



**Hire employees in Spain**  
simply, compliantly, and hassle-free

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# What you need to know for employing in Spain

Employ remote teams worldwide with Omnipresent's Employer of Record (EOR) service. We combine human expertise with automation to deliver your compliance, payroll, benefits, and HR support needs.



**Currency:** Euro (€, EUR)



**Language(s):** Spanish



**Employer costs:** Average



**Termination:** Very hard








**Onboarding Timeline:** ~16 calendar days



**Payroll Frequency:** Monthly



# Benefits

What we offer	Mandatory	Supplementary
Healthcare (Public)		
Healthcare (Private)		
Dental Insurance		
Retirement & Pension (Public)		
Travel Insurance		

## Health & Dental

There are no Employer or Employee contributions to state Health Insurance in Spain.

The National Health System (Sistema Nacional de Salud - SNS) is financed by the government through general taxation revenue. It is common to offer supplementary Health Insurance in Spain. This benefit is the most sought-after by employees. We are able to provide private health and dental insurance in Spain through our partner Alan.

## Retirement

The required employer and employee retirement contributions form part of the overall Social security contributions to the General Regime.

# Employment Contracts

We offer indefinite and part-time contracts in Spain. We are unable to offer fixed-term contracts in Spain. This is due to the complexity and restrictions that the law imposes on justifying temporary work.

## Contract Requirements

Omnipresent requires a written employment contract to outline the EOR terms and provide clarity for both employers and employees. Omnipresent ensures that all necessary key terms are included in the employment contracts we provide.

**Contract language:** Spanish and English (bilingual). Spanish version will always prevail.

**Signature requirement:** Simple electronic signature

**Backdating:** Not possible as per Omnipresent's policy

## Contract Customisation

We provide optional clauses for customisation when adding an employee to our platform. This allows you to tailor certain contract aspects, such as unlimited time off or extra-legal sick days. However, certain contract elements cannot be customised due to compliance risks or Omnipresent's policy. Examples include overtime, restrictive covenants, and stylistic changes.

## Probation

During the probation period, employers evaluate an employee's suitability for the role they have been hired for. It gives the employer an opportunity to assess their performance and determine if they are a good fit for the company. We believe that this process benefits both the employer and the employee.

Here are some key points to know about the probation period:

- Statutory maximum times can vary between 2 and 6 months; they also can vary depending on the collective bargaining agreement (CBA).
- Probationary periods are passed automatically. There is no need for a probation review or official meeting.
- During the probationary period, both parties are allowed to terminate the employment contract with no need to respect notice periods nor pay any financial compensation.



# Onboarding

## Timeline

Our normal onboarding timeline for Spain is around 16 calendar days. The onboarding steps involved are: Platform Setup, Right-to-Work Check, Employment Contract, Benefits and Payroll enrollment. This timeline does not include exceptions such as visas and medical & background checks.

Employment contracts need to be signed 4 business days before the employee start date.

## Registration & Approvals

For onboarding, we require the employee's Número de Seguridad Social (SSN), Documento Nacional de Identidad (DNI), and Bank Account details.

## Immigration & Visas

Omnipresent can sponsor visas for Spain notably via a 'highly qualified professional work and residence permit' if the prospective employee does not have a special prerequisite (e.g., an EU family member, or being in Spain on another permit - in these situations, please refer to Jobbatical).

There is a fast-track procedure designed for highly qualified employees ('PAC' or 'Profesional Altamente Cualificado'). The applicant must prove that the employee and the employer have met certain conditions (e.g., the employer must be a large company, wages must be above the average salary for the position). Foreign authorities are supposed to issue a visa (i.e., a PAC visa) within 45 days of the application.

## Right-to-Work

The employer must perform right to work (RTW) checks on the employee.

## When moving your employees from another EOR to Omnipresent

If the employee has previously worked for you, whether in another country or through another EOR provider, we can recognise their length of service. This recognition of seniority will need to be mentioned in the employment contract.

# Leaves

## Annual Leave Entitlement

Spain offers a minimum of 30 calendar days (approximately 23 working days) paid annual leave. Annual leave is set out in the applicable collective bargaining agreement (CBA) and can often be more. There is no annual leave carryover. Annual holiday time must be taken by employees in the same year it was given.

## Annual Leave Carryover

There is no annual leave carryover. Annual holiday time must be taken by employees in the same year it was given.

## Maternity Leave

Employees in Spain are entitled to 16 weeks of maternity leave, paid by the Social Security.

## Paternity Leave

Fathers in Spain are entitled to 16 weeks of paternity leave, paid by the Social Security.

## Sick Leave

Employees are entitled to paid sick leave for a maximum of 1 year, or in certain circumstances they may be eligible to apply for extended leave of up to 18 months.

The employer makes the payments but will be reimbursed by Social Security.

### For common illness:

- The first three days of sick leaves are not paid (unless the employer decides to voluntarily pay for them)
- From the 4th to the 20th day of sick leave, the employee will receive **60%** of the regulatory base paid by the employer.
- From the 21st day onwards, he/she will receive 75% of the regulatory base paid by the INSS or the Mutual Insurance Company.

### For occupational illness / accidents:

- The employer is responsible for paying the employee during sick leave: the payment represents 75% of the worker's regulatory base.

