

# RocaJunyent Informs

Labour Law Department  
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## **Summary of relevant court judgments and legislative developments: working conditions and workers' rights (2025)**

In this information alert, we provide a summary of several recent court rulings addressing key issues in the labour field. These decisions, issued between June and September 2025, address key topics in the field of employment law, including the guiding principles of the gradualist theory in disciplinary matters, *in itinere* accidents, the classification of voluntary resignation, and the right to algorithmic information. These judgments outline significant implications for companies and workers, as well as current interpretations of Spanish labour regulations.

We also highlight several legislative developments, including the extension of parental leave to 19 weeks per parent, the approval of the 2025–2027 Strategic Plan of the Labour and Social Security Inspectorate (ITSS), and Order PJC/908/2025, which sets the date for the entry into operation of the Independent Authority for Whistleblower Protection.

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# Recent jurisprudential developments

## Supreme Court Judgment of 10 September 2025 (Case No. 14/2024)

The Supreme Court dismissed UGT's claim against the company and upheld the National Court's ruling, considering that an ergonomic chair is not an essential working condition but a preventive measure subject to risk assessment and individual circumstances. It held that the teleworking agreement already provided for basic equipment (laptop, charger, mouse, and headset) and a monthly allowance of €30 for expenses, excluding the ergonomic chair; that there was a procedure in place through the prevention service to request ergonomic items (monitor, keyboard, footrest), and that the chair was only provided with a validated medical prescription; that general ergonomic risk does not require the provision of chairs to the entire workforce without individual assessment; and that the company complied with Law 10/2021 and occupational health and safety regulations. Therefore, there was no breach of the principle of equality nor any obligation to provide chairs indiscriminately to teleworkers.

## Supreme Court Judgment of 2 June 2025 (Case No. 813/2023)

An employee, while leaving their detached house for work, slipped on the steps of their porch at around 7:30 a.m., without having exited their property, with their working day due to start at 8:00 a.m. As a result of the fall, the employee suffered a temporary incapacity classified as a common contingency. Disagreeing with this classification, the employee initiated administrative and legal proceedings to have the incapacity recognised as a professional contingency, arguing that it was an *in itinere* accident. The Supreme Court therefore assessed whether the accident was of a personal or professional nature. The High Court of Justice of Murcia, which heard the appeal, considered the accident to be work-related. However, the Supreme Court held that for an *in itinere* accident to exist, as set out in Article 156 of the General Social Security Law, the individual must have left the detached house and accessed public space. In this specific case, the Court found that the employee had the ability to minimise risks within their own property, which includes all interior areas not considered public space (such as the garden or porch). Therefore, since the accident occurred before the employee had entered public space—where risks are beyond personal control—it could not be classified as an *in itinere* accident, and the contingency was deemed common.

## Judgment of the High Court of Justice of Madrid, 11 June 2025 (Case No. 113/2025)

An employee filed a claim requesting payment of €5,718.41, including 10% interest for late payment under Article 29.3 of the Workers' Statute. The total amount claimed related to unpaid variable remuneration, profit-sharing, and bonus payments. The Labour Court No. 17 of Madrid ruled in favour of the employee, relying on the *fictia confessio* under Article 91.2 of the Law Regulating Social Jurisdiction (LRJS). During the hearing, the company was questioned through its legal representative, who held power of attorney but had no direct knowledge of the facts. The company appealed the ruling, requesting its annulment due to incorrect application of the *fictia confessio*.

The High Court of Justice of Madrid agreed that the questioning should not have been conducted by an external lawyer lacking direct knowledge of the facts, whose understanding was based solely on information provided by the client. It held that, under Article 91.5 LRJS, questioning must be carried out by someone who acted on behalf of the company and was directly involved in the events. The court stated that it is not acceptable for a lawyer, who merely holds power of representation and has no managerial or operational role within the company, to respond to questioning, as the procedural rules require direct knowledge of the facts.

However, the court also found that the lower court had misapplied the *fictia confessio*, as it must be applied to facts, not legal conclusions. The judge had ruled in favour of the employee without considering the company's arguments or the proven facts that showed partial payments had already been made. As a result, the court held that the company's right to effective judicial protection had been violated, annulled the original judgment, and ordered a retrial.

#### [Judgment of the High Court of Justice of Catalonia, 10 June 2025 \(Case No. 6580/2025\)](#)

The High Court of Justice of Catalonia assessed whether a particular conduct should be classified as a dismissal or a voluntary resignation. In this case, an employee sent a WhatsApp message to the company asking them to "prepare the dismissal papers". In response, the company informed her—also via WhatsApp—that it would prepare the documentation for a "voluntary resignation" as per her request. Later, the company asked whether she preferred to collect the documents in person or receive them by registered post, to which she replied that they should be sent by post.

Accordingly, the company sent a registered letter confirming the preparation of the voluntary resignation documents dated 13/03/2022.

Subsequently, the employee challenged the termination, claiming it was a dismissal and arguing that she had never explicitly requested a resignation in her WhatsApp message. The Labour Court No. 21 of Barcelona dismissed the claim, and the High Court upheld the ruling. It concluded that the termination was a resignation, not a dismissal, based on the following: the employee initiated the conversation by asking for dismissal papers, which, although not a formal request, clearly expressed her unilateral intention to end the employment relationship. The employer accepted this the same day via WhatsApp, replying "...Okay, thanks! I'll send you the number of the girl so you can return the keys." The company then followed up to confirm the preparation of the resignation documents. Therefore, the court considered that the termination resulted from a resignation, as the employee had clearly, unequivocally, and unilaterally expressed her intention to end the contract, which the company accepted. The High Court of Justice of Catalonia confirmed the lower court's decision.

