

# Unemployment benefits

## **Contributory unemployment benefit**

### **Unemployment protection**

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## ÍNDICE

- **Contributory unemployment protection**

* Recipients .....	4
* Content of the unemployment protection .....	5
* Requirements to receive the benefit .....	6
* Legal unemployment .....	6
* Duration of the benefit.....	9
* Amount of the benefit.....	10
* Social Security contributions.....	12
* Withholdings by the spanish public employment service .....	13
* Processing the benefit application .....	13
* Documentation to submit in order to receive the benefit.....	14
* Payment of the benefit .....	16
* Suspension of the benefit .....	16
* Renewal of the benefit.....	18
* Cancellation of the benefit .....	19
* Right of option.....	20
* Incompatibility of the benefit .....	20
* Compatibility of the benefits .....	21
* Workers' obligations .....	23
* Offences by and penalties against workers.....	24

- **SINGLE PAYMENT OF THE BENEFIT**

* Requirements to fulfil.....	27
* Assistance that can be obtained .....	27
* When and where to apply.....	30
* Documents.....	30
* Obligations.....	33

## CONTRIBUTORY UNEMPLOYMENT PROTECTION

**This benefit protects those who can and wish to work but become unemployed when they lose their job either temporarily or permanently, or those whose normal working day is reduced by a minimum of 10% and a maximum of 70%, respectively.**

**In addition to meeting the requirements set forth below, in order to qualify for this benefit, the worker must have previously made Social Security contributions to cover this eventuality, as it is funded through contributions from workers, employers owners and the State.**

**The Spanish Public Employment Service is the Autonomous Body under the Ministry of Employment and Social Security, that is entrusted with the management and control of unemployment benefits. The Social Marine Institute manages the unemployment benefits of workers included in the Social Security's Special Seafarers' Scheme.**

### RECIPIENTS

The groups listed below may receive this unemployment benefit provided that they are in one of the established categories of legal unemployment, have the minimum contribution period required and do not incur any of the incompatibilities:

- Workers employed by another person included in the General Social Security Scheme who have contributed to the unemployment assurance.
- Workers employed by another person included in the Social Security's Special Scheme that protect this unemployment assurance (Coal Miners, workers employed by another person in the Special Seafarers' Scheme, permanent workers employed by another person in the Social Security Special Scheme for agricultural employees, and temporary workers employed by another person in the same Scheme.
- Worker-members of associate work cooperatives and community land cultivation cooperatives, as well as worker-members of other cooperatives, included in a Social Security Scheme that covers this eventuality.
- Those who have been released from prison at the end of their sentence or on parole.

- Returned emigrant workers.
- Foreign workers in Spain who are citizens of European Union or European Economic Area member states, or citizens of countries that are not members of the European Union or the European Economic Area who are legally resident in Spain and meet the legal requirements, shall be entitled to contributory unemployment benefits provided that they are registered as jobseekers.
- Employment officers and personnel hired on a temporary basis under the administrative law scheme at the service of the Public Administrations.
- Military reserves and professional Army and Navy military personnel.
- Members of local corporations and General Governments of the Historical Foral Territories, Councils of the Canary Islands and of the Balearic Islands, who hold such office on a full-time or part-time basis and receive remuneration for carrying out the role.
- Representatives of trade unions founded pursuant to Organic Law 11/1985 on the Freedom of Association who hold union management roles on a full-time or part-time basis, provided they receive remuneration.
- Senior officers in Public Administrations who work on a full-time basis, are paid and are not civil servants or entitled to receive any kind of compensatory benefit as a result of cessation.

## CONTENT OF THE UNEMPLOYMENT PROTECTION

This unemployment benefit includes:

- A financial benefit for total or partial unemployment.
- Payment of part of the Social Security contributions while receiving unemployment benefit.

The protective action also includes specific training, improvement, counselling, retraining and vocational placement for unemployed workers and any other actions that aim to promote stable employment.

## REQUIREMENTS TO RECEIVE THE BENEFIT

- You must register as a jobseeker and stay registered throughout the period you receive the benefit.
- You must be affiliated or in a situation similar to registered in a Social Security scheme that includes unemployment assurance.
- You must be legally unemployed. You must also certify that you are available to actively seek work and to accept a suitable position by signing an activity commitment.
- You must have made contributions for this eventuality for a minimum of 360 days within the six years prior to becoming legally unemployed or at the time when the obligation to contribute ended.

If you are a returned emigrant who made unemployment contributions in Spain before emigrating, you must have made contributions for a minimum of 360 days within the six years prior to emigrating, provided that these have not been used in calculating a previous entitlement. In addition, you must not be receiving unemployment benefit in any other European Economic Area member state or Switzerland.

- You must not be working as self-employed or under a full-time employment contract, unless this is compatible as part of a job creation scheme.
- You must not have reached the standard age required in each case for entitlement to a contributory retirement pension, unless you are not entitled to one due to failing to provide proof of the required contribution period or this is a situation where the employment relationship has been suspended or the working day reduced as authorised by an administrative resolution.
- You are not included in any of the grounds for incompatibility ([see p. 20](#)).

## LEGAL UNEMPLOYMENT

Applications for unemployment benefit relating to the situations of legal unemployment stated below must be certified on the standardised company certificate form, which must clearly state the cause and date it took effect and, where applicable, must be accompanied by the relevant documentation.

