

DECENTRALISATION IN SPAIN AND PUBLIC EMPLOYMENT

Decentralisation in Spain and public employment

- Brief historical evolution of decentralisation in Spain
- Understanding the structure of the administration in Spain
- Public employment in Spain

Brief historical evolution of decentralisation in Spain

Brief historical evolution of decentralisation in Spain

- **Constitution (1812):**

Municipalities and provinces

- **Municipal Law (1877):**

Regulation of local councils configuration (mayors, permanent commission, plenary session...)

- **Municipal Statute (1924):**

More economic means; self-regulation capacity; elimination of certain state controls over the municipal management; etc

- **Constitution of the 2nd Republic (1931):**

Municipalities, provinces and regions with autonomy; distribution of powers between state and regions

- **Municipal Law of 1935:**

Regulation of National Corps of Local Civil Servants (today known as *Local Civil Servants with National Qualification*)

➤ Law of Local System (1955):

Centralist system; Mayor and Provincial Councils Presidents chosen by the State

➤ **Constitution (1978)**

➤ Statutes of Autonomy for regions

➤ Law 7/1985, regulating the Foundations of Local System:

Main pillar of the current local system

➤ Law 57/2003, regulating measures of the modernization of local government:

Special regulation for large population cities, etc.

➤ Law 27/2013, of Rationalisation and Sustainability of Local Administration:

Clarification of local powers ('One administration, one power'); more efficiency, stability and financial sustainability

Understanding the structure of the administration in Spain

Understanding the structure of the administration in Spain

- ⦿ The current administrative structure in Spain is enshrined in the Constitution of 1978 (State of autonomous communities)
- ⦿ Three levels of administration:
 - State
 - Autonomous communities (Regions)
 - Local entities (provinces, towns, isles, etc)
- ⦿ State and regional powers are foreseen in the Constitution, but not local powers

Spain: A state of autonomous communities

- ⦿ The new territorial arrangement, described as a State of Autonomous Communities, has meant a radical transformation, from the previous regime's uniform and highly centralised State, to one which is plural and extensively decentralised.

State and regions



- 17 Autonomous Communities and 2 Autonomous cities
- Split of Powers between State and regions set in the Constitution and the Statutes of Autonomy of each region

State and regions



The Constitution distinguishes three types of power according to subject-matter:

- Matters falling exclusively within State jurisdiction.
- Matters exclusively within the jurisdiction of the Communities.
- Matters for which jurisdiction may be shared between the State and the Autonomous Communities.

Local entities



The Local Administration is one of the three Territorial Administrations making up the Spanish Public Administration, and fundamentally comprises territorial entities —Provinces, Municipalities, Islands, but also non-territorial institutions (Associations of Communities, Consortiums, etc.).

Local entities



The Municipalities are the basic local entities in the State's territorial organisation; they are governed and administered by their Town Councils, made up of the Mayor and Councillors.

The Municipalities are grouped into Provinces, also the territorial division adopted by the State and the Autonomous Communities in the pursuit of their activities; the local body of government in the Provinces is the Provincial Council.

Public employment in Spain

Public employment in Spain

- According to the Constitution, the State has the power to lay down the foundations for the statutory regime regulating civil servants. These foundations are applicable to public employees at state, regional and local level, comprising aspects such as:
 - Acquisition and loss of official status
 - Administrative career and promotions
 - Rights, obligations and freedoms
 - Disciplinary regime
 - Etc
- Main normative text:

Consolidated Text of the Law regulating the Basic Public Service Personnel Statute (2015)

Main characteristics of the Spanish model of public employment:

The model for employment in the Public Service in Spain is complex, comprising very varied situations and diverse elements, sometimes introducing a degree of confusion which it may prove difficult to reconcile..

