Dear Commissioner Roxana Minzatu,

I am writing to you to express my concern about Spain's failure to comply with Directive 1999/70/EC regarding the abuse of temporary employment in the public sector and the denial of permanent status to interim workers without compensation rights.

Recently, the Spanish Supreme Court has reiterated that it is not possible to automatically convert interim employees into permanent civil servants without a competitive selection process, as this would violate the principles of equality, merit, and competition. However, this decision contrasts with the provisions of Directive 1999/70/EC, which aims to prevent the abusive use of temporary contracts and ensure effective mechanisms to sanction such practices.

Moreover, the Spanish Government has not implemented adequate measures to compensate workers affected by this abuse, a failure that has been highlighted by the Court of Justice of the European Union (CJEU) as a lack of effective transposition of the Directive.

Another issue that deserves attention is that, during stabilisation processes in the Justice sector, career civil servants were allowed to participate in calls intended for interim workers to facilitate their promotion to higher categories. This distorts the original purpose of the stabilisation process, which was to reduce job insecurity and ensure permanent positions for interim workers, not to enable the internal promotion of already established civil servants.

The government, instead of complying with its obligations, seeks to avoid sanctions by deceiving the European Commission through the following tactics:

• Manipulation of statistics: Authorities count job positions instead of individuals to distort reality and minimise the reported rate of temporary employment, despite it not reflecting the actual situation. Some positions are not classified as temporary even though they are occupied by temporary workers, simply because they have a "permanent owner." It does not matter if the temporary worker has been replacing a civil servant who has been working elsewhere for 20 years, nor that the contract does not specify this circumstance (which is illegal).

• Whitewashing the abuse: Since these workers perform essential structural duties and are necessary to maintain public services, many of the “lucky ones” are dismissed and then rehired under new three-year contracts. This creates the illusion of reducing temporary employment while falsely presenting it as legal.

• Insufficient or non-existent compensation: Those dismissed under the stabilization law receive capped compensation that contradicts European jurisprudence, as it fails to adequately redress the harm suffered. However, the government’s preferred—though illegal—method of eliminating abused temporary workers has been to dismiss them through processes not covered by this law to avoid paying them any compensation.

• Faked stabilisation law: This law has been turned into an opportunity for permanent administration employees to obtain promotions to higher-level positions or relocate to different locations—at the expense of dismissing temporary workers subjected to abuse. Authorities claim that only a few temporary workers are dismissed under these processes, but they conceal the fact that many are actually dismissed through other procedures outside the stabilisation law.

• Deliberate delays leading to a judicial tsunami: Courts are overwhelmed with lawsuits from workers demanding permanent positions due to their exclusion from stabilization processes, as well as claims for compensation from those affected. Following the CJEU’s ruling that the stabilisation law does not effectively sanction abuse, these latter workers have now also gained the right to claim compensation.

I urge you, in your capacity as Executive Vice President for Social Rights and Skills, Quality Jobs, and Preparedness, to take concrete actions to ensure that Spain complies with its obligations under Directive 1999/70/EC, which has remained untransposed for more than 25 years. This includes the implementation of effective sanction mechanisms and the protection of interim workers’ rights.

Thank you for your attention to this matter.

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