- A. DISMISSAL.
- B. DISMISSAL ON OBJECTIVE GROUNDS.
- C. CESSATION DUE TO THE DEATH OF THE EMPLOYER.
- D. CESSATION DUE TO THE RETIREMENT OF THE EMPLOYER.
- E. CESSATION DUE TO THE INCAPACITY OF THE EMPLOYER.
- F. TERMINATION OF THE EMPLOYMENT RELATIONSHIP BY VIRTUE OF COLLECTIVE DISMISSAL, THROUGH A DECISION BY THE EMPLOYER OR A LEGAL RULING ADOPTED AS PART OF INSOLVENCY PROCEEDINGS.
- G. SUSPENSION OF THE EMPLOYMENT RELATIONSHIP THROUGH A DECISION BY THE EMPLOYER OR A LEGAL RULING ADOPTED AS PART OF INSOLVENCY PROCEEDINGS.
- H. TEMPORARY REDUCTION OF THE NORMAL WORKING DAY THROUGH A DECISION BY THE EMPLOYER OR BY VIRTUE OF A LEGAL RULING ADOPTED AS PART OF INSOLVENCY PROCEEDINGS.
- I. CESSATION OF TRIAL PERIOD ON THE EMPLOYER'S INITIATIVE.
- J. CESSATION AT THE BEHEST OF THE EMPLOYER IN THE SENIOR MANAGEMENT EMPLOYMENT RELATIONSHIP.
- K. END OF THE TEMPORARY CONTRACT AT THE EMPLOYER'S INITIATIVE (IDENTIFYING TYPE AND DURATION).
- L. END OF THE TEMPORARY ADMINISTRATIVE RELATIONSHIP OF EMPLOYMENT OFFICERS AND ADMINISTRATIVE HIRES.
- M. EXPULSION OF THE MEMBER FROM THE COOPERATIVE BY AGREEMENT OF THE GOVERNING COUNCIL.
- N. CESSATION OF THE COOPERATIVE WORKER'S TRIAL PERIOD BY AGREEMENT OF THE GOVERNING COUNCIL.
- O. RELOCATION OF THE WORKPLACE OR SUBSTANTIAL CHANGE TO THE WORKING CONDITIONS.
- P. END OR DISCONTINUATION OF THE ACTIVITY OF INTERMITTENT PERMANENT WORKERS, AS WELL AS OF WORKERS WHO PERFORM PERMANENT AND PERIODIC JOBS THAT REPEAT ON CERTAIN DATES. IN THIS CASE, A COPY OF THE CONTRACT AND THE EMPLOYER'S CERTIFICATION MUST ALSO BE INCLUDED.

- Q. END OF THE FIXED-TERM CORPORATE ASSOCIATION, AS SET OUT IN THE ENTRY AGREEMENT AND IN THE COOPERATIVE'S ARTICLES OF ASSOCIATION.**
- R. END OR INVOLUNTARY TERMINATION OF THE AGREEMENT WITH THE ARMED FORCES.**
- S. END OF PERFORMANCE WITH THE END OF CONTRACT IN THE CASE OF ARTISTS.**
- T. INVOLUNTARY AND PERMANENT CESSATION IN THE RELEVANT PUBLIC OR TRADE UNION OFFICES, OR WHEN, WHILE STILL REMAINING IN THE OFFICE, FULL-TIME OR PART-TIME STATUS IS INVOLUNTARILY AND PERMANENTLY LOST.**
- U. TERMINATION OR SUSPENSION OF THE EMPLOYMENT RELATIONSHIP OF VICTIMS OF GENDER VIOLENCE, ALONG WITH THE NOTIFICATION OF THE FINAL DAY OF THE SUSPENSION AND CERTIFICATION OF STATUS AS A VICTIM, WITH A PROTECTION ORDER OR REPORT FROM THE PUBLIC PROSECUTOR'S OFFICE, UNLESS THIS IS ALREADY HELD IN THE FILE.**
- V. CESSATION DUE TO THE WORKER BEING DECLARED TOTALLY AND PERMANENTLY DISABLED, ALONG WITH THE INSS RESOLUTION RECOGNISING THIS TOTAL PERMANENT DISABILITY, ACCOMPANIED BY THE REPORT FROM THE EVALUATION COMMITTEE WHICH RECORDS THE FACT THAT THE EMPLOYMENT CONTRACT IS NOT SUSPENDED ON THE BASIS OF ARTICLE 48.2 OF THE WORKERS' STATUTE.**
- W. TEMPORARY TERMINATION OR SUSPENSION OR TEMPORARY REDUCTION IN THE WORKING DAY BY A MINIMUM OF 10% TO A MAXIMUM OF 70%, OF THE CORPORATE RELATIONSHIP OF THE WORKER-MEMBERS OF COOPERATIVES, DUE TO ECONOMIC OR TECHNICAL REASONS OR DUE TO FORCE MAJEURE, ALONG WITH THE DOCUMENTATION CERTIFYING THAT SUCH CAUSES HAVE BEEN DULY RECORDED BY THE EMPLOYMENT AUTHORITY.**

With regard to situations of legal unemployment that are not certified with the Company Certificate, the following types of certification are accepted:

- X. ADMINISTRATIVE OR LEGAL SETTLEMENT AGREEMENT WHICH RECOGNISES THE UNFAIR DISMISSAL OR UNFAIR EXPULSION FROM THE COOPERATIVE.**
- Y. DEFINITIVE LEGAL RESOLUTION DECLARING THE TERMINATION OF THE EMPLOYMENT RELATIONSHIP OR UNFAIR DISMISSAL OR CERTIFICATION THAT THE EMPLOYER OR THE WORKER, WHERE THE LEGAL REPRESENTATIVE OF THE WORKERS, HAVE NOT CHOSEN TO BE READMITTED, OR DEFINITIVE LEGAL RESOLUTION THAT EXPRESSLY DECLARES THAT THE MEMBER WAS UNFAIRLY EXPELLED FROM THE COOPERATIVE.**
- Z. ADMINISTRATIVE OR LEGAL SETTLEMENT AGREEMENT OR DEFINITIVE LEGAL RESOLUTION DECLARING THE EMPLOYMENT RELATIONSHIP TO BE TERMINATED ON ANY OF THE GROUNDS SET FORTH IN ARTICLE 50 OF THE WORKERS' STATUTE.**



