

Sickness Benefit in Spain

A worker, being registered with the Social Security office may receive subsidised pay if they are unable to work for reasons of sickness.

There are a number of scenarios that revolve around how the illness arose and the length of time necessary before the worker can return to his place of employment:

Common illness 0 - 3 days No payment

Common illness 4 - 16 days Employer pays

Common illness 17 days + Social Security

Work induced Injury 2 days + Social Security

So the employer is liable to pay the subsidised rate of pay only in the scenario where the illness was a common illness unrelated to work and then only as between the 4th and 15th days of the illness from when the Social Security will pay.

The Social Security will pay the subsidised rate of pay until the worker is healthy enough to work again up to a maximum of one year though this may be extended by 6 months if the doctor feels that the worker will recuperate after this time.

At the end of 18 months typically the doctor will either consider the patient to be permanently incapable of working or will approve discharge from sickness benefit.

A worker is protected during absence for reasons of sickness and any attempt to terminate the employee contract of employment while having been upheld as valid, will be considered an unfair dismissal and trigger an indemnity payment of 45 days per year worked.

When are you entitled to sickness cash benefits?

Sickness cash benefit for temporary incapacity (incapacidad temporal) is paid to persons registered with a social security scheme who had to stop

working due to illness or accident. Specific conditions are stipulated for self-employed farm workers.

They have the possibility of voluntarily taking out insurance coverage for sickness cash benefit. They can take out insurance covering sickness cash benefit when they first take up this occupation or before 1 October of every year.

You may be entitled to sickness cash benefit if contributions for a total of 180 days within the five preceding years have been paid.

What is covered?

Sickness cash benefit, as a general rule, temporary incapacity benefits are paid after a waiting period of 3 days.

The employer pays sick pay from the fourth up to the fifteenth day of sick leave, after which sickness cash benefit is provided from the social security system.

The benefit is paid for a maximum of 365 days, which may be extended for a further 180 days if the physician certifies that recovery is likely within the additional period. The sickness cash benefit amounts to 60% of the calculation basis (generally the contribution base of the preceding month) and is paid from the fourth day after the person stops work as certified by the physician up to and including the twentieth day (paid until the fifteenth day by the employer).

After that the benefit is 75% of the calculation basis.

There is a benefit for caring of children affected by cancer or another serious illness (Cuidado de menores afectados por cáncer u otra enfermedad grave), aimed at parents (including adoptive parents and pre-adoptive or permanent foster parents) who are both working and who reduce their working hours by at least 50% in order to take care of a child affected by those illnesses, which require long-term hospitalisation. The right to receive the benefit will only be granted to one of the parents.

Special schemes – Specific rules

For the self-employed, temporary incapacity benefit will be paid from the fourth day of incapacity. The amount of the benefit is 60% of the monthly

contribution base from the fourth up to and including the twentieth day, and 75% of this calculation basis from the twenty-first day onwards.

Temporary incapacity benefits are paid directly to self-employed workers (by the INSS or the private insurance fund, depending on the case).

How are sickness cash benefits accessed?

Incapacity for work must be certified by a physician of the Public Health Services (Servicios Públicos de Salud).

The certificate has to be issued following medical examination, and received by the employer within three days following its dispatch.

For more information see the European Union – [Social Security Rights in Spain](#).