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Organic Law 3/2007, of March 22, 2007, for the effective equality of women and men.

Head of State
"BOE" No. 71, of March 23, 2007 Reference:
BOE-A-2007-6115

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CONSOLIDATED TEXT
Last modification: September 07, 2022

JUAN CARLOS I

KING OF SPAIN

To all who see and understand this document.

Be it known: That the Cortes Generales have approved and I come to sanction the following Organic Law.

EXPLANATORY MEMORANDUM

I

Article 14 of the Spanish Constitution proclaims the right to equality and non-discrimination on the basis of sex. Article 9.2 enshrines the obligation of the public authorities to promote the conditions for the equality of the individual and of the groups in which he or she is integrated to be real and effective.

Equality between women and men is a universal legal principle recognized in various international human rights texts, including the Convention on the Elimination of All Forms of Discrimination against Women, approved by the United Nations General Assembly in December 1979 and ratified by Spain in 1983. In this same area, it is worth mentioning the advances introduced by monographic world conferences, such as those held in Nairobi in 1985 and Beijing in 1995.

Equality is also a fundamental principle in the European Union. Since the entry into force of the Treaty of Amsterdam on May 1, 1999, equality between women and men and the elimination of inequalities between women and men have been an objective to be integrated into all the policies and actions of the Union and its members.

Under the protection of the former Article 111 of the Treaty of Rome, a wide-ranging and important *acquis communautaire* on equality of the sexes has been developed, the appropriate transposition of which is largely addressed by this Law. In particular, this Law incorporates into Spanish law two directives on equal treatment, Directive 2002/73/EC, amending Directive 76/207/EEC, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; and Directive 2004/113/EC, on the implementation of the principle of equal treatment for men and women in the access to and supply of goods and services.

The full recognition of formal equality before the law, although undoubtedly a decisive step forward, has proved to be insufficient. Gender violence, wage discrimination, discrimination in widow's pensions, higher female unemployment, the still scarce presence of women in positions of political, social, cultural and economic responsibility, or the problems of reconciling personal, work and family life show how full, effective equality between women and men, that "perfect equality which would admit of no power or privilege for some and no incapacity for others," in the words of John Stuart Mill almost 140 years ago, is still a pending task that requires new legal instruments.

It is necessary, in fact, to take normative action aimed at combating all remaining manifestations of direct or indirect discrimination based on sex and to promote real equality between women and men, with the removal of the obstacles and social stereotypes that prevent it from being achieved. This requirement derives from our constitutional order and is a genuine right of women, but is at the same time a right of men and women.

an element of enrichment of Spanish society itself, which will contribute to economic development and increased employment.

Special consideration is also given to cases of double discrimination and the unique difficulties faced by women who are particularly vulnerable, such as those belonging to minorities, migrant women and women with disabilities.

The major novelty of this Law lies, however, in the prevention of such discriminatory conduct and in the provision of active policies to give effect to the principle of equality. Such an option necessarily implies a projection of the principle of equality on the various areas of the social, cultural and artistic reality in which inequality can be generated or perpetuated. Hence the consideration of the cross-cutting dimension of equality, the hallmark of modern anti-discrimination law, as a fundamental principle of this text.

The Law refers to the generality of public policies in Spain, both state, autonomous and local. And it does so under the constitutional attribution to the State of the competence for the regulation of the basic conditions that guarantee the equality of all Spaniards in the exercise of constitutional rights, although it contains a more detailed regulation in those areas of competence, basic or full legislative, of the State.

The complexity deriving from the horizontal scope of the principle of equality is also expressed in the structure of the Law. It deals in its articles with the general projection of the principle in the different regulatory spheres, and specifies in its additional provisions the corresponding modification of the very diverse laws that are affected. Thus, the Law is born with the vocation of becoming the law-code of equality between women and men.

The general management of public policies, from the standpoint of the principle of equality and the gender perspective, is reflected in the establishment of criteria for action by all public authorities in which this principle is actively integrated, in an express and operative manner; and, on a specific or sectoral basis, guidelines favoring equality are also incorporated in policies such as education, health, art and culture, the information society, rural development, housing, sports, culture, land management and international development cooperation.

Basic instruments will be, in this sense, and within the scope of the General State Administration, a Strategic Plan for Equal Opportunities, the creation of an Interministerial Commission for Equality with coordination responsibilities, the gender impact reports, whose obligatory nature is extended from the Royal regulations to the plans of special economic and social relevance, and the periodic reports or evaluations on the effectiveness of the principle of equality.

It is also worth noting that, in order to achieve real equality between women and men, the Law provides a general framework for the adoption of so-called positive actions. In this sense, a mandate is addressed to all public authorities to remove situations of verifiable factual inequality, which cannot be corrected by the mere formulation of the principle of legal or formal equality. And insofar as these actions may entail the formulation of an unequal right in favor of women, precautions and conditions are established to ensure their constitutional legality.

The achievement of real and effective equality in our society requires not only the commitment of public subjects, but also its determined promotion in the sphere of relations between private individuals. The regulation of access to goods and services is the object of attention of the Law, combining the principles of freedom and contractual autonomy with the promotion of equality between women and men. It has also been considered convenient to establish certain measures for the promotion of effective equality in private companies, such as those included in matters of contracting or public subsidies or in reference to boards of directors.

The Law pays special attention to correcting inequality in the specific area of labor relations. By means of a series of provisions, it recognizes the right to the

The most important criteria that inspire the whole law are the reconciliation of personal, family and work life and the promotion of a greater co-responsibility between women and men in the assumption of family obligations, which find their most significant concretion here.

The Law aims to promote the adoption of specific measures in favor of equality in companies, placing them within the framework of collective bargaining, so that the parties can freely and responsibly agree on their content.

Within the same scope of employment, but with its own characteristics, the Law includes specific measures on selection processes and for the provision of jobs within the General State Administration. And the projection of equality extends to the Security Forces and Corps and the Armed Forces.

The concern for the scope of effective equality in our society could not be left out of the sphere of political participation, both at the state level and at the autonomous and local levels, as well as in its projection of international development cooperation policy. The so-called principle of balanced presence or composition in the Law, which seeks to ensure a sufficiently significant representation of both sexes in bodies and positions of responsibility, is also included in the regulations governing the general electoral system, opting for a formula with the appropriate flexibility to reconcile the requirements derived from articles 9.2 and 14 of the Constitution with those of the right to passive suffrage included in article 23 of the same constitutional text. In this way, the recent international texts on the subject are assumed and progress is made towards guaranteeing a balanced presence of women and men in the sphere of political representation, with the fundamental objective of improving the quality of that representation and with it our own democracy.

IV

The Law is structured in a Preliminary Title, eight Titles, thirty-one additional provisions, eleven transitory provisions, one derogatory provision and eight final provisions.

The Preliminary Title establishes the purpose and scope of the Law.

Title One defines, following the indications of the reference Directives, the basic legal concepts and categories relating to equality, such as direct and indirect discrimination, sexual harassment and harassment based on sex, and positive actions. It also determines the legal consequences of discriminatory conduct and incorporates procedural guarantees to reinforce the judicial protection of the right to equality.

Title Two, Chapter One, establishes the general guidelines for action by the public authorities in relation to equality, defines the principle of mainstreaming and the instruments for its integration in the preparation, execution and application of the rules. It also enshrines the principle of balanced presence of women and men on electoral lists and in appointments made by the public authorities, with the consequent amendments to the Additional Provisions of the Electoral Law, regulating, likewise, the gender impact reports and the public planning of actions in favor of equality, which in the General State Administration will take the form of a Strategic Plan for Equal Opportunities.

Chapter II of this Title establishes the criteria for the orientation of public policies in the areas of education, culture and health. It also contemplates the promotion of the incorporation of women into the information society, the inclusion of measures for the effectiveness of equality in policies for access to housing, and in those for the development of the rural environment.

Title III contains measures for the promotion of equality in the media, with specific rules for publicly owned media, as well as instruments for the control of discriminatory advertising.

Title IV deals with the right to work with equal opportunities, incorporating measures to guarantee equality between women and men in access to employment, in professional training and promotion, and in working conditions. It also includes, among the labor rights of male and female workers, protection against sexual harassment and harassment based on sex.

In addition to the general duty of companies to respect the principle of equality in the labor sphere, there is a specific duty to negotiate equality plans in companies with more than 250 employees. The relevance of the equality plans instrument also explains the provision for the promotion of their voluntary implementation in small and medium-sized companies.

In order to favor the incorporation of women into the labor market, an objective is established to improve women's access to and permanence in the labor market, enhancing their level of training and their adaptability to the requirements of the labor market through their possible consideration as a priority population group for active employment policies. Likewise, the law includes a series of specific social and labor measures, which are regulated in the different additional provisions of the Law.

The most innovative measure to promote the reconciliation of personal, family and work life is the 13-day paternity leave, which can be extended in the case of multiple births by two additional days for each child after the second one. This is an individual and exclusive right of the father, which is recognized both in cases of biological paternity and in cases of adoption and foster care. Improvements are also introduced in the current maternity leave, extending it by two weeks in the case of a disabled son or daughter, and both parents can make use of this extension indistinctly.

These same improvements are also introduced for self-employed workers and workers under other special Social Security regimes.

In relation to the reduction of the working day due to legal guardianship, the maximum age of the minor who is entitled to the reduction is increased from six to eight years, and the minimum limit for such reduction is reduced to one eighth of the working day. The minimum duration of voluntary leave of absence is also reduced to four months and the maximum duration of leave of absence for the care of family members is extended from one to two years. The possibility that both the leave of absence for the care of a son or daughter and the leave of absence for the care of family members can be taken in installments is recognized.

Infringements, sanctions and control mechanisms for noncompliance with non-discrimination requirements are also adapted, and the role of the Labor and Social Security Inspectorate is strengthened. Particularly novel in this area is the possibility of commuting accessory penalties for the establishment of Equality Plans.

The amendments in labor matters involve the introduction of some new features in the Social Security area, which are included in the Additional Provisions of the Law. Among these, special mention should be made of the relaxation of the prior contribution requirements for access to maternity benefits, the recognition of a new subsidy for the same reason for workers who do not meet these requirements, and the creation of a paternity benefit.

Chapter I of Title V regulates the principle of equality in public employment, establishing the general criteria for action in favor of equality for the whole of the Public Administration and, in Chapter II, the balanced presence of women and men in the appointments to executive bodies of the General State Administration, which also applies to the bodies for the selection and assessment of personnel and in the appointments of members of collegiate bodies, committees and boards of directors of companies in whose capital the said Administration has a shareholding. Chapter III of this Title is devoted to equality measures in employment within the scope of the General State Administration, in a similar sense to that provided for labor relations in the private sector, and with the specific provision of a mandate for the approval of a protocol for action against sexual harassment and harassment based on sex.

Chapters IV and V specifically regulate respect for the principle of equality in the Armed Forces and the State Security Forces and Corps.

Title VI of the Law is dedicated to equal treatment in access to goods and services, with special reference to insurance.

Title VII contemplates the voluntary implementation of social responsibility actions by companies in the area of equality, which may also be the subject of agreements with workers' representatives, consumer organizations, associations for the defense of equality or equality bodies. Specifically, the use of these actions for advertising purposes is regulated.

In this Title, and within the framework of corporate social responsibility, the promotion of a balanced presence of women and men on the boards of directors of commercial companies has been included, granting a reasonable period of time for this purpose. The purpose of this measure is that the prevailing criterion in the incorporation of directors should be talent and professional performance, since, in order for the process to be governed by the criterion of impartiality, gender should not constitute an obstacle as a factor of choice.

Title VIII of the Law establishes a series of organizational provisions, with the creation of an Interministerial Commission for Equality between women and men and Equality Units in each Ministry. In addition, the Law establishes a Council for the participation of women, as a collegiate body which is to serve as a channel for institutional participation in these matters.

As previously stated, the additional provisions include the various amendments to the precepts of existing Laws necessary to adapt them to the requirements and provisions derived from this Law. Together with these amendments to the law, specific regulations are also included to define the principle of balanced composition or presence, to create a fund for the information society, new cases of nullity of certain terminations of the employment relationship, and to designate the Women's Institute for the purposes of the Directives to be transposed.

The transitory provisions establish the regime temporarily applicable to certain aspects of the Law, such as those related to appointments and procedures, preventive measures against harassment in the General State Administration, the company's distinctive mark in matters of equality, mortality and survival tables, new maternity and paternity rights, the balanced composition of electoral lists, as well as the negotiation of new collective bargaining agreements.

The final provisions refer to the nature of the Law, its constitutional basis and its relationship with the Community order, enable the regulatory development, establish the dates of its entry into force and a mandate for the evaluation of the results of collective bargaining on equality.

INTRODUCTORY TITLE

Object and scope of the Law

Article 1. *Object of the Law.*

1. Women and men are equal in human dignity, and equal in rights and duties. The purpose of this Law is to give effect to the right to equal treatment and opportunities between women and men, in particular by eliminating discrimination against women, whatever their circumstances or condition, in any sphere of life and, in particular, in the political, civil, labor, economic, social and cultural spheres in order to, in the development of Articles 9.2 and 14 of the Constitution, achieve a more democratic, fairer and more caring society.

2. To this end, the Law establishes principles for action by the Public Authorities, regulates the rights and duties of natural and legal persons, both public and private, and provides for measures aimed at eliminating and correcting all forms of discrimination based on sex in the public and private sectors.

Article 2. *Scope of application.*

1. All persons shall enjoy the rights derived from the principle of equal treatment and the prohibition of discrimination on the basis of sex.

2. The obligations established in this Law shall be applicable to any person, natural or legal, who is or acts in Spanish territory, regardless of nationality, domicile or residence.

TITLE I

The principle of equality and protection against discrimination

Article 3. *The principle of equal treatment between women and men.*

The principle of equal treatment between women and men implies the absence of any direct or indirect discrimination on the basis of sex, especially those derived from maternity, the assumption of family obligations and marital status.

Article 4. *Integration of the principle of equality in the interpretation and application of international law standards.*

Equality of treatment and opportunities between women and men is a guiding principle of the legal system and, as such, shall be integrated and observed in the interpretation and application of legal norms.

Equality of treatment and opportunities in access to employment, in professional training and promotion, and in working conditions.

The principle of equal treatment and opportunities between women and men, applicable in the field of private and public employment, shall be guaranteed, under the terms provided for in the applicable regulations, in access to employment, including self-employment, in vocational training, in professional promotion, in working conditions, including remuneration and dismissal, and in membership and participation in trade union and employers' organizations, or in any organization whose members exercise a specific profession, including the benefits granted by the same.

A difference of treatment based on a characteristic related to sex shall not constitute discrimination in access to employment, including the necessary training, where, by reason of the nature of the particular occupational activities or the context in which they are carried out, such characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

Article 6. Direct and *indirect discrimination.*

1. Direct discrimination on the basis of sex is considered to be the situation in which a person is, has been or could be treated less favorably than another person in a comparable situation on the basis of sex.

