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Measures to Reconcile Work and Family Life for Public Administration Staff in Spain

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Abstract: *This article aims to analyse the peculiarity of the measures encompassed under the concept of work-life balance within the scope of Public Administrations in Spain and in reference to the staff working in the service of these Administrations. The aim is not only to analyse the structure of these measures as a whole, but also to show how the complexity of the public employment model in Spain, together with the territorial and administrative organisation, is clearly reflected in the public employment model and, by extension, in the work-life balance measures from a legal point of view.*
Analysing this model, which aims to make work-life balance a reality in the field of public employment, is relevant at this time due to the important changes in terms of work-life balance which are taking place in the context of the European Union and which are consequently reflected in the internal legal system of the Member States, where the impact on public administration staff has a peculiarity, which needs to be analysed and highlighted in order to understand a dispersed, complex and unfinished model.

Keywords: *labour market, public sector, work-life balance, co-responsibility, public employment.*

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Introduction

The reconciliation of family and professional life is possibly one of the greatest challenges that the labour market has faced - and continues to face. This challenge not only affects private organisations, but also the public sector in Spain, which has been searching for a legal framework to facilitate this necessary process of reconciling family and professional life for public employees in Spain for several decades now.

The debate on the need to reconcile work and family life is not a local, but an international debate, in which the European Union has been discussing, analysing and proposing measures aimed at seeking a policy of reconciling work and family life, as has the International Labour Organisation (ILO).

The search for measures aimed at making work and family care compatible has been a complex process, full of ups and downs, of advances and setbacks, which has involved calling into debate elements of analysis such as equality, gender differences in work and family matters, stereotypes, working hours, work calendars, family care responsibilities, flexible work, working time, etc....

This is a lengthy debate, which becomes peculiar when we enter the field of public organisations, as the regulation of work-life balance rights in the field of public employment is an evolving process which is highly dispersed and complex (VELASCO PORTERO, M.ª T. and NÚÑEZ-CÓRTES CONTRERAS. P, (núm. 97/2008):100) with obvious and necessary similarities with the private sector, but also differences resulting from its particular legal regime.

The public sector in Spain is structurally complex, resulting in the existence of a plurality of public bodies, with different legal natures, which makes the regulatory framework for personnel matters complex. To which we must add the public employment model, as a dual system, where we find public employees subject to administrative law and public employees subject to labour law and administrative law, which means that the legal regime applicable to both types of public employees makes a distinction in terms of measures regarding the reconciliation of professional and family life.

The aim of this article is precisely to analyse the peculiarity of the organisation of the measures included in the concept of work-life balance in Spanish Public Administrations, with reference to the employment personnel in the service of Public Administrations, without intending to

analyse each and every one of the measures proposed by the Administrations, However, we do intend to highlight the difficulty of structuring these measures as a uniform and unitary process in Public Administrations as a whole, based on this historical process which is moving from a concept of work-life balance based on the centrality of women in the workplace towards a model based on co-responsibility in which we seem to find ourselves nowadays.

The complexity of public employment in Spain: the duality of a model

The need to analyse the public employment model, when analysing the work-life balance policy for public administration employees, is justified by the fact that this model has legal and programmatic consequences in terms of the measures implemented for these employees in terms of work-life balance.

The complexity of the public employment model in Spain is evident through various factors, such as the very existence of a large number of employers in the context of the public sector, dispersed regulations that imply the existence of different levels of power with the capacity to dictate legal norms, the very legal nature of the public entities that position themselves as employers, and the legal nature of the link between the public organisation and its public employees. In spite of this, and with the aim of systematising the analysis, we can redirect it to two major factors that show the complexity of our model, namely the model of territorial organisation of the State, i.e. the principle of territoriality. And, on the other hand, the legal link between the employer and the worker, which leads us to analyse the existence of a duality of links: civil service and employment.(MONEREO PÉREZ, J.L.; RODRÍGUEZ ESCANCIANO, S. and RODRÍGUEZ INIESTA, G., (nº 3/ 2022):11-42)

With regard to the principle of territoriality, after the approval of the 1978 Constitution, a new model of territorial organisation of the State was established, which gave rise to a process of territorial and administrative reorganisation, leading to a plurinormative model, through the State and the Autonomous Communities, all of which have the capacity for self-organisation in matters of Public Administration. To which we should add a third level, that of the local administration, which, without the capacity to dictate regulations with the status of law, can establish legal regulations with transcendence in matters of public employment.

