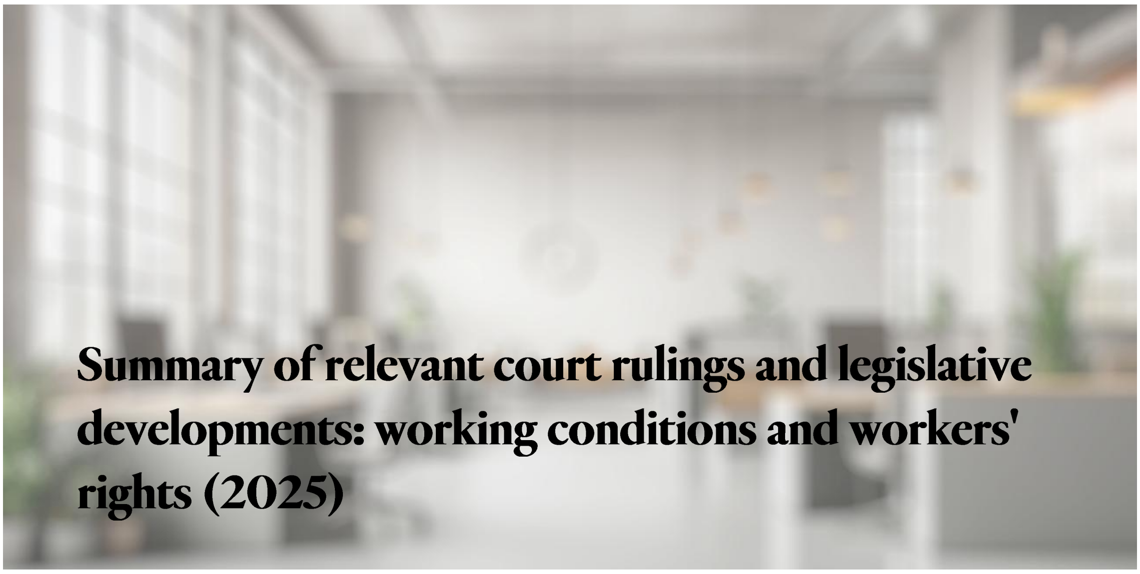
RocaJunyent Informs

Labour Law Department
November/December 2025



Summary of relevant court rulings 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 field of labour law. These decisions, issued between October and November 2025, deal with issues such as the right to data protection when using company digital devices, the legitimacy of trade unions to bring legal action on behalf of workers, and the activation of contributions to the Treasury in the event of collective redundancies. These rulings from various judicial bodies, including the European Court of Human Rights, the Supreme Court, and the High Courts of Justice, outline important implications for companies and workers, as well as the current interpretations of labour regulations in Spain.

This Alert is for informational purposes only and does not constitute legal advice of any kind.

New case law developments

Judgment of the European Court of Human Rights of 6 November 2025 (Guyvan v. Ukraine)

The Guyvan v. Ukraine case concerns a dispute between an employee and his employer, who accessed detailed data from his work mobile phone, a device he used not only for work purposes but also for private purposes, in order to check whether he was at his workplace. The Ukrainian courts rejected the employee's claim on the grounds that the data was "technical" and not personal, and therefore there was no evidence of a breach of data protection regulations, specifically Article 8 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (hereinafter, the "Convention"). However, the European Court of Human Rights (hereinafter, the "ECHR") concluded that the information obtained by the employer went beyond the data necessary to determine whether the employee had been at work, as it had accessed the employee's specific location, the contact numbers with which he had made calls, the duration of the calls, the use of roaming, etc. Furthermore, the ECHR emphasises that, although this was a dispute between an employee and a private company, and therefore at first glance it might appear that the State was not directly involved, the State has an obligation to ensure that the courts respect the rights protected by Article 8 of the Convention. In conclusion, the ECHR ruled that Ukraine had failed to comply with the positive obligations arising from the aforementioned article.

Supreme Court ruling of 12 November 2025 (rec. no. 52/2024)

The Supreme Court is asked to rule on whether, in a case where the requirements are met for a company to make contributions to the Treasury as a result of a collective dismissal affecting a percentage of workers aged 50 or over that is higher than the percentage of workers aged 50 or over who are part of the workforce, the company can be exempted from this obligation on grounds not expressly provided for in the legislation. expressly provided for in the regulations.