2. Indirect discrimination on the basis of sex is considered to be the situation in which an apparently neutral provision, criterion or practice places persons of one sex at a particular disadvantage with respect to persons of the other sex, unless such provision, criterion or practice can be objectively justified by a legitimate aim and the means of achieving that aim are necessary and appropriate.

3. In any case, any order to discriminate, directly or indirectly, on the basis of sex is considered discriminatory.

Article 7. *Sexual harassment and harassment based on sex.*

1. Without prejudice to the provisions of the Penal Code, for the purposes of this Law, any behavior, verbal or physical, of a sexual nature that has the purpose or has the effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

2. Harassment based on sex is any behavior carried out on the basis of a person's sex, with the purpose or effect of violating the person's dignity and creating an intimidating, degrading or offensive environment.

3. In any case, sexual harassment and harassment based on sex shall be considered discriminatory.

4. The conditioning of a right or an expectation of a right on the acceptance of a situation constituting sexual harassment or harassment based on sex was also considered an act of discrimination based on sex.

Article 8. *Discrimination due to pregnancy or maternity.*

Any unfavorable treatment of women related to pregnancy or maternity constitutes direct discrimination on the basis of sex.

Article 9. *Indemnity against dams.*

Discrimination on the basis of sex shall also be deemed to be any adverse treatment or negative effect on a person as a result of the filing by that person of a complaint, claim, denunciation, suit or appeal, of any kind, aimed at preventing discrimination and demanding effective compliance with the principle of equal treatment between women and men.

Article 10. *Legal consequences of discriminatory conduct.*

The acts and clauses of legal transactions that constitute or cause discrimination based on sex shall be considered null and void, and shall give rise to liability through a system of reparations or compensation that is real, effective and proportionate to the damage suffered, as well as, where appropriate, through an effective and dissuasive system of sanctions to prevent discriminatory conduct.

Article 11. *Positive actions.*

1. In order to give effect to the constitutional right to equality, the Public Authorities shall adopt specific measures in favor of women to correct clear situations of de facto inequality with respect to men. Such measures, which shall be applicable as long as such situations persist, shall be reasonable and proportionate in relation to the objective pursued in each case.

2. Private individuals and legal entities may also adopt this type of measures under the terms established in this Law.

Article 12. *Effective judicial protection.*

1. Any person may apply to the courts for protection of the right to equality between women and men, in accordance with the provisions of Article 53.2 of the Constitution, even after the termination of the relationship in which the discrimination is alleged to have occurred.

2. The capacity and standing to intervene in civil, social and contentious-administrative proceedings concerning the defense of this right correspond to the individuals and legal entities with a legitimate interest, as determined in the laws regulating these proceedings.

3. The harassed person shall be the sole legitimate party in litigation concerning sexual harassment and harassment based on sex.

Article 13. *Proof.*

1. In accordance with the procedural laws, in those proceedings in which the allegations of the plaintiff are based on discriminatory actions on the grounds of sex, it is up to the defendant to prove the absence of discrimination in the measures adopted and their proportionality.

For the purposes of the provisions of the preceding paragraph, the judicial body, at the request of a party, may request, if it deems it useful and pertinent, a report or opinion from the competent public bodies.

2. The provisions of the preceding paragraph shall not apply to criminal proceedings.

TITLE II
Public policies for equality

CHAPTER I
General principles

Article 14. General criteria for action by the Public Authorities.

For the purposes of this Law, the following shall be general criteria for action by the Public Authorities:

1. Commitment to the effectiveness of the constitutional right to equality between women and men.
2. The integration of the principle of equal treatment and opportunities in all economic, labor, social, cultural and artistic policies, in order to avoid job segregation and eliminate pay gaps, as well as to promote the growth of female entrepreneurship in all areas covered by all policies and the value of women's work, including domestic work.
3. Collaboration and cooperation between the different public administrations in the application of the principle of equal treatment and opportunities.
4. Balanced participation of women and men in electoral candidacies and decision-making.
5. The adoption of the necessary measures for the eradication of gender violence, family violence and all forms of sexual harassment and harassment based on sex.
6. Consideration of the unique difficulties faced by women belonging to particularly vulnerable groups such as minority women, migrant women, girls, women with disabilities, elderly women, widows and women victims of gender violence, for whom the public authorities may also adopt affirmative action measures.
7. Maternity protection, with special attention to the assumption by society of the effects of pregnancy, childbirth and breastfeeding.
8. The establishment of measures to ensure the reconciliation of work and personal and family life for women and men, as well as the promotion of co-responsibility in housework and family care.
9. The promotion of collaboration instruments between the different public administrations and social agents, women's associations and other private entities.
10. Promoting the effectiveness of the principle of equality between women and men in relations between individuals.
11. The implementation of non-sexist language in the administrative sphere and its promotion in all social, cultural and artistic relations.
12. All the points considered in this article shall be equally promoted and integrated in the Spanish policy of international cooperation for development.

Article 15. Transversality of the principle of equal treatment between women and men.

The principle of equal treatment and opportunities between women and men will inform, in a cross-cutting manner, the actions of all public authorities. Public administrations shall actively integrate it in the adoption and execution of their regulatory provisions, in the definition and budgeting of public policies in all areas and in the development of all their activities as a whole.

Article 16. Appointments made by the Public Authorities.

The Public Authorities shall endeavor to comply with the principle of a balanced presence of women and men in appointments and designations to positions of responsibility that correspond to them.

Article 17. Strategic Plan for Equal Opportunities.

The Government, in matters within the competence of the State, will periodically approve a Strategic Plan for Equal Opportunities, which will include measures to achieve the objective of equality between women and men and to eliminate discrimination based on sex.

Article 18. Periodic report.

Under the terms to be determined by regulation, the Government shall draw up a periodic report on all its actions in relation to the effectiveness of the principle of equality between women and men. This report shall be submitted to the Cortes Generales.

Article 19. Gender impact reports.

Draft provisions of a general nature and plans of special economic, social, cultural and artistic relevance submitted to the Council of Ministers for approval must include a report on their gender impact.

Article 20. Adequacy of sphad/sticas and studies.

In order to give effect to the provisions contained in this Law and to guarantee the effective integration of the gender perspective in their ordinary activities, the public authorities, in the preparation of their studies and statistics, shall:

- a) Systematically include the sex variable in statistics, surveys and data collection.
- b) Establish and include in statistical operations new indicators that allow for a better understanding of the differences in the values, roles, situations, conditions, aspirations and needs of women and men, their manifestation and interaction in the reality to be analyzed.
- c) To design and introduce the necessary indicators and mechanisms that allow knowledge of the incidence of other variables whose concurrence generates situations of multiple discrimination in the different areas of intervention.
- d) To carry out sufficiently large samples so that the various variables included can be exploited and analyzed according to the sex variable.
- e) Exploit the data available so that the different situations, conditions, aspirations and needs of women and men in the different areas of intervention can be known.
- f) Review and, if necessary, adapt existing statistical definitions in order to contribute to the recognition and valuation of women's work and avoid negative stereotyping of certain groups of women.

Only exceptionally, and by means of a reasoned report approved by the competent body, may non-compliance with any of the obligations specified above be justified.

Article 21. Collaboration between public administrations.

1. The General State Administration and the Administrations of the Autonomous Communities will cooperate to integrate the right to equality between women and men in the exercise of their respective competences and, in particular, in their planning actions. Within the Sectorial Conference on Women, joint action plans and programs may be adopted for this purpose.

2. Local Entities shall integrate the right to equality in the exercise of their competences and shall collaborate, to this effect, with the rest of the Public Administrations.

Article 22. Equitable time planning actions.

In order to move towards an equitable distribution of time between women and men, local corporations may establish Municipal Plans of organization.

of the city's weather. Without prejudice to the competences of the Autonomous Communities, the State may provide technical assistance for the preparation of these plans.

CHAPTER II

Administrative action for equality

Article 23. Education for the equality of women and men.

The educational system shall include among its purposes education in respect for fundamental rights and freedoms and in equality of rights and opportunities between women and men.

Likewise, the educational system shall include, within its quality principles, the elimination of obstacles that hinder effective equality between women and men and the promotion of full equality between women and men.

Article 24. Integration of the principle of equality in education policy.

1. The educational administrations shall guarantee an equal right to education for women and men through the active integration, in the educational objectives and actions, of the principle of equal treatment, avoiding that, due to sexist behaviors or associated social stereotypes, inequalities between women and men occur.

2. The educational administrations, within the scope of their respective competences, will develop, for this purpose, the following actions:

- a) Special attention in the curricula and in all educational stages to the principle of equality between women and men.
- b) The elimination and rejection of sexist behavior and content and stereotypes that discriminate between women and men, with special consideration for this in textbooks and educational materials.
- c) The integration of the study and application of the principle of equality in the courses and programs for initial and continuing teacher training.
- d) The promotion of a balanced presence of women and men in the control and governing bodies of educational institutions.
- e) Cooperation with the rest of the educational administrations for the development of projects and programs aimed at promoting the knowledge and dissemination, among the members of the educational community, of the principles of coeducation and effective equality between women and men.
- f) The establishment of educational measures aimed at recognizing and teaching the role of women in history.

Equality in the field of higher education.

1. In the field of higher education, the public administrations, in the exercise of their respective competencies, shall promote teaching and research on the meaning and scope of equality between women and men.

2. In particular, and for this purpose, the Public Administrations shall promote:

- a) The inclusion, in appropriate curricula, of teaching on gender equality.
- b) The creation of specific postgraduate programs.
- c) Conducting specialized studies and research on the subject.

Equality in the field of artistic and intellectual creation and production.

1. The public authorities, within the scope of their competencies, shall ensure that the principle of equal treatment and opportunities between women and men is put into effect in all matters relating to artistic and intellectual creation and production and its dissemination.

2. The different bodies, agencies, entities and other structures of the public administrations that directly or indirectly make up the cultural management system will develop the following actions:

a) Adopt initiatives aimed at favoring the specific promotion of women in culture and combating structural and/or diffuse discrimination against them.

b) Active policies to support the creation and artistic and intellectual production of female authorship, translated into economic incentives, in order to create the conditions for effective equality of opportunities.

c) Promote the balanced presence of women and men in public artistic and cultural offerings.

d) That balanced representation in the various advisory, scientific and decision-making bodies within the artistic and cultural organization is respected and guaranteed.

e) Adopt affirmative action measures for the creation and artistic and intellectual production of women, promoting cultural, intellectual and artistic exchange, both nationally and internationally, and the signing of agreements with the competent bodies.

f) In general and under the protection of Article 11 of this Law, all positive actions necessary to correct situations of inequality in the production and intellectual artistic and cultural creation of women.

Integration of the principle of equality in health policy.

1. Health policies, strategies and programs shall integrate, in their formulation, development and evaluation, the different needs of women and men and the measures necessary to adequately address them.

2. Public administrations will guarantee an equal right to health for women and men, through the active integration, in the objectives and actions of health policy, of the principle of equal treatment, avoiding discrimination between women and men due to their biological differences or associated social stereotypes.

3. The Public Administrations, through their Health Services and the competent bodies in each case, will develop, in accordance with the principle of equal opportunities, the following actions:

a) The systematic adoption, within health education actions, of initiatives aimed at favoring the specific promotion of women's health, as well as preventing discrimination against them.

b) The promotion of scientific research that addresses the differences between women and men in relation to the protection of their health, especially with regard to accessibility and diagnostic and therapeutic effort, both in terms of clinical trials and care.

c) The consideration, within the protection, promotion and improvement of occupational health, of sexual harassment and harassment based on sex.

d) The integration of the principle of equality in the training of personnel in the service of healthcare organizations, guaranteeing in particular their ability to detect and deal with situations of gender-based violence.

e) The balanced presence of women and men in management and professional positions of responsibility in the National Health System as a whole.

f) The collection and processing disaggregated by sex, whenever possible, of data contained in registries, surveys, statistics or other medical and health information systems.

Article 28. Information Society.

1. All public programs for the development of the Information Society shall incorporate the effective consideration of the principle of equal opportunities between women and men in their design and execution.

2. The Government will promote the full incorporation of women in the Information Society through the development of specific programs, especially in the following areas

access to and training in information and communication technologies, including those of groups at risk of exclusion and rural areas.

3. The Government will promote content created by women in the field of the Information Society.

4. In projects in the field of information and communication technologies financed totally or partially with public money, it shall be guaranteed that their language and contents are not sexist.

Article 29. Sports.

1. All public programs for the development of sport shall incorporate the effective consideration of the principle of real and effective equality between women and men in their design and execution.

2. The Government will promote women's sports and encourage the effective opening of sports disciplines to women, through the development of specific programs at all stages of life and at all levels, including those of responsibility and decision making.

Article 30. Rural development.

1. In order to make equality between women and men in the agricultural sector effective, the Ministry of Agriculture, Fisheries and Food and the Ministry of Labor and Social Affairs will develop the legal figure of shared ownership, so that the rights of women in the agricultural sector, the corresponding Social Security protection, as well as the recognition of their work, are fully recognized.

2. Actions aimed at the development of the rural environment will include actions aimed at improving the level of education and training of women, especially those that favor their incorporation into the labor market and the management bodies of companies and associations.

3. The public administrations will promote new work activities that favor the work of women in the rural world.

4. The public administrations will promote the development of a network of social services to care for minors, the elderly and dependents as a measure to reconcile work, family and personal life for men and women in rural areas.

5. The public authorities shall promote equal opportunities in access to information and communication technologies through the use of policies and activities aimed at rural women, and the application of alternative technological solutions where the extension of these technologies is not possible.

Article 31. Urban, territorial planning and housing policies.

1. The policies and plans of the Public Administrations regarding access to housing will include measures aimed at making the principle of equality between women and men effective.

Similarly, urban and land-use planning policies will take into account the needs of different social groups and different types of family structures, and will promote equal access to different urban services and infrastructures.

2. The Government, within the scope of its competencies, will promote access to housing for women in need or at risk of exclusion, and for those who have been victims of gender violence, especially when, in both cases, they have minor children exclusively in their care.

3. The public administrations will take into account the gender perspective in the design of the city, in urban policies, in the definition and execution of urban planning, especially using mechanisms and instruments that encourage and favor citizen participation and transparency.

Article 32. Spanish cooperation policy for development.

1. All policies, plans, strategic planning documents, both sectoral and geographic, and operational programming tools of Spanish cooperation.

The Spanish development cooperation programs included the principle of equality between women and men as a substantial element in their agenda of priorities, and were treated as a cross-cutting and specific priority in their contents, contemplating specific measures for the monitoring and evaluation of achievements for effective equality in Spanish development cooperation.

2. In addition, a Sectoral Strategy for Equality between women and men was drawn up for Spanish cooperation, which will be periodically updated on the basis of the achievements and lessons learned in previous processes.

3. The Spanish Administration will propose a progressive process, in the medium term, of effective integration of the principle of equality and the gender approach to development (GED), at all levels of its management, which will make possible and effective the application of the Sectoral Strategy for Equality between women and men, which contemplates specific actions to achieve transversality in the actions of Spanish cooperation, and the promotion of positive action measures that favor significant changes in the implementation of the principle of equality, both within the Administration and in the development mandate of Spanish cooperation itself.

