

Information note



Public Law



June 2026

Toda & Nel-lo obtains a landmark judgment ordering the Community of Madrid to pay double compensation to an interim worker for abuse of temporary employment

The law firm **Toda & Nel-lo**, under the legal direction of **Mario Chaparro Yedro**, *counsel* in the Public Law practice area, led by partner and Judge on leave of absence **Javier Ramón Sierra**, has obtained a judgment handed down on **9 June 2026** by **Madrid Labour Court No. 14** that directly and immediately applies the new criteria established by the Full Chamber of the Social Division of the Supreme Court in its judgment of 11 May 2026, ordering the Ministry of Family, Youth and Social Affairs of the Community of Madrid to pay double compensation for abuse of temporary employment. / 1

The judgment recognises the right of an interim public administration worker to receive two cumulative forms of compensation as a result of the abuse of her temporary employment: the **termination indemnity** for the cessation of her contract and a **complementary reparatory indemnity** for the harm caused by the abuse of temporariness.

How is the abuse of temporary employment established?

The judgment considers the abuse of temporary employment to be established on the grounds that the worker was **employed on an interim basis for more than 3 years**, with no material interruptions that could have broken the employment link. The court applies the criterion set out in **Article 70 of the EBEP (Basic Statute of Public Employees)**, which establishes a 3-year deadline for the Administration to fill vacancies on a permanent basis, and finds that the duration of the contract —from June 2020 to 2025— exceeds this threshold without the defendant Administration having alleged or proven any grounds for suspension or justified extension.

What compensation is recognised?

The ruling orders the Community of Madrid to pay two cumulative forms of compensation: the **termination indemnity** assessed at 20 days' pay per year of service —which the Supreme Court continues to apply to contracts terminated upon permanent filling of the vacancy— and a **complementary reparatory indemnity** for the harm suffered as a result of the abuse of temporariness, calculated in accordance with the guiding

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criterion established by the LISOS (art. 40, in the wording in force at the time the relevant events occurred).

Why does this judgment matter? Practical implications

/ It constitutes one of the **first judicial rulings** to apply the new criteria established by the Full Chamber of the Social Division of the Supreme Court (judgment of 11 May 2026) at Labour Court level, which anticipates a multiplier effect on litigation in this area.

/ It confirms the **right of interim public employees** in public administrations to claim double compensation where abuse of temporary employment is established. Alongside compensation, we continue to fight, where applicable, for the **permanent status of affected interim workers**, both civil servants and employees under labour law, in order to align with **EU regulations** and the case law of the **TJUE**.

/ It opens the door for approximately **one million interim workers** in Spanish public administrations to bring similar claims in relation to compensation entitlements and permanent status.

/ The ruling is part of a structural problem affecting approximately one million interim workers in Spanish public administrations and consolidates **Toda & Nel-lo** as a leading firm in the defence of workers affected by precarious employment in the public sector, at a time of particular legal and regulatory significance.

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