

# COUNTRY REPORT:

## Impact Assessment of the new Directive 2014/95/EU on Labour Relations in Spain

### ABSTRACT:

In Spain, Public Administrations are obliged to prepare sustainability reports annually but this obligation is not fulfilled in all Public Administrations <sup>(1)</sup>. Corporations / limited companies can make public their CSR results on a yearly basis through specific reports based on the aforementioned objectives, characteristics, indicators and international standards. Therefore there is no obligation and it is a voluntary framework.

Number of companies disclosing NFI reports is relevant, as also adherence to international standard of reporting (Global Compact and GRI).

Majority of the companies analyzed integrate their sustainability reports into the annual management report. However, it is very common to be able to access a sustainability report separate from the annual report. For instance, 60% of the biggest Spanish companies disclosing NFI reports publish specific sustainability reports separate from the annual report.

Regarding to the contents of the NFI reports, main topics referred are environmental aspects, social and labor aspects, human rights, anti-corruption, local communities, clients and supply chain. But of the issues mentioned, the most deficient is the supply chain.

Most of reports include key performance indicators, which are more important in reports that follow the GRI methodology. Stakeholders are mentioned in all reports. The most relevant are investors and shareholders, environmental initiatives, initiatives in the less developed countries. The workers are among the stakeholders but, with exceptions, the trade unions are not usually mentioned.

Issues on corporate social responsibility and sustainability are gaining increasing importance in Trade Unions' agenda, but today it is still in a second place on the list of priorities.

The involvement of workers' representatives in sustainability reports is almost inexistent or exceptional. There is little influence in the elaboration of the contents of reports.

Regarding the process of transposition of Directive 2014/95/EU current proposal for transposition of Directive 2014/95 does not go beyond Directive. An increase in NFI- reports is not expected because most of affected companies are already publishing sustainability reports on a voluntary basis. In addition, it does not appear to be a substantial increase in GRI reports since the legislative proposal validates reports made in accordance with Global Compact UN.

Regarding the checking of NFI reports, statutory auditor only has to check that NFI has been provided

Hence the importance of union participation in the preparation of reports and in the analysis and evaluation, with the objective of carrying out an independent evaluation of the fulfillment of the CSR commitments assumed by the company.

## INDEX

<b>1. Section1: relevant aspects of non-financial information reports</b>	<b>3</b>
1.1 Number of companies disclosing NFI- reporting	3
1.2 Types of NFI-reporting	4
1.3 Main Reporting Standards	6
1.4 Involvement of workers' representatives in the reporting before the implementation of Directive 2014/95/ EU	7
1.4.1 General opinions of workers representatives: the positions of trade union and other workers representatives regard Corporate Social Responsibility	7
1.4.2 Process of participation: how are workers representatives involved in preparing the NFI-Reports so far?	10
<b>2. Section 2: implementation of the directive 2014/95/EU</b>	<b>10</b>
2.1 Background of labour relation: legal situation before implementation of the Directive 2014/95/EU. Framework of labour relations: information and consultation	10
2.2 Regulation on NFI-reports	11
2.3 Process of implementation of Directive 2014/95/EU	12
2.4 Information and consultation on national implementation	13
<b>3. Section 3: estimation of the national reporter in general</b>	<b>14</b>
<b>4. Sources Used</b>	<b>15</b>
4.1. Literature and national researches	15
4.2. Interviews	16
<b>ANNEX I Global Reporting Initiatives in Spain - 2016. List of companies</b>	<b>17</b>
<b>ANNEX III. Checklist for trade unions regarding sustainability reports</b>	<b>227</b>

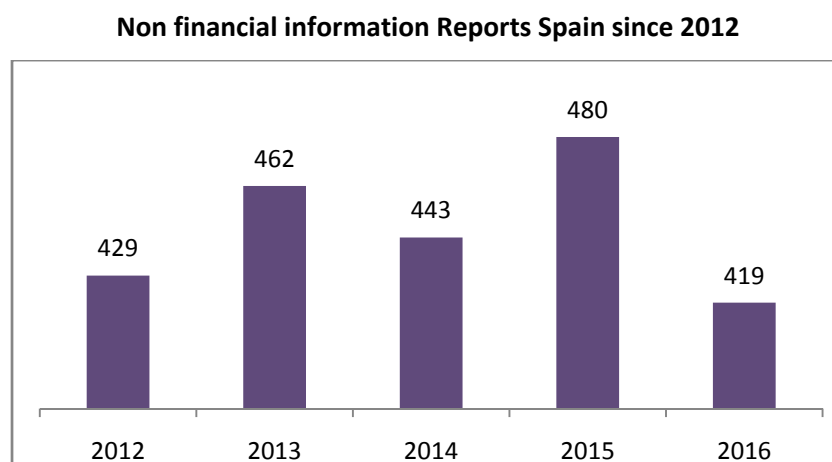
## QUESTIONNAIRE

### 1. Section1: relevant aspects of non-financial information reports

#### 1.1 Number of companies disclosing NFI- reporting

The number of non-financial reports published in Spain in the year 2016 was 419 <http://www.corporateregister.com><sup>/2</sup>

The following graph shows the evolution of non-financial reports' disclosure since 2012.