- AA. CERTIFICATE FROM THE PRISON DIRECTOR STATING THAT THE PERSON WAS RELEASED AT THE END OF THEIR SENTENCE OR ON PAROLE, AS WELL AS THE INCARCERATION AND RELEASE DATE, AND THE CONTRIBUTORY EMPLOYMENT PERIOD DURING THEIR TIME IN PRISON, IF ANY.**
- AB. CERTIFICATION FROM THE COMPETENT EMIGRATION BODY STATING THE STATUS AS A RETURNED EMIGRANT AND THE RETURN DATE, WHEN RETURNING FROM COUNTRIES THAT ARE NOT EUROPEAN UNION OR EUROPEAN ECONOMIC AREA MEMBER STATES WITH WHICH SPAIN DOES NOT HAVE AN AGREEMENT ON UNEMPLOYMENT PROTECTION.**
- AC. FORM U1 IN THE CASE OF RETURNING FROM AN EU/EEA MEMBER STATE OR SWITZERLAND.**

## DURATION OF THE BENEFIT

The duration of the unemployment benefit will depend on the contribution periods in employment under a Social Security scheme system that covers this eventuality in the last six years prior to the legal status of unemployment, or at the time when the contribution obligation ceased or, where applicable, from the start date of the entitlement to the previous unemployment benefit, in line with the following scale:

Contribution period (in days)	Benefit period (in days)
From 360 to 539	120
From 540 to 719	180
From 720 to 899	240
From 900 to 1,079	300
From 1,080 to 1,259	360
From 1,260 to 1,439	420
From 1,440 to 1,619	480
From 1,620 to 1,799	540
From 1,800 to 1,979	600
From 1,800 to 2,159	660
Over 2,160	720

- Only contributions that have not been used for granting a previous entitlement both on the contributory and welfare levels will be counted. However, any entitlement that was granted because of the employment relationship being suspended for a victim of gender violence (article 45.1.n of the Worker's Statute) will not be considered to be a previous entitlement.

- Contributions that correspond to the time when the unemployment benefit is paid by the Spanish Public Employment Service or, if appropriate, by the company, will not count, except when the benefit is being collected because an employment relationship has been suspended for a victim of gender violence (article 45.1.n of the Worker's Statute).

In this case, the final suspension date will be decided by the worker, and can be up to six months initially. Once the initial suspension period has passed, the protection may be retained provided that the judge extends the suspension for three-month periods, for a maximum of 18 months and within the limit of the duration of the entitlement granted, on the condition that the worker submits new documentation certifying this extension, without having to provide proof of the protection order again or, in its absence, the report from the Public Prosecutor's Office.

The duration of the unemployment benefit for returned emigrants or people released from prison will be determined based on the contribution periods of employment in the six years prior to leaving Spain or entering prison, unless the workers have made contributions abroad or in prison that may be calculated towards obtaining the benefit.

In the case of a returned emigrant who made unemployment contributions in Spain prior to emigrating and is not working in Spain upon their return, the entitlement to unemployment protection starts the day after they return from abroad provided that they have registered as a jobseeker and it is requested within 15 days.

In order to calculate the contributory employment period, the paid annual holiday periods not taken before the termination of the unemployment relationship will be taken into account, as will the periods corresponding to procedural salaries.

When the certified contributions relate to effective working time in the case of reduced working days, every day worked will be calculated as a contributory day irrespective of the length of the working day. If the contributions relate to a part-time job, the duration of the contract or activity will be taken into account.

## AMOUNT OF THE BENEFIT

This will depend on the worker's calculation basis. In order to determine the daily calculation basis, the bases of the last one hundred and eighty Social Security unemployment assurance contributory days (Work-Related Accidents and Occupational Illnesses Basis) prior to legal unemployment or at the time when the contribution obligation ended, will be added together and then divided by 180.

The daily calculation basis of workers who, in the 180 days preceding legal unemployment or at the time when the contribution obligation ended, have contributions for actual days in the SEASS and in other Schemes, will be calculated by dividing the sum of the contributory bases for unemployment assurance of that number of days by 180 and for this, the contributory basis of the last actual day must be multiplied and divided by the number of actual days included in the stated period.

The daily calculation basis will be multiplied by 30 in order to determine the monthly calculation basis.

The monthly unemployment benefit amount is 70% of the monthly calculation basis of the benefit in the first six months of entitlement (180 days), and will drop to 50% after this period.

The partial unemployment benefit will be determined in line with the rules stated above, in proportion to the reduction in the working day.

The amounts of the benefit calculated in this way may under no circumstances be lower or higher than the minimum and maximum amounts established for unemployment benefits, based on whether the worker has dependent children or not. For these purposes, a worker is considered to have dependent children when these children are under 26 years old or older than 26 with a disability that is equal to or greater than 33%, have no income of any kind equal to or higher than the minimum wage excluding the proportional part of two extraordinary payments, and live with the recipient.

If a child is considered a dependent of the father or the mother, this will not mean the child cannot also be classified as a dependent of the other parent.

While receiving unemployment benefit, the maximum or minimum amount will change according to any changes in the number of dependent children.

### **MINIMUM BENEFIT AMOUNT**

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Under no circumstances may the monthly benefit amount, calculated as set forth in the previous section, be lower than:

- 80% of the monthly Public Income Index (IPREM) increased by 1/6 (proportional part of the extraordinary payments) when the worker does not have any dependent children.
- 107% of the monthly IPREM increased by 1/6 (proportional part of the extraordinary payments) when the worker has at least one dependent child.

## MAXIMUM BENEFIT AMOUNT

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The maximum amount of the unemployment benefit to be received, calculated according to the number of dependent children, may under no circumstances be higher than:

- 175% of the IPREM, with no dependent children.
- 200% of the IPREM, with one dependent child.
- 225% of the IPREM, with 2 or more dependent children.

