GARRIGUES

Vade mecum of the main paid leaves in Spain

Updated March, 2025

We summarize below the main types of leave included in this regulation, and an additional case of justified absence which, although it is really a suspension of the employment contract, is known as “parental leave”:

Main paid leaves				
Leave	**Casual event**	**Duration**	**Start and period of leave**	**Considerations**
Marriage or registered partnership (article 37.3.a of the Workers’ Statute)	Marriage or registered partnership.	15 days.	As a general rule, from the day of the causal event or the next working day, and for the following 15 consecutive calendar days.	
Hospitalization, serious accident, surgery or home rest (article 37.3. b) of the Workers’ Statute)	Serious accident or illness, hospitalization or surgery without hospitalization requiring home rest of the spouse, unmarried partner or relatives up to the second degree of consanguinity or affinity, including the unmarried partner’s blood relative, as well as any other person other than the above, who lives with the employee in the same home and who requires effective care of the employee.	5 days.	As a general rule, on the day of the causal event or on the next working day, and for as long as the event continues to occur.	As a general rule: (i) hospital leave ends when hospitalization ends, unless despite discharge from hospital a doctor prescribes home rest; and (ii) if hospitalization/home rest ends before 5 days, as a general rule, so does paid leave.
Death of family members (article 37.3. b) bis of the Workers’ Statute)	Death of spouse, common-law partner or relatives up to second degree of consanguinity or affinity.	2 days; if travel is necessary, it will be extended by another 2 days.	As a general rule, on the day of the causal event or on the next working day and for as long as it continues to occur.	

Main paid leaves				
Leave	**Casual event**	**Duration**	**Start and period of leave**	**Considerations**
Move (article 37.3. c) of the Workers' Statute)	Move from usual place of residence.	1 day	Moving day.	
Mandatory duties of a public nature (article 37.3. d) of the Workers' Statute)	Personal fulfillment of a mandatory duty of a public nature, including the exercise of active suffrage.	The indispensable time that coincides with the working day.		When a specific period is established in a legal or conventional rule, the duration of the absence and its economic compensation shall be governed by the provisions thereof. When the fulfillment of the aforementioned duty implies the impossibility of performing the work for more than 20% of the working hours in a period of three months, the company may place the employee concerned on leave. Likewise, if the employee, due to the fulfillment of the duty or performance of the position, receives an indemnity or remuneration, the amount of such indemnity or remuneration shall be deducted from the salary to which he/she is entitled in the company.
Prenatal examinations (article 37.3. f) of the Workers' Statute)	Attendance to prenatal examinations and childbirth preparation techniques and, in cases of adoption, guardianship for the purpose of adoption or foster care, for attendance at the mandatory information and preparation sessions and for the completion of the mandatory psychological and social reports prior to the declaration of suitability, provided, in all cases, that they must take place within the working day.	The indispensable time that coincides with the working day.		

Main paid leaves				
Leave	**Casual event**	**Duration**	**Start and period of leave**	**Considerations**
Catastrophes or adverse meteorological phenomena (article 37.3 g) of the Workers' Statute)	Impossibility of accessing the work center or transit through the necessary traffic routes to get there, because of the recommendations, limitations or prohibitions to travel established by the competent authorities, as well as when there is a situation of serious and imminent risk, including those derived from a catastrophe or adverse meteorological phenomenon.	Up to 4 days. After these, the leave will be extended until the circumstances that justified it disappear (without prejudice to the possible suspension of the work contract or a reduction of the working day due to force majeure under the terms set forth in article 47.6 of the Workers' Statute).		When the nature of the work is compatible with remote work and the state of the communication networks allows it, the company may establish it, observing the rest of the formal and material obligations set forth in Law 10/2021, of July 9, on remote work, and, in particular, the provision of adequate means, equipment and tools.
Preparatory acts for organ or tissue donation (article 37.3 g) [sic] of the Workers' Statute).	Preparatory acts for the donation of organs or tissues whenever they must take place within the working day.	The indispensable time that coincides with the working day.		