Source: <http://www.corporateregister.com>

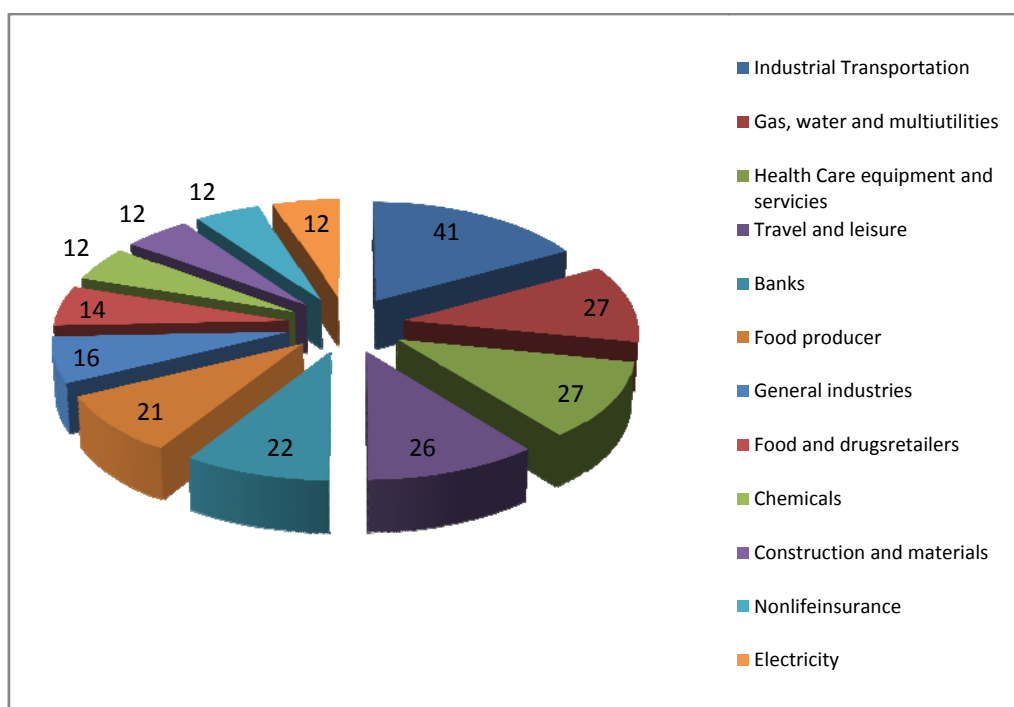
By sector of activity, publication of sustainability reports is widely distributed, highlighting sectors such as Industrial Transportation (41 companies), Gas, water and multiutilities (27 companies), Health Care equipment and services (27), Travel and leisure) and banks (22).

Sector	Number of companies
Industrial Transportation	41
Gas, water and multiutilities	27
Health Care equipment and services	27
Travel and leisure	26
Banks	22

<sup>2/</sup> Global online directory of corporate responsibility reports.

Food producer	21
General industries	16
Food and drugs retailers	14
Chemicals	12
Construction and materials	12
Nonlife insurance	12
Electricity	12

**NFIR in some sector Spain**



85% of 100 largest companies publish sustainability reports <sup>3/</sup>. All companies (35) of the main Spanish stock index (IBEX35) also publish sustainability reports.

## 1.2 Types of NFI-reporting

Majority of the companies analyzed integrate their sustainability reports into the annual management report. However, it is very common to be able to access a sustainability report separate from the annual report. Since the adoption of Directive 2041/95 / EU, the number of separate reports has been increased in order to meet the obligations of the Directive.

<sup>3/</sup> Estudio Global sobre Informes de Responsabilidad Corporativa. 2015. KPMG

Regarding the publication format of the sustainability report, in most cases it is hosted on the corporate website, with the possibility of downloading it. The printed publication of the memory is a practice that is being abandoned and only a limited number of copies are published to present them in protocolary acts.

***Brief analysis of the reports of the 100 largest companies in Spain***

Taking into consideration the 100 largest companies in Spain, 84% publish some kind of information about CSR or sustainability. 60% publish specific sustainability reports separate from the annual report. 30% rate their report as integrated and follow the guidelines of the International Integrated Reporting Council (IIRC). 75% of reporting companies follow the GRI standard, while 25% follow the Accountability 1000 (AA1000) standard.

55% of companies that publish sustainability reports conduct an assurance process by an independent third party. However, only 24% have a formal assurance statement that covers 100% of their sustainability report.

70% are general reports of the parent companies or business group based in Spain. Only 8% of the companies analyzed report CSR issues from one of its daughter companies.

*Estudio Global sobre Informes de Responsabilidad Corporativa. 2015. KPMG*

Regarding to the contents of the NFI reports, the main topics referred are environmental aspects, social and labor aspects, human rights, anti-corruption, local communities, clients and supply chain. The importance of each of them in the memory depends on the scope of activity of the company and its impact. What is relevant is to determine whether they are proportional to impacts and relevance analysis. For example, environmental issues are dealt with in more depth in energy companies, but are dealt with in all reports. Social and labor issues are also present in all reports. But here there are differences in the treatment of social action issues (volunteerism, food banks, collaborations with NGOs, etc.), which are referred to in most reports on labor issues, which are limited. Issues related to human rights are also well represented in the reports, but not corruption and bribery issues. But of the issues mentioned, the most deficient is the supply chain. There is no mention of how respect for human and labor rights in the supply chain is guaranteed.

Most of reports include key performance indicators, which are more important in reports that follow the GRI methodology.

Stakeholders are mentioned in all reports. The most relevant are investors and shareholders, environmental initiatives, initiatives in the third world and civil rights. The workers are among the stakeholders but, with exceptions, the trade unions are not usually mentioned. Neither local authorities have a presence in the reports.

With regard to relations, communications and forms of dialogue with stakeholders, reports are unidirectional, with scarcity or dialogue with stakeholders. Usually there is no organized dialogue and stakeholders have no influence on the preparation and content of the report. In the event that it exists it is directed to the presentation of the results of the report.