Article 33. *Contracts of the Public Administrations.*

The Public Administrations, within the scope of their respective competencies, through their contracting bodies and in relation to the execution of the contracts they enter into, may establish special conditions with the aim of promoting equality between women and men in the labor market, in accordance with the provisions of the public sector contract legislation.

Article 34. *Contracts of the General State Administration.*

1. Annually, the Council of Ministers, in view of the evolution and impact of equality policies in the labor market, will determine the contracts of the General State Administration and its public bodies that must include measures to promote effective equality between women and men in the labor market, in accordance with the provisions of the legislation on public sector contracts.

The Agreement referred to in the preceding paragraph may establish, as the case may be, the characteristics of the conditions to be included in the bidding documents, taking into account the nature of the contracts and the sector of activity where the services are to be rendered.

2. The contracting bodies may establish in the specific administrative clauses the preference in the awarding of contracts to the proposals submitted by those companies that, at the time of accrediting their technical or professional solvency, comply with the guidelines of the previous section, provided that these proposals are equal in their terms to the most advantageous from the point of view of the objective criteria that serve as the basis for the award and respecting, in any case, the priority established in section one of the eighth additional provision of the Consolidated Text of the Public Administration Contracts Law, approved by Royal Legislative Decree 2/2000, of June 16, 2000.

Article 35. *Public Subsidies.*

The public administrations, in the strategic subsidy plans adopted in the exercise of their powers, shall determine the areas in which, due to the existence of a situation of unequal opportunities between women and men, the regulatory bases of the corresponding subsidies may include the assessment of actions for the effective achievement of equality by the applicant entities.

For these purposes, measures for the reconciliation of personal, work and family life, corporate social responsibility, or obtaining the corporate equality label regulated in Chapter IV of Title IV of this Law, among others, may be taken into account.

TITLE III
Equality and media

Article 36. Equality in the publicly-owned media.

The publicly owned media shall ensure the transmission of an egalitarian, plural and non-stereotyped image of women and men in society, and shall promote knowledge and dissemination of the principle of equality between women and men.

Article 37. Corporación RTVE.

1. Corporación RTVE, in the exercise of its public service function, will pursue the following objectives in its programming:

- a) Adequately reflect the presence of women in the various spheres of social life.
- b) Use language in a non-sexist manner.
- c) Adopt, through self-regulation, codes of conduct aimed at conveying the content of the principle of equality.
- d) Collaborate with institutional campaigns aimed at promoting equality between women and men and eradicating violence against women.

2. Corporación RTVE will promote the incorporation of women into managerial and professional positions. Likewise, it will promote the relationship with women's associations and groups in order to identify their needs and interests in the field of communication.

Article 38. EFE Agency.

1. In the exercise of its activities, Agencia EFE shall ensure respect for the principle of equality between women and men and, in particular, for the non-sexist use of language, and shall pursue the following objectives in its actions:

- a) Adequately reflecting the presence of women in the various spheres of life social.
- b) Use language in a non-sexist manner.
- c) Adopt, through self-regulation, codes of conduct aimed at conveying the content of the principle of equality.
- d) Collaborate with institutional campaigns aimed at promoting equality between women and men and eradicating violence against women.

2. Agencia EFE will promote the incorporation of women to positions of managerial and professional responsibility. Likewise, it will promote the relationship with women's associations and groups to identify their needs and interests in the field of communication.

Article 39. Equality in privately owned social communication media.

1. All media shall respect equality between women and men, avoiding any form of discrimination.

2. Public Administrations shall promote the adoption by the media of self-regulation agreements that contribute to compliance with legislation on equality between women and men, including sales and advertising activities carried out in the media.

Article 40. Audiovisual Authority.

The authorities responsible for ensuring that the audiovisual media comply with their obligations shall adopt the appropriate measures, in accordance with their regulations, to ensure that women are treated in accordance with constitutional principles and values.

Article 41. *Equality and publicity.*

Advertising that involves discriminatory conduct in accordance with this Law shall be considered unlawful advertising, in accordance with the provisions of the general legislation on advertising and institutional advertising and communication.

TITLE IV

The right to work with equal opportunities

CHAPTER I

Equal treatment and opportunities in the workplace

Programs to improve the employability of women.

1. One of the priority objectives of employment policies will be to increase the participation of women in the labor market and to advance in effective equality between women and men. To this end, the employability and permanence in employment of women will be improved, enhancing their level of training and their adaptability to the requirements of the labor market.

2. Active labor market insertion programs will include all levels of education and age of women, including Vocational Training, Workshop Schools and Trade Schools, aimed at unemployed people, and may be aimed primarily at specific groups of women or contemplate a certain proportion of women.

Promotion of equality in collective bargaining.

In accordance with the law, positive action measures may be established through collective bargaining to favor women's access to employment and the effective application of the principle of equal treatment and non-discrimination in working conditions between women and men.

CHAPTER II

Equality and work-life balance

Article 44. *The rights of reconciliation of personal, family and working life.*

1. The rights of reconciliation of personal, family and work life shall be recognized to male and female workers in a way that promotes the balanced assumption of family responsibilities, avoiding any discrimination based on their exercise.

2. Maternity leave and maternity benefit will be granted under the terms provided for in labor and Social Security regulations.

3. In order to contribute to a more balanced distribution of family responsibilities, fathers are granted the right to paternity leave and paternity benefits, under the terms provided for in labor and social security regulations.

CHAPTER III

Company equality plans and other measures to promote gender equality in the workplace are
equality

Article 45. *Elaboration and implementation of equality plans.*

1. Companies are obliged to respect equality of treatment and opportunities in the workplace and, to this end, must adopt measures aimed at avoiding any type of labor discrimination between women and men, measures that must be negotiated and, where appropriate, agreed upon with the legal representatives of the workers in the manner determined by labor legislation.

2. In the case of companies with fifty or more employees, the equality measures referred to in the preceding paragraph must be aimed at the preparation and implementation of an equality plan, with the scope and content established in this chapter, which must also be subject to negotiation in the manner determined by labor legislation.

3. Without prejudice to the provisions of the preceding paragraph, companies must draw up and implement an equality plan when so established in the applicable collective bargaining agreement, under the terms set forth therein.

4. Companies will also prepare and implement an equality plan, after negotiation or consultation, as the case may be, with the legal representatives of the workers, when the labor authority has agreed in a sanctioning procedure to substitute the accessory sanctions for the preparation and implementation of said plan, under the terms established in the aforementioned agreement.

5. The preparation and implementation of equality plans will be voluntary for other companies, after consultation with the legal representatives of the workers.

Article 46. *Concept and content of the equality plans of the companies.*

1. Company equality plans are an ordered set of measures, adopted after a diagnosis of the situation, aimed at achieving equal treatment and opportunities between women and men in the company and eliminating discrimination based on sex.

The equality plans will establish the specific equality objectives to be achieved, the strategies and practices to be adopted for their attainment, as well as the establishment of effective systems for monitoring and evaluating the objectives set.

2. Equality plans will contain an ordered set of evaluable measures aimed at removing the obstacles that prevent or hinder the effective equality of women and men. Prior to this, a diagnosis will be made, negotiated, where appropriate, with the legal representation of the workers, which will contain at least the following matters:

- a) Selection and hiring process.
- b) Professional classification.
- c) Training.
- d) Professional promotion.
- e) Working conditions, including wage audit between women and men.
- f) Co-responsible exercise of personal, family and work life rights.
- g) Female underrepresentation.
- h) Remuneration.
- i) Prevention of sexual and gender-based harassment.

The elaboration of the diagnosis will be carried out within the Negotiating Committee of the Equality Plan, for which the company's management will provide all the data and information necessary to elaborate the same in relation to the matters listed in this section, as well as the data of the Register regulated in article 28, section 2 of the Workers' Statute.

3. Equality plans shall include the whole of a company, without prejudice to the establishment of appropriate special actions with respect to certain work centers.

4. A Register of Equality Plans of Companies is created, as part of the Registers of collective bargaining agreements and labor agreements under the General Directorate of Labor of the Ministry of Labor, Migration and Social Security and the Labor Authorities of the Autonomous Communities.

5. Companies are obliged to register their equality plans in the aforementioned registry.

6. The diagnosis, contents, subjects, salary audits, monitoring and evaluation systems of the equality plans, as well as the Register of Equality Plans, as regards their constitution, characteristics and conditions for registration and access, will be developed by regulations.

Transparency in the implementation of the equality plan.

Access to information on the content of the Equality Plans and the achievement of their objectives is guaranteed to the workers' legal representatives or, in their absence, to the workers themselves.

The provisions of the preceding paragraph shall be understood without prejudice to the monitoring of the evolution of the agreements on equality plans by the joint committees of the collective bargaining agreements to which these have attributed these competencies.

Specific measures to prevent the commission of crimes and other conducts against sexual freedom and integrity at work.

1. Companies shall promote working conditions that prevent the commission of crimes and other conduct against sexual freedom and moral integrity at work, with special emphasis on sexual harassment and harassment based on sex, including those committed in the digital environment.

To this end, measures may be established, to be negotiated with the workers' representatives, such as the preparation and dissemination of codes of good practice, information campaigns or training activities.

2. Workers' representatives shall contribute to prevent the commission of crimes and other conducts against sexual freedom and moral integrity at work, with special attention to sexual harassment and harassment based on sex, including those committed in the digital environment, by raising awareness of workers against it and informing the company's management of the conducts or behaviors of which they are aware and that could lead to it.

Support for the voluntary implementation of equality plans.

In order to encourage the voluntary adoption of equality plans, the Government will establish promotion measures, especially aimed at small and medium-sized companies, which will include the necessary technical support.

CHAPTER IV

Equality in Business Distinction

Article 50. *Distinctive for companies in matters of equality.*

1. The Ministry of Labor and Social Affairs will create a badge to recognize those companies that stand out for the application of equal treatment and equal opportunity policies with their workers, which may be used in the commercial traffic of the company and for advertising purposes.

2. In order to obtain this label, any company, whether publicly or privately owned, may submit to the Ministry of Labor and Social Affairs a report on the equality parameters implemented with respect to labor relations and the advertising of products and services provided.

3. The regulations will determine the name of this label, the procedure and conditions for its award, the powers derived from obtaining it and the conditions for the institutional dissemination of the companies that obtain it and the equality policies applied by them.

4. The awarding of this distinction will take into account, among other criteria, the balanced presence of women and men in the management bodies and in the different professional groups and categories of the company, the adoption of equality plans or other innovative measures to promote equality, as well as the non-sexist advertising of the company's products or services.

5. The Ministry of Labor and Social Affairs will control that the companies that obtain the distinctive mark permanently maintain the application of equal treatment and equal opportunity policies with their workers and, in case of non-compliance, will withdraw the distinctive mark.

TITLE V

The principle of equality in public employment

CHAPTER I

Criteria for action by public administrations

Article 51. Criteria for action by public administrations.

Public administrations, within the scope of their respective competencies and in application of the principle of equality between women and men, shall:

a) To remove the obstacles that imply the persistence of any type of discrimination in order to offer conditions of effective equality between women and men in access to public employment and in the development of professional careers.

b) Facilitate the reconciliation of personal, family and work life, without detriment to professional advancement.

c) Promote training in equality, both in access to public employment and throughout the professional career.

d) Promote the balanced presence of women and men in the selection and appraisal bodies.

e) Establish effective measures to protect against sexual harassment and harassment based on sex.

f) Establish effective measures to eliminate any direct or indirect pay discrimination based on sex.

g) Periodically evaluate the effectiveness of the principle of equality in their respective areas of action.

CHAPTER II

The principle of balanced presence in the General State **Administration** and in the public bodies linked to or dependent on it.

Article 52. Heads of governing bodies.

The Government shall take into account the principle of a balanced presence of women and men in the appointment of the heads of the executive bodies of the General State Administration and of the public bodies linked to or dependent on it, considered as a whole, whose appointment corresponds to it.

Article 53. Selection Bodies and Evaluation Committees.

All tribunals and selection bodies of the personnel of the General State Administration and of the public bodies linked to or dependent on it shall comply with the principle of a balanced presence of women and men, except for well-founded and objective reasons, duly motivated.

Likewise, the representation of the General State Administration and of the public bodies linked to or dependent on it in the merit assessment commissions for the filling of job positions shall comply with the principle of balanced composition of both sexes.

Appointment of representatives of the General State Administration.

The General State Administration and the public bodies linked to or dependent on it shall appoint their representatives to collegiate bodies, committees of experts or advisory committees, whether national or international, in accordance with the principle of a balanced presence of women and men, except for well-founded and objective reasons, duly justified.

Likewise, the General State Administration and the public bodies linked to or dependent on it shall observe the principle of balanced presence in appointments.

The Company's shareholdings in the companies in which it has a shareholding.

CHAPTER III

Equality measures in employment for the General State Administration and for the public bodies linked to or dependent on it.

Article 55. Gender impact report in public employment access tests.

The approval of calls for selective tests for access to public employment must be accompanied by a gender impact report, except in cases of urgency and always without prejudice to the prohibition of discrimination based on sex.

Article 56. Maternity protection leave and benefits and reconciliation of personal, family and work life.

Without prejudice to the improvements that may derive from agreements signed between the General State Administration or the public bodies linked to or dependent on it with the representatives of the personnel in the service of the Public Administration, the regulations applicable to them will establish a system of leaves of absence, reductions in working hours, leave or other benefits for the purpose of protecting maternity and facilitating the reconciliation of personal, family and working life. For the same purpose, paternity leave shall be recognized, under the terms set forth in said regulations.

Article 57. Reconciliation and filling of positions.

In the terms and conditions of the competitions for the filling of job positions, the time that the candidates have remained in the situations referred to in the preceding article shall be computed for the purpose of evaluating the work performed and the corresponding merits.

Article 58. Leave for risk during pregnancy and breastfeeding.

When the conditions of the job position of a civil servant included in the scope of application of the administrative mutualism could negatively influence the health of the woman, child and daughter, leave may be granted for risk during pregnancy, under the same terms and conditions provided for in the applicable regulations. In these cases, the full economic rights of the employee shall be guaranteed for the entire duration of the leave, in accordance with the provisions of the specific legislation.

The provisions of the preceding paragraph shall also apply during the period of breastfeeding.

Article 59. Vacations.

Without prejudice to the improvements that may derive from agreements signed between the General State Administration or the public bodies linked to or dependent on it with the representation of the employees in the service of the Public Administration, when the vacation period coincides with a temporary disability derived from pregnancy, childbirth or breastfeeding, or with maternity leave, or with its extension due to breastfeeding, the public employee shall be entitled to enjoy the vacation on a different date, even if the calendar year to which they correspond has ended.

The same right shall apply to those who are on paternity leave.

Article 60. Positive actions in training activities.

I. With the purpose of updating the knowledge of public employees, preference shall be given, for one year, in the allocation of places to participate in training courses to those who have returned to active service from maternity or paternity leave, or who have reentered from leave of absence.

for reasons of legal guardianship and care of elderly dependents or persons with disabilities.