It's crucial to know that Social Security will only cover the portion of payment for paid leave that is mandated by law. However, if there is a collective bargaining agreement in effect that specifies a higher percentage than the legal minimum, the employer will be responsible for covering the additional amount.



## Public Holidays

Spain currently has 14 mandatory public holidays. However, there can be more public holidays in Spain depending on the region and province. Below are some (but not all) of the Spanish public holidays:

1. New Year's Day (Año Nuevo)
2. Epiphany (Día de los Reyes Magos)
3. Maundy Thursday (Jueves Santo)
4. Good Friday (Viernes Santo)
5. Labour Day (Día del trabajador)
6. Assumption (Asunción)
7. Fiesta Nacional de España (Fiesta Nacional de España)
8. All Saints' Day (Todos los Santos)
9. Día de la Constitución Española (Día de la Constitución Española)
10. Immaculate Conception (La inmaculada concepción)
11. Christmas Day (Navidad)



# Payroll & Tax

## Payroll Cycle

The payroll cycle in Spain is monthly.

- Payroll runs from the **1st of the month** to the end of the month.
- Payroll cut-off date is **6th of the month** (any changes to payroll or variables must be shared with Omnipresent by this date).
- Payment date is the last working day of the month (this is when employees will receive their salary payment).
- Employee onboarding needs to be finalised by the 6th of the month for the employee to be included in that month's payroll.

## Extra Payments

(Bonus, Commission etc.)\*

All employees on Spanish payroll are paid in 12 monthly instalments. It is compulsory to pay two extra payments per year, one in July and one in December, however these two payments can be prorated into 12 monthly payments, as is the case with Omnipresent Spanish payroll.

In addition, there is a Remote Working Allowance for Work from Home (WFH) employees. For Omnipresent, the minimum allowance is 50 EUR per month. This allowance will be in addition to the employee's salary.

## Hourly Wage

Omnipresent is unable to accept employees on an hourly wage.

## Overtime

Omnipresent is unable to process overtime for employees.

## Minimum Wage

Minimum wage in Spain, applicable from January 2023, is EUR 1,080.00 per month (i.e. EUR 15,120 per year divided by 14 months).

## Standard Work Schedule

An employee can work a maximum of 40 hours per week and 8 hours per day (Monday-Friday). As a general rule, the weekly working time is a maximum of 40 hours as set out by the relevant collective bargaining agreement (CBA).

During August, an intensive working hour schedule will be implemented, meaning that employees only need to work 36 hours per week.

## Employer Costs

The employer costs depend on a variety of employee variables. A guiding number is **31%** of the employee salary. To get a more detailed estimate based on the employee salary use the [OmniCalculator](#), or contact us for further information.

## Time Tracking

Employers are required by law to keep a record of each employee's actual working hours per day. Omnipresent will provide the necessary tools and verify compliance. Time tracking should be done on a daily basis and records must be kept for 4 years in case of an audit.

## Beckham Tax Law

There is a special tax regime (STR) that applies to individuals who receive Spanish tax residency as a result of their assignment or labor contract to the Spanish territory. This special tax regime is a beneficial regime where the individual is a tax resident in Spain but is taxed under the non-tax resident regulations.

# Terminations

## Termination Process

Before proceeding with a termination (including verbal discussion with the employee about the risk of termination) you must first get in touch with Omnipresent. We will then provide guidance on next steps. You can read our [full guidance here](#). To initiate a termination, you need to submit a termination request through the OmniPlatform after which our relevant teams will assess the case and plan a compliant termination process.

We cannot process termination on the same day as requested.

## Involuntary Termination

It is very difficult to legally terminate an employee other than for gross misconduct. A formal process must be followed before a termination notice can be issued.

## Severance Pay

In Spain, most forms of involuntary termination require severance pay.

- For objective dismissal, severance is 20 days' salary per year of service.
- For unfair dismissal (without reason) severance is 33 days' salary per year of service.
- In case of disciplinary dismissal, no compensation needs to be paid.
- No severance pay is required if the employee is terminated during their probationary period.

## Notice Period

Employers need to give minimum 15 working days' notice to employees when they are terminated. Employees also must give 15 working days' notice (no more).

- No notice period is required for disciplinary dismissal.
- No notice period is required during probation.

# Invoice Schedule

## Setup Fees:

Once Terms are signed, Omnipresent begins deploying resources for the setup process.

Trigger [*Employee Details Added*]

## Deposits:

Payable when the local employment contract is ready for signature. The deposit enables Omnipresent to move forward securely to sign the local employment contract with the employee.

Trigger [*Employee Details Added*]

## Initial Salary Prepayment:

The first month's estimated labour costs are invoiced on the first day of employment.

Trigger [*Employment Start Date*]

## Ongoing monthly Employment Costs and Fees:

Thereafter, we invoice monthly in arrears for labour costs - once the final payroll, taxes, insurance, social security contributions, expenses and deductions have been calculated. Each monthly invoice will include our monthly service fee, deposit insurance (if applicable), and an FX fee (if applicable).

Trigger [*Payroll Date*] Typically the last working day of the month, but varies by country.





## Explore how Omnipresent simplifies global team growth.

Explore the effortless solution for your global hiring, payment, and management needs with Omnipresent. We simplify complex processes like onboarding, legal contract drafting, expense management, benefits allocation, and a whole lot more. Start your journey towards compliant international business practices.

**TALK WITH AN EXPERT**