## MAXIMUM AND MINIMUM AMOUNTS IN THE CASE OF LOSS OF PART-TIME EMPLOYMENT

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In the event of loss of a part-time job, the maximum and minimum benefit amounts will be calculated taking the Public Income Index (IPREM) into account based on the hours worked.

## SOCIAL SECURITY CONTRIBUTIONS

While receiving unemployment benefit, the worker must remain registered with Social Security and contributions will be made for common contingencies (Family Protection, Retirement, Permanent Disability, Death and Survival, Temporary Disability, Maternity, Health and Pharmaceutical Assistance).

The contributory basis will be the average of the worker's contributory bases for these contingencies in the last six months of employment.

Payment of the business contribution will be made in full by the Spanish Public Employment Service and the contribution corresponding to the worker will be entirely payable by the latter. In the case of permanent workers in the Social Security Special Agricultural Scheme, the Spanish Public Employment Service will contribute 73.50% of the relevant contribution on behalf of the worker, with the latter being responsible for the remaining 26.50%.

In the case of receiving unemployment benefits due to a reduction in the working day or contract suspension, the company will be responsible for the business contribution and the worker's contribution will be entirely payable by the latter.

## WITHHOLDINGS BY THE SPANISH PUBLIC EMPLOYMENT SERVICE

The Spanish Public Employment Service will make the following withholdings on the above-mentioned benefit amount:

- The amount of Social Security contributions to be made by the worker. The worker's contribution is the result of applying 4.7% (worker's contribution rate) to the worker's contribution basis for common contingencies (average basis of the last six months for this contingency).
- Personal Income Tax withholdings, where applicable.

## PROCESSING THE BENEFIT APPLICATION

The worker may choose to submit it through the website <https://sede.sepe.gob.es> or at the benefits office (after arranging an appointment in the Spanish Public Employment Office's e-office), at any public registry office or via administrative channels.

When making the application, the worker must sign an activity commitment.

The competent Spanish Public Employment Office will take into account a person's status as a victim of gender violence for the purposes of mitigating fulfilment of the obligations arising from the signed commitment, where necessary.

Failing to register or apply within the time limit, except in cases of force majeure, leads to the loss of the same number of days of entitlement to benefits as there are between the date when entitlement would have begun if the registration and application had been made in time and in the correct manner and the date when the application was actually made.

In the case of legal unemployment status due to termination of the employment relationship, the worker may file a claim against the employer's decision to dismiss them.

In this case, if the worker has not registered and applied within the above-mentioned time limit, they will have an additional fifteen-day period to do so from the date of the settlement agreement or option for compensation, or from the legal resolution, where applicable. In those cases where annual paid holidays have not been taken prior to the end

of the employment relationship, the application must be submitted within fifteen days after the end of this period, which must be stated in the Company Certificate.

The Spanish Public Employment Service or the Social Marine Institute must make a decision within 15 days following the application date and provide notification within 10 days from the decision date.

### DOCUMENTATION TO SUBMIT IN ORDER TO RECEIVE THE BENEFIT

Form including the benefit application, the activity commitment, the family responsibilities declaration and bank details.

Identity documents: These only need to be shown in order to check the identification details of the applicant and of the cohabiting or dependent children included in the application:

- Spanish citizens: National Identity Document (DNI) or Passport.
- Foreigners resident in Spain:
  - \* EU Citizens: European Union citizen registration certificate showing the foreign resident ID number (NIE), together with the passport or identification document of their country of origin.
  - \* Non-EU Citizens: Foreign Resident Identity Card (TIE) showing the foreign resident ID number (NIE) and passport.

To process your application:

- Any bank document bearing the account number of which you are the ACCOUNT HOLDER, in which you wish to receive the benefit.
- Family record book, or an equivalent document in the case of foreign citizens, legally approved and translated.
- In the case of disabled children over 26 years old, certificate of the degree of disability issued by IMSERSO or the relevant body in the Autonomous Community, or resolution from the INSS, Ministry of Finance and Public Administrations or the Ministry of Defence, recognising their status as a pensioner due to total, absolute or serious permanent disability, or retirement due to being permanently unfit for service.

- Legal or written resolution formalising the fostering arrangement containing the consent of the Public Authority in each region responsible for child protection and the fostering date.
- Judgement and/or agreement in the case of separation or divorce.
- Identification of the children that do not live in Spain and proof of their employment status:
  - \* Form U006 or E-302 or equivalent depending on the country.
  - \* Certificate from the competent body, duly legally approved.
- Proof of legal unemployment status due to:
  - \* Cessation of the employment relationship:
    - Company Certificate of the last 180 days worked if the company has not sent it to the Spanish Public Employment Service via [Certific@2](mailto:Certific@2).
    - Administrative or legal conciliation settlement, or legal judgement.
    - Compensation ruling, in the event you challenged the dismissal.
  - \* Returned emigrants.  
If they are returning from:
    - A member country of the European Union or the European Economic Area: form U1 or E-301.
    - Switzerland: Swiss Labour Attachment certificate or form U1.
    - Australia: liaison form.
    - A country that is not a member of the European Union or the European Economic Area, or with which there is no unemployment protection agreement: certificate issued by the Provincial Departments or Offices for

Labour and Social Affairs of the Government Delegations or Sub-delegations, indicating the date of return and the time worked in the country of emigration.

\* Released from prison:

- Certificate from the Director of the penitentiary stating the incarceration date and release date, stating the cause of the latter.
- Company certificate, if you worked during your time in prison, in which a contribution to unemployment assurance was made.

## **PAYMENT OF THE BENEFIT**

When the benefit has been granted, the Spanish Public Employment Service or the Social Marine Institute will send the decision to the home address of the applicant, stating, among other things, the length of time that it is granted for, the calculation basis, the paying body, the date of payment, etc.

The benefit shall be paid monthly in arrears by direct deposit into the applicant's account in the collaborating financial institution as indicated by the applicant, except under exceptional circumstances where the Spanish Public Employment Service authorises payment in cash.