Main features:

- Immobility of civil servants as a way to guarantee independence
- Neutrality to political changes and subject to the values of law, impartiality and merit
- Equality of access to all citizens, guaranteed for all Public Service employment
- Professionalization of all Public Service employment relations
- Impartiality
- Duality of law enforcement regimes: public and/or private
- Special disciplinary and incompatibility regime
- Diversity of Public Service employment relations, particularly the upshot of the large number of public employers
- Trade union recognition

Cross-cutting characteristics for the three levels of administration (State, regions and local entities)

Public employment and regional / local administration:

- Public Service employment is highly decentralised, most of it concentrated in the Territorial Administrations (Autonomous Communities and the Local Administration).
- 75% of public service jobs are in those Public Administrations.
- Territorial decentralisation of Public Service employment is due fundamentally to the following:
 - The transfer to the Autonomous Communities of all educational, university and non-university services, accounting for a great deal of employment (more than 40% of the total figure for the Autonomous Communities)
 - The transfer to the Autonomous Communities of most healthcare services (about 36% of their personnel) likewise accounting for many jobs.

Legal regime for the Public Service in the Autonomous Communities:

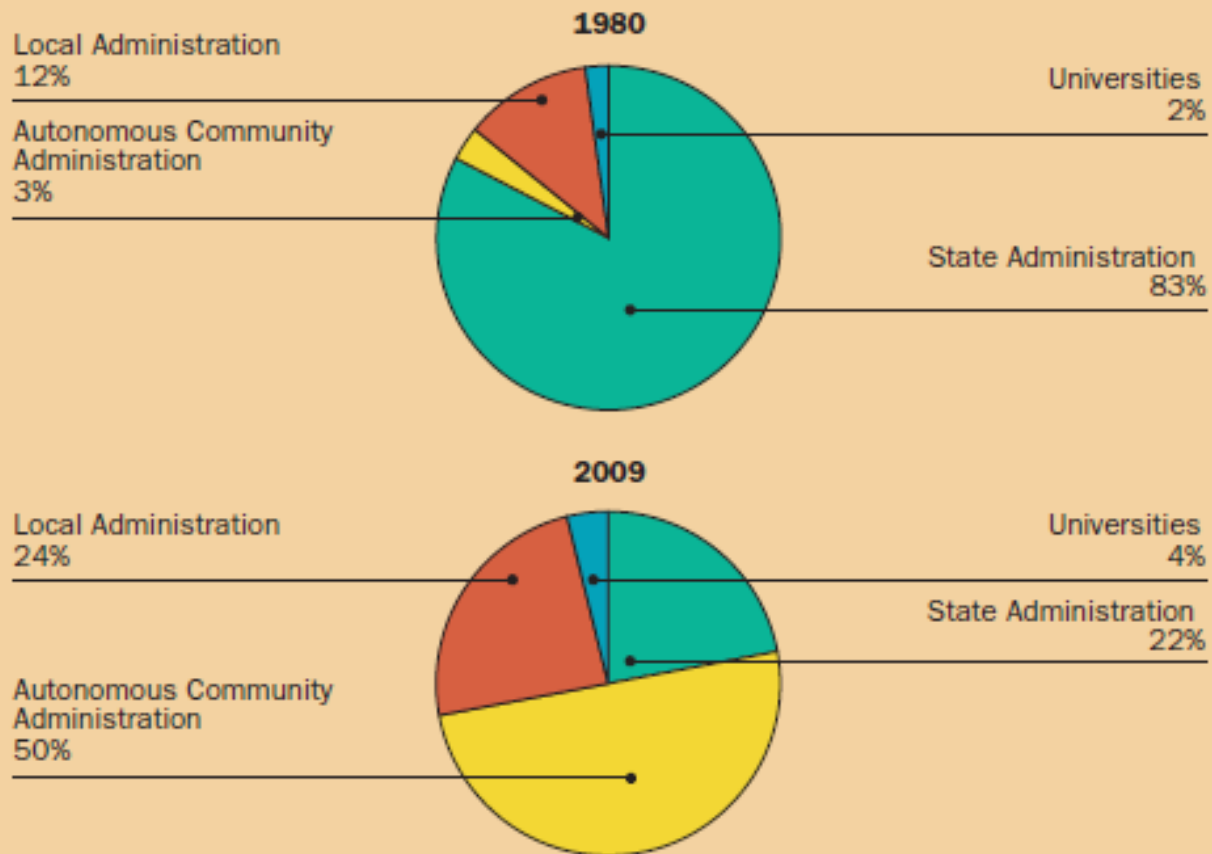
- Autonomous Communities hold legislative powers in the matter of the Public Service, with the sole limitation that they must respect the bases of the statutory regime created by the State.
- Autonomous Communities shall pass legislation in each of their Legislative Assemblies to organise their Public Services.
- In use of these powers, each Autonomous Community has drafted its own Public Service provisions (in general, they follow the State Public Service model, without significant differences in nonbasic materials, for example maintaining the mixed system of public servant corps and contracted employment)
- The Autonomous Communities' Public Service legislation also applies to public servants transferred from the State Administration who continue to belong to their original corps and scales, remaining in the Administration of origin under the heading of services in other public administrations.

