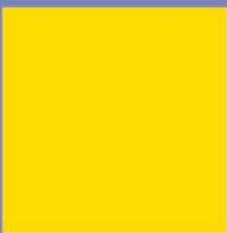


EMPLOYMENT RIGHTS, SOCIAL SECURITY RIGHTS AND ASSISTANCE POLICY

FOR PROMOTING THE
EMPLOYMENT OF VICTIMS
OF GENDER-BASED VIOLENCE



THE CAUSES OF VIOLENCE AGAINST WOMEN
are deeply rooted in society. Hence, far-reaching changes in our socialisation processes are needed if its complete elimination is to be achieved. This implies taking a comprehensive approach, spanning education, social services, health services, legislation, policing, and labour policy. **BUT IT WILL ALSO BE NECESSARY FOR SOCIETY AS A WHOLE TO ASSUME ITS RESPONSIBILITY IN ERADICATING THIS SOCIAL PROBLEM.**



Organic Law 1/2004 of 28 December on integrated protection against gender-based violence, **lays down a number of employment and Social Security rights for women who are or have been victims of gender-based violence.** These policy instruments ensure that their work responsibilities may be reconciled with their need for protection and readjustment to their normal lives.

Further progress was achieved with Royal Decree 1917/2008 of 21 November, which approved the programme for the social and labour-market integration of victims of gender-related violence. **This scheme includes active employment measures aimed at helping victims to find work, strengthening their individual autonomy, increasing the resources available to them and putting an end to the cycle of violence in which they may remain immersed.**

PROOF OF GENDER-RELATED VIOLENCE

Women seeking to benefit from the rights described above must provide proof that they have been victims of gender-based violence. Any of the following are considered valid proof:

- A judgment against the perpetrator of the abuse.
- A court order decreeing the protection of the victim.
- A court ruling decreeing precautionary measures to protect the victim.
- Where a protection order has not yet been issued, a report from the Public Prosecutor's Office affirming the existence of prima facie evidence that the woman concerned is effectively a victim of gender-based violence.



EMPLOYMENT AND SOCIAL SECURITY RIGHTS

• Rights of employed persons:

–Reorganisation of working hours according to the worker's needs.

–Geographical mobility if the employer has work centres in other locations.

–Change of work centre with the right to return to the position within a term of six months.

–Reduction of working hours with a commensurate salary reduction.

–Absence or late arrival is considered justified subject to the approval of the social or healthcare services, depending on the circumstances of each case.

–Temporary suspension of the employment contract with the right to return to the position and to receive unemployment benefit, for a period of 6 months, which may be extended to a maximum of 18 months subject to a court ruling.

–Termination of the employment contract with the right to receive unemployment benefit if the worker so decides.

–Documentary proof of a victim's status as legally unemployed is required, consisting of a written notice from the employer stating the termination or temporary suspension of the employment contract, and the court order decreeing the protection of the victim or, failing this, the report from the Public Prosecutor's Office.

–If a worker who has been the victim of gender-based violence is dismissed by her employer during the exercise of her right to reduced or reorganised working hours, geographical mobility, change of work centre or employment contract suspension, such dismissal will be declared null and void.

• Rights of public servants:

–Reorganisation of working hours according to the terms established by the Public Administration.

–Geographical mobility: if a public servant's effective protection requires her to leave her position, she is entitled to be transferred to a similar position without the need for a vacancy at the host entity.

–Reduction of working hours with the ensuing commensurate salary reduction.

–Absence from work is considered justified subject to the approval of the social services.

–Leave of absence: public servants who are victims of gender violence may apply for leave of absence even if they do not fulfil the minimum length-of-service conditions for such purpose. During the first months of leave, she will be entitled to her full salary.

• Rights of self-employed persons:

Self-employed women who are victims of gender violence and need to discontinue their activity in order to be protected or to exercise their right to comprehensive social assistance, are exempt from the payment of Social Security contributions for a period of six months, with no effect on the Social Security benefits to which she may be entitled, or on her status as an active contributor to the Social Security during that period.

EMPLOYER REBATES FOR THE SUBSTITUTION OF VICTIMS OF GENDER-BASED VIOLENCE IN THE WORKPLACE

Any company that employs a worker under a temporary contract as a substitute for a victim of gender violence who has suspended her employment contract, exercised her right to geographical mobility or moved to a different work centre, is entitled to a full rebate of the common contingency contributions during the entire period of contract suspension or, in cases of mobility or transfer, a six-month period.

