



Unemployment insurance for self-employed and
platform workers: a conceptual, comparative and
European perspective

The Spanish case

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A general overview of the unemployment protection in the Spanish social security system

- a) The public Social Security System is configured from three levels: contributory, assistance or non-contributory and complementary.
- b) Art. 50 CE: contributory benefits cannot be minimal but rather "sufficient and adequate". Interpretation settled by the Constitutional Court: being close to active wages and without measuring that sufficiency in terms of assistance.
- c) Art. 41 CE: Non-contributory level: universal assistance financed by the State via fiscal means (Beveridge-type?) that demands minimum levels of contribution (Bismarck-type?). No definition for its composition.
- d) At both levels, unemployment benefits compensate for the loss of work, the suspension of the contract or the reduction of working days, but not its absence –Arts. 262, 267 Social Security General Law–.
- e) Complementary level: a residual and voluntary one. Located outside of Social Security. Unemployment insurance is an option offered by insurance companies.
- f) This public regime –not contractual– allows private forms of system management through Mutual Societies and collaborating companies controlled –all them– by the Government.
- g) The general scheme coexists with other special ones –seafarers, artists, farmers, self-employed and economically dependent workers (TRADE)–.
- h) Personal coverage: gradually "delaboralized": employee as the central figure, however, new possibilities arise: "the assimilated" –v.gr. internship university students, and Spanish people residing in the national territory not carrying out a professional activity (coverage for health care, permanent disability and retirement benefits)–.

Personal scope of protection

- Self-employed and economically dependent workers: cessation of activity protection.
 - a) Mandatory
 - b) Without a minimum income for opening the insurance
 - c) With thresholds of incomes to determine the contribution bases (V.gr. up to 670€ work incomes the minimum and maximum contribution bases are 751.63€ and 849.66€)
- Platform workers: unemployment benefit or cessation of activity protection
 - a) Presumption of employment only for delivery workers
 - b) Two ways of protection according to the proven nature of their productive relationship: unemployment benefit in equal terms to those settled for dependent workers and cessation of activity in equal terms to those settled for self-employed and TRADE

Cessation of activity and unemployment protection: Spanish specificities (I)

- Protective actions
 - a) Unemployment benefits: payment of economic benefits and company Social Security contributions during the perception of the unemployment benefit
 - b) Cessation of activity: payment of economic benefit and only 50% of the Social Security contributions during the self-employed inactivity

- Entitlement conditions
 - a) Being affiliated. The specificity of the "assimilated" situation
 - b) A minimum of contributions without gaps. Exemptions for self-employed and TRADE
 - c) Involuntary cessation of activity and readiness to improve employability

- Pecuniary amounts received as benefits
 - a) Determined by the working incomes
 - b) Identity regarding minimum, and maximum duration (from 12 to 48 months) and monthly benefit payments (12-month contributions correspond to 4 months of benefits, 48-month contributions correspond to 24 months of benefits)
 - c) Differences:
 - self-employed and TRADE: 12 months of contributions over a period of 6 years
 - dependent workers: 12 months of contributions over a period of 48 months

Cessation of activity and unemployment protection: Spanish specificities (II)

- Partial cessation of activity and unemployment protection: only in cases of multiple employment
 - a) Self-employed and TRADE: only if multiple employment exists before the cessation of activity
 - b) Dependent workers: multiple employment is allowed before or after the unemployment situation

- Cessation of activity and unemployment benefits: a mid-way between the poverty thresholds and the concept of adequate living standard
 - a) General data: IMS stands at 1,080€/month, the IPREM at 600€/month and the average income at 2,286€/month. This places Spain in nineteenth place among the members of the European Economic Area
 - b) Unemployment and cessation of activity benefits: the guaranteed minimum quantity represents approx. 60% of IMS and 28% of the average income
 - c) Art. 50 CE: sufficient and adequate benefits. How to cope with the fragile balance between the duty to work and having sufficient social benefits?

Financing the cessation of activity benefit and alternative mechanisms of protection: the current Spanish policy debate

- Current policy debate: **How to improve the protection for cessation of activity?**
 - a) Strengthening its financing: approval of the RD Law 13/2022 (Mandatory to adapt the contribution bases and periods to the incomes obtained by the self-employed and TRADE according to the applicable contribution rate annually settled by the General State Budget Law)
 - b) Increasing protection mechanisms: RED mechanism regulated by RD Law 13/2022 (A benefit for the sustainability of the professional activity of self-employed workers and TRADE in cases of cyclical or sectoral crises)



Thanks a lot for your attention!!!