

Public employment's policies in Spain (1996-2017): Diagnosis and a modernization/efficiency agenda

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ENG Abstract. In order to analyze the public employment policies, the size and production costs of the Spanish administration are described, which is compared with that of the countries of the European Union and the OECD area. Data are presented on the evolution of technical scientific employment, the aging of public employees, the temporality, and the result of some variables of equality policies. In the discussion it is emphasized that the Spanish administration is small and relatively expensive, that the loyalty contract has been questioned and that it may have lost the capacity for innovation and leadership, and that it acts within a rigid and centralized institutional framework to which it is missing comprehensive statistical information. Three lines of change are presented: Increase employment and stabilize spending; Grow in innovation and ensure a sustainable career; promote social dialogue and outline a proposal to develop a public employment statistics.

Keywords: Public Policies; Institutionalism; Temporality; Feminism; Public Employment and Spain.

Summary: 1. Introduction. 2. The data: Comparison of sources. 3. Evolution of public employment. 4. Immobility of public employment. 5. Scientific and technical employment. 6. Discussion and conclusions. 7. Bibliography

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1. Introduction¹

The public sector, due to its dependence on political power and its specialisation in the general interest, is characterized by the intensive employment of technicians and professionals, scientists, and intellectuals, as well as by the use of the loyalty contract. To ensure the impartiality and professionalism of public employees, this contract incorporates a requirement for equality, merit, and capability in the selection and promotion of its employees, along with a reinforced guarantee of job security.

Alongside this model, an exceptional framework for temporary hiring or appointments is accepted, allowing for a faster selection process to address temporary needs or the demands of scientific and technical training and selection systems. This approach is associated with higher remuneration and generally better working conditions for permanent or indefinite appointments and contracts.

"The loyalty contract, typical of public organisations, is one in which the worker puts professional skills at the disposal of his employer, receives imprecise instructions to be completed with his expertise or knowledge of the context, the job specifications or objectives can be changed at any time, and performance can only be evaluated in terms of what each person contributes to the organisation" (Oliás de Lima, 1995:22).

The loyalty contract helps to explain the integration of apparently opposing principles such as the external standardisation of professional behaviour and the idea of hierarchy that regulates the behaviour of employees. The idea of loyalty falls within the scope of the psychological contract² coined in the field of psychosociology of organisations, as "um acordo implícito, não formal, baseado em promessas, resultantes de crenças individuais, cruciais na moldagem das atitudes e dos comportamentos dos sujeitos nas suas interações com as partes às quais estão (em determinado período) vinculados. Estudos teóricos e empíricos têm evidenciado que a percepção de incumprimento do contrato psicológico, por parte de um indivíduo, tem implicação ao nível das atitudes e comportamentos" (Magno & Vivente Castro, 2017: 368).

According to its Statute³, the code of conduct of public employees provides that "their actions shall pursue the satisfaction of the general interests of citizens and shall be based on the objective considerations oriented towards impartiality and the common interest, regardless of any other factor expressing personal, familial, corporate, clientelistic or any other position that may collide with this principle". In his praise of bureaucracy, Du Gay emphasizes that in public service, "the most valued forms of conduct were honesty, impartiality, flexibility, the ability to clarify options for competing policies, teamwork skills, integrity, and selflessness." (Du Gay, 2012: 241).

Public employment policy operates in a context of highly centralised institutional regulation that does not sufficiently take into account the presence of differentiated public policies and centres of political power, and in which the scope of collective bargaining appears limited and fragmented (Luxán Meléndez, 2019), which in recent years, moreover, operates mainly within the theoretical framework of new public management, which attracts a logic of mercantile rationality, confronted with the political rationality of the State.

The crisis of the bureaucratic ideal (Vallés & Martí i Puig, 2015: 194-201) is linked to the expansion and diversification of the state, in which, since the eighteenth century, the census of public spending, in terms of GDP, is a political success story, in which "the growing importance of social spending has been related to three other major social transformations: the transition to fuller democracy, the demographic transition to lower birth rates and longer life spans, and the onset of sustained economic growth" (Lindert, 2011:36). About the public sector (Stiglitz & Rosengard, *The Economics of the Public Sector*, 2015) it is useful to recall that the most relevant differences of the state with respect to the private sphere are inherent and derive from its essential characteristics: "the universal and inescapable partnership, and its other (fiscal and redistributive) powers, its fiduciary responsibilities (with their consequences for employment and spending policy) and from its intrinsic constraints related, for example, with property rights and the conclusion of contracts" (Stiglitz, 1993: 93).

However, the *new public management* has been nourished by a critique of bureaucracy that proposed its reform from a paradigm of *business government* (Osborne & Gaebler, 1995), about which it has been pointed out that some of its essential principles (*managerialism*, results orientation, agentialism) *dissolve* the link between society and public administration, since with the distance they propose between politics and public agencies, state rationality disappears in order to transfer responsibility to the public administration, agentialism) dissolve the link between society and public administration, given that the distance they propose between politics and public agencies, the rationality of the state vanishes and responsibility is transferred to *managers* and the sphere of their decisions is exclusively driven by a technical rationality (Du Gay, 2012).

The Mediterranean and Latin American countries form a group in which the cost and size of the administration show different patterns from the rest of Europe, with a high average cost and a low average size. They have an administration of a size close to the European average, in a very wide range, between 8 and 22% of employees over the active population, larger in France and smaller in Spain, while the cost of remuneration ranges from 10 to 13% of Gross Domestic Product, somewhat higher than the European average, also higher in France and lower in Spain (Luxán Meléndez, 2016).

An employment model in which the gender pay gap in the public sector, depending on the indicator used, ranges from 4.2 to 13%, a far cry from that of the private sector, which is around 19%, and in which the lack of parity is an indicator of indirect labour discrimination associated with professional careers. Career paths depend on

¹ An initial version of this work has been improved with suggestions from José Vicente Gómez Rivas, Luis de Luxán Meléndez, José Luis de Ossorno Almecija, and Demetrio Vicente Mosquete, to whom I am grateful for their comments, although I alone am responsible for the result. This work is part of a line of research on employment policy in the public sector that I have been developing since 2016 at the Center for Political and Constitutional Studies and at the Complutense University of Madrid. It was presented on November 22, 2018, at the II International Congress of the Complutense Institute of Administrative Science on the multiple facets of governance in the face of the challenges of contemporary society.