ECONOMIC RIGHTS OF VICTIMS OF GENDER-BASED VIOLENCE

• Article 27 of Law 1/2004 of 28 December

Specific financial assistance for victims of gender violence who have special difficulty in finding work.

Any victim of gender violence whose income is below 75% of the minimum wage is entitled to a special allowance, paid in one single payment, provided that she is presumed, on account of her age, lack of training, and social circumstances, to be in a situation in which she has special difficulty in finding employment.

The amount of this allowance is equivalent to 6 months' unemployment benefit.

If the victim of gender violence has an officially recognised disability to a degree of 33% or above, the amount of the allowance is equivalent to 12 months' unemployment benefit.

If the victim has family responsibilities, the amount of the allowance may be equivalent to up to 18 months' unemployment benefit or 24 months' if the victim or any of the family members living with her has an

officially recognised disability to a degree of 33% or above.

This aid scheme is compatible with any other benefits provided in Law 35/1995 of 11 December on aid and assistance for the victims of violent and sexual crime.

• Active Income for Insertion (Renta Activa de Inserción, RAI)

(Royal Decree 1369/2006 regulating the Active Income for Insertion programme for unemployed persons with special economic needs and difficulty in finding employment).

Requirements:

- Being a victim of gender-related violence
- Having an income below 75% of the minimum wage.
- Being actively seeking work.

Amount of the RAI: 80% of the public income indicator for multiple purposes (indicador público renta efectos múltiples, IPREM). Programme duration: 11 months to a maximum of 3 years.

The RAI is not compatible with the financial aid scheme provided in article 27 of Law 1/2004 of 28 December.

• Access to housing and public homes for elderly people:

Victims of gender-based violence are considered a priority group for purposes of access to protected housing and public homes for elderly people, in accordance with the terms provided in the applicable legislation. (Article 28 of Law 1/2004 of 28 December).

**PROGRAMME FOR THE
SOCIAL AND LABOUR-MARKET
INTEGRATION OF VICTIMS OF
GENDER-RELATED VIOLENCE**
(Royal Decree 1917/2008 of 21 November)

This scheme provides measures that were already in place and also some new ones, including confidential, specialised counselling by the public employment services, geographical mobility aid, compensation of salary differences deriving from a change of employment and agreements with individual employers and/or employers' associations.

The Programme for the Social and Labour-market Integration is aimed at women who are victims of gender violence and who are officially registered as actively seeking work. The measures it encompasses are the following:

–A social and labour-market integration itinerary, conducted by specialist professionals on an individual basis.

–A specific training programme aimed at facilitating employment, which includes contents relating to personal aspects. Where necessary, activities oriented to strengthening the participating women's self-esteem and motivation for work are performed, as well as professional-related activities.

–Incentives to encourage self-employment in a new field of work.

–Incentives for companies employing victims of gender violence.

–Incentives to facilitate geographical mobility. These incentives include: travel expenses, furniture and personal effects freight expenses, accommodation expenses, nursery expenses and dependant care expenses.

–Incentives to compensate differences in salary. This measure is only applied in the event of a change of employer. If a woman is forced by a situation of gender violence to terminate her employment contract and finds new employment where she is paid a salary that is lower than that of her previous position, she receives an amount that is equivalent to the difference between the two salaries. Salary compensation is limited to a maximum of 500 euros per month and a total duration of 12 months.

–Agreements with individual employers to promote the employment of victims of gender-based violence and their geographical mobility.

These measures are managed by the State Public Employment Service and the relevant agencies of the autonomous regional governments with competence in employment promotion.

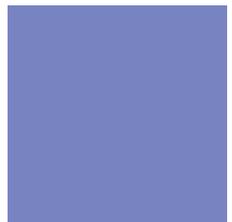
**INCENTIVES FOR COMPANIES
EMPLOYING VICTIMS OF
GENDER-BASED VIOLENCE**
(Law 43/2006 of 29 December)

–125 EUR/month (1,500 EUR/year) for a period of 4 years after recruitment for full-time, indefinite employment.

–50 EUR/month (600 EUR/month max.) during the term of the contract in the event of temporary employment.

–Where the worker is employed on a part-time basis, Social Security contribution rebates are applied under the terms provided in the relevant legislation.

–Companies employing victims of gender violence, particularly under indefinite contracts, are eligible for subsidies in accordance with the terms established in the employment stimulus programmes of the autonomous regional governments



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