



# labour

7-2013  
June, 2013

**ORDER ESS/982/2013, OF MAY 20, 2013,  
REGULATING THE PROCEDURE FOR THE COMMUNICATION  
TO BE SENT BY EMPLOYERS TO THE ENTITY MANAGING  
UNEMPLOYMENT BENEFIT IN COLLECTIVE LAYOFFS, THE HOLDING  
IN ABEYANCE OF CONTRACTS AND REDUCTIONS IN WORKING HOURS**

June 4, 2013 saw the publication in the Official State Gazette of Order ESS/982/2013, of May 20, 2013, regulating the contents of, and procedure for sending the communication to be sent by employers to the entity managing unemployment benefit in procedures for collective layoff, the holding in abeyance of contracts, and reduction in working hours, the key details of which are summarized below.

## **1. SUBJECT MATTER**

The Order defines the information that must be contained in the communication to be sent by employers to the entity managing unemployment benefit prior to the effectiveness of any measures taken for a collective layoff (article 51 of the Workers' Statute) the holding in abeyance of contracts or a reduction in working hours (article 47 of the Workers' Statute), as well as the procedure and electronic means for sending such communication.

## **2. CONTENTS OF, DEADLINE AND PROCEDURE FOR SENDING, THE COMMUNICATION AND THE USE OF THE INFORMATION CONTAINED IN IT**

The Order lists the information to be included in the communication and requires that the employer's decision sent to the labor authorities accompany it. Until the software application enables documentation to be attached to the communication, the decision must be sent to the e-mail address provided by the entity managing unemployment benefit.

The information must be transmitted by the employer at the end of the consultation period after its decision has been communicated to the labor authorities and before the measures for holding contracts in abeyance, reducing working hours, or terminating employment take effect (in the case of collective layoffs by the public authorities, the communication will be sent, once the report provided for in article 47 of Royal Decree 1483/2012, of October 29, 2012, where applicable, has been issued).

The communication must be transmitted online, using the *certific@2* application, which can be accessed on the *Servicio Público de Empleo Estatal* website, at [www.sepe.es](http://www.sepe.es) or at <https://sede.sepe.gob.es>.

To do so, the employer must have a digital certificate (issued by the Spanish Royal Mint or one of the recognized certification authorities listed in the application) or an authorization generated by the CONTRAT@ application.

Moreover, any changes decided on in relation to communicated employee data in the event that contracts are held in abeyance or working hours are reduced must be communicated before such changes take effect, and any transmitted information deemed erroneous by the employer must be cancelled before it has any effect on the work of its employees.

### **3. ENTRY INTO FORCE**

The Order enters into force on June 5, 2013.

The full wording of the Order (in Spanish) can be viewed at:  
<http://www.boe.es/boe/dias/2013/06/04/pdfs/BOE-A-2013-5873.pdf>

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