² On the psychological contract in public administration, see Isabel Paraíso's doctoral thesis, *Austerity Policy and the Psychological Contract in Public Administration* (Faria Lopes, 2012).

³ Art. 53. 2 of Law 7/2007, of 12 April, on the Basic Statute of the Public Employee.

the rules for filling posts, which are made by means of specific calls for applications, individualised for each post, which facilitates the continuation of discriminatory patterns. In organisations in which decisions are taken on the basis of the principle of hierarchy, the notable increase in the proportion of female managers, which reaches 39%, is linked to the increase in the proportion of female employment in senior bodies, and in organisations with a professional logic, in which expert knowledge prevails, the weight of women in the most relevant positions is lower, 24% in the central bodies of the judiciary and 21% of female professors, and does not depend on the increase in the weight of women in the previous categories (Luxán Meléndez, 2018). (Luxán Meléndez, 2018).

In a context marked by the international financial and economic crisis of 2008, which in Spain extends until 2013, by slowing down the presence of new technicians, professionals, scientists and intellectuals, by reducing the presence of older cohorts trained in democracy, by keeping open a significant wage gap between men and women, or by increasing the use of temporary employment, the public authorities may have slowed down their ability to understand and lead the knowledge society, by increasing the use of temporary employment, the public authorities may have slowed down their capacity to understand and lead the knowledge society, and by modifying the patterns of public sector labour relations they may have altered the conditions of the *loyalty contract* that underpins public administration. However, the Spanish labour inspectorate is only partially active in the field of public employment.

This paper first analyses the characteristics of the statistical sources of public employment, reviews the evolution of public employment, especially the group of professionals and technicians, scientists and intellectuals in public administrations, compares it with the situation in Europe and the OCDE countries, and describes the evolution of some of its features between 1996 and 2019 in terms of temporality and gender equality.

2. The data: Comparison of sources⁴

The public sector⁵ includes the General State Administration, the Administrations of the Autonomous Communities, the entities that make up the Local Administration, and the institutional public sector, which incorporates the employees of all public institutions, which in accordance with the Basic Statute of the Public Employee⁶, are the employees of the public sector.

(EBEP) may be career civil servants, interim civil servants, permanent, indefinite or temporary staff, and temporary staff⁷.

The public sector does not have a comprehensive statistical information system linking the civil service register with labour statistics or with tax and social security registers. There are five main sources⁸: the Labour Force Survey (LFS); the Statistical Bulletin of Public Administration Personnel (BEPSAP); labour market and pensions statistics in tax sources; social security statistics; and the National Accounts synthesis.

⁴ This section is an expanded and updated version with data up to 2018 of the comparison of sources in the article "The impact of the crisis on public sector remuneration" (Luxán Meléndez, 2016).

⁵ Art. 2 of Law 40/2015, of 1 October, on the Legal Regime of the Public Sector. BOE no. 236, of 02/10/2015.

⁶ The EBEP refers to administrations (Art. 2 Royal Legislative Decree 5/2015, of 30 October, approving the revised text of the Law on the Basic Statute of the Public Employee, BOE no. 261, of 31/10/2015), but seems to exclude employees of public institutions that do not have this consideration (private law entities linked to or dependent on Public Administrations. Article 2.3 of the Ley de Régimen Jurídico...). The EBEP includes the General State Administration, the administrations of the autonomous communities and the cities of Ceuta and Melilla, the administrations of local bodies, public bodies, agencies and other public law entities with their own legal personality, linked to or dependent on any of the public administrations, and public universities. (Art. 2 of the EBEP). Without prejudice to its This section is an expanded and updated version with data up to 2018 of the comparison of sources of the article "The impact of the crisis on public sector remuneration" (Luxán Meléndez, 2016).

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⁷ Article 8. Royal Legislative Decree 5/2015, of 30 October, approving the revised text of the Law on the Basic Statute of the Public Employee (EBEP), BOE no. 261, of 31/10/2015. The Law on the Legal Regime of the Public Sector and the EBEP exclude from their scope those who do not perform paid functions in the Public Administrations, and furthermore, whether or not they are paid, as well as the heads of the constitutional bodies to which both laws do not refer directly, which would exclude the King; members of the Cortes Generales, of the legislative Assemblies of the Autonomous Communities, and of the local Corporations; members of the Government and of the Councils of Government; the heads of the pending bodies of the Cortes Generales or of the legislative assemblies and the magistrates of the Constitutional Court.

⁸ Public employment figures are also published by the Mutualidad General de Funcionarios Civiles del Estado (MUFACE), the Instituto Social de las Fuerzas Armadas (ISFAS) and the Mutualidad General Judicial (MUGEJU). For international comparisons, statistics and reports from EUROSTAT, the OECD and the ILO database are essential.

Table 1. Characteristics of statistical sources on public employment

For the conceptual reference	Public sector employees	<ul style="list-style-type: none"> – Economically Active Population Survey – National Accounting – Labour market and pensions in tax sources
	Public sector employees in the general Social Security scheme	– Statistics on Social Security
	Public employees with an indefinite or temporary duration of more than six months	– Statistical Bulletin of the Personnel in the Service of the Public Administrations

By the origin of the information	Administrative registration	– Statistical Bulletin of the Personnel in the Service of the Public Administrations
		– Labour market and pensions in tax sources
		– Social Security Statistics
	Administrative information	– Statistical Bulletin of the Personnel in the Service of the Public Administrations
	Sample information	– Labour Force Survey
	Preparation of synthesis	– National Accounting
By geographical scope	All over the world	– Statistical Bulletin of the Personnel in the Service of the Public Administrations
	Residentes en España	<ul style="list-style-type: none"> - Social Security Statistics - Labour Force Survey - National Accounting
	In part of Spain	– Labour market and pensions in tax sources
By time reference	Annuals	<ul style="list-style-type: none"> – National Accounting – Labour market and pensions in tax sources (all year)
	Six-monthly	– Statistical bulletin of personnel in the service of public administrations (on the reference day)
	Three-monthly	– Labour Force Survey (in the reference week)
	Monthly	– Social Security Statistics (in the reference month)
For international employment	EUROSTAT	– Labour Force Survey
	OCDE	– Labour Force Survey
	OIT	– Labour Force Survey

Source: Own elaboration.