Main paid leaves				
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Breastfeeding (article 37.4 of the Workers' Statute)	Childcare until the child is 9 months old.	9 months, counting from the birth of the infant. It will be increased proportionally in cases of birth, adoption, foster care for the purpose of adoption or multiple foster care. It is possible to substitute the leave by a half-hour reduction of the working day or to accumulate it in full working days (in which case it lasts approximately 10-15 days, depending on the number of working days from the application until the infant reaches 9 months of age).	From the date of the employee's request until the child reaches 9 months of age.	The reduction of working hours is an individual right that cannot be transferred to the other parent, adopter, guardian or foster parent. The simultaneous exercise of the right may be limited when both persons work in the same company, when there are well-founded and objective reasons for the operation of the company, duly justified in writing, in which case the company must offer an alternative plan that ensures the enjoyment of both persons and enables the exercise of the rights of reconciliation. When both parents, adoptive parents, guardians or foster parents exercise this right with the same duration and regime, the period of enjoyment may be extended until the infant reaches 12 months of age, with a proportional reduction in salary as of 9 months of age.
Premature birth (article 37.5 of the Workers' Statute)	Premature birth of the child or in cases in which the child must remain hospitalized after birth.	1 hour per day. They shall also have the right to reduce their working day up to a maximum of 2 hours, with a proportional reduction in salary.	From premature birth and while the child is hospitalized after birth.	The timetable for the reduction of the working day is determined by the person requesting it, within his or her ordinary working day.

Main paid leaves				
Leave	**Casual event**	**Duration**	**Start and period of leave**	**Considerations**
Absences due to force majeure (article 37.9 of the Workers' Statute).	Force majeure when it is necessary for urgent family reasons related to relatives or persons living with them, in case of illness or accident that make their immediate presence indispensable.	The hours of absence equivalent to 4 days a year will be paid, in accordance with the provisions of the collective bargaining agreement or, failing that, in agreement between the company and the workers' representatives, providing the applicant justification of the reason of the absence.	Time of occurrence of force majeure.	
Attendance at official study exams (article 23.1.a) of the Workers' Statute)	Attendance to exams, when studying regularly for an academic or professional degree.	For the time required to perform the examination.		
Training (article 23.3 of the Workers' Statute)	Vocational training for employment, linked to the company's activity, for employees with at least one year of seniority in the company.	20 hours per year, accumulable in periods of up to 5 years.	In the absence of the provisions of the collective bargaining agreement, the specifics of how the leave is to be taken shall be determined by mutual agreement between the employee and the employer.	The right will be understood to be fulfilled in any case when the employee can carry out the training actions aimed at obtaining professional training for employment within the framework of a training plan developed at the initiative of the company or committed to by collective bargaining. Training that must be provided by the company at its own expense is excluded.

Bonus track: Another case of excused absence (suspension of the employment contract)				
Leave	**Casual event**	**Duration**	**Start and period of leave**	**Considerations**
"Parental leave" (article 48 bis of the Workers' Statute)	Care of a child or foster child for more than 1 year, until the child reaches the age of 8.	8 weeks.	At any time, until the child reaches 8 years of age, and for a maximum of 8 weeks, continuous or discontinuous. It can be taken full time or part time, as established in the regulations.	This is a case of suspension of the employment contract, not a paid leave. During such leave, the company must pay contributions at the minimum rate. The eventual compensation/benefit associated with this case of suspension is pending development. It is an individual right, and its exercise cannot be transferred. It is the employee's responsibility to specify the start and end date of the leave or, as the case may be, of the periods of leave, and must notify the company 10 days in advance or, as the case may be, the date specified in the collective labor agreement, except in cases of force majeure, taking into account the employee's situation and the company's organizational needs. When two or more persons generate this right by the same causal subject or in other cases defined by collective agreements in which the enjoyment of parental leave in the requested period seriously alters the proper functioning of the company, the company may postpone the granting of the leave for a reasonable period, justifying it in writing and after having offered an equally flexible alternative of enjoyment.

GARRIGUES

Hermosilla, 3
28001 Madrid
T +34 91 514 52 00
info@garrigues.com

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