Communication of results to stakeholders is a majority practice but with the aforementioned deficiencies. A common practice is to issue a press release and facilitate access to the report through the website of the company.

Many of the companies in the IBEX35 (main stock index in Spain) organize an annual meeting with stakeholders. They are usually sessions run by a consultancy with the participation of experts from the field of CSR but with a low participation of the organizations and stakeholders invited.

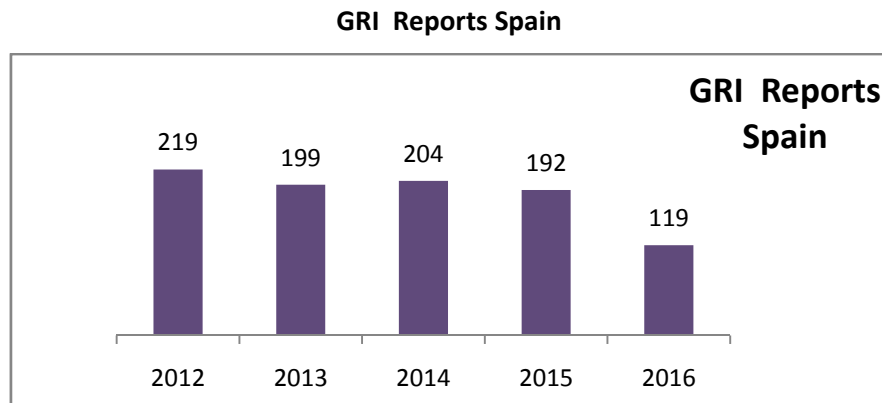
Examples of reports with content written by interest groups are exceptional.

Regarding whether sustainability reports are audited externally, this is not a majority practice. Although 55% of the 100 largest companies that publish sustainability reports carry out an assurance process by an independent third party, only 24% have a formal security statement that covers 100% of their sustainability report.

### 1.3 Main Reporting Standards

#### **GRI REPORTS**

Number of reports published according to the GRI standard was 119 in 2016. Since 2012, the number of reports published has decreased by 45%.

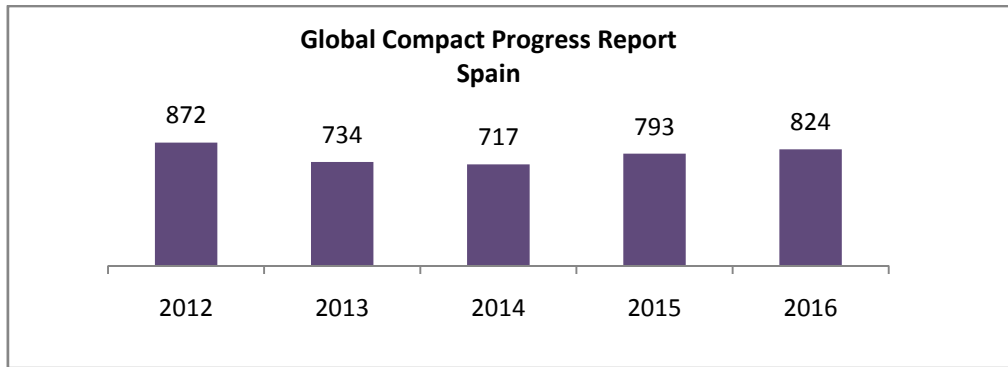


Source: <http://database.globalreporting.org/search/>

#### **GLOBAL COMPACT**

824 Global Compact Progress Reports have been disclosed in 2016. This figure represents 9.5% of the reports published worldwide.

#### **Global Compact Progress Report Spain**



Source: <http://www.pactomundial.org/>

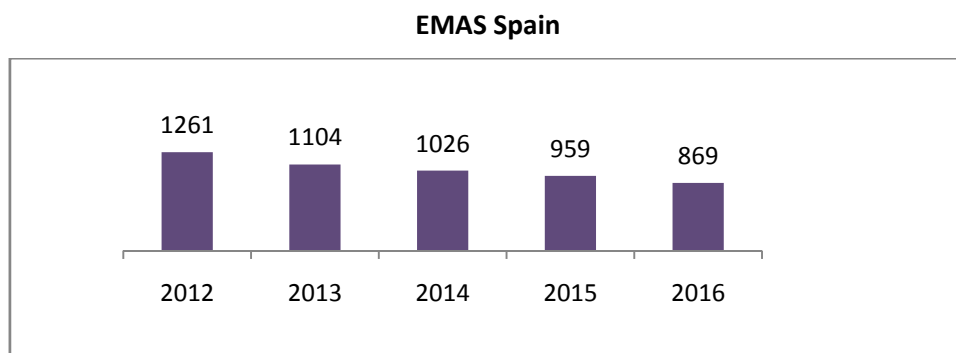
#### ***IQNet SR10 (ISO 26.000)***

IQNet SR10 is an international standard for Social Responsibility management systems certification. It establishes the requirements of a social responsibility management system in accordance with the international standard ISO 26000 on social responsibility management systems.

By the end of 2013 there were 33 Spanish companies with this certification.

#### ***Regulation 1221/2009 (EMAS)***

With regard to the implementation of the EMAS Regulation 1221/2009, the number of companies implementing an environmental management system verified according to this European standard amounted to 869 (March 2017) .



Source: [http://www.mapama.gob.es/es/calidad-y-evaluacion-ambiental/publicaciones/indice\\_perfil\\_ambiental.aspx](http://www.mapama.gob.es/es/calidad-y-evaluacion-ambiental/publicaciones/indice_perfil_ambiental.aspx)

### **1.4 Involvement of workers' representatives in the reporting before the implementation of Directive 2014/95 / EU**

#### **1.4.1 General opinions of workers representatives: the positions of trade union and other workers representatives regard Corporate Social Responsibility**

Issues on corporate social responsibility and sustainability are gaining increasing importance in Trade Unions agenda, but today it is still in a second place on the list of priorities.