A first consequence - as we have already mentioned - is that there is no single employer in the public sector, but rather a plurality of employers, ranging from the General State Administration, the administration of the different Autonomous Communities, and the administration of Town Councils and Provincial Councils. To which one should add all those organisations in the institutional, foundational, and business public sector.

This territorial distribution of power and its bureaucratic configuration means that these public administrations have the capacity to establish their own public employment policy, which, without prejudice to common bases, designs an intervention in terms of work-life balance that involves a dispersion of regulations which makes any systematic and comprehensive analysis complex, and which may also lead to a certain inequality between public employees, especially in the case of public administration employees.

With regard to the public employment model, after a process of historical evolution that took as a reference a closed or career civil service model, the transition to an open or employment civil service model has led to the need to speak of a mixed open-closed civil service model for all public administrations in Spain.

An important episode in this process of historical evolution in the public employment model, and the evolution towards a mixed model, was the approval of the 1964 Law on Civil Servants of the State, which admitted, in our public employment model, labour contracting in the sphere of Public Administrations, which meant a change of concept and a dual civil servant and labour regime.

After the approval of the Constitution, the admission of a labour regime for public employment raised the question of its compatibility with the constitutional provisions (Article 103.3), since the Constitution does not contemplate the possibility of subjection to the labour regime for employees of the Public Administrations, mentioning only the civil service system, from which the initial doubt arose as to whether the subjection of public employees to the labour regime should be considered unconstitutional.

The Constitutional Court in its Judgement 99/1987, of 11 June, on Law 30/84, of 2 August, on Measures for the Reform of the Civil Service[1] (hereinafter LMRFP), and despite recognising that the Constitution only provides for the statutory regime in the area of the civil

[1] And subsequently STC 170/1988 of 29 September and STC 33/1991, of 14 February.

service relationship for public servants -establishing a legal reserve for its regulation and reserving to the exclusive competence of the State the bases of the legal regime for civil servants-, implicitly admitted the constitutionality of the application of a dual legal regime, statutory and civil servants' legal regime, statutory and labour, by establishing that the application of labour law to part of the employees of the Public Administrations does not give rise to arbitrary discrimination in the rights of civil servants.

The aforementioned ruling made it clear that the admission of this employment regime in the sphere of the Public Administrations did not mean considering that the Public Administrations are free to determine and decide which jobs correspond to civil servants and to employment personnel in their job lists, but that it must be through the law (of the State or of the Autonomous Communities) that regulates this distinction with sufficient clarity, indicating the cases in which hiring is possible.

This dual regime has notable legal consequences in the regulation of the rights and obligations of people working in the public administration, as they are not regulated jointly (RODRIGUEZ ESCANCIANO, S (2013):2)[2] , which is reflected in the model of the policy of reconciliation of work and family life of public employees, as the labour staff in the service of the different Public Administrations are governed, in addition to the labour legislation and the conventionally established rules, by the precepts of Royal Legislative Decree 5/2015, of 30 October, which approves the revised text of the Law on the Basic Statute of the Public Employee that expressly apply to them in accordance with the provisions of article 7 of the TREBEP, while only the rules derived from administrative law apply to persons who provide their service of applicable rules, causing a conflict over the priority of application.

In addition to this internal regulatory framework, we cannot fail to mention the rules of European Union law, which together with other international rules - International Labour Organisation Treaties or the European Social Charter - have a significant influence in the field of work-life balance policy.

