



Barcelona, 25 march 2019

Dear client,

We hereby inform you of the latest urgent employment measures included in Royal Decree-Law 6/2019 of 1 March, published on 7 March 2019 on urgent measures to ensure equality of treatment and opportunities between men and women in employment and occupations, and Royal Decree-Law 8/2019 of 8 March concerning urgent measures on social protection and to combat insecurity in relation to working hours.

Royal Decree-Law 6/2019

For companies with fifty or more workers, the preparation and application of an equality plan has been established which will contain, at least, the following measures aimed at eliminating the obstacles that prevent or hamper actual equality between men and women:

- a) Selection and hiring process.
- b) Professional classification.
- c) Training.
- d) Professional promotion.
- e) Working conditions, including a salary audit between men and women.
- f) Exercising co-responsibility with respect to rights relating to personal and family life, and employment.
- g) Female under-representation.
- h) Remuneration.
- i) Prevention of sexual and gender-related harassment.

Companies will be obliged to enter the equality plans in the Register of Company Equality Plans that will be developed by the relevant regulations.

This measure will be applied gradually, based on the number of the company's employees:



- companies with more than 150 employees and up to 250 employees will have a period of one year to approve their equality plan.
- companies with more than 100 employees and up to 150 employees will have a period of two years to approve their equality plan.
- companies with 50 to 100 employees will have a period of three years to approve their equality plan.

Employers must also keep a register recording average figures for the salaries, wage supplements and non-salary benefits of their workforce, broken down by gender and by professional group, professional category or work position that are equal or of the same value.

Companies must justify any differences when, in companies with at least 50 employees, the average remuneration of one gender is higher, by 25% or more, than that paid to the other gender, based on the overall wage bill or the average remuneration paid.

Concerning **leave due to birth and care of new-born children**, it is provided that the parent other than the mother may suspend their employment contract for 16 weeks. It will be mandatory to take six of these weeks after the date of birth, taking into account the full working day.

Once these six weeks have elapsed following the birth, both parents may distribute their utilisation of the remaining weeks at their discretion, on a cumulative or non-continuous basis until twelve months after the date of birth. These weeks may be taken on a part-time or full-time basis and notice thereof must be given at least fifteen days in advance.

The biological mother may bring forward her maternity leave up to four weeks prior to the expected date of birth.

This measure will be applied on a gradual basis. For births occurring as from 1 April 2019, the parent other than the biological mother will be entitled to a suspension period of eight weeks, of which the first two weeks must be taken uninterruptedly following the birth.

For births occurring as from 1 January 2020, the parent other than the biological mother will be entitled to a suspension period of 12 weeks, of which the first four weeks must be taken uninterruptedly following the birth.



As from 1 January 2021, each parent will be entitled to the same 16-week period of suspension of the employment contract.

Concerning **care of the new-born**, the right to an hour's absence from work, which may be divided in two parts, to care for the infant until nine months of age has now been extended to include both workers. This leave of absence may be replaced, at the worker's discretion, by a half-hour reduction in the working day for the same purpose, or may be accumulated in complete working days. When both parents, adopters, guardians or foster parents exercise this right with the same duration and subject to the same arrangement, the leave of absence may be extended until the infant reaches twelve months of age, with a proportional reduction in salary after nine months have elapsed.

An economic benefit has been created for the infant's care which covers the salary reduction, provided that both workers benefit from the reduction in working hours to care for the infant from nine until twelve months of age. This measure will enter force on 1 April 2019.

Royal Decree-Law 8/2019

A mandatory daily register of working hours kept by the employer has been established, which must include the specific time of commencement and completion of the working day for each employee. The law does not lay down the mechanisms for implementing this register and therefore it will be organised and documented by the employer, either by means of collective bargaining or a company agreement or, failing that, under the decision taken by the employer. The company must keep the registers for four years and they must remain available to employees, their legal representatives and the Employment and Social Security Inspectorate. The measure will come into force from 12 May 2019.

Unemployment benefit regulations for persons over 55 years of age have been modified, in the following terms:

- ➔ Reduction from 55 to 52 years in the access age.
- ➔ No family responsibilities need to be accredited.
- ➔ Evidence must be provided of a minimum of six years' contributions over the person's working life.



- ➔ It will be extended at the most until the worker reaches the age at which, in each case, he or she will ordinarily be entitled to receive a contributory retirement pension.
- ➔ In relation to the income requirement, the beneficiary must not receive any kind of income, calculated on a monthly basis, which is higher than 75% of the national minimum wage, excluding the proportionate amount of two extra payments.
- ➔ Increase in the contribution for the retirement contingency over the period the grant is received from 100% to 125% of the minimum contribution base in force at a given time.
- ➔

A discount is established for the indefinite contracting of persons that have been registered as unemployed for at least 12 of the 18 months preceding the contract, entitling the employer, **from the date on which the contract is signed, to a monthly reduction in the employer's Social Security contribution per worker hired** of €1,300 per year, or €1,500 in the case of female employees.

For this incentive to be applicable, the company must continue to employ the worker concerned for at least three years from the date of commencement of their employment, and maintain the level of employment in the company achieved through said contract for at least two years as from the date on which it is signed.

The professionals that regularly work with your company are entirely at your disposal for any clarification or additional information you may require in relation to the content of this Circular Letter.

Yours sincerely,
AUDICONSULTORES

The sole aim of this Circular Letter is to provide its recipients with a selection of general information items about novelties or issues of a labour, tax or legal nature, without this constituting professional advice of any kind or being sufficient for the making of personal or business decisions.

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