There is a progressive union decision to intervene in policies and practices related to sustainability and corporate social responsibility.

At institutional level, an interesting work has been taking place for several years, with the active participation of CCOO and other trade union organizations in the State Council of Corporate Social Responsibility (CERSE). In this body, CCOO has coordinated several working groups, resulting in a document of great interest (for example, a basic proposal of indicators for sustainability reports).

Unions have also influenced the Spanish Strategy for Corporate Social Responsibility, managing to include in the text the explicit recognition of unions as a stakeholder group.

On the other hand, the Confederation of Trade Unions of CCOO, as well as some Territorial Confederations and State Federations of CCOO, have experts in these matters, developing a work that begins to arrive at the union action in some companies.

At the time of greatest hope for a positive change in legislation and political support for these matters (2010: CERSE + Sustainable Economy Act), the Executive Committee of CCOO approved a series of criteria to include CSR criteria in the negotiation Collective, and even the Spanish employers came to accept a positive attitude to facilitate the inclusion of some of these recommendations. With political change (conservatives, labour reform law ...) all this was abandoned, except in some Federations and union sections.

Despite of this, there are already notable examples of clauses incorporated into collective agreements or Global Framework Agreements:

**XXIII Collective Banking Agreement (2015-2018) (\*)**

**Article 8.- Social Responsibility and Socially Responsible Investment.**

1. Social responsibility policies are widely applied in the financial sector, and affect the social impacts of their activity on clients, employees, shareholders, investors, suppliers or local communities in which they operate. The CSR reports contribute to explain the contributions of companies to society and to self-analyze their level of success and recognition in them. The unions have repeatedly expressed their interest in this matter and participate in the various organizations, observatories and presentations that promote social responsibility policies in their various modalities.

2. Both sides, based on the voluntary nature of the implementation of CSR, agree to collaborate as broadly as possible in their development:

- A) In the companies where these policies are applied, in the work and processes for the elaboration of the CSR Report, and if the employee is treated as a stakeholder group, the unions that sign the Agreement with Presence in the unitary organs of representation of the workers.
- B) Socially responsible investment is the most relevant aspect of CSR in the financial sector, throughout its business area. In the Employment Pension Plans it is recommended that the respective Control Commissions facilitate the adoption of Socially Responsible Investment criteria, as well as their monitoring and valuation.

(\*) Especially important, since it includes two global companies: Banco Santander and BBVA



Federation of Services of CCOO has a special line of work to include these elements in its major sectorial agreements. It is worth mentioning that in Agreement of Department Stores (affecting companies like IKEA, Carrefour, Leroy Merlin, El Corte Inglés, FNAC, Alcampo ...) recently signed (9/05/2017), and although the clause has not been included, the arguments of CCOO have been discussed and it seems that they will be dealt with in the Sector Observatory. This is an ideal space to defend the need and utility of comparability of Key Performance Indicators (KPI) in the interests of correct competitiveness and tool against dumping.

## **I GENERAL AGREEMENT FOR OFFICES IN THE GAMESA GROUP**

### **Chapter XV: Corporate Social Responsibility**

#### **Section 45. Corporate Social Responsibility**

The Company's contribution to sustainable development is implemented through social responsibility principles and practices that address the needs and expectations of its stakeholders.

True to the business objective of generating wealth and welfare for society, the Company adopts responsible corporate ethics set out in its Corporate Social Responsibility Policy.

In this framework, the company recognises workers' representatives as an important stakeholder group and opens the commitments made in its CSR policy to the frameworks for social dialogue established in this agreement.

## **XVIII GENERAL AGREEMENT OF THE CHEMICAL INDUSTRY**

### **Section 69. Corporate Social Responsibility**

The signatory organisations of this Collective Agreement understand that it is positive that companies have voluntary commitments to the balanced integration of principles relating to economic growth, environmental protection and social equality.

This area of corporate social responsibility, understood as all the actions and initiatives that occur in the economy, labour, society or the environment, adopted voluntarily by companies as those that go beyond mere fulfillment of legal obligations, includes this Agreement and any other agreements or regulations.

Initiatives on corporate social responsibility companies decide to implement are guided by transparency as a condition of their credibility and by consideration of their entire value chain.

If actions or initiatives in corporate social responsibility are performed at the workplace, they must report periodically on them and their development to workers' representatives, indicating their possible impact on working conditions.

One recent example is the global agreement on corporate social responsibility signed by GAMESA and the **International Union Federation IndustriALL** to reinforce social, labour and environmental aspects included in CSR policies and corporate codes of conduct. One of the most significant aspects of this agreement is the creation of coordination and monitoring body which will carry out biannual assessments of implementation.

Other example of such initiatives is the signature by leading employers' organizations (CEOE / CEPYME) major trade union confederations (CCOO / UGT) of agreement for employment and collective bargain (2015-2017). The agreement includes criteria and guidelines to be introduced in collective bargain on different CSR aspects (training and consultation rights on gender equality, equal treatment and opportunities, persons with disabilities, occupational health, environmental management, etc.).

#### **1.4.2 Process of participation: how are workers representatives involved in preparing the NFI-Reports so far?**

Firstly, it should be noted that companies often provide NFI-reports to workers' representatives once they have been finalized, but not when they are in the draft phase. The presentation of the report is not usually done in a formal meeting with the trade union representation. There is also no previous discussion with union representation before its publication and companies do not consider NFI reports as tools for social dialogue.