2. In order to facilitate the professional promotion of female public employees and their access to management positions in the General State Administration and in the public bodies linked to or dependent on it, at least 40% of the places are reserved in the calls for the corresponding training courses to be awarded to those who meet the established requirements.

Article 61. *Training for equality.*

1. All tests for access to public employment in the General State Administration and public bodies linked to or dependent on it will consider the study and application of the principle of equality between women and men in the various areas of the civil service.

2. The General State Administration and the public bodies linked to or dependent on it will provide training courses on equal treatment and opportunities between women and men and on the prevention of gender violence, which will be addressed to all their personnel.

Article 62. *Protocol of action against sexual harassment and harassment based on sex.*

For the prevention of sexual harassment and harassment based on sex, public administrations shall negotiate with the legal representatives of female and male workers an action protocol that shall include, at least, the following principles:

a) The commitment of the General State Administration and the public bodies linked to or dependent on it to prevent and not tolerate sexual harassment and harassment based on sex.

b) Instructing all staff of their duty to respect the dignity of individuals and their right to privacy, as well as the equal treatment of women and men.

c) The confidential treatment of reports of facts that could constitute sexual harassment or harassment based on sex, without prejudice to the provisions of the disciplinary rules.

d) The identification of the persons responsible for attending to those who make a complaint or denunciation.

Article 63. *Evaluation on equality in public employment.*

All Ministerial Departments and Public Bodies shall send, at least annually, to the Ministries of Labor and Social Affairs and of Public Administrations, information regarding the effective application in each of them of the principle of equality between women and men, specifying, by means of a gender breakdown of the data, the distribution of their staff, degree group, level of complement of assignment and average remuneration of their personnel.

Article 64. *Equality Plan in the General State Administration and in the public bodies linked to or dependent on it.*

The Government will approve, at the beginning of each legislature, a Plan for Equality between women and men in the General State Administration and in the public bodies linked to or dependent on it. The Plan will establish the objectives to be achieved in the promotion of equal treatment and opportunities in public employment, as well as the strategies or measures to be adopted for their attainment. The Plan will be subject to negotiation, and in its case agreement, with the legal representation of public employees in the manner determined in the legislation on collective bargaining in the Public Administration and its compliance will be evaluated annually by the Council of Ministers.

CHAPTER IV

Armed Forces

Article 65. Respect for the principle of equality.

The rules on Armed Forces personnel shall seek the effectiveness of the principle of equality between women and men, especially with regard to the system of access, training, promotions, assignments and administrative situations.

Article 66. Application in the Armed Forces of the rules referring to the personnel of the Armed Forces public administrations.

The regulations referring to personnel in the service of public administrations in matters of equality, comprehensive protection against gender violence and sexual violence, and the reconciliation of personal, family and professional life will be applicable to the Armed Forces, with the necessary adaptations and under the terms established in their specific regulations.

CHAPTER V

State Security Forces and Corps

Article 67. *Respect for the principle of equality.*

The rules regulating the State Security Forces and Corps shall promote effective equality between women and men, preventing any situation of professional discrimination, especially in the system of access, training, promotions, assignments and administrative situations.

Article 68. Application of the norms referring to the personnel of the public administrations in the Security Forces and Corps.

The regulations referring to personnel in the service of public administrations in matters of equality, prevention of gender violence and sexual violence, and the reconciliation of personal, family and professional life will be applicable to the Security Forces and Corps, adapting, where appropriate, to the peculiarities of the functions entrusted to them, under the terms established by their specific regulations.

TITLE VI

Equal treatment in the access to and supply of goods and services

Equal treatment in the access to goods and services.

1. All natural or legal persons who, in the public or private sector, supply goods or services available to the public, offered outside the sphere of private and family life, shall be obliged, in their activities and in the ensuing transactions, to comply with the principle of equal treatment between women and men, avoiding direct or indirect discrimination on the basis of sex.

2. The provisions of the preceding paragraph do not affect the freedom of contracting, including the freedom of the individual to choose the other contracting party, provided that such choice is not determined by his or her sex.

3. Notwithstanding the provisions of the preceding paragraphs, differences of treatment in access to goods and services shall be admissible when they are justified by a legitimate purpose and the means of achieving it are appropriate and necessary.

Article 70. Protection in situation of pregnancy.

In the access to goods and services, no contracting party may inquire about the pregnancy status of a woman requesting them, except for reasons of protection of her health.

Actuarial factors.

1. It is prohibited to enter into insurance or related financial services contracts in which, by considering sex as a factor in the calculation of premiums and benefits, differences in premiums and benefits for insured persons are generated.

2. The costs related to pregnancy and childbirth will not justify differences in premiums and benefits for individuals considered individually, and no differences may be authorized in this respect.

Article 72. Consequences of non-compliance with the prohibitions.

1. Without prejudice to other actions and rights provided for in civil and commercial legislation, the person who, within the scope of application of Article 69, suffers discriminatory conduct, shall be entitled to compensation for damages suffered.

2. In the field of insurance contracts or related financial services, and without prejudice to the provisions of Article 10 of this Law, non-compliance with the prohibition contained in Article 71 shall give the injured contracting party the right to claim the assimilation of his premiums and benefits to those of the sex that benefits most, the validity and effectiveness of the contract being maintained in all other respects.

TITLE VII

Equality in corporate social responsibility

Article 73. Corporate social responsibility actions in the area of equality.

Companies may voluntarily undertake social responsibility actions consisting of economic, commercial, labor, welfare or other measures aimed at promoting conditions of equality between women and men within the company or in its social environment.

These actions may be carried out in agreement with workers' representatives, consumers' and users' organizations, associations whose main purpose is the defense of equal treatment between women and men and Equality Bodies.

Workers' representatives shall be informed of actions that are not agreed upon with them.

The labor regulations shall apply to corporate decisions and collective bargaining agreements relating to labor measures.

Publicity of SOcial Responsibility actions in matters of equality.

Companies may make advertising use of their equality responsibility actions, in accordance with the conditions established in the general advertising legislation.

The Instituto de la Mujer, or equivalent bodies of the Autonomous Communities, shall be entitled to bring an action for cessation when they consider that misleading advertising may have occurred.

Article 75. Participation of women in the Boards of Directors of the following companies commercial companies.

The companies obliged to present an unabridged profit and loss account shall endeavor to include in their Board of Directors a number of women that will allow a balanced presence of women and men to be achieved within eight years from the entry into force of this Law.

The provisions of the preceding paragraph shall be taken into account for appointments made as the term of office of directors appointed prior to the entry into force of this Law expires.

TITLE VIII

Organizational arrangements

COFT#ISl#n Interministerial COFT#ISl#n for Equality between women and men.

The Interministerial Commission for Equality between women and men is the collegiate body responsible for coordinating the policies and measures adopted by the ministerial departments with the aim of guaranteeing the right to equality between women and men and promoting its effectiveness.

Its composition and operation shall be determined by regulation.

Article 77. *The Equality Units.*

In all the Ministries, one of their executive bodies shall be entrusted with the development of the functions related to the principle of equality between women and men in the area of the matters within its competence and, in particular, the following:

- a) To collect statistical information prepared by the bodies of the Ministry and to advise them in relation to its preparation.
- b) To prepare studies with the aim of promoting equality between women and men in the Department's areas of activity.
- c) Advise the competent bodies of the Department in the preparation of the gender impact report.
- d) To promote awareness among the Department's personnel of the scope and meaning of the principle of equality through the formulation of proposals for training actions.
- e) To ensure compliance with this Law and the effective application of the principle of equality.

Article 78. *Council on Women's Participation.*

1. The Council for the Participation of Women is created as a collegiate body for consultation and advice, with the essential purpose of serving as a channel for the participation of women in the effective achievement of the principle of equal treatment and opportunities between women and men, and the fight against discrimination based on sex.

2. Regulations will establish its operating regime, competencies and composition, guaranteeing, in any case, the participation of all public administrations and women's associations and organizations at the state level.

First additional provision. *Balanced presence or composition.*

For the purposes of this Law, a balanced composition shall be understood as the presence of women and men in such a way that, in the group to which it refers, the persons of each sex do not exceed sixty percent and are not less than forty percent.

Second additional provision. *Modification of the Organic Law of the General Electoral System.*

Organic Law 5/1985, of June 19, 1985, on the General Electoral System, is amended as follows:

One. A new article 44 bis is added, worded as follows:

"Article 44 bis.

1. The candidacies presented for the elections of deputies to Congress, municipalities and members of the Island Councils and Canary Island Councils under the terms provided for in this Law, members of the European Parliament and members of the Legislative Assemblies of the Autonomous Communities must have a balanced composition of women and men, so that in the list as a whole the candidates of each of the sexes account for at least forty percent of the total number of candidates. When the number of posts to be filled is less than

five, the ratio of women to men will be as close as possible to equilibrium.
numerical.

In the elections of members of the Legislative Assemblies of the Autonomous Communities, the laws regulating their respective electoral regimes may establish measures that favor a greater presence of women in the candidacies presented to the elections of the aforementioned Legislative Assemblies.

2. The minimum proportion of forty percent shall also be maintained in each five-place bracket. When the last tranche of the list does not reach five positions, the referred proportion of women and men in that tranche shall be as close as possible to the numerical balance, although the required proportion with respect to the list as a whole shall be maintained in any case.

3. The rules contained in the preceding paragraphs shall apply to the lists of alternates.

4. When the candidacies for the Senate are grouped in lists, in accordance with the provisions of Article 171 of this Law, such lists shall also have a balanced composition of women and men, so that the proportion of women and men is as close as possible to the numerical balance".

Two. A new paragraph is added to paragraph 2 of article 187, worded as follows:

"The provisions of Article 44 bis of this law shall not be applicable to candidacies submitted in municipalities with a number of residents equal to or less than 3.00 inhabitants."

Three. A new paragraph is added to paragraph 3 of article 201, worded as follows:

"The provisions of article 44 bis of this law shall not be applicable to candidacies presented on islands with a number of residents equal to or less than 5,000 inhabitants."

Four. Paragraph 2 of the first additional provision is amended to read as follows worded as follows:

"In application of the powers reserved to the State by the Constitution, the following articles of Title I of this Organic Law shall also apply to elections to Legislative Assemblies of Autonomous Communities called by the latter:

1 to 42; 44; 44 bis; 45; 46.1, 2, 4, 4, 5, 6 and 8; 47.4; 49; 51.2 and 3; 52; 53; 54; 58; 59; 60; 61; 62; 63; 65; 66; 68; 69; 70.1 y 3; 72; 73; 74; 75; 85; 86.1; 90; 91; 92; 93; 94; 95.3; 96; 103.2; 108.2 and 8; 109 to 119; 125 to 130; 131.2; 132; 135 to 152."

Five. A new seventh transitory provision is added, worded as follows:

"In the calls for municipal elections that take place before 2011, the provisions of Article 44 bis shall only be applicable in municipalities with a number of residents exceeding 5,000 inhabitants, applying as of January 1 of that year the number of inhabitants provided for in the second paragraph of Article 187(2) of this Law."

Third additional provision. *Amendments to the Organic Law of the Judiciary.*

Organic Law 6/1985, of July 1, 1985, of the Judiciary is amended as follows:

One. A last clause is added to paragraph 1 of article 109, which shall read as follows:

"The General Council of the Judiciary shall submit an annual report to the Cortes Generales on the state, operation and activities of the Council itself and of the Courts and Tribunals of Justice. Likewise, it shall include the needs which, in its opinion, exist in terms of personnel, facilities and resources, in general, for the proper performance of the functions which the General Council of the Judiciary is responsible for.

Constitution and the laws assigned to the Judiciary. It will also include a chapter on the impact of gender in the judicial field."

Two. A new paragraph is added, inserted between the first and the second, to paragraph 3 of Article 110, with the following wording:

"In any case, a prior gender impact report shall be prepared."

Three. In Article 122.1, the expression "Equality Commission" is added after "Qualification Commission".

Four. An article 136 bis is hereby added, which shall integrate the new Section 7.^a of Chapter IV, Title II, Book II, entitled "On the Equality Commission", with the following wording:

"Article 136 bis.

1. The Plenary of the General Council of the Judiciary shall elect annually, from among its Members, by a three-fifths majority and in accordance with the principle of balanced presence between women and men, the members of the Equality Commission, which shall be composed of five members.

2. The Equality Commission shall act with the attendance of all its members and under the chairmanship of the member elected by majority vote. In case of temporary impossibility or justified absence of any of the members, he/she shall be replaced by another member of the Council, preferably of the same sex, who shall be appointed by the Permanent Commission.

3. The Equality Committee shall be responsible for advising the Plenary on the measures necessary or advisable to actively integrate the principle of equality between women and men in the exercise of the powers of the General Council of the Judiciary and, in particular, it shall be responsible for preparing prior reports on the gender impact of regulations and improving the parameters of equality in the Judicial Career."

Five. Article 310 is amended, which shall read as follows:

"All selective tests for admission and promotion in the Judicial and Prosecutorial Careers shall contemplate the study of the principle of equality between women and men, including measures against gender violence, and its cross-cutting application in the scope of the jurisdictional function."

Six. The first paragraph of section 356, subsection e) is amended, which shall be worded as follows:

"e) They shall also be entitled to a period of leave of absence, of a duration not exceeding three years, to care for a dependent relative, up to and including the second degree of consanguinity or affinity, who, for reasons of age, accident or illness, is unable to look after himself/herself and is not gainfully employed."

Seven. A new letter e) is added to article 348, in the following terms:

"(e) Leave of absence due to violence against women."

Eight. Section 357 is amended to read as follows:

"Article 357.

When a Supreme Court Justice requests and is granted voluntary leave of absence, he/she shall lose his/her status as such, except in the case provided for in letters d) and e) of the preceding Article and in Article 360 bis. In all other cases, they shall be placed on voluntary leave of absence, within the category of Judge."

Nine. Article 358.2 is amended as follows:

"Voluntary leaves of absence for the care of children and for the care of a family member referred to in paragraphs d) and e) of Article 356 shall be exempt from the provisions of the preceding paragraph, in which the period of time spent in such situations shall be computable for the purposes of three-year periods and passive rights. During the first two years, there shall be a right to reserve the position in which

The employee shall not be entitled to any other post in the same province and in the same category. Once this period has elapsed, said reserve shall be transferred to a position in the same province and of the same category, and he shall request, in the month prior to the end of the maximum period of permanence in the same, reinstatement to active service; if he fails to do so, he shall be declared ex officio in the situation of voluntary leave of absence for private interest".

Ten. A new article 360 bis is added with the following wording:

"Article 360 bis.

1. Judges and magistrates who are victims of gender violence will have the right to request a leave of absence for reasons of violence against women without the need to have rendered a minimum period of previous service. They may remain in this administrative situation for a maximum period of three years.

2. During the first six months, they shall be entitled to the reservation of the position they hold, this period being computable for the purposes of promotions, triennia and passive rights.

However, when the judicial protection proceedings show that the effectiveness of the victim's right to protection requires it, the period in which, in accordance with the previous paragraph, the right to reserve the job position may be extended for periods of three months, with the same effects as those indicated in said paragraph, up to a maximum of eighteen months.

