General strike in Spain: takeaways for companies

October 2026

Ahead of the general strike called for November 11, 2026, we look at workers' rights and guidelines for companies.

The right to strike is a fundamental right recognized in article 28.2 of the Spanish Constitution and governed by Royal Decree-Law 17/1977 of March 4, 1977 on employment relations.

In view of the upcoming general strike called for **November 11, 2026**, we look at the basic points to bear in mind from a labor law standpoint:

1 Rights and consequences for workers

- The right to strike is a legitimate workers' right recognized in the Spanish Constitution. All employees **are free to join the strike or not**, and their decision must be respected.
- Workers **are not under obligation** to **give** the company advance notice of this decision.
- The employment contract is **suspended** during the strike, and the employee takes on special social security status: the company does not pay the employee's salary or social security contributions for the time they join the strike.
- Participation in the strike **does not reduce vacation entitlement**.
- Joining the strike is not a ground for disciplinary action. Other types of conduct may be grounds for disciplinary action, however, such as failing to cover skeleton or essential services or coercing anyone not participating.
- Strike participants **may not enter the workplace**. Being on strike will not allow workers to occupy the workplace or any of its facilities, without precluding any worker meetings needed to exercise the right to strike. Picket lines may peacefully inform others although they may not coerce those who decide to work.

2 What companies can do

- Companies will have to ensure that during the strike all services required for the **safety** of individuals and property, **maintenance** of premises, machinery, facilities, raw materials are provided, along with any other step needed for work to resume at the company after the event.
- Employers can replace members of their workforce where a failure to provide safety and maintenance services occurs.
- **Skeleton services.** At companies providing essential services to the community, the skeleton services established by the authority must be maintained and workers must be designated using objective criteria.
- Essential services for the community and the establishment of skeleton services apply only to certain companies responsible for providing public services or services of recognized and urgent necessity, and only in particularly serious circumstances. The government must determine these measures by reference to the length of the strike, its scope, existing needs, and any proposal for maintaining services made by the strike organizers and the labor unions.
- **Lockouts** are only allowed in very exceptional circumstances, such as where there is a clear danger of violence against individuals or serious damage to property, or where a workplace has been occupied illegally. They must be reported to the labor authority within 12 hours and limited to the length of time strictly necessary to ensure the resumption of operations or to eliminate the causes that led to it.

3 What companies should avoid

Although each case must be analyzed individually in light of the specific circumstances involved, listed below are a few steps that may infringe upon the right to strike (strikebreaking):

- **Hiring external staff** to cover the strikers' services, whether from other companies, group companies or from a temporary employment agency.
- The most restrictive judicial interpretations have also determined that **replacing strikers with members of the company's own workforce** may involve strikebreaking**:** transferring staff between workplaces, reassigning duties, or assigning strikers' tasks to supervisors.
- Not every organizational or technical measure infringes upon the right to strike, although **if the measure neutralizes the effects of the strike**, it may be classed as an instance of strikebreaking.
- **Exceeding skeleton service requirements** through indirect means or providing unauthorized skeleton services.

Companies cannot pressure workers not to join the strike, nor can they unreasonably deduct wages from the individuals assigned to skeleton services or from non-striking workers or record the day as an unjustified absence.

For further information:
Labor and Employment

GARRIGUES

Plaza de Colón, 2 - 28046 Madrid
T +34 91 514 52 00

info@garrigues.com
garrigues.com

Follow us on:

This publication is for information purposes only and does not constitute legal or any other type of advice. Nor is it intended to provide an exhaustive summary of the legislation or changes that it mentions, or to include everything that has been published, but rather to offer a selection. It is therefore recommended to consult the official texts and seek specific professional advice. Garrigues does not accept any liability whatsoever for the use of this information, or the obligation to update it after it has been published.

© J&A Garrigues, S.L.P, all rights reserved. This work may not be used, reproduced, distributed, publicly communicated or altered, in whole or in part, without the written permission of J&A Garrigues, S.L.P.