The involvement of workers' representatives in sustainability reports is almost nil or exceptional. There is little influence in the elaboration of the contents of reports. There are few experiences relate to the evaluation of the reports once completed, but never in the draft phase.

As a consequence o, participation of the workers' representatives s it is not mentioned in the reports.

## **2. Section 2: implementation of the directive 2014/95/EU**

### **2.1 Background of labour relation: legal situation before implementation of the Directive 2014/95/EU. Framework of labour relations: information and consultation**

The basic rule that governs individual and collective labor relations in Spain is the Workers' Statute. It consists of three main sections: individual relations, collective relations and collective bargaining

Collective bargaining is an essential element of our industrial relations model. The profound labor reform of the year 2012 introduced very important and harmful changes in the model of collective bargaining in force until then:

Regarding to the regulation of information rights and consultation, the Workers' Statute, establishes in its article 64, workers' information, consultation rights and the competences of workers' representatives.

Section 1 establishes the right of *Work Councils to be informed and consulted by employers on those issues that might affect workers, as well as on company's performance and employment evolution.*

Section 3 of article 64, prescribes that the work council must be informed quarterly on specific CSR aspects, such as:

- Overall evolution of the economic sector of the company.
- Financial situation, recent and expected evolution of the company's activity, including environmental measures with direct repercussion on employment.
- Statistical data on absenteeism and its causes, occupational injuries and diseases and their consequences, work accident rates, specific or periodical studies on the work environment and implemented preventive mechanisms.

Members of work councils are also entitled to receive information, at least on an annual basis on companies' implementation of equal gender opportunity policies which must include data on the proportion of male and female workers across different professional categories and on any measures adopted to promote gender equality or implementation of gender equality programmes (Art. 64, paragraph 4).

*Work councils must also be granted access to balance sheets and income statements, annual reports and, in the case of shareholder-owned companies, to the same information provided to shareholders.*

Article 64.7 describes the competences of work councils related to CSR and sustainability:

- a) Tasks:
  - monitoring compliance with labour and social security regulation, as well as any other agreements, terms and conditions in force;
  - monitoring occupational health and safety conditions;
  - monitoring the implementation and compliance with equal opportunity principles for men and women.
- b) Participation, as defined by collective agreements, in the management of the company's social projects that benefit employees and their families.
- c) *Collaborating with company managers to implement all necessary measures to maintain and increase productivity and environmental sustainability if such terms are established by collective bargain.*
- d) Collaborating with company managers in the implementation of measures to improve work-life balance.
- e) Informing workers about all the issues and questions mentioned in article which may have direct or indirect influence on labour relations.

## **2.2 Regulation on NFI-reports**

Public Administrations are obliged to prepare sustainability reports annually: the Law on Sustainable Economy (2011) established that government limited companies and public corporate entities under government administrations must submit annual corporate governance and sustainability reports using commonly accepted standards. This obligation is not fulfilled in all Public Administrations.

This law also establishes that corporations / limited companies can make public their CSR results on a yearly basis through specific reports based on the aforementioned objectives, characteristics, indicators and international standards. Therefore there is no obligation and it is a voluntary framework. Recently, Public Register has been established (Order ESS / 1554/2016), in order to publish their CSR- sustainability reports.

On the other hand, since 2008 there is the National CSR Council (CERSE), an advisory and consultative body under the supervision of the Ministry of Employment and Social Security. It is a pioneering body in the EU.

The main purpose of the council is the promotion of CSR initiatives in companies. It monitors the implementation/development of CSR policies and issues reports on any actions taken. Trade unions are represented in CERSE.

In the past, the activity of CERSE was very important, developing interesting documents (for instance a proposal of basic indicator, leaded by CCOO).

Currently, CERSE is blocked by Government and employers. For instance, the proposal of transposition of NFI Directive has not been discussed in CERSE.

### 2.3 Process of implementation of Directive 2014/95/EU

An inter-ministerial group was formed to prepare a proposal of transposition. Draft of proposal was developed by Institute of Accounting and Audit of Accounts (Ministry of Economy, Industry and Competitiveness).

As mentioned before, in Spain, there is an advisory and consultative body composed of Administration and Social Agents (CERSE- CSR Council). One of their duties is to inform about public regulation on CSR but transposition of NFI Directive is not being addressed because of political decision.

<b>Format of disclosure:</b>	Draft includes both possibilities: non-financial statement as part of annual management report or separate report
<b>Also great private enterprises covered by national law:</b>	No. Scope of companies affected is subjected to definition of public-interest entities.
<b>State owned enterprises covered (obligatory or as option):</b>	Draft doesn't mention State owned enterprises
<b>Small + medium enterprises (SME) covered by national law:</b>	No
<b>Definition of relevance limited by national law:</b>	Yes. Very restrictive definition. Number of companies affected by law could be limited (banks, stock companies, insurance companies, ...)
<b>One specific reporting Standard obligatory:</b>	No. Draft mentions that information must be based on national, EU or international regulatory frameworks. Main references are mentioned in preamble but not in the articles of the proposal of law
<b>Indicators agreed by social partners as option of national law:</b>	No
<b>Definition of performance indicators in the NFI-Statement(KPI)in the national law:</b>	No
<b>Consumers as topic of NFI in national law:</b>	No
<b>NFI about situation in supply chain obligatory by national law:</b>	No
<b>Obligatory NFI also in daughter companies (RL 2014/95/EU Article 1 (1) No 3)</b>	No
<b>Check of NFI by statutory auditor or audit firm obligatory by national law (RL 2014/95/EU Article 1 (1) No 6):</b>	Yes, but statutory auditor only has to check that NFI has been provided

There are not official figures about companies concerned by the proposal of transposition. Estimation of Business Foundation is 100-600 companies. Taking into account the current proposal, number of companies affected is going to be limited.