Among them, in this paper, we prefer the data from the Labour Force Survey (LFS), which includes almost all public employment, has the most extensive series, provides disaggregated information, and allows for a

homogeneous national and international comparison.

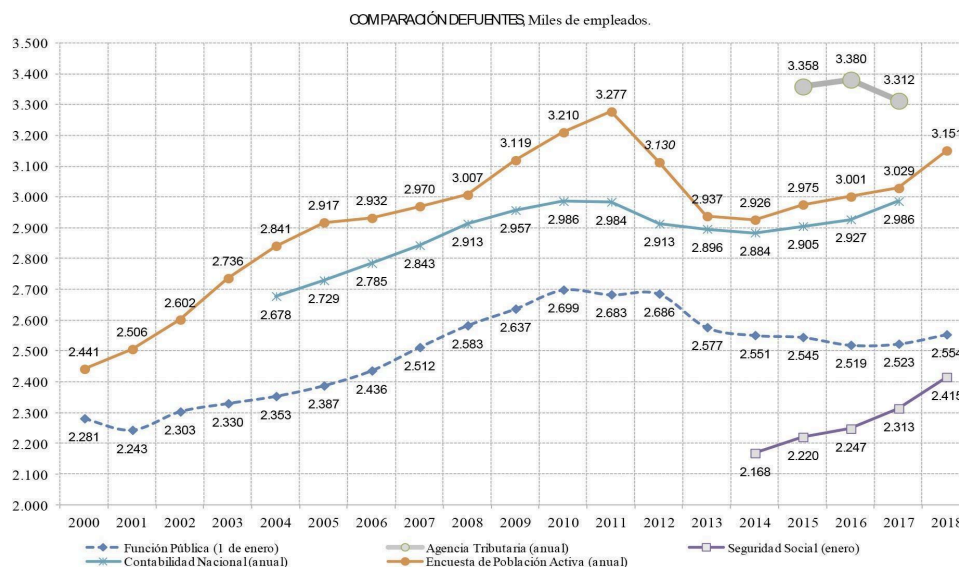
The LFS and the data provided by the civil service in the BEPSAP are the statistics with the most disaggregated information. They are consistent statistics, which are highly correlated⁹, and their methodological differences¹⁰, although they evolve in parallel (Figure 1), justify the fact that the figures provided by the LFS differ greatly from those collected by the BEPSAP.

Between 2000 and 2018, in all years, the LFS data are significantly higher than those of the civil service. On an annual average, the difference is 436,000 employees, which is 17.4% more in the LFS than in the BEPSAP statistics.

The EPA¹¹ collects information from a continuous, representative sample of the resident population in Spain. As with the rest of the economy, respondents indicate their employment status corresponding to the week in which each interview is conducted.

The statistics published by BEPSAP¹², which excludes employees with temporary contracts of less than 6 months, is an exploitation of administrative sources, whose main reference is the Central Personnel Register, which in the first half of the year takes as a reference those employed on 1 January and in the second half of the year those employed on 1 July.

Figure 1. Number of public employees in Spain.



The statistics compiled by the Tax Agency¹³ is an exploitation of administrative sources, which since 2015 contains data on the number of persons¹⁴ who at some point during the year have been employed in the public administrations, including those who are employed throughout the year, and those who are new, whether they have an indefinite or temporary contract or appointment, and also those who also during the year have ceased to

⁹ R2 0.85 for the period 2000 to 2018 between BESAP at 1 January and annual LFS.

¹⁰ For the characteristics of the different statistical sources on public employment, the works of Antonio Montesinos, Javier Pérez, Roberto Ramos (Montesinos, Pérez & Ramos, 2014: 29-32), Manuel Arenilla and David Delgado (Arenilla Sáez & Delgado Ramos, 2014: 299-303) and Marta Martínez (Martínez and Pérez, 2017: 11-12) are relevant.

¹¹ The Labour Force Survey collects information on public sector wage earners living in Spain, which excludes data on employees of the foreign administration. The LFS, which has been conducted since 1964, is a quarterly survey, addressed to the population residing in family dwellings in the national territory, and includes "employed or salaried persons who during the reference week have worked, even sporadically or occasionally, at least one hour in exchange for a wage, salary or other form of related remuneration, in cash or in kind". (National Institute of Statistics, 2017, p. 5) The initial sample is about 65,000 households per quarter which equates to roughly 180,000 persons (National Statistics Institute. Area de Diseño de Muestras y Evaluación de Resultados, 2016). It has been publishing information on public sector employees since 1976, but there is a break in the series in 1995 and 2001.

¹² The civil service statistic is mainly an exploitation of the data from the Central Register of Personnel, and among others, it excludes an important part of the employees of the Autonomous Communities and of the Local Administration: temporary contracts of less than 6 months and a sector of employees of the institutional administration. Since 1990, the BEPSAP "includes all the staff serving in the State Public Administration (General State Administration, State Security Forces and Corps, Armed Forces, Justice Administration and Public Business Entities and Public Bodies with a specific regime); the Administrations of the Autonomous Communities; the Local Administration (City Councils, Provincial Councils, Island Councils and Island Councils) and the Universities. And it does not include senior officials of the Public Administrations, elected officials, staff in the service of the Constitutional Bodies and equivalent bodies in the Autonomous Communities, staff of Public Business Entities and Public Bodies with a specific regime of the Autonomous Communities and of the equivalent Local Administration, public bodies of the General State Administration, staff of public companies, foundations, mutual societies, consortia and the non-administrative public sector of the Public Administrations, staff of public companies, foundations, mutual societies, consortia and the non-administrative public sector of the Public Administrations, trainees and trainees in training, and staff in training and training. Personnel in training and internships, reserve, second activity, or any other situation that is not that of active service of the Autonomous Communities and Local Entities, and the Labour Personnel with contracts of less than 6 months of the Autonomous Communities, and the Personnel of the National Intelligence Centre". (Central Personnel Register, 2017: 4-5).

¹³ The statistics rely on the relationship of income recipients provided by employers and pension or unemployment benefit-paying entities through the Annual Summary Declaration of Withholdings and Income Contributions on Employment Income, certain economic activities, prizes, and certain income allocations (Methodology. Labor Market and Pensions in Tax Sources).

