURANCE	60 minutes	30' Explanation of concepts 30' Practical exercises
COFFEE BREAK	30 minutes	-
UNIT 5: LABOUR UNIONS AND OTHER SUPPORT ORGANIZATION	60 minutes	30' Explanation of concepts 30' Practical exercises
EVALUATION	30 minutes	It's time to complete the questionnaires and share doubts and suggestions.



# KNOW YOUR RIGHTS

(2019-1-IS01-KA204-051136)

Co-funded by the  
Erasmus+ Programme  
of the European Union