3. Judges and magistrates on leave of absence due to violence against women shall receive, during the first two months of this leave, full remuneration and, where appropriate, family allowances for dependent children.

4. The reinstatement in active service of judges and magistrates on administrative leave of absence for reasons of violence against women of a duration not exceeding six months shall take place in the same jurisdictional body for which the position previously held is reserved; if the period of leave of absence is longer than 6 months, the reinstatement shall require that the judges and magistrates participate in all competitions advertised to fill positions in their category until they obtain a position. If they fail to do so, they shall be declared to be on leave of absence on personal grounds."

Eleven. Article 370 is deleted.

Twelve. Paragraph 5 of Section 373 is amended, with the following wording:

"5. For the death, accident or serious illness of the spouse, of a person to whom he/she was united by an analogous relationship of affection or of a relative within the first degree of consanguinity or affinity, judges or magistrates may have a leave of three working days, which may be up to five working days when for this purpose a trip to another locality is necessary, in which case it shall be five working days.

These leaves shall be reduced to two and four working days, respectively, when the death and the other circumstances indicated affect relatives in the second degree of affinity or consanguinity."

Thirteen. A new paragraph 6 is added to article 373, with the following wording:

"6. For the birth, fostering or adoption of a child, the judge or magistrate shall be entitled to enjoy a paternity leave of fifteen days, from the date of birth, of the administrative or judicial decision of fostering or of the judicial resolution by which the adoption is constituted."

Fourteen. A new paragraph 7 is added to article 373, with the following wording:

"7. Judges and magistrates shall be entitled to permits and leaves of absence for the reconciliation of personal, family and work life, and for reasons of gender violence. The General Council of the Judiciary, by means of regulations, shall adapt to the particularities of the judicial career the regulations of the General State Administration in force on the matter."

Fifteen. A paragraph 5 is added to article 433 bis, with the following wording:

"5. The Continuing Education Plan of the Judicial Career shall contemplate the training of Judges and Magistrates in the principle of equality between women and men and the gender perspective.

The Judicial School shall provide annual training courses on the jurisdictional protection of the principle of equality between women and men and gender violence."

Sixteen. A second paragraph is added to paragraph 2 of article 434, as follows editorial staff:

"The Center for Legal Studies shall provide annual training courses on the principle of equality between women and men and its cross-cutting application by members of the Prosecutorial Career, the Corps of Clerks and other personnel in the service of the Administration of Justice, as well as on the detection and treatment of situations of gender violence."

Fourth additional provision. *Modification of the Organic Statute of the Ministry of Finance.*

Law 50/1981, of December 30, 1981, approving the Organic Statute of the Public Prosecutor's Office is amended as follows:

A last paragraph is added to paragraph 1 of Article 14, which shall read as follows:

"An Equality Commission shall be integrated within the Prosecutorial Council to study the improvement of equality parameters in the Prosecutorial Career, the composition of which shall be determined in the regulations governing the constitution and operation of the Prosecutorial Council."

Fifth additional provision. *Amendments to the Civil Procedure Law.*

One. A new article 11 bis is introduced to Law 1/2000, of January 7, of Civil Procedure, in the following terms:

"Article 11 bis. *Legitimation for the defense of the right to equal treatment between women and men.*

1. For the defense of the right to equal treatment between women and men, in addition to the affected parties and always with their authorization, trade unions and legally constituted associations whose primary purpose is the defense of equal treatment between women and men, with respect to their members and associates, respectively, shall also be entitled to defend the right to equal treatment between women and men.

2. When the affected parties are a plurality of undetermined or difficult to determine persons, the legal standing to sue for the defense of these diffuse interests will correspond exclusively to the public bodies with competence in the matter, to the most representative trade unions and to the associations of state scope whose primary purpose is equality between women and men, without prejudice, if the affected parties are determined, to their own legal standing in the proceeding.

3. The harassed person shall be the sole legitimate party in litigation concerning sexual harassment and harassment based on sex."

Two. Assumption 5 of paragraph 1 of Article 188 of Law 1/2000, of January 7, of Civil Procedure is amended, which shall be worded as follows:

"5. Due to death, illness or absolute impossibility or maternity or paternity leave of the attorney of the party requesting the suspension, sufficiently justified, in the opinion of the Court, provided that such events have occurred when it was no longer possible to request a new appointment in accordance with the provisions of Article 183, provided that the right to effective judicial protection is guaranteed and no defencelessness is caused.

Likewise, other analogous situations provided for in other social welfare systems and for the same period of time for which the leave is granted and the benefit of the leaves provided for in the Social Security legislation will be comparable to the above cases and with the same requirements."

Three. A new paragraph 5 is added to Article 217 of Law 1/2000, of January 7, of Civil Procedure, and its current paragraphs 5 and 6 become numbers 6 and 7, respectively, with the following wording:

"5. In accordance with the procedural laws, in those proceedings in which the allegations of the plaintiff are based on discriminatory actions on the basis of sex, it shall be up to the defendant to prove the absence of discrimination in the measures adopted and their proportionality.

For the purposes of the provisions of the preceding paragraph, the judicial body, at the request of a party, may request, if it deems it useful and pertinent, a report or opinion from the competent public bodies".

Sixth additional provision. *Amendments to the Law regulating the Contentious-Administrative Jurisdiction.*

Law 29/1998, of July 13, 1998, regulating the Contentious-Administrative Jurisdiction is amended as follows:

One. A letter i) shall be added to paragraph 1 of Article 19, with the following wording:

"(i) For the defense of the right to equal treatment between women and men, in addition to those affected and always with their authorization, trade unions and legally constituted associations whose primary purpose is the defense of equal treatment between women and men, with respect to their affiliates and associates, respectively, shall also be entitled.

When the affected parties are a plurality of undetermined or difficult to determine persons, the legal standing to sue for the defense of these diffuse interests will correspond exclusively to the public bodies with competence in the matter, to the most representative trade unions and to the associations of state scope whose primary purpose is equality between women and men, without prejudice, if the affected parties are determined, to their own legal standing in the proceeding.

The harassed person shall be the sole legitimate party in litigation concerning sexual harassment and harassment based on sex."

Two. A new paragraph 7 is added to Article 60, with the following wording:

"7. In accordance with the procedural laws, in those proceedings in which the allegations of the plaintiff are based on discriminatory actions on the basis of sex, it shall be up to the defendant to prove the absence of discrimination in the measures adopted and their proportionality.

For the purposes of the provisions of the preceding paragraph, the judicial body, at the request of a party, may request, if it deems it useful and pertinent, a report or opinion from the competent public bodies".

Seventh additional provision. *Amendments to the Law transposing Directive 89/552/EEC into Spanish law.*

A new letter e) is added to Section 1 of Article 16 of Law 25/1994, of July 12, 1994, which transposes into Spanish law Directive 89/552/EEC, on the coordination of laws, regulations and administrative provisions of the Member States relating to the practice of television broadcasting, in the following terms:

"(e) Advertising or telemarketing directed at minors shall convey an equal, plural and non-stereotyped image of women and men."

Eighth additional provision. *Amendments to the General Health Law.*

One. A new paragraph 4 is added to Article 3 of Law 14/1986, of April 25, 1986, General Health Law, which shall read as follows:

"4. Health policies, strategies and programs will actively integrate in their objectives and actions the principle of equality between women and men, avoiding that, due to their physical differences or associated social stereotypes, there be discrimination between them in health objectives and actions."

Two. A new paragraph 2 is added to Article 6 of Law 14/1986, of April 25, 1986, General Health Law, and its current content becomes paragraph 1, in the following terms:

"In the implementation of the provisions of the preceding paragraph, the public health administrations shall ensure the integration of the principle of equality between women and men, guaranteeing their equal right to health".

Sections 1, 4, 9, 14 and 15 of Article 18 of Law 14/1986, of April 25, 1986, General Health Law, are amended, and a new section 17 is added, which are respectively worded as follows:

"1. Systematic adoption of actions for health education as a primary element for the improvement of individual and community health, including differentiated education on the risks, characteristics and needs of women and men, and training against discrimination against women."

"4. The provision of the necessary therapeutic products, attending to the differentiated needs of women and men."

"9. The protection, promotion and improvement of occupational health, with special attention to sexual harassment and harassment based on sex."

"14. The improvement and adaptation of the training needs of personnel in the service of the healthcare organization, including training actions aimed at guaranteeing their capacity to detect, prevent and treat gender-based violence."

"15. The promotion of scientific research in the specific field of health problems, taking into account the differences between women and men."

"17. The processing of data contained in registries, surveys, statistics or other medical information systems to enable gender analysis, including, whenever possible, their disaggregation by sex."

Four. The initial clause of paragraph 1 of Article 21 of Law 14/1986, of April 25, 1986, General Health Law, is reworded to read as follows:

"Health action in the field of occupational health, which shall in all cases integrate the gender perspective, shall include the following aspects".

Ninth additional provision. *Modifications to the Law on Cohesion and Quality of the Health System.*

One. Letter a) of Article 2 of Law 16/2003, of May 28, on Cohesion and Quality of the National Health System is modified, which is worded as follows:

"a) The provision of services to users of the National Health System under conditions of effective equality and quality, especially avoiding any discrimination between women and men in health actions."

Two. Letter g) of paragraph 2 of Article 11 is amended, which shall be worded as follows:

"(g) The promotion and protection of occupational health, with special consideration for the specific risks and needs of female workers."

Three. Article 12.2.f) is amended, which shall be worded as follows:

"(f) Specific care and services relating to women, which shall specifically include the detection and treatment of situations of gender violence; childhood; adolescence; adults; the elderly; at-risk groups and the chronically ill."

Four. A new paragraph e) is included in article 34, with the following wording:

"(e) The inclusion of the gender perspective in training activities."

Five. A new paragraph f) is included in Article 44, with the following wording:

"(f) Promote that health research addresses the specificities of women and men."

Six. Paragraphs 2 and 3 of Article 53 are amended, which are worded as follows:

"The health information system will contain information on the benefits and the camera of services in public and private health care, and will incorporate, as basic data, those related to the protected population, human and material resources, activity developed, pharmacy and health products, financing and results obtained, as well as the expectations and opinion of the citizens, all this from a comprehensive health care approach, disaggregating by sex all the data susceptible to this."

"In order to achieve maximum reliability of the information produced, the Ministry of Health and Consumer Affairs, with the prior agreement of the Interterritorial Council of the National Health System, will establish the definition and standardization of data and flows, the selection of indicators and the technical requirements necessary for the integration of the information and for its analysis from the perspective of the principle of equality between women and men."

Seven. The following sentence shall be added at the end of article 63:

"This report will contain specific analyses of women's and men's health."

Tenth Additional Provision. *Information Society Fund.*

For the purposes set forth in Article 28 of this Law, a special fund will be set up, which will be endowed with 3 million euros in each of the 2007, 2008 and 2009 budget years.

Eleventh additional provision. *Amendments to the revised text of the Workers' Statute Law.*

The revised text of the Workers' Statute Law, approved by Royal Legislative Decree 1/1995, of March 24, 1995, is amended as follows:

One. Paragraph e) of paragraph 2 of Article 4 is amended, which shall be worded as follows:

"(e) respect for their privacy and respect for their dignity, including protection against harassment based on racial or ethnic origin, religion or belief, disability, age or sexual orientation, and against sexual harassment and harassment based on sex."

Two. The second subparagraph of paragraph 1 is amended and two new paragraphs 4 and 5 are added to Article 17, in the following terms:

"Orders to discriminate and decisions of the employer involving unfavorable treatment of workers as a reaction to a complaint made within the company or to an administrative or judicial action aimed at demanding compliance with the principle of equal treatment and non-discrimination shall also be null and void."

"Without prejudice to the provisions of the preceding paragraphs, collective bargaining may establish affirmative action measures to favor the access of women to all professions. To this end, it may establish reservations and preferences in the hiring conditions so that, under equal conditions of suitability, persons of the sex less represented in the professional group or category in question shall be given preference for hiring.

Likewise, collective bargaining may establish this type of measures in the conditions of professional classification, promotion and training, so that, under equal conditions of suitability, preference is given to persons of the underrepresented sex in order to favor their access to the group, professional category or position in question".

"5. The establishment of equality plans in companies shall comply with the provisions of this law and the Organic Law for the effective equality of women and men".

Three. A new paragraph 8 is added to article 34, with the following wording:

"8. The worker shall have the right to adapt the duration and distribution of the working day to make effective his right to the reconciliation of personal, family and working life under the terms established in collective bargaining or in the agreement reached with the employer, respecting, where appropriate, the provisions of the former".

Four. Article 37, paragraph 3, letter b) is amended, which shall be worded as follows:

"b) Two days for the birth of a child and for the death, serious accident or illness, hospitalization or surgery without hospitalization requiring home rest, of relatives up to the second degree of consanguinity or affinity. When for such reason the worker needs to make a trip for this purpose, the period shall be four days."

Five. Paragraph 4 and the first paragraph of paragraph 5 of Article 37 are amended to read as follows:

"4. Workers, for breastfeeding a child under nine months, shall be entitled to one hour of absence from work, which may be divided into two fractions. The duration of the leave shall be increased proportionally in cases of multiple births.

The woman, of her own free will, may replace this right by a half-hour reduction in her working day for the same purpose or accumulate it in full working days under the terms provided for in the collective bargaining agreement or in the agreement reached with the employer, respecting, where appropriate, what is established in the latter.

This leave may be enjoyed indistinctly by the mother or the father in the event that both work".

"Anyone who, for reasons of legal guardianship, has direct care of a child under eight years of age or a person with a physical, mental or sensory disability, who does not perform a paid activity, shall be entitled to a reduction in the working day, with a proportional reduction in salary of between at least one eighth and a maximum of one half of the duration of such reduction.

Six. A second paragraph is added to paragraph 3 of Article 38, in the following terms:

"When the vacation period fixed in the company's vacation calendar referred to in the preceding paragraph coincides in time with a temporary disability resulting from pregnancy, childbirth or breastfeeding or with the period of suspension of the employment contract provided for in Article 48.4 of this Law, the employee shall be entitled to enjoy the vacation on a date other than that of the temporary disability or that of the enjoyment of the leave that by application of said precept corresponds to him/her, at the end of the suspension period, even if the calendar year to which they correspond has ended."

Seven. Letter d) of paragraph 1 of Article 45 is amended, being worded as follows:

"d) Maternity, paternity, risk during pregnancy, risk during breastfeeding of a child under the age of nine months and adoption or foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, provided that its duration is not less than one year, even if these are provisional, of minors under six years of age or of minors who are over six years of age when they are disabled minors or who, due to their personal circumstances and experiences or because they come from abroad, have special difficulties of social and family insertion duly accredited by the competent social services."

Eight. Paragraph 2 of article 46 is amended and shall read as follows:

"An employee with at least one year of seniority in the company has the right to be granted the possibility of being placed on voluntary leave of absence for a period of not less than four months and not more than five years. This right may only be granted

be exercised again by the same worker if four years have elapsed since the end of the previous leave of absence."