Legal regime for the Public Service in the Local Administration:

- Local Bodies do not have legislative power, so that a Local Public Service must adjust to the legislation on the matter passed by the State and the Autonomous Communities within their jurisdictions.
- The specific organisation of Local Public Service under State provisions is not much different from the general regime for public servants.
- Local Public employees are chosen by the local entity with the exception of the Local Civil Servants with National Qualification. This category of public servants are selected at the national level by the State Administration and they are appointed by the State and the Autonomous Communities. They have a special legal arrangement different from that of other personnel. These public servants are assigned functions involving the use of authority and certification powers and to provide legal advice, as well as the control and internal auditing of finances and budgeting, and for accounting, treasury and tax-collection.

NATIONAL TRENDS IN PUBLIC SERVICE EMPLOYMENT

THE DISTRIBUTION OF EMPLOYMENT AMONG THE DIFFERENT PUBLIC ADMINISTRATIONS (1980-2009)

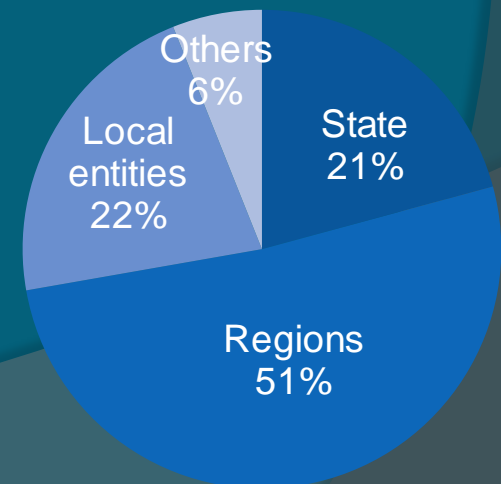


Number of public employees in Spain

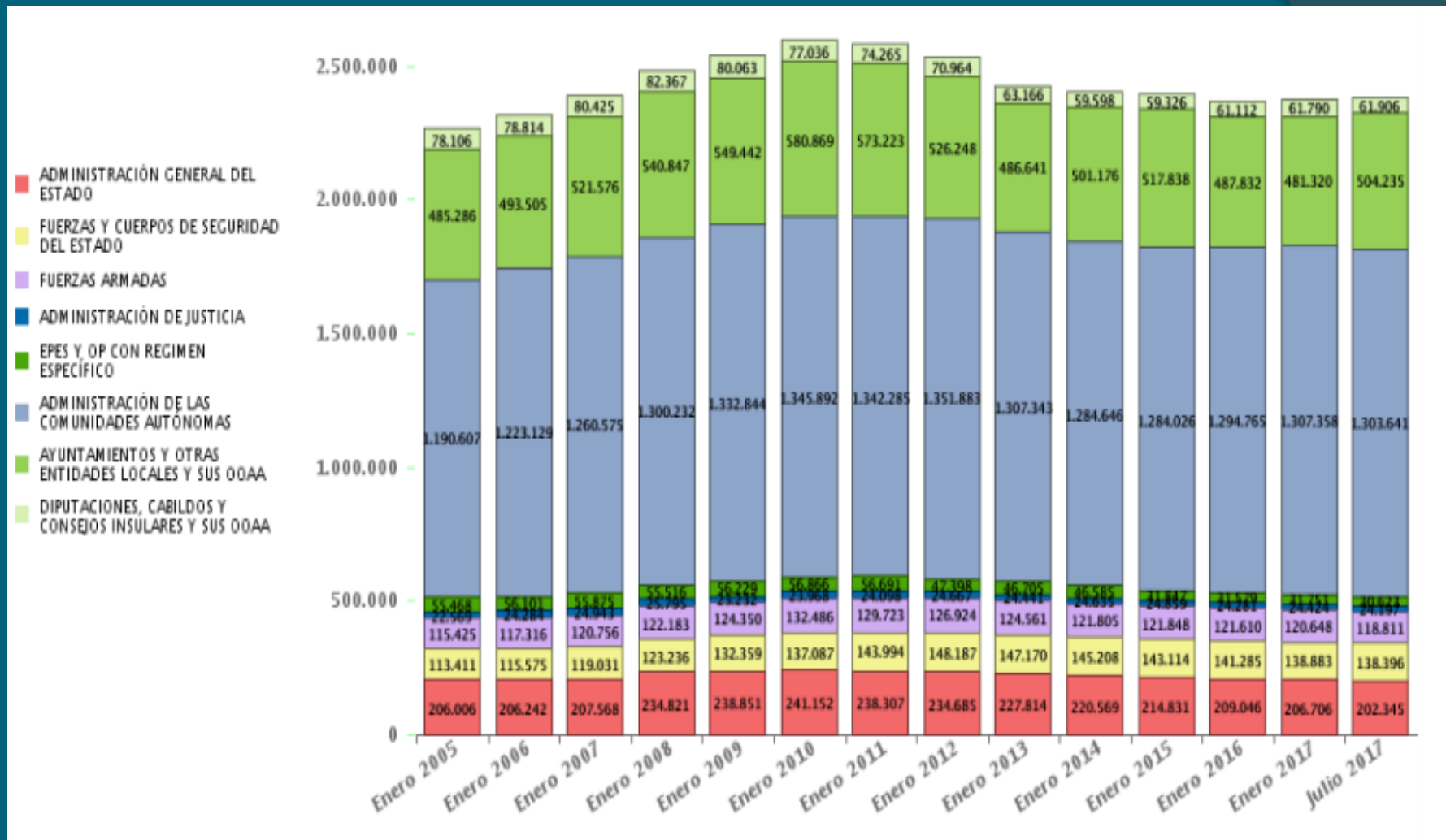
Breakdown per territorial administration level*:

State	524.314 employees
➤ General Administration of the State	
➤ Forces and Corps of Security of the State	
➤ Armed Forces	
➤ Justice	
➤ Public enterprises and other	
Autonomous Communities (Regions)	1.298.132 employees
Local Entities	547.825 employees
➤ Local Councils and other local entities	
➤ Provincial Councils, Insular Councils and others	

Decrease of more than 8% from 2010