¹⁴ Salaried persons are those who receive monetary compensation under earned income, counted as a single entity regardless of whether they have worked for one or more companies or entities (Methodology. Labor Market and Pensions in Tax Sources).

be employed due to dismissal, resignation, end of contract, leave of absence, sanction, disqualification, retirement, or death.

National Accounting carries out a synthesis statistic that since 2004 incorporates aggregate data on the number of persons employed in the public administration sector, which takes as a reference the LFS, the remuneration of public employees according to the National Account of the General State Administration Audit Office (IGAE), and the BEPSAP statistic, and differs significantly from both the LFS and the civil service (BEPSAP).

The EPA and National Accounts do not have a high positive correlation¹⁵, and their methodological differences justify the fact that although they evolve in parallel (Figure 1), the figures provided by National Accounts in some years differ greatly from those collected by the EPA. Although the quantitative differences are greater, National Accounting is more closely correlated¹⁶ with data published by public function (BEPSAP).

Between 2004 and 2017, in all years, the LFS data are higher than National Accounting data. On an annual average, the difference is 133,000 employees, which represents an additional 4.4% in the LFS over the National Accounting statistics, a gap which, however, since 2013, on annual average, has been reduced to 1.8%.

In the same period, National Accounts data, in all years, are higher than those of the civil service (BEPSAP). On annual average, the difference is 335,000 employees, which means an additional 11.6% in National Accounts over the civil service statistics (BEPSAP), a gap that since 2013, on annual average, has increased to 12.9%.

The Social Security statistics since October 2013 publish information exclusively disaggregated by gender and province on public employees, civil servants or workers, included in the general social security scheme whose number has progressively increased as a result of changes¹⁷ in the social security scheme for public employment.

In no case does the public employment label include workers, contracted by private companies, who by means of different formulas carry out their entire activity exclusively and permanently for the State, and who always carry it out entirely on public administration premises.

It should be stressed that the differences between the different statistics do not prejudice the quality of the sources¹⁸ and that the usefulness¹⁹ of each one depends on the objectives of each investigation or the aspect to be analysed. For international or sectoral comparisons only the LFS can be used, while only the Register is useful for studying departmental characteristics. To describe the size and evolution of public employment in the field of Political Science it is usual to use statistical sources based on administrative operations as a reference, but also, above all, in the field of public policies²⁰ it is common to use National Accounts and labour market statistics.

Regarding the number of public employees, Arenilla opts for the statistics of the Central Personnel Register (Arenilla Sáez & Delgado Ramos, 2014) and to cite just another example, in which the data from the Register are essential to study the internal organisation of a ministerial department, Salvador Parrado also refers to data from the Boletín estadístico del personal al servicio de las Administraciones Públicas (Parrado, 2017: 317-321) and to present the evolution of the state civil service according to levels he uses data from the Intervención General del Estado (Parrado, 2017: 322).

3. Developments in public employment²¹

According to the Labour Force Survey, between 1976 and 2019, the total number of public employees (Figure 2) has increased from 1,358,100 to 3,213,600. In general terms, since 1976 there has been great continuity in the expansionary orientation of public employment policy, consistent with increases in population and GDP.

An average quarter-on-quarter increase of 0.51%, which broke between the fourth quarter of 2011 and the fourth quarter of 2013, a period in which a decrease of 397,200 net jobs was accumulated, with an average rate of -1.31% quarter-on-quarter, and although an adjustment in public employment is not the first time it has occurred, this is the one that comprises a period of continuous decline of greater duration and intensity: 9 consecutive quarters and a decrease of 12%.

¹⁵ R² 0,60 entre Contabilidad nacional y EPA anual para el periodo 2004 a 2017.

¹⁶ R² 0.74 between Annual National Accounts and Public Function (BEPSAP) for the period 2004 to 2017.

¹⁷ Royal Decree-Law 13/2010, of 3 December, on fiscal, labour and liberalising measures to promote investment and job creation, has made it compulsory for all new civil servants to join the General Social Security Scheme.

¹⁸ On the contrary, Arenilla and Delgado consider that "The analysis of each of the sources that supply data on public employment allows us to infer, despite the comparative difficulties, that although it is not the most complete source, it is the most reliable, from a methodological and systematic perspective, the Boletín Estadístico del Personal al Servicio de las Administraciones Públicas, of the Central Personnel Register. The Boletín Estadístico, although it does not include - as the Labour Force Survey does - all public employees, includes most of the groups according to an eminently objective methodology - the count - with data collected both from the Central Personnel Register itself (State Public Administration) and from the autonomous communities, local authorities and universities" (Arenilla Sáez & Delgado Ramos, 2014: 302).

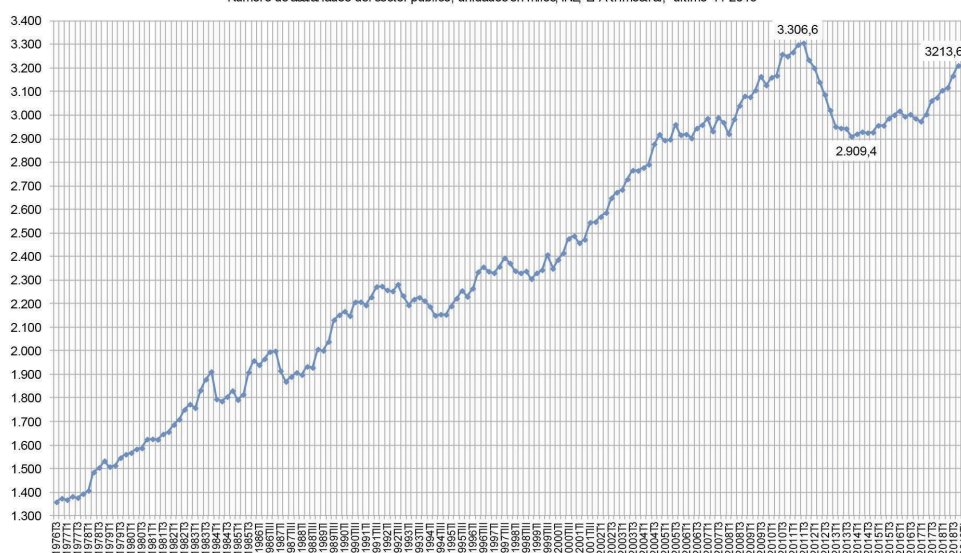
¹⁹ Two examples can be given to illustrate the difficulty of both statistical operations: In the LFS 0.35% of public employees when asked about the administration in which they work do not identify it and the LFS presents the data as other type or do not know, while in the BEPSAP when collecting the number of university associate professors it is not taken into account that a part of them have their main activity in the administration so that, despite the methodological notes, they are induced to count them twice when the different administrations are added together.

