



EMCC  
 European Monitoring Centre on Change

## Spain: Notice period to employees

Go to list page

Spain
 

Phase:  
 Type:

Management  
 Notice period to employees

Last modified: 23 April, 2019

Native name:	Estatuto de los Trabajadores (ET); Real Decreto-ley 10/2010, de 16 de junio, de medidas urgentes para la reforma del mercado de trabajo
English name:	Statute of Workers' Rights; Royal Decree law 10/2010 of 16 June on urgent measures to reform the labour market

### Article

Art. 53.1 modified by Art. 2.4 of Royal Decree law 10/2010

### Description

Employers are required to notify their workforce of planned redundancies 15 days in advance of initiating the process, in case of dismissals on objective grounds. This applies for collective and individual redundancies. This notice period applies to all the employees irrespective of their tenure. The employee is entitled to paid leave of six hours per week during the notice period to look for alternative employment when there is an objective (justified by external circumstances) dismissal. If the employer fails to comply with the notice period requirement, they will be obliged to pay the employee an amount corresponding to the period of notice that was not given.

Dismissal must be communicated in written to both, workers affected and employees' representative bodies existing in the company.

### Comments

In 2010, the notice period was reduced from 1 month to two weeks. The Spanish economy appears now to be more flexible than the average of the OECD countries in this area. Average notice periods in OECD countries are 3.5 weeks for workers with 9 months tenure at the time of dismissal, 1.3 months for workers with 4 years tenure and 2.7 months for workers with 20 years of tenure at the time of dismissal.

### Cost covered by

Not applicable

### Involved actors other than national government

Works council

### Thresholds

No, applicable in all circumstances

### Sources

- Ius Laboris (2011), Individual Dismissals Across Europe, Brussels
- Eurofound (2010), EMCC legal framework of restructuring, Dublin
- OECD (2013), The 2012 labour market reform in Spain: a preliminary assessment, OECD Publishing, Paris
- Statute of Workers' Rights
- Royal Decree law 10/2010

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