[2] "El nuevo régimen de permisos y licencias de los empleados públicos a consecuencia de la modificación del artículo 48 del Estatuto Básico del Empleado Público y su aplicación a Cataluña", Federación de Municipios de Cataluña).

The policy of reconciling work and family life: an approach to measures in the public sector for public administration employees

The policy on work-life balance in Public Administrations is the result of a process of regulatory evolution, which, although characterised by regulatory dispersion and heterogeneity of the measures adopted in the public sphere, it is no less true that there is a common regulatory evolution, and a set of measures which is common to all Public Administrations.

We must start from the idea that the introduction of measures aimed at reconciling professional and working life is part of the right to equality between women and men in order to eradicate discrimination in women's access to the labour market as a result of those roles that women have not managed to shed, especially that of carer in the family, which has been a serious obstacle to access to employment and which has led to progress towards co-responsibility that allows for a balanced distribution of responsibilities. This process has led to various regulatory milestones in the domestic sphere and in the European Union, as well as in other international organisations such as the ILO and the Council of Europe.

Regulatory developments.

There are many regulatory milestones that could be brought up in domestic and European Union law after the approval of the Constitution. Thus, although the Constitution does not expressly include the right to work-life balance, it is no less true that this right has a constitutional basis and foundation. Consequently, the Constitutional Court in STC 3/2007, of 15 January, states that "the constitutional dimension of measures aimed at facilitating the compatibility of work and family life for workers, both from the perspective of the right to non-discrimination on the grounds of sex (art. 14 CE) of working women and from the perspective of the mandate to protect the family and children (art. 39 CE), must prevail and serve as a guide for the solution of any interpretative doubt"[3] . But other articles of the Constitution can also be mentioned, such as Article 40.2, which establishes that public authorities must guarantee the necessary rest by limiting the working day or establishing paid holidays, which is logically applicable to the public and private sector.

After the approval of the Constitution, the LMRFP was an

[3] STC 3/2007, 15 January, legal basis 6.

attempt to normalise the civil service, which, without expressly repealing the Civil Servants Act, introduced improvements in the field of civil service personnel, regulating in Articles 29 and 30 measures regarding work-life balance in the form of leave of absence and leave, together with its implementing regulations and subsequent modifications.

Law 39/1999, of 5 November 1999, to promote the reconciliation of work and family life for workers, which played such an important role in the introduction of measures in the field of reconciliation of family and professional life both in the field of the Workers' Statute and in the field of civil service regulations.

For its part, Organic Law 3/2007, of 22 March, for the effective equality of women and men (hereinafter LOI), establishes in Article 14.8 "the establishment of measures to ensure the reconciliation of work and personal and family life for women and men, as well as the promotion of co-responsibility in domestic work and family care" as a criterion for action by public authorities. In the case of the Public Administration, this LOI is not particularly detailed in the field of measures in the public sector, but it does state in the specific case of Public Administrations in Article 51 that Public Administrations must, among other things, "facilitate the reconciliation of personal, family and working life, without detriment to professional promotion". Articles 55 to 64 include measures related to leave, maternity and paternity leave and equality plans, in short, to the reconciliation of professional and family life.

Subsequently, the Basic Statute for Public Employees was approved through Act 7/2007, dated 12 April 2007, on the Basic Statute for Public Employees, which, following the pattern of the LMRFP, includes different measures regarding work-life balance, although with the complexity described above, as it includes not only civil servants but also employees in the labour market. The current regulatory framework includes Royal Legislative Decree 2/2015, of 23 October, which approves the revised text of the Workers Statute Law, Royal Legislative Decree 5/2015, of 30 October, which approves the revised text of the Basic Statute of the Public Employee Law, the various collective agreements applicable in the field of Public Administrations[4]. To which one should add all the civil service

[4] For example, the IV Single Collective Agreement for the labour staff of the General State Administration (Resolution of 13 May 2019, of the Directorate General of Labour. BOE of 17 May 2019, no. 118) or the VIII Collective Agreement for the labour staff in the service of the Administration of the Junta de Comunidades de Castilla La Mancha (DOCM 09/11/2017).

regulations of the different autonomous community regulations and the regulations applicable to the employment staff of their administrations.