The right to collect each monthly payment expires one year after it is due.

## **SUSPENSION OF THE BENEFIT**

The suspension of entitlement means payment of financial benefits and Social Security contributions will be discontinued.

The grounds for suspension are:



- Moving abroad to search for or carry out work, professional improvement or international cooperation for a continuous period of less than twelve months, without prejudice to the conditions for exporting benefits under community agreements or rules. You must first notify and obtain authorisation from the Spanish Public Employment Service.
- Staying abroad for a continuous or non-continuous period up to a maximum of 90 days every calendar year, provided that the managing body has been notified in advance and has provided authorisation. Leaving the country for a period of less than 15 calendar days once per year will not be considered moving abroad or staying abroad provided that it does not entail leaving off labour market integration actions already scheduled or ongoing and subject to compliance with the requirements of the activity commitment.
- Changing status to maternity or paternity. Once this status has come to an end the interested party must apply for the renewal of their contributory benefit within 15 working days.
- Finishing a sentence that entails incarceration. The entitlement will not be suspended, subject to application, if the interested party has family responsibilities and has no family income of any kind in excess of the minimum wage.
- Working for another person for less than 12 months.
- Self-employed work:
  - \* If you have worked for less than 24 months, regardless of whether you have registered as a self-employed worker in any of the Social Security Schemes.
  - \* If the self-employed work was for more than 24 months and less than 60 months, and you have accredited registration as a self-employed worker in the Special Social Security Scheme for Self-Employed Workers or the Special Scheme for Seafarers.

In the above cases, when the activity ends you can resume unemployment benefit within 15 working days from termination as a self-employed worker.

If after termination as a self-employed worker you are entitled to benefit for cessation of activity, you may choose between receiving this benefit or reopening your suspended right to unemployment benefit. If you choose the previous benefit, the contributions that led to the new benefit that was not chosen cannot be used to grant a subsequent entitlement.

- Suspension as a penalty due to minor or serious offences ([see p. 24](#)).

In addition to meaning benefit payments will be discontinued, suspension as a penalty will also lead to a reduction in the duration of the benefit granted for a period of time equal to the suspension.

- In the cases mentioned in art. 295 of the Labour Procedure Act, while the worker continues to provide their services, or does not provide them at the employer's behest, while processing the appeal.
- Holding of public or trade union offices that entail full-time work.
- Failure by unemployment benefit recipients to submit the documents required of them within the deadlines, provided that such documents may influence whether or not they retain their entitlement to benefits, may give rise to the managing body adopting the necessary preventative measures by suspending payment of the above-mentioned benefits until such recipients appear before it certifying that they fulfil the legal requirements established for retaining the entitlement, which will resume from the date they make such an appearance.

Moreover, the managing body will suspend payment of benefits during the periods in which recipients are not registered as jobseekers with the Spanish Public Employment Service and will resume from the date of the new registration, subject to the recipient appearing before the managing body to certify this, unless there are reasons to continue with the suspension of the benefit or terminate it for any of the grounds set forth in regulations.

## RENEWAL OF THE BENEFIT

In all cases of suspension, except in the case of suspension as a penalty, the worker must make an application for the entitlement to resume on the website <https://sede.sepe.gob.es>, or by calling 901 119 999 or at the benefits office (after arranging an appointment in the Spanish Public Employment Service's e-office), at any public registry office or via administrative post within fifteen working days from the end of the cause for suspension and certifying their legal unemployment status.

Renewal implies entitlement to receive unemployment benefit for the period remaining, with the calculation basis and percentage that applied when the suspension occurred.

In the case of a suspension due to a penalty, the entitlement will resume with the percentage corresponding to the benefit, taking into account the length of time it has been collected and the penalty period.

Those groups who have different periods of activity and inactivity during the month may submit the grouped application for the benefits corresponding to the month preceding the date of the last legal unemployment status; they can join

a simplified processing route and submit the renewal of the benefit corresponding to the periods of unemployment during the month in a single monthly application.

In addition, for groups of intermittent permanent workers and those who have their working day reduced or suspended, the Spanish Public Employment Service may allow the initial registration application to serve as a renewal application for the periods of inactivity in the same file or within the same intermittent permanent activity, in which case, the company, authorised by the worker, must notify the managing body every month providing the relevant information on the periods of activity of the workers included in this single renewal method.

## CANCELLATION OF THE BENEFIT

The right to unemployment benefits may be terminated for any of the following reasons:

- Expiry of the duration of the benefit.
- Moving abroad, except in cases of suspension.
- Death of the recipient.
- Becoming a pensioner due to retirement or permanent disability (total, absolute or severe disability), with the option to choose the most favourable form of benefit in such cases of disability.
- Working for another person for a period equal to or greater than 12 months.
- Self-employed work:
  - \* If the duration is 60 months or over.
  - \* If while a self-employed worker for a duration between 24 months and 60 months, the worker was not registered as a self-employed worker in any of the Special Social Security Schemes.
- Voluntary renunciation of entitlement.

- When the recipient reaches the standard age for entitlement to the contributory retirement pension, unless the worker does not have the contribution period required for this or in a case of suspension of employment relationship of the reduction of working days authorised by an administrative resolution.
- The application of the penalty of cancellation due to recommitting minor or serious offences, or for committing a serious or very serious offence that is punishable with the cancellation of the entitlement (see p. 23).

## RIGHT OF OPTION

When entitlement to a benefit ends because of working for another person for a period of twelve months or more and a new unemployment benefit is granted without the previous benefit having run out, workers can choose, in writing and within ten days of the benefit being granted, between renewing the original entitlement for the remaining length of time with its corresponding bases, percentage and limits, or receiving a benefit based on the new contributions made. The right of option may also be exercised on [www.sepe.es](http://www.sepe.es).

If the unemployment benefit expired due to self-employed work, and after its termination you are entitled to cessation of activity benefit, you can choose between receiving this benefit or reopening the right to unemployment benefit.