#### [Judgment of the National Court, 4 July 2025 \(Case No. 182/2025\)](#)

The National Court examined whether a contact centre company was obliged to provide trade union sections with information on the "parameters, rules, and instructions" used by the software system that assigned variable days off and rest periods for rotating shift

staff. The CGT union sections requested this information under Article 64.4(d) of the Workers' Statute.

The company denied the applicability of this provision, arguing that it did not use any "algorithm" or "artificial intelligence system" affecting working conditions. In response, the union filed a collective dispute claim, requesting that the company be ordered to provide the information under Article 64.4(d) and to pay €6,250 in compensation for violating the fundamental right to freedom of association. The unions CCOO, USO, and CSIF joined the claim.

The National Court upheld the claim, finding that the company had indeed used "algorithms or mathematical formulas" to determine working conditions. By denying the use of such technology to avoid providing the information required under Article 64.4(d) of the Workers' Statute, the company was also ordered to compensate the claimant union with the amount requested.

Specifically, the judgment: (1) Declares a violation of the fundamental right to freedom of association of the CGT union by the defendant company, for failing to inform CGT delegates in the union sections of Barcelona, Madrid, and Seville about the parameters, rules, and instructions underlying the algorithms used by the company that affect employees' working conditions, as well as the algorithmic or automated system used to assign variable rest days in those workplaces. (2) Declares the nullity of such business practice. (3) Orders the company to pay €6,250 in compensation to CGT for damages caused by the violation of trade union freedom. (4) Orders the company to immediately provide clear and accessible information to CGT delegates in Barcelona, Madrid, and Seville about the parameters, rules, and instructions behind the algorithms used by the company that affect working conditions, as well as the algorithmic or automated system used to assign variable rest days.

## Legislative Developments

### [Royal Decree-Law 9/2025 of 29 July, extending parental leave](#)

This regulation amends the Workers' Statute and the Basic Statute of Public Employees to align Spanish legislation with Directive (EU) 2019/1158. Specifically, it extends parental leave by 3 weeks, increasing it from 16 to 19 weeks per parent. For single-parent families, the leave is extended to 32 weeks. The leave is structured as follows: a) 6 uninterrupted and mandatory weeks for each parent immediately after birth or adoption, to be taken full-time; b) 11 weeks (or 22 for single-parent families), to be taken consecutively or intermittently until the child turns 12 months old; c) 2 weeks (or 4 for single-parent families), to be taken consecutively or intermittently until the child turns 8 years old. This extension came into force on 31 July 2025, and the transitional provision states that it applies to events occurring from 2 August 2024. Leave and financial benefits may be requested from 1 January 2026, without requiring a new recognition of the right, and in accordance with the existing rules on voluntary parental leave. The Royal Decree-Law was ratified by the Spanish Parliament on 9 September 2025, and is pending publication as a formal law in the Official State Gazette (BOE).

## Other Notable Developments

### [Resolution of 8 September 2025 by the State Secretariat for Labour approving the 2025–2027 Strategic Plan of the Labour and Social Security Inspectorate \(ITSS\)](#)

The plan sets out key priorities: ensuring employment stability (monitoring fraud in temporary contracts, misuse of discontinuous permanent contracts, and dismissals during probation), overseeing working time with a digital and interoperable time register and the right to disconnect, ensuring wage compliance (including the minimum wage) and proper application of collective agreements, strengthening workers' representation rights, and safeguarding health and safety (accidents, occupational cancer, and psychosocial risks).

It intensifies the fight against precarious and unprotected work (platform work, bogus self-employment, part-time fraud, telework, letterbox companies, and irregular cooperatives), expands Social Security oversight (contributions, benefits, and mutual societies), and reinforces the inspectorate's role in collective dismissals.

The plan also modernises the organisation through greater specialisation and training (Labour Inspectorate School), territorial coordination, data use and cross-referencing for planning and “shock plans”, digitalisation of interactions with citizens and public administrations, and increased transparency and accountability. All of this is aligned with the 2030 Agenda and subject to budget availability.

### [Order PJC/908/2025 of 8 August, establishing the operational date of the Independent Authority for Whistleblower Protection \(A.A.I.\)](#)

This order sets 1 September 2025 as the start date for the Independent Authority for Whistleblower Protection (A.A.I.), created under Law 2/2023 on the protection of individuals reporting regulatory breaches and anti-corruption efforts (the “Whistleblowing Law”). The A.A.I. will be chaired by Mr Manuel Villoria Mendieta. This strengthens protection against retaliation for whistleblowers and provides legal certainty for obligated entities within an operational and coordinated institutional framework.

Companies that have already appointed a person responsible for the internal reporting channel must notify the A.A.I. within two months of its entry into operation, i.e. by 1 November 2025. As this date falls on a non-working day, the deadline is extended to the next working day: 3 November 2025.

Should you wish to clarify any doubts or gain further insight into any of these matters, you may contact:



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