On this issue, it is important to note that the High Court of Justice of Catalonia had upheld the company's appeal against the SEPE's decision, interpreting that there had been no intention on the part of the company to get rid of older workers in order to save costs and that the payment of settlements relating to contributions to the Treasury, taking into account the company's negative economic situation, would lead to its bankruptcy, with the need to dismiss all workers, increasing the expenditure on unemployment benefits, which would be an interpretation totally contrary to the spirit of the regulations on the matter.

However, the High Court, in response to the appeal lodged by the SEPE, overturned the ruling of the High Court of Justice of Catalonia and established that, regardless of whether or not it agreed with the arguments of the plaintiff company regarding the purpose of the regulation, in order for these arguments to be upheld, they would need to

This Alert is for informational purposes only and does not constitute legal advice of any kind.

be framed within the application or interpretation of the specific legal regulation, there being no specific provision establishing a possible exemption from the obligation for the reasons expressly alleged, nor could such a possibility be interpreted.

Supreme Court ruling of 22 October 2025 (rec. no. 5478/2023)

A worker claimed wage differences on the grounds that the toxicity bonus under Article 6 of the Provincial Collective Agreement on Building and Premises Cleaning in Bizkaia should be paid per calendar day and not only for days actually worked. The Social Court No. 11 of Bilbao only recognised seniority and rejected the wage differences arising from the application of this bonus, while the High Court of Justice of the Basque Country overturned this ruling on appeal, ordering the payment of the bonus per calendar day, which led to the company filing an appeal for the unification of doctrine. The Supreme Court took up the debate, identifying the appealed ruling and the appealing company, and conducted a contradictory review with Supreme Court Ruling No. 443/2023 on the same Article 6 of the same agreement, which had previously established that the appropriate interpretation was payment for days actually worked. In response to the argument that the percentage of the bonus "on top of the base salary" would imply monthly accrual per calendar day, the High Court recalls that the toxicity bonus is a job supplement covered by Article 26.3 of the Workers' Statute, which compensates for the provision of services in working conditions with a risk of toxicity and is not consolidated; so that, unless the collective agreement governing the specific bonus states otherwise, it is only accrued when the service is actually provided under those conditions. With this interpretative guideline, and noting that the wording of Article 6 does not contain a special rule for accrual per "calendar day", the judgment of the High Court of Justice of the Basque Country is overturned and the judgment of the court of first instance is upheld, unifying doctrine and concluding that the bonus is paid for days actually worked, and not for calendar days.

Supreme Court ruling of 6 October 2025 (appeal no. 1949/2024)

The Supreme Court rules on an appeal for the unification of doctrine in which it analyses the scope of a trade union's standing to sue, questioning whether, in the event that a worker affiliated to the union has not claimed a violation of fundamental rights, the union can claim autonomously through the procedure for the protection of fundamental rights, or whether it is only possible for it to be a party as an intervener.

In the specific case, a worker who was a member of the trade union had been transferred from one workplace to another in a context in which the worker had requested that masks be distributed among the staff in the days prior to the transfer. Therefore, the union, through the procedure for the protection of trade union freedom, demanded that the anti-union conduct cease, that the worker be immediately reinstated to their job and that they be compensated with €7,501. However, it should be noted that the worker had not made an individual and personal complaint regarding the transfer.

This Alert is for informational purposes only and does not constitute legal advice of any kind.

After analysing the difference between individual and collective interests, the Supreme Court established that in this specific case there was a clear connection between the worker's prior complaint and the notification of the transfer, therefore, there is a collective interest on the part of the trade union in obtaining a ruling declaring the cessation of anti-union conduct, with the trade union having standing to claim such cessation through the procedure for the protection of trade union freedom, as well as claiming moral damages arising from such a violation of a fundamental right, but lacking standing to claim the reinstatement of the worker to the job he held prior to the transfer carried out by the company.

Judgment of the High Court of Justice of Galicia of 9 September 2025 (rec. no. 2069/2025)

In January 2020, the claimant took sick leave due to major depressive disorder. After a procedure before the INSS, which rejected her claim for disability, she applied to the court for recognition of total permanent disability for her usual profession, which was branch manager at a bank. In March 2023, she took up an adapted position at the company's head office, performing administrative and back-office duties, receiving a positive performance evaluation and a medical report that considered her fit for work with limitations.

In April 2024, the Social Court recognised her disability based on her depressive disorder and a fibula fracture suffered in 2021, and the claimant requested the adaptation of her job following the disability ruling. However, in May 2024, the company informed her of her dismissal, and the worker filed a lawsuit against the termination of her employment contract, alleging that it was a null and void dismissal based on discrimination on the grounds of disability.