Next table includes main contents of the proposal of transposition.

#### 2.4 Information and consultation on national implementation

Once finished the draft of proposal it was opened to public consultation for ten days.

CCOO made a proposal of modification, in order to include some changes in the text (see Annex II).

Next step is to send the Final Proposal of Law to Spanish Parliament to be discussed and to approve the final text. Then, there will be a chance to include allegations and proposals through dialogue with political parties. By now, the expectative of achieving a good regulation is very low.

Furthermore the proposal made by CCOO to the proposal of text for the transposition of Directive, some of the changes could be proposed to be include in the final text, once proposal is discussed in Spanish Parliament, are as follows:

<b>Employee Matters:</b>	Advanced definition of employee matters
<b>Involvement of <i>Workers Reps</i> in preparation NFI Statement:</b>	Obligatory ( trade union report)
<b>Relevance check:</b>	Focused on real social and labour impact
<b>National definition for Key Performance Indicators:</b>	
<b>NFI about situation in supply chain obligatory by national law:</b>	Obligatory
<b>Omission allowed: Opt out clause RL 2014/95/EU Article 1 (1) No 1:</b>	No
<b>Obligatory NFI reporting also in daughter companies:</b>	Not necessary if labour force is considered
<b>Scope:</b>	State owned enterprises and large private companies
<b>Check of NFI by statutory auditor or audit firm obligatory by national law:</b>	Obligatory ( but more important is trade union report in order to validate and credibility
<b>Diversity:</b>	Obligatory
<b>Consumer matters as topic of NFI in national law:</b>	Obligatory (Report of consumer organizations)

### 3. Section 3: estimation of the national reporter in general

Current proposal for transposition of Directive 2014/95 does not appear to have a significant impact on the number of reports released.

Most of the affected companies are already publishing sustainability reports on a voluntary basis. In addition there does not appear to be a substantial increase in GRI reports since the legislative proposal validates reports made in accordance with Global Compact UN.

In addition, the absence of basic indicators that allow comparison and lack of content verification will make it very difficult to analyze the report. So there will be lots of information available to the public that may be biased

Hence the importance of union participation in the preparation of reports and in the analysis and evaluation thereof, with the objective of carrying out an independent evaluation of the fulfillment of the CSR commitments assumed by the company

In this context, union participation in CSR and sustainability policies implemented in companies and in the preparation of reports is important for:

- Collaborate in improving the measures adopted.
- Verify the fulfillment of the commitments acquired by the company.
- Facilitate the dialogue with society.

The objectives of trade union participation in CSR systems should be:

1. Ensure economic, social and environmental sustainability as a guarantee of employment and working conditions.
2. Improve working conditions and labour relations.
3. Collaborate in the response the company should give to the needs and expectations of its stakeholders. In this context, stakeholders may demand or be interested in the opinion of the workers' legal representatives in relation to any matter affecting their interests.

The essence of participation should focus on cooperation with companies in the management of their environmental impact and social benefits

Diagnostic and specific analysis of circumstances in each company will eventually determine trade union participation.

However, in order to exercise that participation effectively, especially with regard to defending workers' rights and interests, it becomes necessary to define priority areas that workers' representatives must focus on. The focus to determine priority intervention areas must be based on the fact that workers' representatives have multiples competences and instruments that might facilitate their work in certain aspects.

The following can be defined as priority areas:

- Decent work
- Occupational health
- Environmental management
- Company's economic sustainability

One of the major impacts of business activity is exerted on the workforce all along its value chain. The working conditions of people who directly or indirectly work for a company, respect for labour standards, occupational health and safety, the treatment given to underprivileged groups, hiring practices, staff training and formation, etc. are priority issues when assessing an organization's CSR. So it is essential to meet information requirements to understand the company's value chain and the impact of its responsibility in the said chain. It is therefore important for workers' representatives to know who the company's stakeholders are and their opinions and demands.

CSR means accommodating new social players who seek dialogue with companies on social and even labour issues in which, so far, this dialogue has corresponded to the trade unions. It is therefore necessary to strengthen CSR at company level. CSR can be an enriching element of collective bargaining by including elements that have traditionally been problematic, such as those related to the rights of information and participation in the organization of work, and by introducing other elements that are not exclusive to trade unions.

One goal must be to ensure participation and validation by union representatives regarding the information generated and published by the company on corporate social responsibility. In particular, access must be provided, at an early stage, to the draft reports or sustainability reports in order to check the accuracy of the information and incorporate the union's point of view. It must also be possible to participate in the design of it and negotiate the inclusion of appropriate indicators in relation to the business of the company in question. Trade union participation in CSR must focus, ultimately, on making an independent assessment of compliance with commitments assumed by the company in CSR and, in particular, on issuing a union report.

The starting point for this union report should be the union assessment of the report or sustainability report issued by the company. For this purpose, a checklist <sup>4/</sup> is provided in Annex III.

## **4. Sources Used**

### **4.1. Literature and national researches**

- *Estudio global sobre informes de responsabilidad corporativa*. Noviembre 2015. KPMG en España.
- *Reporting 2016*. Pacto Mundial Red Española.
- *Guide for the participation of workers and their legal representatives in corporate social responsibility (CSR) policies*. ISTAS. 2016
- *Estudio multisectorial sobre el estado de la responsabilidad corporativa de la gran empresa en España*. Club de la Excelencia en Sostenibilidad. 2016
- *La responsabilidad social corporativa en las memorias anuales de las empresas del IBEX 35*. Observatorio de Responsabilidad Social Corporativa. Año 2015.