If the worker chooses the previous benefit, the contributions that led to the new benefit that was not chosen cannot be used to grant a subsequent entitlement.

## INCOMPATIBILITY OF THE BENEFIT

Collecting unemployment benefits is incompatible with:

- Paid employment when working for another person full-time, as an employee or administrator, or in a similar situation that means being included in any scheme in the Social Security system even if contributions are not made for unemployment, except when compatibility has been established with an employment promotion programme.
- Self-employed work, except in the case of compatibility of less than 270 days or the shorter period of outstanding benefit. This compatibility is possible when the beneficiary has fully terminated their work and registers as a self-employed worker in any of the Social Security Schemes, provided they apply in the unextendable period of 15 days from the date of the start of their self-employed activity. This compatibility is also applicable for recipients of unemployment benefit who become partners of new worker-owned companies or

worker-members of new cooperatives, which are part of the Special Social Security Scheme applicable to their self-employed work.

- Paid research or cooperation work that implies full-time dedication to this post.
- Holding public or trade union positions by election or appointment or high-ranking positions in the civil service that are paid and imply full-time dedication to the post.
- Receiving Social Security pensions or financial benefits at both contributory and non-contributory level, unless they are compatible with the work that led to the unemployment benefit or are benefits for dependent children.
- Starting as a paid reservist as referred to in Royal Decree 1691/2003 of 12 December approving the Regulation on the volunteer reservist qualification and system.
- Any other situation that implies entitlement to financial payments from public bodies in order to replace remuneration that has stopped due to an activity being ended that has a link with administration or employment.

## COMPATIBILITY OF THE BENEFITS

Collecting unemployment benefits is compatible with:

- Paid work for another person on a part-time basis, including with an open-ended contract supporting part-time entrepreneurs, without prejudice to the corresponding discount in the benefit amount.
- Full-time work for another person, when this compatibility has been established in an employment promotion programme (open-ended employment contract and full working day in support of entrepreneurs).
- Self-employed work, provided the beneficiary has fully terminated their work and registers as a self-employed worker in any of the Social Security Schemes, for a maximum of 270 days or the shorter period of outstanding benefit, provided they apply in the unextendable period of 15 days from the date of the start of their self-employed activity. This compatibility is also applicable for recipients of unemployment benefit who become partners of new worker-owned companies or worker-members of new cooperatives, which are part of the Special Social Security Scheme applicable to their self-employed work.

The following are excluded:

People who register as a self-employed worker in any of the Social Security Schemes to become a partner of a company.

People whose last employment was self-employed work, regardless of whether they registered in any Social Security Scheme or via a Mutual Insurance Company.

People who have used this right in the 24 months immediately prior to the date of starting their self-employed activity.

People who received the single unemployment benefit payment in the 24 months immediately prior to the date of starting their self-employed activity.

People who become self-employed workers and sign a contract to conduct their activity for the employer they worked for immediately prior to their legal unemployment status, or for a company in the same business group. Workers who are going to work for their last employer, not directly but via a new worker-owned company or cooperative, are also affected by this exclusion.

- The compensation that is due for terminating the employment contract.
- Partial retirement pension or financial benefits from Social Security that were compatible with the work that gave rise to the benefit.
- Scholarships and grants that may be obtained to support occupational training actions or to complete internships in public or private entities that form part of the study plan and occur within the framework of cooperation between such entities and the educational centre in question.
- Carrying out social welfare work.
- Social Security benefits for a dependent child or children.
- Holding public or trade union office by election or appointment that entail part-time dedication to the role, without prejudice to the relevant deduction in the benefit amount.

**WORKERS' OBLIGATIONS**

The following are workers' obligations:

- Providing the documentation and information necessary for the granting, suspension, cancellation or renewal of the benefit entitlement and notifying the Public Employment Services and the Spanish Public Employment Service of your residence and, where applicable, any change to the address provided for notification purposes as soon as this occurs.
- Requesting termination of the unemployment benefit if you are in a situation where entitlement is suspended or terminated, or when you no longer meet the requirements for receiving the benefit.
- Registering as a jobseeker, staying registered and meeting the requirements of the activity commitment in the terms established in article 27 of Law 56/2003 of 16 December on employment, as well as providing proof that you are actively seeking employment, where applicable. Without prejudice to providing proof of this, participation in actions to improve employability will be voluntary for recipients of contributory benefits for the first 30 days of receiving the benefit.
- At the Managing Body's request, appearing at or attending the Public Employment Service Office, the non-profit Placement Agency or the Entities Associated with the Integrated Service for Employment at the time and date stated.
- Submitting the documentation proving temporary disability or maternity at the appropriate Public Employment Service Office, if this situation occurs while collecting the benefit.
- Within 5 days, returning the note to the Public Employment Service or, where applicable, to the non-profit Placement Agency, confirming your appearance at the place and time indicated to fill the job offers provided by them.
- Accepting a suitable placement offered by the Public Employment Service Office or non-profit Placement Agency and taking part in social work and employment programmes, or in professional promotion, training or retraining actions.
- Returning any unduly collected benefits.

## OFFENCES BY AND PENALTIES AGAINST WORKERS

Offences are actions or omissions that breach the provisions that regulate unemployment protection, and are penalised based on their classification, without prejudice to any other liability that may be incurred.

### MINOR OFFENCES

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- Failure to appear at the Managing Body, Public Employment Service Office, the non-profit Placement Agency or the Entity Associated with the Integrated Service for Employment, at their request, without just cause.
- Failure to fulfil the obligation, required in order to continue collecting the benefit, of being registered as a jobseeker in the terms set forth in articles 209.1 and 215.4 of the Consolidated Text of the General Social Security Act, without just cause.
- Failure to return the note to the Public Employment Service or, where applicable, to the non-profit Placement Agency, within five days confirming your appearance at the place and time indicated to fill the job offers provided by them, without just cause.
- Failure to comply with the requirements of the activity commitment, unless there is a just cause, provided that this behaviour has not been classified as being another minor or serious offence.
- Failure to provide the Public Employment Services with the information needed to ensure notifications and correspondence can be received.