Nine. The first, second and third paragraphs of paragraph 3 of Article 46 are amended and shall read as follows:

"Workers shall be entitled to a period of leave of absence of no more than three years to care for each child, whether by nature or by adoption, or in cases of foster care, both permanent and pre-adoptive, even if these are provisional, from the date of birth or, where appropriate, of the judicial or administrative decision.

Workers are also entitled to a period of leave of absence of no more than two years, unless a longer period is established by collective bargaining, to take care of a relative up to the second degree of consanguinity or affinity, who for reasons of age, accident, illness or disability cannot look after himself/herself, and is not gainfully employed.

The leave of absence referred to in this paragraph, the duration of which may be taken in installments, constitutes an individual right of the employees, men or women. However, if two or more workers of the same company generate this right by the same causal subject, the employer may limit its simultaneous exercise for justified reasons of operation of the company".

Ten. Paragraphs 4 and 5 of Article 48 are amended and shall read as follows:

"4. In the event of childbirth, the suspension will have a duration of sixteen uninterrupted weeks, extendable in the event of multiple births by two more weeks for each child after the second. The suspension period will be distributed at the option of the interested party, provided that six weeks are immediately following the birth. In the event of the death of the mother, regardless of whether or not she was working, the other parent may use all or, as the case may be, the remaining part of the suspension period, calculated from the date of the birth, and without deducting the part that the mother could have taken prior to the birth. In the event of the death of the child, the suspension period will not be reduced, unless, once the six weeks of obligatory rest have ended, the mother requests to return to her job.

Notwithstanding the foregoing, and without prejudice to the six weeks immediately following childbirth of obligatory rest for the mother, in the event that both parents work, the mother, at the beginning of the period of maternity leave, may opt for the other parent to enjoy a determined and uninterrupted part of the period of leave following childbirth either simultaneously or successively with that of the mother. The other parent may continue to make use of the maternity leave period initially granted, even if at the time the mother returns to work she is temporarily incapacitated.

In the event that the mother does not have the right to suspend her professional activity with the right to benefits in accordance with the regulations governing such activity, the other parent shall have the right to suspend her employment contract for the period that would have corresponded to the mother, which shall be compatible with the exercise of the right recognized in the following article.

In cases of premature birth and in those cases in which, for any other reason, the newborn child must remain hospitalized after birth, the suspension period may be calculated, at the request of the mother or, in her absence, of the other parent, as from the date of hospital discharge. The six weeks after childbirth, of obligatory suspension of the mother's contract, are excluded from this computation.

In cases of premature births with low birth weight and other cases in which the newborn requires, due to some clinical condition, hospitalization after delivery, for a period longer than seven days, the suspension period will be extended by

as many days as the child is hospitalized, with a maximum of thirteen additional weeks, and under the terms to be developed by regulation.

In the event of adoption and foster care, in accordance with Article 45.1.d) of this Law, the suspension will have a duration of sixteen uninterrupted weeks, extendable in the case of multiple adoption or foster care by two weeks for each minor from the second one onwards. Said suspension will produce its effects, at the worker's choice, either from the judicial resolution by which the adoption is constituted, or from the administrative or judicial decision of foster care, provisional or definitive, without in any case the same minor being entitled to several periods of suspension.

In the event that both parents work, the suspension period will be distributed at the option of the interested parties, who will be able to enjoy it simultaneously or successively, always with uninterrupted periods and with the limits indicated.

In cases of simultaneous enjoyment of rest periods, the sum of these periods may not exceed the sixteen weeks provided for in the preceding paragraphs or those corresponding in the case of multiple births, adoptions or foster care.

In the event of disability of the child or adopted or fostered minor, the suspension of the contract referred to in this section will have an additional duration of two weeks. In the event that both parents work, this additional period will be distributed at the option of the interested parties, who will be able to enjoy it simultaneously or successively and always uninterruptedly.

The periods referred to in this paragraph may be enjoyed on a full-time or part-time basis, subject to an agreement between the employers and the employees concerned, under the terms to be determined by regulation.

In the cases of international adoption, when it is necessary the previous displacement of the parents to the country of origin of the adoptee, the period of suspension, foreseen for each case in the present paragraph, can begin up to four weeks before the resolution by which the adoption is constituted.

Workers shall benefit from any improvement in working conditions to which they may have been entitled during the suspension of the contract in the cases referred to in this paragraph, as well as in those provided for in the following paragraph and in Article 48 bis."

"5. In the event of risk during pregnancy or risk during breastfeeding, under the terms set forth in Article 26 of Law 31/1995, of November 8, 1995, on Occupational Risk Prevention, the suspension of the contract will end on the day on which the suspension of the contract for biological maternity begins or the infant reaches nine months, respectively, or, in both cases, when the worker's impossibility of returning to her previous position or to another position compatible with her condition disappears."

Eleven. A new article 48 bis is included, with the following wording:

"Article 48 bis. Suspension of the employment contract due to paternity.

In the event of the birth of a child, adoption or foster care in accordance with article 45.1.d) of this Law, the worker will be entitled to the suspension of the contract for thirteen uninterrupted days, extendable in the event of multiple births, adoptions or foster care by two additional days for each child from the second day onwards. This suspension is independent of the shared enjoyment of the periods of maternity leave regulated in article 48.4.

In the event of childbirth, the suspension corresponds exclusively to the other parent. In cases of adoption or foster care, this right will correspond to only one of the parents, at the choice of the interested parties; however, when the period of leave regulated in Article 48.4 is enjoyed in its entirety by one of the parents, the right to paternity leave can only be exercised by the other parent.

The employee who exercises this right may do so during the period from the end of the legal or contractual leave for the birth of a child, or from the judicial decision establishing the adoption or from the administrative or judicial decision of foster care, until the end of the suspension of the contract regulated in Article 48.4 or immediately after the end of such suspension.

The suspension of the contract referred to in this article may be enjoyed on a full-time basis or on a part-time basis of at least 50%, subject to an agreement between the employer and the employee, and as determined by regulation.

The employee must notify the employer, with due notice, of the exercise of this right under the terms established, if applicable, in the collective bargaining agreements."

Twelve. Paragraph 4 of Article 53 is amended to read as follows:

"4. When the employer does not comply with the requirements established in paragraph 1 of this article or the termination decision of the employer has as its motive some of the causes of discrimination prohibited in the Constitution or in the Law or has been produced in violation of fundamental rights and public liberties of the worker, the termination decision will be null and void, and the judicial authority must make such declaration ex officio. Failure to give notice will not nullify the termination, although the employer, regardless of the other applicable effects, will be obliged to pay the salaries corresponding to said period. The subsequent observance by the employer of the unfulfilled requirements will not constitute, in any case, a correction of the original termination act, but a new termination agreement with effects from its date.

The termination decision shall also be null and void in the following cases:

a) That of employees during the period of suspension of the employment contract due to maternity, risk during pregnancy, risk during breastfeeding, illnesses caused by pregnancy, childbirth or breastfeeding, adoption or foster care or paternity referred to in Article 45 (1) (d), or that notified on a date such that the period of notice granted ends within that period.

b) That of pregnant workers, from the date of the beginning of the pregnancy until the beginning of the suspension period referred to in letter a), and that of workers who have requested one of the leaves of absence referred to in paragraphs 4, 4a and 5 of Article 37, or are enjoying them, or have requested or are enjoying the leave of absence provided for in paragraph 3 of Article 46; and that of female workers who are victims of gender violence due to the exercise of the rights to reduce or rearrange their working time, geographical mobility, change of work center or suspension of the labor relationship under the terms and conditions recognized in this Law.

c) That of workers after having returned to work at the end of the periods of suspension of the contract due to maternity, adoption or foster care or paternity, provided that no more than nine months have elapsed since the date of birth, adoption or foster care of the child.

The provisions of the preceding paragraphs shall apply, unless, in such cases, the termination decision is declared to be appropriate for reasons unrelated to pregnancy or to the exercise of the right to the aforementioned leave and leave of absence".

Thirteen. Article 54, paragraph 2, letter g) is amended, being worded as follows:

"(g) Harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual or gender-based harassment of the employer or persons working in the company."

Fourteen. Paragraph 5 of article 55 is amended and shall be worded as follows:

"Dismissal shall be null and void if it is based on any of the causes of discrimination prohibited by the Constitution or by law, or if it occurs in violation of the fundamental rights and public liberties of the employee.

The dismissal shall also be null and void in the following cases:

a) That of employees during the period of suspension of the employment contract due to maternity, risk during pregnancy, risk during breastfeeding, illnesses caused by pregnancy, childbirth or breastfeeding, adoption or foster care or paternity referred to in Article 45 (1) (d), or that notified on a date such that the period of notice granted ends within that period.

b) That of pregnant workers, from the date of the beginning of the pregnancy until the beginning of the suspension period referred to in letter a), and that of workers who have requested one of the leaves of absence referred to in paragraphs 4, 4a and 5 of Article 37, or are enjoying them, or have requested or are enjoying the leave of absence provided for in paragraph 3 of Article 46; and that of female workers who are victims of gender violence for exercising their rights to reduce or rearrange their working time, geographical mobility, change of work center or suspension of the employment relationship, under the terms and conditions recognized in this Law.

c) That of workers after having returned to work at the end of the periods of suspension of the contract due to maternity, adoption or foster care or paternity, provided that no more than nine months have elapsed since the date of birth, adoption or foster care of the child.

The provisions of the preceding paragraphs shall apply, unless, in such cases, the dismissal is declared to be justified for reasons unrelated to pregnancy or to the exercise of the right to the leave and leave of absence mentioned above".

Fifteen. A new second paragraph is added to number 1 of paragraph 1 of article 64, in the following terms:

"He shall also have the right to receive information, at least annually, on the application in the company of the right to equal treatment and opportunities between women and men, including data on the proportion of women and men at different professional levels, as well as, if applicable, on the measures adopted to promote equality between women and men in the company and, if an equality plan has been established, on its implementation".

Sixteen. A new letter c) is added to number 9 of paragraph 1 of Article 64, as well as a new number 13 in the same paragraph 1, in the following terms:

"(c) Monitoring the respect and application of the principle of equal treatment and opportunities between women and men."

"13. Collaborate with company management in the establishment and implementation of work-life balance measures."

Seventeen. A new paragraph is added to paragraph 1 of Article 85, with the following wording:

"Without prejudice to the freedom of the parties to determine the content of collective bargaining agreements, in the negotiation thereof there shall be, in any case, the duty to negotiate measures aimed at promoting equal treatment and opportunities between women and men in the workplace or, where appropriate, equality plans with the scope and content provided for in Chapter III of Title IV of the Organic Law for the effective equality of women and men."

Eighteen. A new paragraph is added to paragraph 2 of Article 85, with the following wording:

"Likewise, without prejudice to the freedom of contracting recognized to the parties, the duty to negotiate plans shall be articulated through collective bargaining.

equality in companies with more than 250 employees as follows:

a) In the case of company-level collective bargaining agreements, the duty to negotiate is formalized within the framework of the negotiation of such agreements.

b) In collective bargaining agreements with a scope greater than that of the company, the duty to negotiate is formalized through collective bargaining carried out in the company under the terms and conditions established in the aforementioned agreements to comply with said duty to negotiate through the appropriate rules of complementarity".

Nineteen. A new paragraph 6 is added to Article 90, which shall read as follows:

"Without prejudice to the provisions of the preceding paragraph, the labor authority shall ensure respect for the principle of equality in collective bargaining agreements that may involve direct or indirect discrimination on the basis of sex.

For such purposes, it may seek the advice of the Women's Institute or the Equality Bodies of the Autonomous Communities, as appropriate for their territorial scope. When the labor authority has turned to the competent jurisdiction for understanding that the collective agreement could contain discriminatory clauses, it will inform the Women's Institute or the Equality Bodies of the Autonomous Communities, according to their territorial scope, without prejudice to the provisions of paragraph 3 of Article 95 of the Labor Procedure Law."

Twenty. A new seventeenth additional provision is added, as follows:

"Seventeenth additional provision. *Discrepancies in matters of conciliation.*

Discrepancies arising between employers and employees in relation to the exercise of the rights of reconciliation of personal, family and working life recognized by law or by agreement shall be resolved by the competent jurisdiction through the procedure established in Article 138 bis of the Labor Procedure Act."

Twenty-one. A new eighteenth additional provision is added, as follows:

"Eighteenth additional provision. *Calculation of indemnities in certain cases of reduced working hours.*

1. In the cases of reduction of working hours referred to in Article 37, paragraphs 4 bis, 5 and 7, the salary to be taken into account for the purposes of calculating the indemnities provided for in this Law, shall be that which would have corresponded to the employee without considering the reduction of working hours carried out, provided that the maximum period legally established for such reduction had not elapsed.

2. Likewise, the provisions of the preceding paragraph shall be applicable in cases of part-time exercise of the rights set forth in the tenth paragraph of Article 48.4 and in Article 48 bis."

Twelfth additional provision. *Amendments to the Occupational Risk Prevention Law.*

Law 31/1995, of November 8, 1995, on Occupational Risk Prevention is amended as follows:

One. A new paragraph 4 is inserted in article 5, which shall be worded as follows:

"4. Public administrations shall promote the effectiveness of the principle of equality between women and men, considering the variables related to sex both in the data collection and processing systems and in the general study and research on occupational risk prevention, in order to

objective of detecting and preventing possible situations in which work-related injuries may appear linked to the sex of workers."

Two. The first subparagraph of paragraph 2 and paragraph 4 of Article 26 are amended, which shall be worded as follows:

"2. When the adaptation of working conditions or working time is not possible or, in spite of such adaptation, the conditions of a job position could have a negative influence on the health of the pregnant worker or the fetus, and this is certified by the Medical Services of the National Institute of Social Security or the Mutual Insurance Companies, depending on the Entity with which the company has arranged the coverage of the professional risks, with the report of the doctor of the National Health Service that assists the worker, she will have to perform a different job or function compatible with her condition. The employer must determine, after consultation with the workers' representatives, the list of jobs exempt from risk for these purposes".

"4. The provisions of numbers 1 and 2 of this article shall also be applicable to during the period of natural lactation, if the working conditions could negatively influence the health of the woman or the child and this is certified by the Medical Services of the National Institute of Social Security or of the Mutual Insurance Companies, depending on the Entity with which the company has arranged the coverage of professional risks, with the report of the doctor of the National Health Service who provides medical assistance to the worker or her child. It can also be declared the transfer of the affected worker to the situation of suspension of the contract for risk during the natural lactation of children under nine months contemplated in the article

45.1.d) of the Workers' Statute, if the circumstances provided for in number 3 of this article occur."

Thirteenth additional provision. *Amendments to the Labor Procedure Law.*

The revised text of the Labor Procedure Law, approved by Royal Legislative Decree 2/1995, of April 7, 1995, is amended as follows:

One. A new second paragraph is added to section 2 of article 27 in the following terms:

"The foregoing is without prejudice to the possibility of claiming, in the above lawsuits, compensation arising from discrimination or injury to fundamental rights pursuant to Articles 180 and 181 of this Law."