²⁰ To point out just one case, it is very relevant that Jacint Jordana and Carles Ramió in Estadísticas Históricas de España refer the evolution of public employment to the Labour Force Survey (Jordana & Ramió, 2005 (2a): 1003).

²¹ The first part of this section is a revised and updated version with data including the first quarter of 2019 of part of section 3.1 of my article "Las políticas de empleo público en España (1996-2017): diagnóstico y propuestas para su modernización y eficiencia" (Luxán Meléndez, 2019).

Figure 2. Public employment in Spain (1976-2019)

Número de asalariados del sector público, unidades en miles, INE, EPA trimestral, último 1T 2019



(Number of employees in the public sector, units in thousands, INE, quarterly LFS, latest Q1 2019)

On the other hand, from 2004 onwards, in a scenario of little change or a decrease in population and GDP, public employment policy, as measured by the change in the number of employees, is very uneven:

- a. During President Zapatero's term in office, the evolution of public employment followed two very different patterns: one of stabilisation and then another of expansion. In the first legislature, until the second quarter of 2008, the total number of employees stabilised at around 2,900,000, the highest figure since 1976. In the second term of office, but especially since the third quarter of 2008, in a context marked by the economic crisis, public employment returned to growth until the third quarter of 2011, and reached an even higher figure of more than 3,300,000. This once again expansionary policy came to a halt at the end of the legislature, in the fourth quarter of 2011, immediately after the 15-M movement of 2011, and months before the elections of December 2011, which resulted in the defeat of the PSOE and the absolute majority of the PP.
- b. During the government of President Rajoy, the evolution of public employment has also had two distinct patterns: first a decrease in public employment, and then a recovery. From the first quarter of 2012 to the fourth quarter of 2013, two full years of reduction in public employment, until it reached 2,900,000 again, as in the first term of office of President Zapatero. And from 2014 onwards, public employment will grow again, reaching 3,117,800 in the second quarter of 2018.
- c. Since the third quarter of 2018, in the government of President Sanchez, public employment continues to grow, reaching 3,213,600 in the first quarter of 2019.

4. Immobility of public employment

Given that the Basic Statute of the Public Employee reinforces the guarantees of immobility, it is to be expected that there will be more permanent contracts in the public sector than in the private sector and that their variation will be less associated with the economic cycle and not substantially linked to the political cycle.

To measure the extent of immobility of public employment, one of the characteristics with which merit systems are identified and which differentiate them from both spoils system models and some employment patterns in the private sector, the proportion of employees with a permanent or open-ended contract or appointment can be used as a criterion.

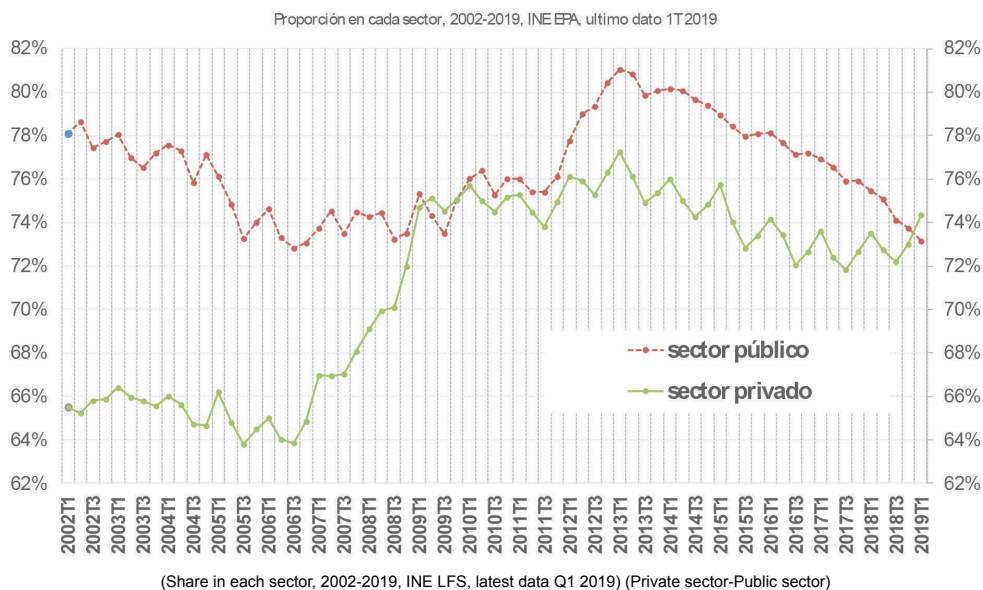
From this perspective, between 2002 and 2018, four stages can be identified in the evolution (Figure 3) of the public sector:

- a. Initially, until 2005, employment stability in the public sector is much higher than in the private sector. And the difference between the two remains stable: on average, the proportion of permanent jobs was twelve points higher in the public sector (77%) than in the private sector (65%).
- b. Among other factors, as a result of the change in the orientation of labour policy²², the percentage of permanent contracts in the private sector increased very rapidly in the three-year period 2006-2008, until it reached the same level as in the public sector, which, unlike the private sector, will remain stable, with an average of 74%.
- c. During the central years of the crisis, between 2009 and 2011, in a context of a massive increase in unemployment, the rate of permanent employment in both sectors remained at an average of 75% on a quarterly basis.
- d. Since 2012, in the public sector, in a context of declining public employment, there has been an increase in the relative weight of permanent contracts or appointments, which, at 81%, reached its highest level in the first quarter of 2013.

²² Agreement for the improvement of growth and employment of 9 May 2006 signed between the Government and Trade Unions.

e. From 2013 onwards, the share of permanent contracts will progressively decrease in the public and private sectors. The decrease is particularly intense in the public sector, which has reached 73.2%, below the proportion of permanent contracts in the private sector, which has reached 74.4%. In other words, in the public sector, since the first quarter of 2013, temporary employment has steadily increased from 19% to 27% in the first quarter of 2019, with a net increase in five years of 303,100 additional temporary jobs, which absorbs the entire decline in permanent jobs, which in the same period fell by 41,200 net jobs, resulting in a balance of 261,900 additional jobs in the public sector.