### CORRESPONDING PENALTIES:

- Loss of the benefit for one month.

Should a person re-offend, the second offence will be penalised with the loss of the benefit for three months, the third offence with the loss of the benefit for six months and the fourth offence with the cancellation of the benefit entitlement.



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**SERIOUS OFFENCES**

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- Refusing an offer of suitable employment or refusing to take part in social work, employment programmes or in promotion, vocational training or retraining actions, without just cause.
- Failure to report benefit termination when situations of suspension or cancellation of entitlement occur, or of failing to meet the requirements for receiving benefits, wherever they have been collected unduly for any reason, without just cause.

**CORRESPONDING PENALTIES:**

- The offences mentioned in the first bullet point of the previous point will be penalised with the loss of the benefit for three months.
- Committing a second offence will be penalised with the loss of the benefit for six months, and the third offence with the loss of the benefit entitlement.
- The offence considered in the second bullet point of the point above will be directly penalised with the cancellation of the benefit entitlement.
- In all cases where the benefit is cancelled, any amounts unduly collected must be returned.

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**VERY SERIOUS OFFENCES**

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- Combining receiving the benefit with self-employed work or work for another person except where this compatibility is established in an employment promotion programme and except in the case of part-time work in which the worker has chosen to continue to receive the benefit.
- Fraudulently obtaining undue benefits or higher benefits than appropriate.
- Conniving with the employer to unduly collect unemployment benefits.
- Failure to apply or deviating from the application of the single unemployment benefit payment for workers.

**CORRESPONDING PENALTIES:**

- Cancellation of benefits.
- The return of any unduly collected amounts.
- In addition, the worker may be excluded from the entitlement to receive any financial unemployment benefit and, where applicable, employment promotion assistance for one year.

## SINGLE PAYMENT OF THE BENEFIT

Single payment is a job creation measure intended to encourage self-employment initiatives that consist of starting work as a self-employed individual or joining existing or newly created cooperatives or worker-owned or commercial companies as a worker-member or working partner.

### REQUIREMENTS TO FULFIL

- You must have at least three months of unemployment benefit left.
- You must not have been the beneficiary of a single payment scheme for 4 years prior to your claim.
- Your future employment must be one of the following:
  - \* Self-employed worker.
  - \* Constitution or incorporation into a cooperative or worker-owned or trade company.
- You must start the activity within one month following notification that the allowance has been granted, which in any case must be after the date of the application.

### ASSISTANCE THAT CAN BE OBTAINED

According to your proposed employment status, you can claim one of the following types of benefit:

- As a self-employed worker, you have three choices:
  - \* You can obtain the amount justified as the investment necessary to start the activity in a single payment of up to 100% of the current value of the benefit.

If you do not receive your entire benefit amount in a single payment, you can simultaneously ask for the outstanding amount to be paid in order to meet the cost of your monthly Social Security contributions while you are working.

- \* You can claim, and receive, the exact, duly justified investment amount.
- \* You can claim and receive the exact total outstanding benefit for the purpose of paying your monthly Social Security contribution.

You can use up to 15% of the capitalised benefit to pay for specific consultancy, training and information services related to the activity you will be starting.

You can also use the single payment to pay the incorporation and setting-up expenses of a company, as well as to pay taxes and rates.

- As a worker-member or stable working partner in an existing or newly-created cooperative, you have three choices:
  - \* You can claim and receive in a single payment the cost (duly justified) of your obligatory and entry fee to become a member of the cooperative; the payment cannot be used to meet future or deferred payments.

If you do not receive your entire benefit amount in a single payment, you can simultaneously ask for the outstanding amount to be paid in order to meet the cost of your monthly Social Security contributions while you are working.

- \* You can claim and receive the exact cost, duly justified, of your obligatory and entry fee to become a member of the cooperative.
- \* You can claim and receive the exact total outstanding benefit for the purpose of paying your monthly Social Security contribution.

You can also use the single payment of the benefit to pay for the incorporation and setting-up expenses of the company, as well as to pay taxes and the price of specific consultancy, training and information services related to the activity you will be starting.

- As a worker-member or stable working partner in an existing or newly-created worker-owned company, you have three choices:
  - \* You can apply for and receive in a single payment the cost of purchasing the required shares in the company; the benefit cannot be used to fund capital enlargements, or meet future or deferred payments.  
  
If you do not receive your entire benefit amount in a single payment, you can simultaneously ask for the outstanding amount to be paid in order to meet the cost of your monthly Social Security contributions while you are working.
  - \* You can claim and receive the exact cost, duly justified, of purchasing the required shares in the company.
  - \* You can claim and receive the exact total outstanding benefit for the purpose of paying your monthly Social Security contribution.

You can also use the single payment of the benefit to pay for the incorporation and setting-up expenses of the company, as well as to pay taxes and the price of specific consultancy, training and information services related to the activity you will be starting.

- As a self-employed member of a company that is new or incorporated in a maximum of 12 months prior to the contribution, you can obtain 100% of the contribution to equity, provided you conduct a professional activity included in the Special Social Security Scheme for Self-Employed Workers or in the Special Social Security Scheme for Seafarers, when you meet the following requirements:
  - \* There is no working relationship with this company or others in the same business group immediately prior to the legal unemployment status. People who have previously signed a contract as an economically dependent self-employed worker with the same company they intend to join can also receive payment of the benefit.
  - \* You must have effective control of the company to which you are contributing. It will be understood that you have this control if your stocks or shares account for at least half of the share capital. Furthermore, it will be assumed that you have this control, unless otherwise proven, when one of the following circumstances occur:
    - If at least half of the share capital of the company for which you provide your services is distributed among members, with whom you live, and with whom you share a marital relationship, a blood relationship up to the second degree, or a relationship of kinship or adoption.