Two. Paragraph 2 of article 108 shall be worded as follows:

"Dismissal shall be null and void if it is based on any of the causes of discrimination provided for in the Constitution and the Law, or if it occurs in violation of fundamental rights and public liberties of the worker.

The dismissal shall also be null and void in the following cases:

a) That of the employees during the period of suspension of the employment contract due to maternity, risk during pregnancy, risk during breastfeeding, illnesses caused by pregnancy, childbirth or breastfeeding, adoption or foster care or paternity referred to in letter d) of paragraph 1 of Article 45 of the revised text of the Workers' Statute Law, or that notified on a date such that the notice period granted ends within said period.

b) That of pregnant workers, from the date of the beginning of the pregnancy until the beginning of the suspension period referred to in letter a), and that of workers who have requested one of the leaves referred to in sections 4, 4 bis and 5 of Article 37 of the Workers' Statute, or are enjoying them, or have requested or are enjoying the leave of absence provided for in section 3 of Article 46 of the Workers' Statute; and that of female workers who are victims of gender violence due to the exercise of their rights to reduce or rearrange their working time, geographical mobility, change of work center or suspension of the employment relationship under the terms and conditions recognized in the Workers' Statute.

c) That of workers after having returned to work at the end of the periods of suspension of the contract due to maternity, adoption or foster care or paternity, provided that no more than nine months have elapsed since the date of birth, adoption or foster care of the child.

The provisions of the preceding paragraphs shall apply, unless, in such cases, the dismissal is declared to be justified for reasons unrelated to pregnancy or to the exercise of the right to the leave and leave of absence mentioned above".

Paragraph 2 of article 122 is amended to read as follows:

"The extinctive decision shall be null and void when:

a) The legal formalities of written communication, with mention of cause, have not been complied with.

b) The corresponding compensation had not been made available to the employee, except in those cases in which such requirement was not legally required.

c) Is discriminatory or contrary to the fundamental rights and public liberties of the employee.

d) It has been carried out in fraud of law evading the rules established for collective dismissals, in the cases referred to in the last paragraph of Article 51.1 of the revised text of the Workers' Statute Law.

The termination decision shall also be null and void in the following cases:

a) That of the employees during the period of suspension of the employment contract due to maternity, risk during pregnancy, risk during breastfeeding, illnesses caused by pregnancy, childbirth or breastfeeding, adoption or foster care or paternity referred to in letter d) of paragraph 1 of Article 45 of the revised text of the Workers' Statute Law, or that notified on a date such that the notice period granted ends within said period.

b) That of pregnant workers, from the date of the beginning of the pregnancy until the beginning of the suspension period referred to in letter a), and that of workers who have requested one of the leaves referred to in sections 4, 4 bis and 5 of Article 37 of the Workers' Statute, or who are enjoying them, or who have requested or are enjoying the leave of absence provided for in section 3 of Article 46 of the Workers' Statute; and that of female workers who are victims of gender violence due to the exercise of their rights to reduce or rearrange their working time, geographical mobility, change of work center or suspension of the employment relationship, under the terms and conditions recognized in the Workers' Statute.

c) That of workers after having returned to work at the end of the periods of suspension of the contract due to maternity, adoption or foster care or paternity, provided that no more than nine months have elapsed since the date of birth, adoption or foster care of the child.

The provisions of the preceding paragraphs shall apply, unless, in such cases, the termination decision is declared to be appropriate for reasons unrelated to pregnancy or to the exercise of the right to the leaves of absence and leaves of absence mentioned above".

Four. A new letter d) shall be added to article 146, as follows:

"d) Communications from the Labor and Social Security Inspection regarding the finding of discrimination on the basis of sex and in which the basis of the estimated damages for the worker are included, for the purpose of determining the corresponding compensation.

In this case, the corresponding Inspection Headquarters shall inform the competent labor authority of such circumstance for its knowledge, so that it may transfer it to the competent jurisdictional body for the purpose of the accumulation of actions if the ex officio proceeding referred to in section 2 of Article 149 of this Law is subsequently initiated."

Five. Paragraph 2 of Article 149 is amended and shall be worded as follows:

"2. Likewise, in the event that the infraction reports refer to any of the matters contemplated in sections 2, 6 and 10 of article 7 and 2, 11 and 12 of article 8 of the Revised Text of the Law on Social Order Infringements and Penalties, approved by Royal Legislative Decree 5/2000, of August 4, and the responsible party has challenged them based on allegations and evidence from which it is deduced that the knowledge of the substance of the matter is attributed to the social order of the jurisdiction according to article 9.5 of the Organic Law of the Judiciary."

Six. Paragraph 1 of Article 180 is amended to read as follows:

"The judgment shall declare the existence or non-existence of the violation denounced. In the affirmative case and after the declaration of radical nullity of the conduct of the employer, employer's association, public administration or any other person, entity or public or private corporation, it will order the immediate cessation of the anti-union behavior and the reinstatement of the situation to the moment prior to its occurrence, as well as the reparation of the consequences derived from the act, including the appropriate compensation, which will be compatible, if applicable, with that which may correspond to the worker for the modification or termination of the employment contract in accordance with the provisions of the Workers' Statute".

Seven. Article 181 is amended to read as follows:

"Claims for the protection of other fundamental rights and public freedoms, including the prohibition of discriminatory treatment and harassment, which arise in the area of legal relations attributed to the knowledge of the social jurisdictional order, shall be processed in accordance with the provisions set forth in this chapter. Such claims shall state the fundamental right or rights deemed to have been infringed.

When the judgment declares the existence of a violation, the judge must rule on the amount of compensation that, if any, corresponds to the worker for having suffered discrimination, if there is a discrepancy between the parties. This compensation will be compatible, if applicable, with that which may correspond to the worker for the modification or termination of the employment contract in accordance with the provisions of the Workers' Statute".

Fourteenth additional provision. Amendments to the Law of Infractions and Penalties of the Social Order.

The revised text of the Law on Infractions and Penalties in the Social Order, approved by Royal Legislative Decree 5/2000, of August 4, 2000, is amended as follows:

One. A new paragraph 13 is added to article 7, with the following wording:

"13. Failure to comply with the obligations regarding equality plans established in the Workers' Statute or the applicable collective bargaining agreement."

Paragraphs 12 and 13 bis of Article 8 are amended and a new paragraph 17 is added, which shall read as follows:

"12. Unilateral decisions of the company that involve direct or indirect unfavorable discrimination on the grounds of age or disability or favorable or adverse in terms of remuneration, working hours, training, promotion and other working conditions, due to circumstances of sex, origin, including racial or ethnic origin, marital status, social status, religion or beliefs, political ideas, sexual orientation, membership or not of trade unions and their agreements, family ties with other workers in the company or language within the Spanish State, adherence or not to trade unions and their agreements, kinship ties with other workers in the company or language within the Spanish State, as well as decisions of the employer involving unfavorable treatment of workers as a reaction to a complaint made in the company or to an administrative or judicial action aimed at demanding compliance with the principle of equal treatment and non-discrimination."

"13 bis. Harassment on grounds of racial or ethnic origin, religion or beliefs, disability, age and sexual orientation and harassment on grounds of sex, when they occur within the scope of the company's management powers, whoever the active subject of the same, provided that, when known by the employer, the latter has not adopted the necessary measures to prevent it".

"17. Not drawing up or not applying the equality plan, or doing so manifestly failing to comply with the terms provided for, when the obligation to draw up said plan responds to what is established in paragraph 2 of Article 46 bis of this Law."

Three. The first paragraph of article 46 is amended to read as follows:

"Without prejudice to the penalties referred to in Article 40.1 and except for what is established in Article 46 bis) of this Law, employers who have committed very serious infringements typified in Articles 16 and 23 of this Law in matters of employment and unemployment protection."

Four. A new Subsection 3.^a bis is added to Section 2.^a of Chapter VI, including a new Article 46 bis, as follows:

"Subsection three bis. Equality responsibilities

Article 46 bis. Specific corporate responsibilities.

1. The employers who have committed the very serious infringements typified in sections 12, 13 and 13 bis) of article 8 and in section 2 of article 16 of this Law will be sanctioned, without prejudice to what is established in section 1 of article 40, with the following accessory sanctions:

- a) Automatic loss of subsidies, allowances and, in general, of the benefits derived from the application of the employment programs, with effect from the date on which the infraction was committed, and
- b) Automatic exclusion from access to such benefits for six months.

2. Notwithstanding the foregoing, in the case of the very serious infringements typified in section 12 of Article 8 and in section 2 of Article 16 of this Law referring to cases of direct or indirect discrimination on the grounds of sex, the accessory sanctions referred to in the previous section may be substituted by the preparation and implementation of an equality plan in the company, if so determined by the competent labor authority, following a request from the company and a mandatory report from the Labor and Social Security Inspection, under the terms established by regulation, suspending the statute of limitations of such accessory sanctions.

In the event that the equality plan is not drawn up or is not implemented or is done in manifest breach of the terms established in the resolution of the labor authority, the latter, at the proposal of the Labor and Social Security Inspectorate, without prejudice to the imposition of the corresponding sanction for the commission of the infraction typified in section 17 of article 8, left without effect the substitution of the accessory sanctions, which will be applied as follows:

- a) The automatic loss of the aids, allowances and benefits referred to in letter a) of the preceding paragraph shall be applied with effect from the date on which the infringement was committed;
- b) The exclusion from access to such benefits will be for six months from the date of the resolution of the labor authority agreeing to terminate the suspension and apply the accessory sanctions."

Fifteenth additional provision. *Modification of the Royal Decree-Law regulating the rebates on Social Security contributions for interim contracts entered into with unemployed persons to replace workers during maternity, adoption or foster care leave periods.*

Article 1 of Royal Decree Law 11/1998, of September 4, 1998, which regulates the rebates on Social Security contributions for interim contracts entered into with unemployed persons to replace workers during maternity, adoption or foster care leave periods, is amended to read as follows:

"They will be entitled to a 100% rebate on employer Social Security contributions, including those for occupational accidents and occupational diseases, and on employer contributions to the joint collection of contributions:

a) Temporary contracts entered into with unemployed persons to replace workers whose employment contract is suspended due to risk during pregnancy or risk during breastfeeding and until the corresponding suspension of the contract for biological maternity begins or the infant reaches nine months of age, respectively, or, in both cases, when it is no longer impossible for the worker to return to her previous position or to another position compatible with her condition.

b) Interim contracts entered into with unemployed persons to replace workers whose employment contracts are suspended during maternity, adoption and pre-adoptive or permanent foster care leave periods or who are on paternity leave under the terms established in Articles 48.4 and 48 bis of the Workers' Statute.

The maximum duration of the bonuses provided for in this paragraph b) shall coincide with that of the respective suspensions of the contracts referred to in the articles mentioned in the preceding paragraph.

In the event that the employee does not exhaust the period of rest or leave to which he/she is entitled, the benefits will be extinguished at the time of his/her incorporation to the company.

c) Interim contracts entered into with unemployed persons to replace self-employed workers, working partners or working partners of cooperative societies, in cases of risk during pregnancy or risk during breastfeeding, periods of maternity leave, adoption and foster care or paternity leave, under the terms set forth in the preceding paragraphs."

Sixteenth Additional Provision. *Amendments to the Law of Urgent Measures for the Reform of the Labor Market to increase employment and improve its quality.*

The second additional provision of Law 12/2001, of July 9, 2001, on Urgent Measures for the Reform of the Labor Market for the increase of employment and the improvement of its quality, is amended and is worded as follows:

"Second additional provision. *Rebates on Social Security contributions for workers on maternity leave, adoption, foster care, risk during pregnancy, risk during breastfeeding or paternity leave.*

The contribution of workers or working partners of cooperative companies, or self-employed or self-employed workers, replaced during maternity leave, adoption, fostering, paternity, risk during pregnancy or risk during breastfeeding, by means of subsidized interim contracts, entered into with unemployed persons referred to in Royal Decree-Law 11/1998, of September 4, 1998, will be applicable to them:

a) A 100% rebate on employer social security contributions, including those for accidents at work and occupational diseases, and on employer contributions to the joint collection of contributions in the case of employees covered by a social security scheme for employees.

b) A 100% rebate on the contribution resulting from applying to the minimum or fixed base the contribution rate established as mandatory for workers included in a Social Security regime for self-employed workers.

This bonus will only be applicable while the suspension of activity for such causes and the interim contract of the substitute coincide in time and, in any case, with the maximum limit of the suspension period".

Seventeenth additional provision. *Amendments to the Employment Law.*

A new Article 22 bis is added to Law 56/2003, of December 16, 2003, on Employment, in the following terms:

"Article 22 bis. *Discrimination in access to employment.*

1. Public employment services, their collaborating entities and non-profit placement agencies, in the management of labor intermediation, must specifically ensure that discrimination in access to employment is avoided.

The managers of the labor intermediation when, in the placement offers, they appreciate discriminatory character, they will communicate it to those who have formulated the offer.

2. In particular, offers referring to one of the sexes shall be considered discriminatory, unless it is an essential and determining professional requirement of the activity to be carried out.

In any case, the offer referred to only one of the sexes based on job requirements related to physical effort are considered discriminatory."

Eighteenth additional provision. *Amendments to the General Social Security Law.*

The revised text of the General Social Security Law, approved by Royal Legislative Decree 1/1994, of June 20, 1994, is amended as follows:

One. The first paragraph of letter c) of paragraph 1 of Article 38 is amended, which shall be worded as follows:

"c) Economic benefits in situations of temporary disability; maternity; paternity; risk during pregnancy; risk during breastfeeding; disability, in its contributory and non-contributory modalities; retirement, in its contributory and non-contributory modalities; unemployment, in its contributory and assistance levels; death and survival; as well as those granted in the contingencies and special situations that are determined by Royal Decree, at the proposal of the Minister of Labor and Social Affairs."

Paragraph 4 of article 106 is amended, which shall be worded as follows:

"4. The obligation to contribute will continue in the situation of temporary disability, whatever its cause, in maternity, paternity, risk during pregnancy and risk during breastfeeding, as well as in the other situations provided for in Article 125 in which it is so established by regulation."

Three. Paragraph 3 of article 124 is amended, which shall be worded as follows:

"3. The contributions corresponding to the situation of temporary disability, maternity, paternity, risk during pregnancy or risk during breastfeeding will be computable for the purposes of the different previous contribution periods required for the right to benefits."

Four. A new paragraph 6 is added to article 124, with the following content:

"6. The period for maternity or paternity that subsists at the date of termination of the employment contract, or that begins during the receipt of the unemployment benefit, will be considered as an effective contribution period for the purposes of the corresponding Social Security benefits for retirement, permanent disability, death and survival, maternity and paternity."

Five. Paragraph 1 of Article 125 is amended and shall be worded as follows:

"The legal situation of total unemployment during which the worker receives benefits for said contingency will be assimilated to that of registration. Likewise, the situation of the worker during the period corresponding to paid annual vacations that have not been enjoyed by the worker prior to the termination of the contract will be considered as a situation assimilated to that of registration, with contribution, except with regard to the subsidies for risk during pregnancy and for risk during breastfeeding".