We should not fail to mention that both the Workers' Statute and the TREBEP have been subsequently amended on numerous occasions with regard to measures for the reconciliation of professional and family life, citing as an example Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation, or the recently approved Royal Decree-Law 5/2023 of 28 June adopting and extending certain measures in response to the economic and social consequences of the war in Ukraine, to support the reconstruction of the island of La Palma and other situations of vulnerability; transposing European Union Directives on structural modifications of commercial companies and reconciliation of family and professional life for parents and carers; and on the implementation and enforcement of European Union law.

Furthermore, the different Administration-Union agreements have also been recognising the so-called "concilia" plans as elements to improve measures in terms of work-life balance, without forgetting the contribution currently being made by equality plans in the field of Public Administrations, For example, the 3rd Plan for Gender Equality in the General State Administration and in the Public Bodies linked to or dependent on it[5] , which dedicates its axis 4 to "Co-responsibility and work-life balance".

In the regulatory framework of the European Union, we can cite, by way of example, various Directives[6] (GORELLI HERNÁNDEZ, J. (Vol. 7, Nº. 2,/2022): 10-43) which have had an impact on the reconciliation of work and family life, such as: Directive 92/85, dedicated to the protection of pregnant workers and workers who give birth, which is an expression of the right to health and safety at work. Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC; Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC or

[5] Resolution of 29 December 2020, of the General Secretariat of Public Function, publishing the Agreement of the Council of Ministers of 9 December 2020, approving the III Plan for gender equality in the General State Administration and in the Public Bodies linked to or dependent on it.

[6] doi: https://doi.org/10.20318/femeris.2022.6941

Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on reconciling the work and family life of parents and carers and repealing Council Directive 2010/18/EU.

Also, at the level of the International Labour Organisation, Convention No. 156 on workers with family responsibilities of 1981can be cited.

Catalogue of measures to reconcile work and family life for public administration employees.

Any attempt to analyse the set of measures regarding work-life balance for Public Administration employees is an ambitious and complex objective, which requires a wide-ranging analysis that is beyond the scope of this article. However, within this context, it is no less certain that it is possible to analyse, based on the common regulations and the behavioural patterns of the different Public Administrations, a set of measures that are found in all of them and that provide the system, within its complex casuistry, with a certain coherence that gives the system an overall model within its diversity. We will use the General State Administration and its measures adopted in its sphere and for its employees as a standard for analysis.

In order to present this "model" we analyse the measures grouped by their characteristics, distinguishing between measures on working time; leave; provision and mobility; vocational training.

Working day and hours

In order to analyse these measures, we must refer to Article 38.4 ET, which regulates the right of workers to request adaptations to both the length and distribution of the working day, with regard to the organisation of working time and the way in which it is provided, in order to make effective the right to reconcile work and family life.

These measures include, among others, and taking as a reference the labour personnel in the service of the General State Administration:

- Time flexibility (art. 64 IV CUAGE and paragraph 3 of the SEFP Resolution 28/02/2019):

Although this is not a measure specifically aimed at reconciling work and family life, the fact is that the possibility of making part of the working day more flexible for public administration staff, so that there is a fixed and a flexible part of the working day, facilitates work-life balance and can therefore be included in this catalogue of measures, a measure that is present in most public administrations.

Specifically, as measures to reconcile professional and working life, there is the possibility of making the fixed working day hours flexible by one hour per day for those who have the care of the elderly, children under 12 years of age, people under guardianship or foster care of children under 12 years of age or people with disabilities, as well as those who are directly responsible for a family member with a serious illness up to the second degree of consanguinity or affinity. Also, for the care of people with disabilities, there is the possibility of making two hours of the fixed working hours more flexible in order to reconcile the timetables of ordinary educational centres for integration and special education, of habilitation and rehabilitation centres, of social services and occupational centres, as well as other specific centres where the person with disabilities receives care, with the timetables of the jobs themselves.