Figure 3. Employees with a permanent appointment or contract

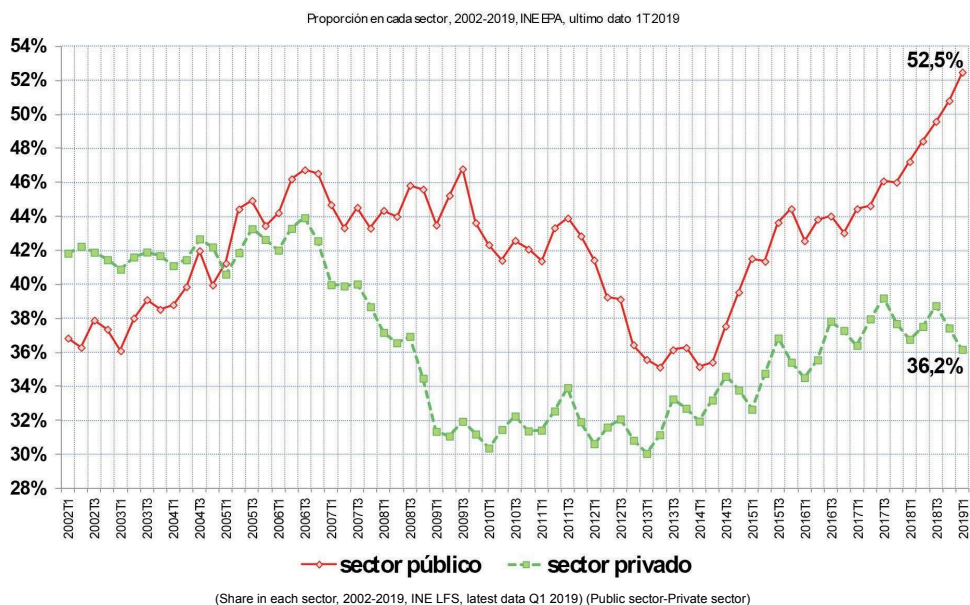


Following the change in labour policy affecting the private sector, from 2009 to 2018, despite being considered exceptional, the use of temporary employment in the public sector is equivalent to that in the private sector, on average respectively 23% and 26% of the total number of employees in each sector.

Contrary to the idea that public employment is essentially permanent, or at least that it is more immovable than private sector employment, the high degree of elasticity of temporary public employment is striking since 2009, it has first declined sharply and then grown rapidly.

But above all, another perspective also contradicts the presumption of immobility in the public sector (Figure 4). If contract duration is segmented by age, for the second quarter in a row in the first quarter of 2019 more than half of public employees under 40 have a temporary contract, while among private sector employees the share of those with a temporary contract declines by more than 16 points to 36.2%, now a higher proportion than in 2009 (31.9%). In contrast to the private sector, in the public sector the evolution of temporary work is not of a temporary nature.

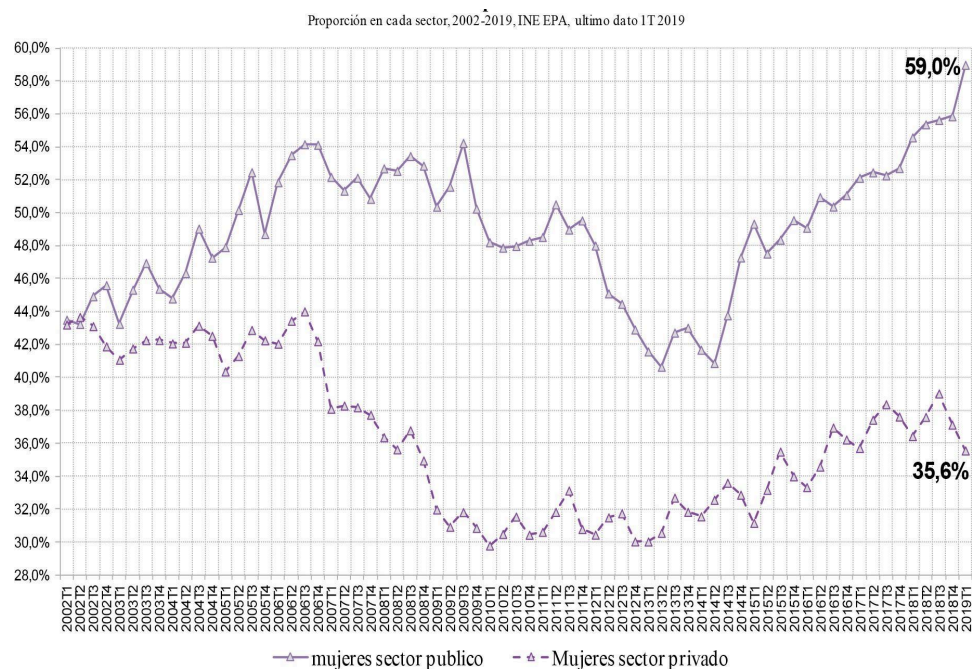
Figure 4. Proportion of employees under 40 with a temporary contract out of the total number of employees in each sector under 40 years of age



On the other hand, among public employees over 40 years of age, the temporary employment rate, which is also increasing, reaches one sixth (17.8%), and is only slightly higher than in the private sector, where it is 17.4%.

This young-temporary versus older-indefinite duality in the public sector is greater among women (Figure 5) than among men, while there are almost no gender differences in the private sector.

Figure 5. Share of female employees under 40 with a temporary contract or appointment out of the total number of female employees under 40 years of age



(Share in each sector, 2002-2019, INE LFS, latest data Q1 2019) (Women public sector-Women private sector)

Thus among women in the public sector who are under 40 in the first quarter of 2018, 59% have a temporary contract or appointment, far from 44% of men of the same age.

Likewise, contrary to the idea that the private sector has less stability, in the 1st quarter of 2019, among women in the private sector under 40 years of age, temporary employment is not only much lower than in the public sector, at 35.6%, but is almost the same as that of men, at 36.7%.

The variability of temporariness is explained by the adjustment of public employment which has been concentrated among those with a temporary contract or a permanent appointment, first among women, regardless of age, and then among young men and women under 40 years of age.