- If your share capital holding corresponds to a third or more of the total share capital.
- If your share capital holding corresponds to a quarter or more of the total share capital, and you hold a management and administrative role in the company.

If you do not receive your entire benefit in a single payment, you can also ask for the outstanding amount to be paid in order to meet the cost of your monthly social security contributions.

You can use up to 15% of the capitalised benefit to pay for specific consultancy, training and information services related to the activity you will be starting. You can also use the single payment to pay the incorporation and setting-up expenses of a company, as well as to pay taxes and rates.

### WHEN AND WHERE TO APPLY

You can apply online on <https://sede.sepe.gob.es>, at your local employment office (after requesting an appointment through the SEPE e-office, or calling 901 01 02 10), at any public registry office, or in writing through administrative channels.

The single payment can be requested alongside the initial registration application or application for renewal of the contributory benefit at any subsequent time provided you have not started the self-employed activity, joined or founded the cooperative, worker-owned or trade company, or started working for it.

If you have challenged the termination of your employment relationship that led to the unemployment benefit, you can only claim after the resolution of the relevant proceedings.

### DOCUMENTS

#### THAT SHOULD ACCOMPANY THE APPLICATION

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- In all cases:
  - \* Official application form for the single payment, correctly filled in.
  - \* Spanish citizens: National Identity Document (DNI) or Passport.

- \* Foreigners resident in Spain:
  - EU Citizens: European Union citizen registration certificate showing the foreign resident ID number (NIE), together with the passport or identification document of their country of origin.
  - Non-EU Citizens: Foreign Resident Identity Card (TIE) showing the foreign resident ID number (NIE) and passport.
- In the case of joining cooperatives or worker-owned or commercial companies that have already been founded:
  - \* Certificate from the Governing Council of the cooperative or the administrative board of the employee-owned or commercial company showing that you have applied to join it as a stable member (not temporary), whether there is a probationary period and how long it lasts, and the amount of the contribution to the cooperative or the value of the purchase of the company stock or shares.
- If a cooperative or worker-owned or commercial company is being newly founded:
  - \* Private document signed by the partners in the cooperative or worker-owned company, giving the information needed on working conditions, contributions, etc.
    - Identity of the partners/members.
    - Statement of their intention to found the cooperative or worker-owned or commercial company.
    - The conditions for permanent work and whether there is a probationary period or not and how long it lasts.
    - The contributions of the worker-members of the cooperative, including the entrance fee, or the value and number of stocks or shares to be signed over to the members of a worker-owned or commercial public limited company or a limited liability company, unless you are applying for the single payment to subsidise your Social Security contributions.
  - \* The draft articles of association of the cooperative or worker-owned company, including:
    - The company capital.
    - Distribution of contributions, stocks or shares.
    - Possibility of purchasing them in cash or kind.
    - Possible methods and time limits for making the purchase.
  - \* Memorandum explaining the plan for the investments to be made and the activity to be undertaken.
  - \* Any documentation that supports the viability of the plan.

- If you are going to start a self-employed activity:
  - \* Memorandum explaining the plan for the investments to be made and the activity to be undertaken.
  - \* Any documentation that supports the viability of the plan.

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**TO BE SUBMITTED ONCE A DECISION HAS BEEN MADE ON THE APPLICATION**

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Whether the decision become effective or not depends on whether the worker submits, within a time limit of one month, the documentation corresponding to the activity that he or she is starting and the types of single payment awarded:

- Lump sum payment:
  - \* Members of cooperatives, when joining an already existing cooperative:
    - Agreement granting admission to the cooperative to the new worker-member.
    - Receipt for having paid the contributions to the cooperative, including the entrance fee.
    - Document showing that the worker is affiliated to Social Security.
    - Certificate of the Cooperative Governing Council prior agreement containing the admission as a permanent working member. The admission can be conditioned to passing the probationary period, as long as the cooperative statutes include it.
  - \* Members of a cooperative that is being newly created.
    - Public deed with the incorporation of the cooperative and its articles of association.
    - Receipt for registration with the Register of Cooperatives.
    - Document showing that the worker is affiliated to Social Security.
  - \* Members of employee-owned or commercial companies when joining a pre-existing employee-owned or commercial company:
    - Agreement granting admission to the company to the new worker-member.
    - Receipt for having paid the appropriate amount to purchase stocks or shares.
    - Document showing that the worker is affiliated to Social Security.



In the case of commercial companies, proof of the date they were founded and that there were no prior contractual ties.

\* Members of new employee-owned or commercial companies:

- Public deed with the incorporation of the company and its articles of association.
- Receipt for registration with the Mercantile Register and the Register of Companies.
- Document showing that the worker is affiliated to Social Security.

\* Self-employed workers:

- Document showing that the worker has registered with Social Security as a self-employed worker or a certificate of entry into the appropriate Professional Association in the case of activities that are not subject to Social Security contributions.
- Receipts for the investment made.

• Subsidy for contributions:

- \* Your contribution slip or bank receipt for payment for the month that the activity started, if you are registered with Social Security as a self-employed worker.
- \* Copy of your payroll slip for the month the activity started, if you are registered with Social Security as a worker employed by another person.

## OBLIGATIONS

Starting work within a maximum of one month after receiving the amount of the benefit.

Submitting the documentation certifying that the activity has been started to the Spanish Public Employment Service.

Using the amount received to pay the mandatory company contribution, in the case of cooperatives or worker-owned companies, or the investment needed to carry out the activity, in the case of self-employed workers with or without a disability.

For further information:

**State Public Employment Service**

[www.sepe.es](http://www.sepe.es)

901 11 99 99

(Provincial telephone numbers also available)



[www.sepe.es](http://www.sepe.es)

*Trabajamos para ti*