Exceptionally, the modification of the fixed working hours of employees by a maximum of two hours may also be authorised for reasons directly related to the reconciliation of personal, family and working life, and in the case of single-parent families. As well as the possibility for those employees who have children with disabilities to be absent from work for the time necessary to attend meetings at their educational centre, where they receive care or treatment, or to accompany them if they need additional support in the health or social field.

In recent years, the different collective bargaining agreements for employees in the service of many of Spain's public administrations (such as Madrid[7] or Castilla la Mancha) have incorporated the so-called "conciliation hours", which means that a number of hours per year are freely available to help reconcile work and family life.

- Reduction in working hours due to premature birth or hospitalisation of the newborn (art. 37.5 ET).

In the event of the premature birth of a child, or in the event that they should remain hospitalised after childbirth, they shall be entitled to reduce their working day by a maximum of two hours, with a proportional reduction in pay.

- Reduced working hours for breastfeeding.

This is a daily reduction by half an hour at the beginning and end of the working day, or by one hour at the beginning or end of the working day, in order to facilitate breastfeeding, as provided for in Article 37.4 ET, as well as in most collective labour agreements, which

[7] Article 117 Single Collective Bargaining Agreement for the Community of Madrid Administration Labour Staff (2021-2024). BOCM no. 112, of 12 May 2021.

improve on the provisions of the ET, with reference to Article 48.f) TREBEP.

- Reduction of working hours to care for children under 12 (art. 37.6 ET).

Staff who, for reasons of legal guardianship, have direct care of a child under 12 years of age or a disabled person without any paid activity are entitled to a reduction in their normal daily working hours of at least one eighth to one half of their daily working hours, with a proportional reduction in their pay.

- Reduction of working hours to care for family members (art. 37.6 ET).

In this case, the entitlement shall be in favour of the person who has direct care of the spouse or common-law partner, or a relative up to the second degree of consanguinity and affinity, including the common-law partner's blood relative, who for reasons of age, accident or illness is unable to look after him/herself, and who is not in paid employment, on the same terms as in the case of care for children under 12 years of age.

- Reduced working hours to care for seriously ill children.

This implies the right to a reduction in the working day, with a proportional reduction in salary of at least half of the duration of the working day, for the care, during ongoing treatment, of a dependent child affected by cancer or any other serious illness requiring direct, continuous and permanent care and, at the most, until the person reaches the age of 23 (26 in the case of a disabled person).

In all these cases, we are dealing with an individual right of all the labour personnel in the service of the Administration, whether permanent, temporary, permanent non-permanent, full-time or part-time (GALA DURÁN, (2016):52)

- Reduction of working hours due to gender violence (art. 37.8 ET).

Women who are employed by the Administration and are victims of gender-based violence shall have the right to reduce their working hours with a proportional reduction in pay or to reorganise their working time by adapting their working hours, establishing flexible working hours or other possible ways of organising their working time.

Permits

With regard to the leave related to the reconciliation of professional and family life that may be taken by the employment personnel in the service of the administration, we must refer in general to

the provisions of article 7 of the TREBEP, which states - through a general clause - that the employment personnel in the service of the Public Administrations are governed by labour legislation and collective agreements, but also by the precepts of the TREBEP that are applicable to them and warns that in the case of leave for birth, adoption, leave of absence of a parent other than the biological mother and breastfeeding, staff in the service of the Public Administrations shall be governed by the provisions of the TREBEP, so that the Workers' Statute does not apply to this leave in reference to the suspension of employment contracts that, if applicable, would be applicable for the same cases. In addition, the provisions of Article 51 of the TREBEP should be added, stating that with regard to working hours, leave and holidays for employees, the provisions of Chapter V, Title III, Articles 47-51 and the corresponding labour legislation should be applied, which makes the system as complex as described in the opening lines.