On the other hand, given the expectation of immobility, according to which the administration has special protection against dismissal, it is striking that the number of unemployed²³ who previously worked as employees in the public sector rose from 154,200 in 2002 (Q1) to 309,200 at the peak of public sector unemployment, in the second quarter of 2012, a very significant increase²⁴ of 96%, which has been reduced to 71,200 in Q2 2018.

5. Scientific and technical employment

In the public sector, the most numerous professional occupations, 44.2% in 2018, corresponds to the group of technicians and professionals, scientists and intellectuals, which includes “occupations whose main tasks require for their performance high-level professional knowledge and experience in the physical and biological sciences or social sciences and humanities. Their tasks consist of applying the body of scientific or intellectual knowledge to the various fields or, by means of teaching, ensuring the systematic dissemination of this knowledge”²⁵, and includes occupations that require the qualifications of the former 1st, 2nd and 3rd cycle university degrees, and the current undergraduate or postgraduate degrees.

And the second largest group, 18.2%, in 2018, is catering, personal, protection and sales workers, which includes local, regional or national law enforcement agencies and refers to “occupations whose main tasks require for their performance the knowledge and experience necessary for the provision of services ... related to domestic work, catering, personal care, the protection of persons and property, the maintenance of public order or the sale of goods in a shop or at markets”

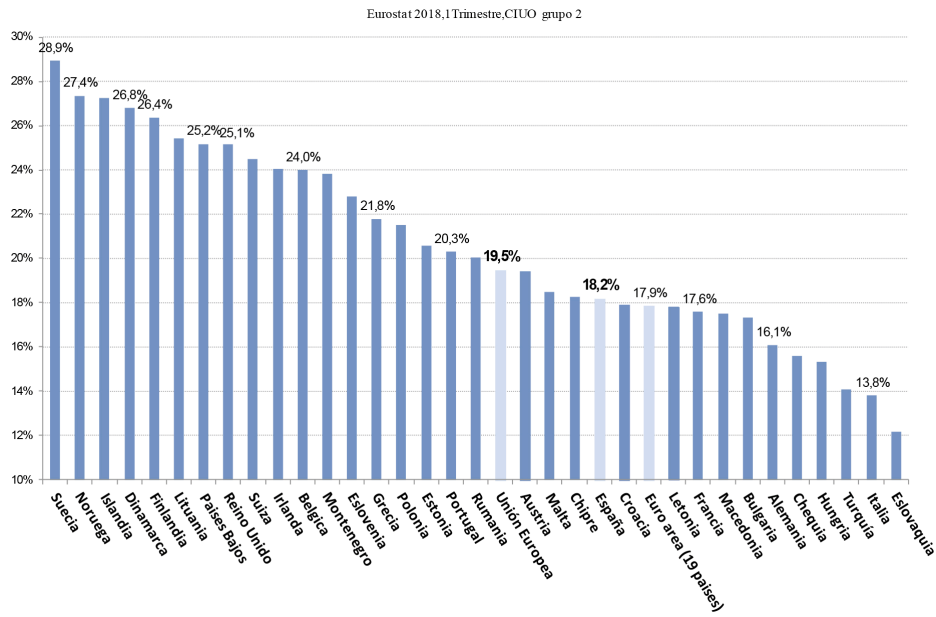
In the economy as a whole, the total of the scientific-technical group represents 18.2% of the total number of employed, a proportion which, when not considering the unemployed, places Spain in the European average, above France, Germany and Italy, but far from the Scandinavian countries, the BENELUX countries or the United Kingdom (in Figure 6 the data are from the 1st quarter of 2018).

²³ Regarding the public sector, the LFS collects data on unemployed people who left their last job 12 months ago or less.

²⁴ These proportions are much lower than those working as employees in the private sector, which increased by 125% at the same time.

²⁵ National Classification of Professional Occupations. INE.

Figure 6. Proportion of the scientific-technical group over employed people

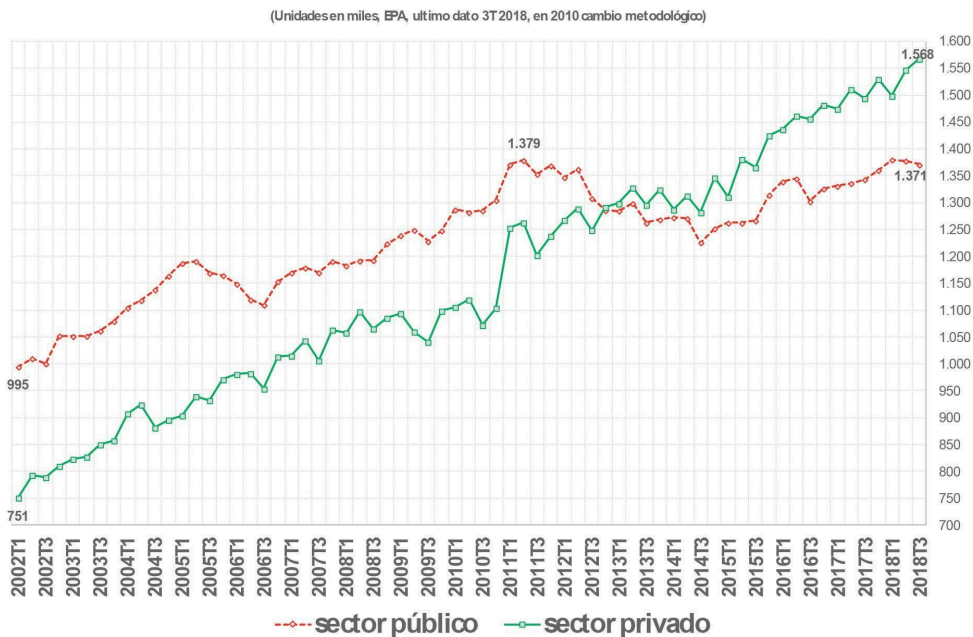


(Eurostat 2018, 1 Quarter, ISCO, group 2)

In the Spanish economy, from 2002 to 2018, the increase in the group of scientific and technical professionals has been very significant, going from 2,014,500 to 3,423,300. In total, a net balance that represents an additional 1,408,800 employed individuals. Of these, 383,400 joined the public sector; 796,300 joined the group of private sector wage earners, and among the non-wage earners, there were 229,100.

