

## **DOCUMENTS TO BE PRESENTED WITH AN APPLICATION FOR DIRECT PAYMENT.**

### **Documentation common to all applications:**

- Application for direct payment completed and signed by the person concerned.
- Photocopy of Identity Document or Residence Permit, together with the current valid original document.
- Completed Income Tax (*IRPF*) Form.
  - Photocopy of Identity Document of spouse, in cases of family situation type 2.
  - Photocopy of invalidity certificate of the person concerned or of his/her child/children, if appropriate.
  - Photocopy of judge's order determining alimony to be paid to spouse and/or maintenance allowances to be paid for children.
- Declaration of children in the person's charge, together with photocopy of Family Record Book (*Libro de Familia*).
- Photocopy of current account.
- Notification from the National Social Security Institute (*INSS*) granting 12 month extension, if appropriate.

### **General Regime for common contingencies:**

- Photocopy of Medical Certificate (*Baja Médica*) and presentation of reports confirming the interruption of work for medical reasons from the date of termination of the employment contract onwards. Presentation of these documents is essential for any payments to be made.
- Employer's Certificate (*Certificado de Empresa*) detailing the contributions paid during the 180 days prior to the termination of the contract.
- Photocopies of the 3 final pay-slips and of the final salary settlement sheet (*Finiquito*).
- Photocopy of the employment contract and any extensions, together with letter of dismissal or termination of contract, arbitration document or court order.

If the reason for the direct payment of the allowance is the termination of the employment relationship, the period of time during which payment is made by the mutual insurance company shall be discounted from any unemployment benefit to which the beneficiary may be entitled (Art. 222.1 of Royal Legislative Decree No.1/1994, dated 20th June 1994).

*If a duration of employment of 180 days with the most recent employer was not attained, it will be necessary to present Employers' Certificates, TC2 forms and pay-slips to cover the totality of this period, including the time immediately prior to the most recent period of employment (If the person concerned does not have this documentation, a copy should be presented of the Personal Employment and Contributions Record (Vida Laboral) issued by the Social Security General Fund).*

### **General Regime for professional contingencies:**

- Employer's Certificate (*Certificado de Empresa*) detailing the contributions paid during the 180 days prior to the termination of the contract.
- TC2 document for the month prior to the interruption of work for medical reasons and final salary settlement sheet (*Finiquito*).
- Photocopy of the employment contract and any extensions, together with letter of dismissal or termination of contract, arbitration document or court order.

*If the employee worked on a part-time or fixed discontinuous basis, the above requirement concerning the TC2 document shall be considered as referring to the last three months prior to the interruption of work for medical reasons.*

**Companies with fewer than 10 employees making a statutory application for a period of more than 6 consecutive months of interruption of work during which payment of a Temporary Incapacity (I.T.) allowance has been made.**

- Notification by the company concerned that it is transferring its obligation to make direct payments to the mutual insurance company from the 7th month of interruption of work onwards.
- Employer's Certificate (*Certificado de empresa*).

*If the employee worked on a part-time or fixed discontinuous basis, the requirement concerning the TC2 document and pay-slips shall be considered as referring to the last three months prior to the interruption of work for medical reasons.*

**Sales Representatives:**

- Photocopy of TC1/3 document for month prior to interruption of work for medical reasons.
- Social Security General Fund (TGSS) certificate confirming that payments are up to date.

**Workers with fixed discontinuous contracts:**

- Employer's Certificate (*Certificado de empresa*).
- Photocopy of the last 3 pay-slips.
- Photocopy of the notification to resume work as soon as this is received.

**Artists and professional bullfighters required to pay contributions:**

- TC4/6 Declaration of professional activities.
- Record of performances during the 12 months prior to date of interruption of work for medical reasons.

**Workers covered by the Special Agricultural Regime (Accidents in the Workplace/Occupational Illnesses) and by the Special Seafarers' Regime (Accidents in the Workplace/Occupational Illnesses)**

- Copy of TC2 document for the month prior to the interruption of work.
- In the case of Agricultural workers, documentary evidence for the days actually worked, if appropriate.

*If the employee worked on a part-time or fixed discontinuous basis, the requirement concerning the TC2 document and pay-slips shall be considered as referring to the last three months prior to the interruption of work.*

**Allowance for Temporary Incapacity due to Common Contingencies for self-employed workers (RETA- Special Regime for Independent Workers, REACP- Special Regime for Self-Employed Agricultural Workers and REMCP- Special Regime for Self-Employed Seafarers).**

- Photocopies of evidence of payment for the last 3 months (TC1/15 in the case of Independent Workers, TC1/10 in the case of the Special Regime for Self-Employed Agricultural Workers).
- Declaration of Employment Situation duly completed and signed.
- If the interruption of work for medical reasons coincides with a month in which the worker commences or terminates a period of cover under the Special Regime concerned: Photocopy of document TA.0521A.
- Photocopy of Medical Certificate (*Baja Médica*) and presentation of reports confirming the interruption of work for medical reasons from the date of termination of the employment contract onwards. Presentation of these documents is essential for any payments to be made.

