

Prison workers: the public service guarantee

No reintegration in the Spanish prison system without public-sector workers

CCOO

servicios a la ciudadanía
instituciones penitenciarias sae

LEGAL FRAMEWORK FOR PRISON WORKERS IN SPAIN

- The United Nations Standard Minimum Rules are absolute and fundamental. They provide basic minimum principles that must be adhered to everywhere and at all times.
- The reintegration of prisoners forms the backbone of the Spanish prison system.

LEGAL FRAMEWORK FOR PRISON WORKERS IN SPAIN

The purpose of the Spanish public prison system is defined by: the Spanish Constitution.

Article 25.2 states: “Punishments entailing imprisonment and security measures shall be aimed at rehabilitation and social reintegration and may not consist of forced labour.”

LEGAL FRAMEWORK FOR PRISON WORKERS IN SPAIN

The objectives set out in the Constitution are implemented by laws and regulations:

General Penitentiary Organic Law

According to the Supreme Court, Article 25.2 of the Spanish Constitution prioritises the criteria of legality, reintegration and resocialisation when it comes to sentences.

LEGAL FRAMEWORK FOR PRISON WORKERS IN SPAIN

Prisons Regulations

Article 3.1 of the Prisons Regulations states: “Prison activities will ensure the guarantees and the limits established by the Constitution and the Law.”

The prison system is not an end in its own right, but a “means for achieving the objectives of Article 25.2 of the Spanish Constitution and Article 1 of the General Penitentiary Organic Law: the rehabilitation and reintegration into society of people subject to sentences depriving them of liberty and the retention and custody of detainees, prisoners and people with convictions.”

THE PRISON SYSTEM WORKFORCE: CHANGE AND DEVELOPMENT

There are various types of employment in the Spanish public sector and there are two groups of workers in the prison service: public-sector workers (around 80% of the workforce) and contract staff (the remaining 20%). In addition to their different categories and functions, the main differences are the framework governing their legal relationship with the Government.

THE PRISON SYSTEM WORKFORCE: CHANGE AND DEVELOPMENT

EVOLUCION PLANTILLAS FUNCIONARIOS

	2009	2011	2013	2015	2016
TECNICOS	775	848	842	822	820
MEDICOS	432	433	414	404	402
ENFERMEROS	582	593	593	578	575
CUERPO ESPECIAL	1157	1155	1054	964	899
CUERPO AYUDANTES	18894	19680	19363	18975	18961
OTROS	105	114	107	95	98
TOTAL	21945	22823	22373	21838	21.755

THE PRISON SYSTEM WORKFORCE: CHANGE AND DEVELOPMENT

CHANGES IN THE NUMBER OF CONTRACT STAFF					
	2009	2011	2013	2015	2016
GROUP 2	658	729	736	726	723
GROUP 3	208	248	234	229	218
GROUP 4	810	854	831	802	788
GROUP 5	318	322	304	302	293
TOTAL	1,994	2,153	2,105	2,059	2,022

THE PRISON SYSTEM WORKFORCE: CHANGE AND DEVELOPMENT

Prison staffing has a direct impact on the quality of the public service:

1. Workforce deficit
2. Prison staff to inmate ratio
3. Ageing workforces

AVERAGE AGE PER GROUP			
Public-sector workers			
GROUP A1	GROUP A2	GROUP C1	GROUP C2
49	52	49	56
CONTRACT STAFF			
GROUP 2	GROUP 3	GROUP 4	GROUP 5
49	52	52	53

THE PRISON SYSTEM WORKFORCE: CHANGE AND DEVELOPMENT

The deterioration in the staffing of the Spanish public prison service is not causal or a result of the economic climate.

The CCOO union has repeatedly denounced the fact that the Ministry of the Interior, supported by the Secretary General of Penitentiary Institutions, has pursued a strategy of managed decline of our institution in order to privatise it or outsource part of the services it provides.

PUBLIC SERVICES: PUBLIC EMPLOYMENT VS. PRIVATE EMPLOYMENT

“Public services are not perfect simply because they are public. Some even have major problems, resulting in substandard services, poor employment conditions and extra costs.”