---

<sup>4/</sup> The checklist is based on the CES informative guide on Corporate Social Responsibility, available at the following link: <http://www.ccoo.es/cms/g/public/o/7/o59892.pdf>

- NFI reports from Gamesa, BBVA, Inditex, Telefónica, La Caixa, Mapfre and Banco Santander.
- <http://www.corporateregister.com>
- <http://database.globalreporting.org/search/>
- <http://www.pactomundial.org/>
- <http://www.mapama.gob.es/es/calidad-y-evaluacion-ambiental/temas/default.aspx>

#### 4.2. Interviews

- RAQUEL BOTO 2016-11-24, rboto@ccoo.es. Policy Advisor, Confederal Secretary for Trade Union Action.
- ISIDOR BOIX LLUCH, 2016-11-22, iboix@industria.ccoo.es, Internacional Secretary for CCOO Industry. IndustriALL coordinator for the Global Framework Agreement in Inditex.
- JOSE CARLOS GONZALEZ LORENTE, 2016-11-21, rse@servicios.ccoo.es, Federal Secretary of Social Responsibility Corporate in Federation of Services of CCOO (Hotels, Commerce, Banks and Financial services, Contact Centers...)
- MARIO SÁNCHEZ RICHTER, 2016-11-24, mesanchez@ccoo.es, Policy Advisor, Confederal Secretary for Social Protection and Public Policies.
- ALBERTO RUIZ CÓRDOBA ALRUIZ@gamesacorp.com, Workers' Representative Work Council in Gamesa.





## ANNEX I. Global Reporting Initiatives in Spain - 2016. List of companies

	NAME ORG/COMPANY	SIZE	SECTOR
1	A CORUÑA PORT AUTHORITY	SME	Public Agency
2	ABENGOA	Large	Conglomerates
3	ABENGOA BIOENERGÍA	Large	Energy
4	ABERTIS	Large	Other
5	ACCENTURE SPAIN	Large	Commercial Services
6	ACCIONA	MNE	Construction
7	ACTIVA MUTUA	Large	Healthcare Services
8	ADIF	Large	Construction
9	ADRI-NOC	SME	Non-Profit / Services
10	AECA	Large	Non-Profit / Services
11	<a href="#">AGUAS DE ALBACETE</a>	SME	Water Utilities
12	<a href="#">AGUAS DE ALICANTE</a>	SME	Water Utilities
13	<a href="#">ALTRAN SPAIN</a>	Large	Commercial Services
14	<a href="#">AMADEUS</a>	Large	Commercial Services
15	<a href="#">AMBICAL PROYECTOS</a>	Large	Commercial Services
16	<a href="#">APLITELC BERGUEDA</a>	SME	Commercial Services
17	<a href="#">ASEPEYO</a>	Large	Other
18	<a href="#">ATRESMEDIA</a>	Large	Media
19	<a href="#">AXA ESPAÑA</a>	Large	Financial Services
20	<a href="#">BALEÀRIA</a>	Large	Logistics
21	<a href="#">BANCO SABADELL</a>	Large	Financial Services
22	<a href="#">BANKIA</a>	Large	Financial Services
23	<a href="#">BBVA (BANCO BILBAO VIZCAYA ARGENTARIA)</a>	Large	Financial Services
24	<a href="#">BOLSAS &amp; MERCADOS</a>	Large	Financial Services
25	<a href="#">CAIXABANK</a>	MNE	Financial Services
26	<a href="#">CAJA LABORAL</a>	Large	Financial Services
27	<a href="#">CAJAMAR CAJA RURAL</a>	Large	Financial Services
28	<a href="#">CANAL DE ISABEL II (CYII)</a>	Large	Water Utilities

29	<a href="#">CANAL DE ISABEL II GROUP</a>	Large	Water Utilities
30	<a href="#">CEPSA</a>	Large	Energy
31	<a href="#">COFIDES</a>	Large	Financial Services
32	<a href="#">COLEGIO OFICIAL DE ECONOMISTAS DE ARAGON</a>	SME	Non-Profit / Services
33	<a href="#">CONFEDERACIÓ DE COOPERATIVES DE CATALUNYA</a>	SME	Non-Profit / Services
34	<a href="#">CONGALSA S.L.</a>	MNE	Food and Beverage Products
35	<a href="#">CONSEJO GENERAL DE COLEGIOS OFICIALES DE FARMACÉUTICOS DE ESPAÑA</a>	SME	Healthcare Services
36	<a href="#">CONSORCI DE RESIDUS URBANS I ENERGIA DE MENORCA</a>	SME	Other
37	<a href="#">CONSORCI HOSPITALARI DE VIC</a>	Large	Healthcare Services
38	<a href="#">CONSUM</a>	Large	Retailers
39	<a href="#">CORRESPONSABLES</a>	SME	Media
40	<a href="#">DALLANT</a>	SME	Food and Beverage Products
41	<a href="#">DIA</a>	MNE	Retailers
42	<a href="#">DIANOVA</a>	SME	Non-Profit / Services
43	<a href="#">ECOEMBES</a>	MNE	Waste Management
44	<a href="#">EDUVIC</a>	SME	Public Agency
45	<a href="#">ELECINOR</a>	MNE	Energy
46	<a href="#">EN RUTA GIRONA</a>	SME	Commercial Services
47	<a href="#">ENDESA</a>	Large	Energy Utilities
48	<a href="#">ERCROS</a>	Large	Chemicals
49	<a href="#">ESADE BUSINESS SCHOOL</a>	Large	Universities
50	<a href="#">ESTEVE</a>	Large	Health Care Products
51	<a href="#">EUROPAC</a>	Large	Forest and Paper Products
52	<a href="#">EUSKALTEL</a>	Large	Telecommunications
53	<a href="#">FCC CONSTRUCCION</a>	Large	Construction
54	<a href="#">FERROVIAL S.A.</a>	Large	Conglomerates
55	<a href="#">FORÉTICA</a>	SME	Non-Profit / Services
56	<a href="#">FREMAP</a>	Large	Other