In general, entitlement to the allowance commences on the fourth day of interruption of work for medical reasons, and the amounts of the allowance to be paid are as follows:

From the 4th to the 20th day: . . . . . on a basis for calculation of 60%

From the 21st day onwards: . . . . . on a basis for calculation of 75%

**Allowance for Temporary Incapacity due to Occupational Contingencies for self-employed workers (RETA- Special Regime for Independent Workers, REACP- Special Regime for Self-Employed Agricultural Workers and REMCP- Special Regime for Self-Employed Seafarers).**

- Photocopies of evidence of payment for the last 3 months (TC1/15 in the case of Independent Workers, TC1/10 in the case of the Special Regime for Self-Employed Agricultural Workers).
- Declaration of Employment Situation duly completed and signed.
- If the interruption of work for medical reasons coincides with a month in which the worker commences or terminates a period of cover under the Special Regime concerned: Photocopy of document TA.0521A.

The entitlement to the allowance commences on the day following the date of interruption of work for medical reasons, and the amounts of the allowance to be paid are as follows:

From the day after the date of interruption of work onwards: . . . . . on a basis for calculation of 75%

The daily basis for calculation corresponds to the basis of contributions in the month prior to the interruption of work divided by 30 days.

The entitlement to Temporary Incapacity must be recognized by the Administering Organism or collaborating entity (i.e., the mutual insurance company) which is to provide cover for the temporary incapacity concerned.

Independent workers covered by the *RETA* Special Regime are required to present their declaration of employment situation and their notification of interruption of work within 15 days from the day of interruption of work, the payment of the relevant allowance being suspended until the date of presentation of these documents. (Decision of the National Institute of Social Security (*INSS*) dated 4th February 2004 - Article 2.)

***Activa Mutua 2008* informs:**

*Activa Mutua* is empowered to require you to undergo a medical examination. Any unjustified refusal to submit to such a medical examination will lead to the issuing of a recommendation to return to work by our medical services or by the Public Health Service Inspectorate (Art. 13, Ministerial Order dated 19-06-97).

Following any unjustified failure to attend a medical examination, the financial allowance received shall be duly terminated (Art. 131b of the Revised Text of the General Social Security Legislation, in the interpretation found in Art. 34.4 of Law No. 24/01 dated 27th December 2001).

## INFORMATION SHEET FOR WORKERS

### **Termination of an employment relationship during a period of Temporary Incapacity (I.T.)**

Following the new regulations introduced under Article 222 of the Revised Text of the General Social Security Legislation, approved by Royal Legislative Decree No.1/1994, dated 20th June 1994, **ACTIVA MUTUA 2008** provided the following **information**:

#### **AMOUNT OF THE ALLOWANCE**

This is in accordance with the basis for calculation for the worker concerned. The basis for calculation will correspond to the average of the bases for the calculation of unemployment cover, excluding overtime, for which contributions have been made during the last 180 days prior to the termination of the employment contract.

Following the new regulations introduced under Law No.40/2007 dated 4th December 2007 concerning Social Security Measures, the interruptions of work for medical reasons relating to Occupational Contingencies during the year 2008 concerning those workers who subsequently terminate their employment relationship with the employer shall not be affected by the contents of this information sheet, since the amount of the allowance shall be determined in accordance with the regulations relating to Occupational Contingencies (based on the month prior to the interruption of work for medical reasons, and payment equivalent to 75% of contributions for Occupational Contingencies plus the average of overtime worked in the previous year).

#### **\* The amount to be received will be as follows:**

- For the first 180 days: 70 % of the basis for calculation.
- From day 181 onwards: 60 % of the basis for calculation.

By virtue of **Royal Legislative Decree No.3/2004, dated 25th June 2004**, creating a public index of income for multiple purposes (*I.P.R.E.M.*) in order to determine the maximum and minimum amounts of unemployment benefit, and which modifies the Revised Text of the General Social Security Legislation, approved by Royal Legislative Decree No. 1/1994, dated 20th June 1994, the maximum and minimum amounts to be allocated, starting from 1st January 2008, shall be as follows:

#### **\* Minimum limit of the allowance:**

If the worker **does not have children in his/her care**, the maximum amount of the allowance shall under no circumstances be less than 80% of the *I.P.R.E.M.* index, to which is added the proportional fraction of two special annual payments each corresponding to 30 days of income. The amount established for the year 2008 corresponds to a **minimum daily amount of €16.08**.

If the worker **has children in his/her care**, the minimum amount of the allowance shall under no circumstances be less than 107% of the *I.P.R.E.M.* index, to which is added the proportional fraction of two special annual payments each corresponding to 30 days of income. The amount established for the year 2008 corresponds to a **minimum daily amount of €21.50**.

#### **\* Maximum limit of the allowance:**

The maximum amount of the allowance is calculated in accordance with the number of children in the care of the beneficiary:

- **If he/she has no children in his/her care**, it shall be 175% of the *I.P.R.E.M.* index, to which is added the proportional fraction of two special annual payments. The amount established for the year 2008 corresponds to a **maximum daily amount of €35.18**.
- **If he/she has children of less than 26 years of age in his/her care:**
  1. With one child, 200% of the *I.P.R.E.M.* index, to which is added the proportional fraction of two special annual payments. The amount established for the year 2008 corresponds to a **maximum daily amount of €40.20**.

2. With two or more children, 225% of the *I.P.R.E.M.* index, to which is added the proportional fraction of two special annual payments. The amount established for the year 2008 corresponds to a **maximum daily amount of €45.23.**

In the case of the termination of a part-time contract, the maximum and minimum limit of the allowance shall be calculated, applying to the maximum and minimum established limits the percentage (%) of the standard working day represented by the time that he/she usually works in the company.