RocaJunyent Informs

Labour Law Department

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Summary of relevant court rulings and legislative developments: Working conditions and workers' rights (2024-2025)

In this informative alert, we provide a summary of several recent court rulings that address key issues in the labour field. These decisions, issued by the Supreme Court between November 2024 and January 2025 and by the High Court of Justice of the Balearic Islands in May 2024, cover topics such as compensation for damages in cases of pay discrimination, the use of CCTV in the workplace, or the reduction of salary supplements in proportion to reduced working hours for legal guardianship. These rulings outline significant implications for companies and workers, as well as current interpretations of existing labour regulations in Spain. Additionally, some important legislative developments in social matters are also introduced.

Jurisprudential developments

Supreme Court Ruling of 20 November 2024 (appeal no. 2655/2023)

In this ruling, the Supreme Court examines compensation for damages in cases of pay discrimination resulting from the non-application of collective agreement improvements to temporary workers. On appeal, the High Court of Justice of Andalusia dismissed the company's obligation to compensate for unpaid wage differences as lost profits, arguing that the claim for salary differences was time-barred. Contrary to this precedent, the Supreme Court considers that the right to equal pay, which prohibits lower wages due to temporary status, justifies compensation for both material and moral damages through the procedural modality of fundamental rights protection. For the Supreme Court, the choice of procedural modality is crucial in this case, as it allows the extension of the limitation period for salary claims to one year from the end of the discriminatory situation. Similarly, the ruling refers to the possibility of a joint award of compensation that includes both the remuneration not received (lost profits) and compensation for damages (moral damages).

Supreme Court Ruling of 11 December 2024 (appeal no. 41/2023)

The Supreme Court addresses the collective dispute filed by trade unions CC.OO. and UGT against Siemens Rail Automation, SAU. They sought a declaration of nullity, or alternatively, the unjustified nature of the company's decision to stop paying workers the salary supplements associated with attending the workplace (meal subsidy and transport allowance) by including compensation for remote work. Firstly, the Court rules that the action challenging the substantial modification of working conditions has expired, as the 20 working-day period established by Article 138.1 of the Labour Jurisdiction Act begins to count from the day following the written notification by the company to its employees. This is regardless of whether the company followed the procedure of Article 41 of the Workers' Statute. Secondly, it rules that Siemens has not violated Act 10/2021 on remote work, which aims to ensure that workers retain the most favourable conditions they enjoyed before the law came into effect. This is mainly because the changes made by the company occurred before the law came into force.

Supreme Court Ruling of 14 January 2025 (appeal no. 5248/2023)

The Supreme Court evaluates whether it is permissible to use CCTV cameras to confirm reasonable suspicions that a shop assistant has committed irregular acts. Specifically, the employee was dismissed for purchasing clothing items and subsequently refunding herself the purchase amount without returning the items. The

Supreme Court holds that CCTV cameras can be used to verify the commission of a flagrantly unlawful act when, as in the case at hand, compliance with Article 89.1 of the Data Protection Act in relation to its Article 22.4 is ensured. This means that: (i) the cameras are visible; (ii) there is a notice indicating that recording is taking place, and (iii) the workers' representatives are informed accordingly. Consequently, the ruling issued by the High Court of Justice of the Basque Country, which had declared the dismissal of the employee null and void, is overturned.

Supreme Court Ruling of 14 January 2025 (appeal no. 1038/2023)

The Supreme Court rules that the shift allowance must be received in full even when an employee is on reduced working hours due to legal guardianship. In this case, the employee had a 50% reduction in working hours to care for her child under 12, but continued to work morning, afternoon and night shifts. The company appealed, arguing that the shift allowance should be proportional to the hours worked. However, the Supreme Court holds that the shift allowance compensates for the negative consequences of working shifts and is therefore not linked to the duration of the working day. Furthermore, the Court interprets the regulation with a gender perspective, noting that the majority of those who take reduced hours for legal guardianship are women. Ultimately, it confirms that in such cases, the shift allowance should be received in full, without proportional reduction.

High Court of Justice of the Balearic Islands Ruling of 13 May 2024 (appeal no. 3/2022)

In this ruling, the High Court of Justice of the Balearic Islands addresses the timing of the obligation to initiate the consultation period for collective redundancies, applying the doctrine of the Court of Justice of the European Union (CJEU) ruling of 22 February 2024 (C-598/22), in relation to Directive 98/59/EC on collective redundancies. In the case under consideration, the company Resorts Mallorca Hotels Internacional, SL faces organisational and productive difficulties that lead it to implement various restructuring measures. Specifically, the company decides to transfer the management of 13 of its 20 hotels, while simultaneously negotiating voluntary redundancies with 9 employees who will move to work for the transferee company. As a result of these decisions, the company maintains a central services staff of 32 people, of which 8 were dismissed for organisational and productive reasons. Considering the described framework, the Court, in light of the response given by the CJEU ruling of 22 February 2024 (C-598/22), concludes that the obligation to consult arises when the company, within a restructuring process, contemplates or plans a reduction in jobs that could exceed the established thresholds. In this regard, the Court considers that the company had already made strategic decisions aimed at avoiding contractual terminations, justifying the opening of the consultation process. For the Court, the purpose of this obligation is to prevent, reduce or mitigate the consequences of collective redundancies, so the consultation period should have begun with the adoption of the initial strategic restructuring measures, regardless of whether the numerical thresholds for collective redundancies were ultimately reached. In view of the above, the High Court of Justice of the Balearic Islands declares the terminations null and void for not having followed the proper procedural steps.