According to a study by the PIQUE group (Privatisation of Public Services and the Impact on Quality, Employment and Productivity), funded by the European Union, the privatisation of essential services has negative effects on society and employment.

Various studies have shown that the privatisation of the post service has resulted in a worse service, job losses, lower wages and higher prices.

PUBLIC SERVICES: PUBLIC EMPLOYMENT VS. PRIVATE EMPLOYMENT

In addition to their economic aspects, public services must also be measured in social terms, primarily for the role they play in the redistribution of wealth, guaranteeing access to essential services for members of the public with limited resources, and creating collective and social benefits.

Neoliberalism has reformulated itself in terms of euphemisms that describe the same overarching goal: corporate profits. This trend is currently exemplified by the euphemism 'public-private partnerships'.

PUBLIC SERVICES: PUBLIC EMPLOYMENT VS. PRIVATE EMPLOYMENT

The privatisation of external security in Spanish prisons is costly for the public and exemplifies the inefficiency of privatising public services.

THE COST OF PRIVATE SECURITY IN PRISONS

2013	7,000,000
2014–2016	66,000,000
2016 extension	7,791,151
2017	34,000,000
2018	60,237,549

175,028,700

PUBLIC SERVICES: PUBLIC EMPLOYMENT VS. PRIVATE EMPLOYMENT

- The State's capacity to punish should not be privatised as a guarantee of democratic quality.
- Public-sector workers guarantee the efficiency, equality and universality of public services in contrast to the profit-driven logic of the private sector.
- Public-sector workers are recruited via selective public processes that guarantee the merit, capacity and stability of the position.

PUBLIC SERVICES: PUBLIC EMPLOYMENT VS. PRIVATE EMPLOYMENT

- Punishment as a business is not alien to democracy. In some countries, prisons are a highly profitable industry with influential lobbying pressure. This pressure results in rigid laws and a high prison population.
- The privatisation of prison sentences is much more than an economic debate about costs and benefits. It represents the privatisation of the State's exclusive capacity to punish and opens up sentences to the market in terms of their number and how they are served, favouring the confinement of marginalised groups, those with mental health issues and dissidents.

STAFFING DEFICIT AND OCCUPATIONAL HEALTH

- A sick organisation cannot be an efficient one. An organisation's health is measured by the health of its members. The Spanish prison system is not in good health because its workers are not in good health.
- The closed nature of the prison system makes it a risk factor in terms of occupational health.
- Prison staff must have guaranteed preventive policies to prevent occupational risks and illness.

STAFFING DEFICIT AND OCCUPATIONAL HEALTH

- The prevention of occupational risks and illness is governed by a law enacted in 1995, although this law has not been able to penetrate prison walls.
- There are multiple occupational risks that affect the health of Spanish prison workers:

Aggression

INSTANCES OF AGGRESSION AND PERCENTAGE OF OCCUPATIONAL ACCIDENTS		
	No. instances of aggression	% OF ACCIDENTS
2012	348	31.72%
2013	380	31.32%
2014	367	28.78%
2015	486	38.69%
2016	448	40.03%

STAFFING DEFICIT AND OCCUPATIONAL HEALTH

Psychosocial risks

- Stress, occupational harassment and the physical and psychological issues suffered by many workers are the results of badly organised work, and not individual personality problems or personal or family circumstances.
- The lack of psychosocial risk prevention programmes in prison prevention plans has particularly damaging repercussions for staff, including reduced life expectancy and increased chances of heart, respiratory, endocrine and mental health problems.

STAFF AND REINTEGRATION IN PRISONS

A major paradox lies at the heart of the Spanish system, ultimately reflected in the operation and aims of the prison system. This is the result of one of the lowest crime rates in Europe and one of the highest prison populations.

The primary objective of the Spanish Public Prison Service is the reintegration and resocialisation of prisoners. This requires a large number of qualified staff, as set out in the law.

STAFF AND REINTEGRATION IN PRISONS

Reintegration work by Spanish prison workers is of an integrated nature and is adapted to the various prison regimes and levels of treatment. It covers treatment, production, health, education and surveillance.