There are many types of leave that can be mentioned in terms of reconciling family and professional life, and therefore - given the limited scope of our analysis - we will mention the following without being exhaustive:

- Birth leaves for the birth mother[8] :

This leave will last sixteen weeks, of which the six weeks immediately following the birth will in all cases be compulsory and uninterrupted leave, extendable by two more weeks for each child after the second and for the disability of the son or daughter. This leave may be taken - once the first six weeks of compulsory rest have elapsed - uninterrupted and on a full-time or part-time basis and may be extended - when the newborn child must remain hospitalised following the birth - on the days that the newborn child is hospitalised, with a maximum of thirteen additional weeks.

The time spent on such leave shall be counted as actual service for all purposes, for the entire duration of the leave, and employees shall be entitled to return to their jobs in conditions that were not unfavourable before the leave and, where appropriate, to any improvements that may have occurred during the leave.

- Leave for adoption, foster care or temporary or permanent foster care:

This leave is taken under the same conditions as those described above for the biological mother. It should be noted that the leave shall

[8] For the purposes of this permit, the term birth mother also includes pregnant transgender persons.

be taken from the date of the judicial decision establishing the adoption or the administrative decision of guardianship for the purpose of adoption or foster care, although it may be taken up to four weeks before the judicial decision establishing the adoption or the administrative or judicial decision of foster care.

- Leave of the parent other than the biological mother for the birth, foster care, or adoption of a child:

This leave is taken under the same conditions as the two previously described for the biological mother and for adoption or foster care.

- Parental leave

This is a new leave introduced by RDL 5/2023, of 28 June, which introduces a new article -48 bis- to the ET.

Through this leave, employees are entitled to leave to care for a son, daughter, or foster child for a period of more than one year, until the child reaches the age of eight, for a maximum of eight weeks, and may be taken continuously or discontinuously, on a full or part-time basis.

- Leave for the fulfilment of a duty related to the reconciliation of work and family life.

It is granted for the time necessary for the performance of this duty, but may not exceed, in the case of a duty of a personal nature, one-fifth of the working hours on a quarterly basis.

- Fifteen calendar days in the case of marriage, which may be extended to the case of registration of unmarried couples in the corresponding register.
- Two days for the birth of a child.
- Leave in case of death, accident, serious illness, hospitalisation or surgery without hospitalisation

This leave entitles the employee to three working days (five in the case of a different location) in the event of the death of a spouse or accredited unmarried partner or of a relative within the first degree of consanguinity or affinity by marriage or accredited unmarried partner. In the case of the death of a second-degree relative, the leave shall be two or four days, depending on the locality where the causal event occurred.

In the event of serious accident or illness, hospitalisation or surgery without hospitalisation requiring home rest of family members, both first and second degree of consanguinity or affinity by marriage or accredited domestic partnership, the leave shall be five working days.

- Leave to undergo fertilisation or assisted reproduction techniques and, in preparation, in cases of adoption or fostering, or

guardianship for the purpose of adoption.

This leave is granted for the time necessary to carry out these techniques, as long as the need to do so within the working day can be justified, as well as to attend those information and preparation sessions that are mandatory and to carry out the psychological and social reports prior to the declaration of suitability.

- Leave for prenatal examinations and childbirth preparation techniques.

This implies the right to be absent from work to undergo assisted fertilisation techniques for the time necessary to carry them out and with prior justification of the need within the working day.

- Paid leave for pregnant workers.

In this case, pregnant employees may take a paid leave from the first day of the 37th week of pregnancy until the date of delivery.

- Breastfeeding leave for a child under 12 months of age
- Leave in the event of international adoption.

In this case, leave may be granted for up to two months - on basic pay only - provided that it is necessary for the parents to travel to the adoptee's country of origin beforehand.