*2016 data (www.transparencia.gob.es)



Categories of public employees in all types of administration:

- Civil Servants
- Employees under a Labour law contract
- Officers of trust
- Executive officers

Structure of public employment in all types of administrations:

Based on the specialisation of the duties:

- **General corps of public employees**

Their responsibilities fall under the scope of common Administrative activities

- **Special corps of public employees**

Their responsibilities fall under the scope of a specific profession (e.g. Architects, translators, teachers, etc)

Based on the educational qualification required, the civil servants are classified in the following groups:

- **Group A**, subdivided in A1 and A2 (Bachelor Degree)

- **Group B** (Advanced technician)

- **Group C**, subdivided in C1 and C2 (High School diploma / Secondary education)

Employees with labour law contract are classified in accordance with the labour legislation.

Access to public employment in all types of administration

Three types of competitions:

- **Public examination**
Capacity tests to determine the ability of the candidates
- **Public competition on merits**
Evaluation based on educational qualification and professional background
- **Mixed system**

Requirements to participate in the public competitions:

- To be Spanish or EU (with some restrictions) citizen
- To be 18 years old
- To have the required qualification or to be able to obtain it at that moment of submitting the application
- Not to have illness or physical defect that might prevent from developing the responsibilities of the position
- Not to have been separated from the civil service after a disciplinary procedure
- Etc...

Thank you