To be effective, this potential must be realised. Modern prisons that focus on the reintegration and resocialisation of prisoners are highly complex spaces that require sufficient staffing, not just in terms of numbers, but also in terms of the qualifications and complexity required to meet the objectives.

STAFF AND REINTEGRATION IN PRISONS

Improving prison treatment and making it more efficient has both direct and indirect benefits. It improves aspects related to the objectives of reintegration, which has an impact not just in terms of the prisoners reintegrated and their potential for resocialisation, but also in economic terms. They constitute a worthwhile investment for society, helping reduce the impact of crime and reoffending. Indirectly, a prison with an advanced level of treatment and an adequate workforce obtains much higher levels of controlled normalisation than punitive models or those based exclusively on retention and custody.

STAFF AND REINTEGRATION IN PRISONS

CONCLUSIONS

- Reintegration is not just a legal standard, it is a structural objective of the prison service that improves social cohesion and coexistence.
- The goals of reintegration are integrated and affect all areas of the prison service, requiring sufficient and qualified staff.
- Proper operation of the public prison system requires a healthy workplace, risk prevention and occupational health policies as part of prison management.

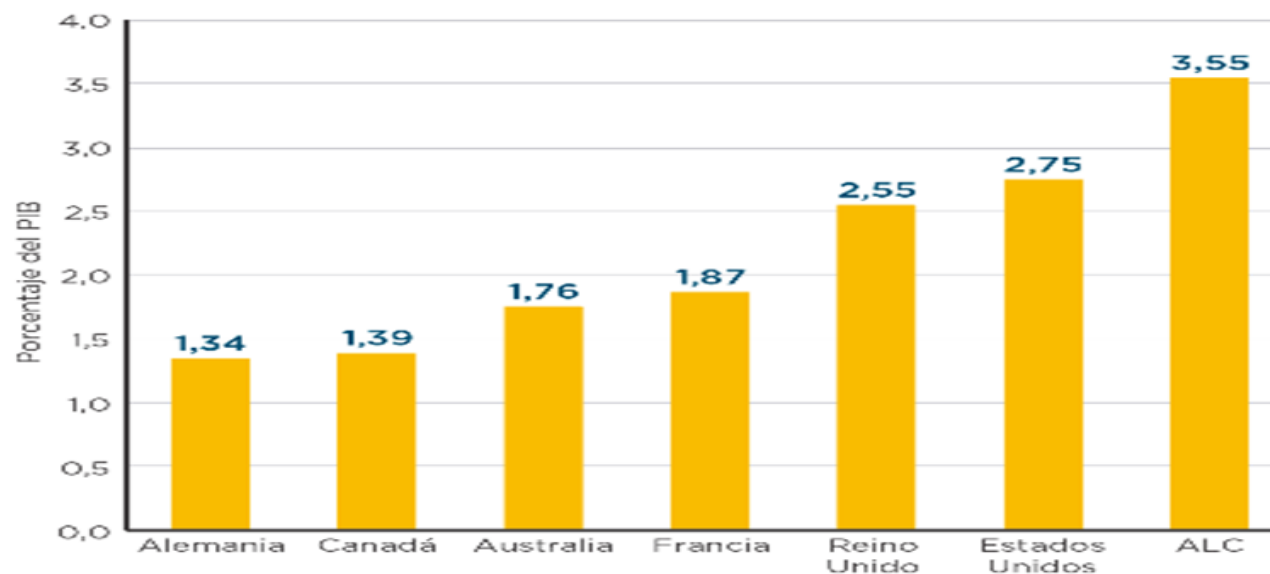
STAFF AND REINTEGRATION IN PRISONS

CONCLUSIONS

- Public-sector prison workers are the best way to guarantee reintegration and legal compliance with the punitive capacity of the State.
- Investing in prison resources is an investment, not a cost. Reintegration reduces crime and the associated costs for the public and the State.

STAFF AND REINTEGRATION IN PRISONS

Media de costos del crimen, comparativa internacional



Fuente: estimados de los autores basado en varias fuentes

Nota: Datos son para 2014, o el último año disponible.
ALC = América Latina y el Caribe