Leaves of absence

With regard to leave of absence, it should be noted that this is considered an administrative situation for civil servants, and is regulated in general terms in Title VI, articles 85 to 92 of the TREBEP, specifically leave of absence is regulated in article 89. Article 92 of the TREBEP establishes that the employment staff shall be governed by the Workers' Statute and by the Collective Agreements applicable to them, adding that the collective agreements may determine the application of the aforementioned chapter to the employment staff included in its scope of application insofar as it is compatible with the ET.

Therefore, the ET or the applicable collective bargaining agreement will regulate such leaves of absence, which, following our example of the IV CUAGE, may include the following leaves of absence for the purpose of reconciling family life and professional life:

- Parental leave (art. 46.3 ET and art. 95 IV CUAGE)

Employees shall be entitled to a period of leave of absence of no more than three years to care for each child, whether the child is by birth or adoption, or in cases of foster care for the purpose of adoption or permanent foster care, starting from birth (up to five years if the child is a physically or mentally disabled person).

In this situation, they shall have the right to the reservation of the post for the first two years from the time they are transferred to this situation. After this period, the post shall be reserved for a post in the same professional group, family and/or speciality in the same ministerial department or public body and in the same locality. Likewise, this period of leave shall be taken into account for the purposes of seniority and promotion.

- Leave of absence to care for spouse or family members (art. 46.3 ET and art. 95 IV CUAGE)

They shall also be entitled to a period of leave of not more than three years to care for a spouse, an accredited unmarried partner or a dependent relative up to and including the second degree of consanguinity or affinity who, for reasons of age, accident, illness or disability, is unable to look after himself/herself and is not gainfully employed.

- Voluntary leave of absence due to family grouping (art. 95 IV CUAGE)

Without the requirement of having rendered effective services to the Administration, the right to leave of absence for family grouping may be recognised for permanent employment personnel whose spouse or common-law partner resides in another locality or even outside Spain, due to having obtained and holding a permanent job as a career civil servant or permanent employment personnel in any of the Public Administrations. Employees may remain on this leave of absence for an indefinite period, although a minimum period of two years is foreseen, the time spent not being computable for the purposes of seniority or promotion and without being entitled to any type of salary.

- Leave of absence due to gender violence:

Women who are victims of gender-based violence and who provide their services as employees of the Administration in order to make their protection or comprehensive social assistance effective, shall have the right to request this leave of absence without any requirement as to a minimum time of previous service and without a period of permanence in the same, receiving full remuneration during the first two months and the reservation of their job for the first 6 months.

Teleworking

Following the Covid-19 pandemic, there has been a widespread attempt to regulate so-called teleworking, and the administration has been no exception in the implementation of teleworking.

As a general rule, for the employment personnel in the service of the Administration and given their exclusion from the scope of application of Law 10/2021, of 9 July, on teleworking, we must refer to Article 47 bis of the TREBEP, which states that the employment personnel in the service of the Public Administrations will be subject to the provisions of the TREBEP and its implementing regulations. On this basis, the different public administrations are regulating teleworking in their own sphere.

Conclusions

The model of measures regarding the reconciliation of work and family life for public employees is marked by range of factors, among which two undoubtedly play a central role: the territorial distribution of the State and the configuration of the different public administrations around this distribution, and the public employment model adopted in Spain. The result is a complex and dispersed model, albeit with a common basis.

The dispersion does not prevent a common body of measures established both in the Workers' Statute and in the Basic Public Employment Statute. These measures have been included in our analysis as an example.

This model of measures adopted by all Public Administrations based on a general model in the labour market to facilitate the reconciliation of professional life and family life is a model based fundamentally on providing working time to care for the family environment. And family life is a model based fundamentally on providing working time to care for the family environment, therefore, we are faced with a model that is apparently neutral and is perpetuating the role of women as carers, in view of the data that show that the majority of workers who benefit from these measures are women[9].

Therefore, Public Administrations must make progress in a model for reconciling professional and family life that allows co-responsibility to be the central axis of the intervention model.

[9] See the III Plan de Igualdad de la Administración General del Estado (III Equality Plan of the General State Administration).

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