The Chamber confirmed the nullity of the dismissal, considering that the worker is a person with a disability and that the company should have kept her in an adapted position, in accordance with the obligation to make reasonable adjustments established in the UN Convention on the Rights of Persons with Disabilities ( ) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, and the case law of the Court of Justice of the European Union. The Chamber rejected the company's arguments regarding the alleged impossibility of performing any job, as the proven facts show that the worker successfully performed the tasks of her adapted position without excessive burden on the company, and concludes that the company violated the principle of equal treatment and that, therefore, it should reinstate the worker in an adapted position, respecting her right to work and to remuneration in accordance with the applicable regulations.

It also recognised that discrimination on the grounds of disability justified the payment of the €30,000 in compensation claimed, as well as the payment of the wages not received from the date of dismissal until reinstatement, with legal interest.

This Alert is for informational purposes only and does not constitute legal advice of any kind.

Judgment of the High Court of Justice of Madrid of 11 July 2025 (rec. no. 396/2025)

A worker appealed against the ruling of Madrid Social Court No. 47, which denied the classification as paid leave due to force majeure (Article 37.9 of the Workers' Statute) of his absences due to the sudden illness of his minor daughter and which, in addition, improperly counted the Saturday in the hospitalisation leave.

In response to this appeal, the High Court of Justice of Madrid corrected the lower court's ruling and declared that the real reason for the absence was not "going to the health centre" but rather a family emergency that required the immediate presence of the parent. Thus, it cannot be ignored that three requirements must be met: (i) an urgent and unexpected family reason requiring immediate presence, (ii) illness or accident of a family member/cohabitant requiring assistance, and (iii) the indispensability of the worker's presence due to the lack of a reasonable alternative.

Taking these requirements into account, the worker's absences are covered and remunerated. In addition, the High Court of Justice of Madrid adds that neither Article 37.9 of the Workers' Statute limits the right to "individual hours" nor does it require "absolute" unpredictability.

Similarly, with regard to the issue relating to Article 37.3.b) of the Workers' Statute (hospitalisation), it establishes that the triggering event is admission to hospital and that the leave is calculated in terms of the worker's actual working days, so that, as their working week is from Monday to Friday, Saturday does not count as a day of leave.

Finally, it finds a violation of Article 14 of the Spanish Constitution due to the company's failure to comply with a criterion that has already been unified in collective disputes and orders the payment of €3,500 in moral damages pursuant to Article 183 of the Law Regulating Social Jurisdiction.

Legislative developments

Law 9/2025, of 3 December, on sustainable mobility

This Law sets out new labour obligations for companies. Specifically, those with a workplace with 200 employees or 100 per shift must draw up a sustainable mobility plan for the workplace no later than 5 December 2027. These plans must be negotiated with the legal representatives of the employees (or with a trade union negotiating committee, if there is no legal representation). They must include solutions that consider, for example, the promotion of active mobility, collective transport, low-emission mobility, shared/collaborative mobility solutions, solutions to facilitate the use and recharging of zero-emission vehicles, and teleworking where possible, among other issues. Measures relating to the improvement of road safety and accident prevention when travelling to the workplace will also be included. Sustainable mobility plans for work must be registered

This Alert is for informational purposes only and does not constitute legal advice of any kind.

and monitored to assess the level of implementation of the actions and measures included in the plan. In any case, within two years of its approval, a monitoring report must be prepared, which will be repeated every two years during the plan's validity.

Other news of interest

RED Newsletter 11/2025, 26 November

This Bulletin includes aspects of general interest to companies relating to: (i) special deferrals DANA RDL 6/2024; (ii) Article 235 of the General Social Security Law on contribution periods assimilated for childbirth for the purposes of exemption from contributions under Articles 152 and 311; (iii) Royal Decree-Law 9/2025, of 29 July, extending birth and childcare leave: two additional weeks of birth and childcare benefits; (iv) IT reports - obligation to notify the INSS of "job position" and "job description"; and (v) INSS communication on the regulatory basis for temporary disability.

If you have any questions or would like to learn more about any of these topics, please contact:


Mª José Sánchez García
mj.sanchez@rocajunyent.com


Alberto Novoa Mendoza
a.novoa@rocajunyent.com


Mª Rosa Rodríguez Gutiérrez
r.rodriguez@rocajunyent.com


Albert Martínez Rodríguez
a.martinezr@rocajunyent.com


Pilar Baltar Fillol
p.baltar@rocajunyent.com

Editorial committee: Rubén González Rodríguez and Juan Peña Moncho

This Alert is for informational purposes only and does not constitute legal advice of any kind.