Legislative developments

Royal Decree-Law 1/2025, of 28 January, approving urgent measures in economic matters, transport, Social Security, and to address situations of vulnerability

This regulation reinstates some of the socio-labour measures that lapsed due to the non-validation of Royal Decree-Law 9/2024. Regarding the revaluation of pensions and other public benefits: (i) contributory pensions are generally increased by 2.8%, (ii) the maximum limit for the receipt of public pensions is set at 3,267.60 euros per month (45,746.40 euros annually), (iii) the supplement for reducing the gender gap is set at 35.90 euros per month, (iv) the minimum amount for old age and non-concurrent invalidity pensions of the Compulsory Elderly and Disability Insurance (SOVI) is set at 7,840.00 euros annually and at 7,610.40 euros annually if concurrent with other pensions, (v) the amount of non-contributory disability and retirement pensions is set at 7,905.80 euros, (vi) the amount for non-contributory Social Security family benefits, for a dependent child aged 18 or over with a disability degree greater than 65%, is set at 5,805.60 euros annually; the amount will be 8,707.20 euros annually if the disability is 75% or greater.

In terms of contribution regulations, these are extended with the following updates: (i) minimum contribution bases are increased by the same percentage as the minimum wage, increased by one-sixth; (ii) the base and maximum contribution cap will be set by applying the 2.8% corresponding to the pension revaluation, plus the 1.2% established by the 38th transitional provision of the General Social Security Act, totalling 4,909.50 euros per month; (iii) during the year 2025, the contribution rate for the Intergenerational Equity Mechanism (MEI) will be 0.80%, with 0.67% paid by the employer and 0.13% by the employee; (iv) an additional solidarity contribution applies exclusively to employees when their remuneration exceeds the maximum contribution base. Additionally, the obligation to maintain employment is extended for companies benefiting from contribution exemptions for workers affected by furlough schemes (ERTEs) from a minimum period of 6 months and a maximum of 2 years. Finally, the prohibition on dismissals for objective reasons linked to increased energy costs for companies receiving direct aid is extended until 31 December 2025.

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It provides clarifications on the changes implemented in the new National Classification of Economic Activities (CNAE-2025) following the entry into force of Royal Decree 10/2025 on 16 January 2025. This regulation sets key deadlines for its implementation, highlighting the obligation for all economic units to report their economic activity coding according to CNAE-2025 between 1 March and 30 June 2025. Additionally, those already registered must comply with this obligation by 30 June 2025, while new responsible entities must report the coding at the time of their incorporation. During the transition period, they must continue using the coding according to CNAE-2009 until Social Security legislation is fully adapted to the new classification.

Developments in working time registration

On 4 February 2025, the Council of Ministers approved the Draft Bill for the reduction of the maximum duration of the ordinary working day, working time registration and the right to digital disconnection. The Draft Bill is based on a prior agreement reached between the Ministry of Labour, CC.OO. and UGT, without the involvement of the employers' association. For the Draft Bill to come into effect, it must be approved by the Parliament.

If so, a new Article 34 bis will come into effect in the Workers' Statute (WS), which will comprehensively and harmoniously regulate aspects related to working time registration, modifying the current Article 34.9 of the Workers' Statute (in force since 12 May 2019). Additionally, the new Article 34 bis WS will include the regulation of working time registration in part-time contracts (Article 12.4.c) WS) and the registration of overtime hours (Article 35.5 WS).

In this way, the Workers' Statute introduces the requirements of objectivity, reliability, and accessibility that were already required following the provisions of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, concerning certain aspects of the organisation of working time, as interpreted by the Court of Justice of the European Union in its Judgment of 14 May 2019 (Case C-55/18). Furthermore, the Draft Bill incorporates modifications to the currently applicable jurisprudential criteria.

The Labour Department of RocaJunyent has published a report with a detailed analysis of the "future" new regulation of working time registration, comparing it with the current Article 34.9 of the Workers' Statute, as well as the most relevant judicial rulings and

Technical Criterion 101/2019 regarding the actions of the Labour and Social Security Inspectorate in terms of working time registration.

If you wish to resolve any doubts or expand your knowledge on any of these subjects, you can contact:


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