57	<a href="#">FUNDACION FOCUS-ABENGOA</a>	SME	Non-Profit / Services
58	<a href="#">FUNDACIÓ RAMON NOGUERA</a>	SME	Non-Profit / Services
59	<a href="#">FUNDACIÓN ONCE</a>	SME	Non-Profit / Services
60	GAS NATURAL SDG	Large	Energy Utilities
61	GESTAMP	Large	Automotive
62	GRUPO BANCO POPULAR	MNE	Financial Services
63	GRUPO CEMENTOS PORTLAND VALDERRIVAS	Large	Construction Materials
64	GRUPO CORREOS	Large	Logistics
65	GRUPO EROSKI	Large	Retailers
66	GRUPO EULEN	MNE	Commercial Services
67	GRUPO LECHE PASCUAL	Large	Food and Beverage Products
68	GRUPO TRAGSA	Large	Construction
69	GRUPO UNIÓN FENOSA GAS	MNE	Energy
70	HEINEKEN SPAIN	Large	Food and Beverage Products
71	HOSPITAL PLATO	Large	Healthcare Services
72	IBERDROLA	Large	Energy Utilities
73	IBERIA AIRLINES OF SPAIN	Large	Aviation
74	INDITEX	MNE	Retailers
75	INECO (INGENIERÍA Y ECONOMÍA DEL TRANSPORTE)	Large	Other
76	INTERPYME S.L.P.	SME	Other
77	ISDEFE (INGENIERÍA DE SISTEMAS PARA LA DEFENSA DE ESPAÑA)	Large	Other
78	ITP (INDUSTRIA DE TURBO PROPULSORES)	Large	Aviation
79	JAVIERRE S.L.	SME	Construction
80	LAVOLA	SME	Commercial Services
81	MANGO GROUP	Large	Textiles and Apparel
82	MAPFRE	Large	Financial Services
83	MAS BUSINESS - MANAGING A SUSTAINABLE BUSINESS	SME	Commercial Services
84	MUTUA UNIVERSAL	Large	Other

85	MUTUALIA	Large	Healthcare Services
86	NH HOTELES	MNE	Tourism/Leisure
87	NORTHGATE ESPAÑA	Large	Automotive
88	PORT AUTHORITY OF FERROL - SAN CIBRAO	SME	Logistics
89	PROMOCAIXA	SME	Other
90	RED ELECTRICA DE ESPAÑA	Large	Energy Utilities
91	REPSOL	Large	Energy
92	SANTANDER - SPAIN	Large	Financial Services
93	SIGRE	SME	Waste Management
94	SUEZ (WATER SPAIN)	Large	Water Utilities
95	SUMASA	SME	Other
96	TECHNICAL UNIVERSITY OF MADRID (UPM)- SCHOOL OF INDUSTRIAL ENGINEERING (ETSII)	SME	Universities
97	TELEFONICA	Large	Telecommunications
98	UNION DE MUTUAS	SME	Healthcare Services
99	UNIVERSIDAD INTERNACIONAL DE ANDALUCÍA (UNIA)	Large	Universities
100	VODAFONE ESPAÑA	Large	Telecommunications

## ANNEX II. Checklist for trade unions regarding sustainability reports <sup>5/</sup>

### 1. *Overall assessment of the sustainability report*

- What issues are included in the report?
- Does it contain appropriate information regarding the company's impact?
- Does it report on what is really important? What information is missing?
- Does it cover all the organization's impacts? Along the whole supply chain or only direct impacts?
- Is there an adjusted view of the organization's impact? Is it a compilation of "good news" but void of any negative impact?
- How was the matter being reported determined? Was the trade union consulted?
- Does it include issues or matters of importance for trade unions? Indicators of employment, accidents, occupational health and the environment, etc.
- Does it include local information?
- Does it exclude conflictive issues regarding the company's business and impact?
- Does it include the supply chain?
- What languages is it published in?

### 2. *Scope and limits of the report*

- Does it include information on areas where the company is failing?
- Does it include information relevant to the union?
- What are the limits of the report?
- What language is it published in?
- Does it address the supply chain?
- Does it address workers in the supply chain?
- Does it address the value chain?

### 3. *Stakeholders and relevance analysis*

- How did the company decide on the issues to be included in the report?
- Was there any evaluation of the relevance?
- Who was involved?
- Is there a correct identification of stakeholders? Does it describe your expectations?

---

<sup>5/</sup> The checklist is based on the CES informative guide on Corporate Social Responsibility, available at the following link: <http://www.ccoo.es/cms/g/public/o/7/o59892.pdf>

- Was the union consulted?
- How were the issues of the report prioritized?

#### **4. *Measurement and objectives***

- Is the information from previous years available?
- Is absolute measurement combined with relative measurement?
- Is there a forecast of targets?
- Does it contain measurable targets?
- Has a deadline been set for the targets?
- Are the targets linked to relevant issues?
- Do the targets combine absolute, relative and contextual measurement?

#### **5. *Supervision and auditing***

- Who is involved in the supervision process?
- Is the union involved?
- Has the report been audited?
- Who has audited it?
- Is the union's assessment included in the report?