Between 2002 and 2011 (Figure 7), although with different intensity, the behavior of public sector employment in the scientific-technical group is very similar to that of private sector wage earners ($R^2 0.90$). While from 2012 to 2018 the correlation disappears, and the behavior of public sector employment in the scientific-technical group no longer follows the same pattern ($R^2 0.35$) as private sector wage earners.

Figure 7. Technicians and professionals, scientists and intellectuals



(Units in thousands, LFS, last data 3Q 2018, in 2010 methodological change)

The weight of the public sector in the group of scientific and technical professionals has progressively decreased, from 57% in the first quarter of 2002 to 47.1% in the second quarter of 2018. And for the first time, since 2013, the group of scientific and technical professionals from the private sector has grown larger.

If we look at Figure 7, from the point of view of the variation in the number of scientific-technical public employees between 2002 and 2018, three stages can be identified:

- Up to 2004 (1 quarter), the end of President Aznar's second term, the number of scientific and technical

professional public employees grew by an average of 13,710 net jobs per quarter.

- b. During the years of President Zapatero's government, until the third quarter of 2006, there was an adjustment in public employment, which resulted in a reduction of 29,400 scientific-technical jobs in the second quarter of 2006. However, from the fourth quarter of 2006 until the fourth quarter of 2011, the last quarter of Zapatero's government, scientific-technical public employment entered a new expansion phase, with an average of 12,350 net jobs per quarter.
- c. And finally, in the years of President Rajoy's government, two periods can also be distinguished: The first years, between 2012 and 2014 (3rd quarter), there was a new adjustment of scientific-technical public employment, longer and more intense, with an average reduction of 13,030 net jobs per quarter. On the other hand, since the fourth quarter of 2014, a new phase of growth has begun, which incorporates some quarters of decline, but which in general represents an average growth of 10,500 net jobs per quarter.

6. Discussion and conclusions

The public sector is characterized by its dependence on political power, its specialization in the general interest, by the intensive employment of technicians and professionals, scientists and intellectuals, and by the massive use of the loyalty contract, which, in order to guarantee the impartiality and professionalism of public employees, incorporates a requirement of merit and ability in selection and promotion. and a reinforced guarantee of irremovability.

In addition to this model, exceptionally, a scope for temporary recruitment or appointment is accepted, for which a faster selection method is opened, which adapts to the short-term needs of the public service or to the requirements of professional training systems, but which is not suitable for the requirements of entry into a professional career. which is presumed to be long-lasting.

La The generalization of temporary contracts, which are mostly among those under 40 years of age, especially among women, indicates a dual model of labor relations, which implies a significant dysfunction of the nature of public employment.

A temporary contract, unrelated to the conduct of loyalty, typical of public organizations, would be one in which the worker does not have sufficient *expertise, knowledge of the context* and impartiality, to counterbalance the *imprecise instructions* that can be altered at any time, which he receives from the political power.

It would seem that the selection patterns that characterise science, education or health, which account for half of all public employment, requiring a postgraduate degree, master's degree, doctorate or specialist qualification, have been extended to the public system as a whole, and which, in order to participate in a permanent job offer, add one or two postdocs, or successive substitutes and interim contracts, in a process which may conclude in a formal recognition of accreditation or have a requirement of previous temporary experience, and which, as a trial period, may last for years.

The volatility of scientific-technical employment and the use of temporary contracts as a habitual instrument in the adjustment or expansion of public policies has made its way associated with the theoretical framework of the new public management, which attracts a logic of mercantile rationality, confronted with the political rationality of the state.

A situation in which the orientation of public employment is driven by economic policy criteria, aimed at favouring economic growth and reducing the public deficit, objectives which by their very nature are adopted from the sphere of political rationality and not market rationality, but which have operated without express consideration of their effects on the quality of the public policies they serve, and whose most relevant decisions on public employment rigidly involve all public institutions, and are adopted by the Government, in a detailed and centralised manner, in the debate on the General State Budget, modulated, where appropriate, by the weight of the Government-Union agreements and by the influence of the territorial and functional administrations.

The expansion of temporary employment, beyond short-term needs or training requirements, implies a tendency to break the loyalty contract, hitherto associated with the immovability of public employment, and implies an orientation of market rationalisation of public labour relations that modifies the merit systems, which differentiated it from both the spoils system models and the labour patterns of the private sector which, with greater or lesser cost, admit dismissal.

In contrast to the idea that there are more permanent employees in the public sector than in the private sector and that their variation is less associated with the economic cycle and is not substantially linked to the political cycle, but rather to the development of public policies, it can be objected that in recent years, not only is temporary employment very high, higher than among employees in the private sector, but also that temporary employment is higher among public employees who belong to the generations born in democracy.

In recent years, a dual employment relations pattern has been accentuated in the public sector, where women and young people are offered precariousness, which implies insecurity, lower salaries and *flexible* contracting, and the stability of the *loyalty contract*, higher salaries and professional careers are reserved for older people.

Generally speaking, unlike in the private sector, in the public sector the rate of male incorporation of professionals and technicians, scientists and intellectuals has slowed down. The causes of this behaviour could be sought on the demand side in the previously higher rate of male activity and in the different levels of training accumulated by men and women; and on the supply side in the specialisation of the public sector in the health and education fields, and in the orientation of public employment policy.

This breach of the loyalty contract operates in a context in which Spain has a relatively small public administration, has fewer employees and devotes fewer resources to the public sector than the average OECD and EU country, but nevertheless, although its production costs are lower, it spends somewhat more than the OECD average in terms of GDP to pay its public employees.

An administration, much *older* than the population, in which the majority of its employees are part of the *pre-digital* generations, whose first training was prior to political change and the process of socio-economic modernisation of democracy. An organisation with a reduced weight of digital generations, whose socialisation

coexists with the maturity of the constitutional regime, with globalisation and the expansion of new technologies, but whose incorporation into working life is taking place within the framework of the impact of the 2008-2013 economic crisis.

By increasing the duality of labour relations and slowing down the rate of incorporation of scientific and technical professionals, and at the same time reducing the presence of age cohorts trained in democracy, the administration may have slowed down its capacity for understanding, innovation and leadership of the knowledge society, which in the medium term hinders its possibilities for adaptation and calls into question its capacity to lead a process of social change to which it is obliged in order to *remove the obstacles that prevent or hinder equality*.

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