Six. Chapter IV bis of Title II is amended, which is worded as follows:

"CHAPTER IV BIS

Maternity

Section one. General assumptions

Article 133 bis. *Protected situations.*

For the purposes of the maternity benefit provided for in this Section, maternity, adoption and foster care, whether pre-adoptive, permanent or simple in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, are considered protected situations, provided that, in the latter case, their duration is not less than one year, and even if such foster care is provisional, during the periods of rest that are enjoyed for such situations, in accordance with the provisions of Article 48.4 of the Revised Text of the Workers' Statute, approved by Royal Legislative Decree 1/1995, of March 24, 1995, and in Article 30.3 of Law 30/1984, of August 2, 1984, on Measures for the reform of the civil service.

Article 133 ter. *Beneficiaries.*

1. Maternity benefit shall be paid to employees, regardless of their sex, who take the breaks referred to in the previous article, provided that, meeting the general condition required in article

124.1 and such others as may be established by regulation, certify the following minimum contribution periods:

a) If the worker is under 21 years of age on the date of the birth or on the date of the administrative or judicial decision of foster care or of the judicial decision establishing the adoption, no minimum contribution period is required.

b) If the worker is between 21 and 26 years of age on the date of delivery or on the date of the administrative or judicial decision of foster care or of the judicial decision establishing the adoption, the minimum contribution period required will be 90 days of contributions within the seven years immediately prior to the start of the leave. The following are considered to be fulfilled

The above mentioned requirement if, alternatively, the worker accredits 180 days of contributions during his working life, prior to this last date.

c) If the worker is older than 26 years of age on the date of the birth or on the date of the administrative or judicial decision of foster care or of the judicial decision establishing the adoption, the minimum contribution period required will be 180 days within the seven years immediately prior to the start of the leave. It will be considered fulfilled the mentioned requirement if, alternatively, the worker accredits 360 days contributed throughout his working life, prior to this last date.

2. In the event of childbirth, and with exclusive application to the biological mother, the age indicated in the previous section will be the age attained by the interested party at the time of the start of the leave, taking as a reference the time of childbirth for the purpose of verifying the accreditation of the minimum contribution period that, if applicable, corresponds.

3. In the cases provided for in the penultimate paragraph of article 48.4 of the revised text of the Workers' Statute Law, approved by Royal Legislative Decree 1/1995, of March 24, 1995, and in the eighth paragraph of article 30.3 of Law 30/1984, of August 2, 1984, on measures for the reform of the Civil Service, the age indicated in paragraph 1 will be taken as the age of the interested parties at the time the rest period begins. 3 of Law 30/1984, of August 2, 1984, on measures for the reform of the Civil Service, the age indicated in paragraph 1 shall be the age attained by the interested parties at the time of commencement of the leave, taking as a reference the time of the resolution for the purpose of verifying the accreditation of the minimum contribution period that, if applicable, corresponds.

Article 133 quater. *Economic benefit.*

The financial benefit for maternity will consist of an allowance equivalent to the amount of 100 percent of the corresponding regulatory base. For such purposes, the regulatory base will be equivalent to the one established for the temporary disability benefit, derived from common contingencies.

Article 133 quinquies. *Loss or suspension of the right to maternity benefit.*

Entitlement to maternity benefit may be denied, cancelled or suspended when the beneficiary has acted fraudulently in order to obtain or retain such benefit, as well as when he/she is self-employed or employed during the corresponding rest periods.

Second section. Special case

Article 133 sexies. *Beneficiaries.*

The beneficiaries of the maternity benefit provided for in this Section shall be female employees who, in the event of childbirth, meet all the requirements established for access to the maternity benefit regulated in the preceding Section, except for the minimum contribution period established in Article 133 ter.

Article 133 septies. *Financial benefit.*

The amount of the benefit will be equal to 100% of the public multiple effects income indicator (IPREM) in force at any given time, unless the regulatory base calculated in accordance with article 133 quater or the seventh additional provision is lower, in which case the latter will apply.

The duration of the benefit, which will be considered non-contributory for the purposes of Article 86, will be 42 calendar days from the date of birth, and the right may be denied, cancelled or suspended for the same reasons established in Article 133 quinquies."

Seven. The current Chapter IV ter of Title II becomes Chapter IV quater, introducing a new Chapter IV ter in said Title, with the following wording:

"CHAPTER IVB

Parenting

Article 133 octies. *Protected status.*

For the purposes of the paternity benefit, the birth of a child, adoption and foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate them, will be considered protected situations, provided that, in the latter case, their duration is not less than one year, and even if such foster care is provisional, during the period of suspension that, for such situations, is enjoyed in accordance with the provisions of Article 48. bis of the rewritten text of the Law of the Statute of Workers, approved by Royal Legislative Decree 1/1995, of March 24, or during the period of leave that is enjoyed, in the same cases, in accordance with the provisions of letter a) of Article 30.1 of Law 30/1984, of August 2, of Measures for the reform of the Civil Service.

Article 133h. *Beneficiaries.*

The beneficiaries of the paternity benefit will be employed workers who enjoy the suspension referred to in the previous article, provided that, meeting the general condition required in article 124.1, they prove a minimum contribution period of 180 days, within the seven years immediately prior to the date of commencement of said suspension, or, alternatively, 360 days throughout their working life prior to said date, and meet the other conditions determined by regulations.

Article 133 decies. *Financial benefit.*

The economic benefit for paternity shall consist of an allowance which shall be determined in the manner established by Article 133 quater for maternity benefit, and may be denied, annulled or suspended for the same causes established for the latter".

Eight. Article 134 of the rewritten text of the General Social Security Law, approved by Royal Legislative Decree 1/1994, of June 20, 1994, is amended as follows:

"Article 134. *Protected situation.*

For the purposes of the economic benefit for risk during pregnancy, the period of suspension of the work contract is considered a protected situation in those cases in which, although the working woman should change her job for another compatible with her condition, in the terms provided in article 26, paragraph 3, of Law 31/1995, of November 8, 1995, on Occupational Risk Prevention, such change of job is not technically or objectively possible, or cannot reasonably be required for justified reasons.

The benefit corresponding to the situation of risk during pregnancy will have the nature of a benefit derived from professional contingencies".

Nine. Article 135 of the rewritten text of the General Social Security Law, approved by Royal Legislative Decree 1/1994, of June 20, 1994, is amended to read as follows:

Article 135. *Economic benefit.*

"The economic benefit for risk during pregnancy shall be granted to the working woman under the terms and conditions set forth in this Law for the economic benefit for temporary incapacity derived from professional contingencies, with the particularities established in the following paragraphs.

2. The financial benefit will begin on the day on which the suspension of the employment contract begins and will end on the day prior to the day on which the suspension of the employment contract due to maternity begins or the day on which the working woman returns to her previous job or to another job compatible with her condition.

3. The economic benefit shall consist of a subsidy equivalent to 100% of the corresponding regulatory base. For such purposes, the regulatory base will be equivalent to that established for the temporary disability benefit, derived from professional contingencies.

4. The management and payment of the economic benefit for risk during pregnancy will correspond to the Management Entity or to the Mutual Insurance Company for Occupational Accidents and Occupational Diseases of the Social Security depending on the entity with which the company has arranged the coverage of occupational risks."

Ten. A new Chapter IV quinquies is added to Title II, with the following wording:

"CHAPTER IV ÇIQUINQUES

Risk during breastfeeding

Article 135 bis. Protected status.

For the purposes of the economic benefit for risk during breastfeeding, the period of suspension of the employment contract is considered a protected situation in those cases in which, when the working woman should change her job to another position compatible with her situation, in the terms provided in article 26.4 of Law 31/1995, of November 8, 1995, on the prevention of occupational risks, such change of position is not technically or objectively possible, or cannot reasonably be required for justified reasons.

Article 135 ter. Financial benefit.

The economic benefit for risk during breastfeeding will be granted to the working woman under the terms and conditions provided in this law for the economic benefit for risk during pregnancy, and will be extinguished at the time the child reaches nine months of age, unless the beneficiary has previously returned to her previous job or to another job compatible with her situation."

Eleven. Article 172, paragraph 1, letter b) is amended, which shall be worded as follows:

"b) Recipients of temporary disability benefits, risk during pregnancy, maternity, paternity or risk during breastfeeding, who comply with the contribution period that, as the case may be, is established."

Twelve. Article 180 is amended and shall read as follows:

"Article 180.

1. The first two years of the period of leave that employees, in accordance with Article 46.3 of the Workers' Statute Law, enjoy for the care of each child or foster child, in cases of permanent or pre-adoptive foster care, even if provisional, will be considered as an effective contribution period for the purposes of the corresponding Social Security benefits for retirement, permanent disability, death and survival, maternity and paternity.

The period of effective contribution referred to in the previous paragraph will have a duration of 30 months if the family unit of which the minor for whose care the leave is requested forms part, is considered a large family of general category, or 36 months, if it is considered a large family of special category.

2. Likewise, for the purposes of the benefits indicated in the preceding paragraph, the first year of the period of

leave of absence taken by employees, in accordance with Article 46.3 of the Workers' Statute Law, to care for other family members, up to the second degree of consanguinity or affinity, who, due to age, accident, illness or disability, are unable to care for themselves, and do not perform a paid activity.

3. The contributions made during the first two years of the period of reduced working hours for the care of a minor provided for in Article 37.5 of the Workers' Statute Law, will be computed increased up to 100% of the amount that would have corresponded if the working hours had been maintained without said reduction, for the purposes of the benefits indicated in paragraph 1.

4. When the situations of leave indicated in paragraphs 1 and 2 have been preceded by a reduction of working hours in the terms provided in Article 37.5 of the Workers' Statute Law, for the purpose of considering the corresponding periods of leave as having been contributed, the contributions made during the reduction of working hours shall be computed increased up to 100% of the amount that would have corresponded if the working hours had been maintained without such reduction".

Thirteen. A new paragraph 5 is added to Article 211, as follows:

"5. In the cases of reduction of working hours foreseen in sections 4 bis, 5 and 7 of Article 37 of the Workers' Statute Law, for the calculation of the regulatory base, the contribution bases will be computed increased up to one hundred percent of the amount that would have corresponded if the full or part-time work had been maintained without reduction.

If the legal situation of unemployment occurs while the worker is in the aforementioned situations of reduced working hours, the maximum and minimum amounts referred to in the preceding paragraphs will be determined taking into account the public indicator of multiple effects income according to the hours worked before the reduction of working hours".

Fourteen. Paragraph 1 of Article 217 is amended, being worded as follows:

"The amount of the subsidy shall be equal to 80% of the monthly public indicator of multiple effects income, in force at any given time.

In the case of unemployment due to loss of a part-time job, the amount indicated above will also be received."

Fifteen. Paragraph 2 of Article 222 is amended and shall be worded as follows:

"2. When the worker is in a situation of maternity or paternity and during the same his contract is terminated for any of the causes foreseen in paragraph 1 of article 208, he will continue to receive the maternity or paternity benefit until the said situations are terminated, then becoming legally unemployed and to receive, if he meets the necessary requirements, the corresponding benefit. In this case, the period of receipt of the contributory level unemployment benefit was not deducted from the period of receipt of the unemployment benefit for the time that she had remained in a situation of maternity or paternity."

Sixteen. The third and fourth paragraphs of section 3 of article 222 are amended and are worded as follows:

"When the worker is receiving the total unemployment benefit and becomes a maternity or paternity case, he/she will receive the benefit for these last contingencies in the corresponding amount.

The period of receipt of the unemployment benefit was not extended by the circumstance that the worker becomes temporarily incapacitated. During such situation, the Management Entity of unemployment benefits will continue to pay the Social Security contributions in accordance with the provisions of paragraph b) of paragraph 1 of Article 206."

Seventeen. A new fifth paragraph is added to paragraph 3 of article 222, in the following terms:

"If the worker becomes a maternity or paternity case, the unemployment benefit and the Social Security contribution indicated above will be suspended and he/she will start receiving the maternity or paternity benefit, managed directly by his/her Management Entity. Once the maternity or paternity benefit is extinguished, the unemployment benefit will be resumed, under the terms set forth in Article 212.3.b), for the duration that remained to be received and the amount that corresponded at the time of the suspension."

Eighteen. The sixth additional provision is amended and shall be worded as follows:

"Sixth additional provision. *Protection of workers hired for training purposes.*

The protective action of the Social Security of the worker hired for training will include, as contingencies, protectable situations and benefits, those derived from occupational accidents and professional diseases, health care in cases of common illness, non-occupational accident and maternity, economic benefits for temporary disability derived from common risks, maternity and paternity, risk during pregnancy and risk during natural breastfeeding and pensions".

Nineteen. The seventh additional provision is amended as follows:

1. Letter a) of the second rule of paragraph 1 of the seventh additional provision is amended, which shall be worded as follows:

"a) In order to accredit the contribution periods necessary to qualify for retirement, permanent disability, death and survival, temporary disability, maternity and paternity benefits, only the contributions made on the basis of the hours worked, both ordinary and supplementary, shall be computed, calculating their equivalence in theoretical contribution days. For this purpose, the number of hours actually worked shall be divided by five, the daily equivalent of the computation of one thousand eight hundred and twenty-six hours per year."

2. Letter a) of the third rule of paragraph 1 of the seventh additional provision is amended, which shall be worded as follows:

"a) The regulatory basis for retirement and permanent disability benefits shall be calculated in accordance with the general rule. For maternity and paternity benefits, the daily regulatory base will be the result of dividing the sum of the contribution bases credited in the company during the year prior to the date of the causal event by 365."

Twenty. Paragraph 4 of the eighth additional provision is amended to read as follows:

"4. The provisions of Articles 134, 135, 135 bis, 135 ter and 166 shall be applicable, as the case may be, to employees of the special regimes. The provisions of Articles 112 bis and 162.6 shall also apply to employees of the special regimes with the exception of those included in the special agricultural and household employees' regimes. Likewise, the provisions of Articles 134, 135, 135 bis, 135 ter and 166 shall be applicable to self-employed workers included in the special regimes for seafarers, agricultural workers and self-employed workers, under the terms and conditions established by regulation."

Twenty-one. The eleventh additional provision is amended to read as follows:

"Eleventh additional provision bis. *Maternity and paternity benefits in the Special Schemes.*

1. Employees and self-employed workers included in the different Special Schemes of the system will be entitled to the benefits established in Chapter IV bis and Chapter IV ter of Title II of this Law, to the same extent and under the same terms and conditions provided therein for workers in the General Scheme.

2. In the case of self-employed workers, the periods during which they will be entitled to receive maternity and paternity benefits will coincide, as regards both their duration and their distribution, with the periods of work rest established for employees, and the payment of the paternity benefit may begin as from the moment of the birth of the child. Self-employed workers may also receive maternity and paternity benefits on a part-time basis, under the terms and conditions established by regulation.

3. Both for self-employed workers included in the different Special Schemes and for workers belonging to the Special Scheme for Household Employees who are responsible for the obligation to contribute, it will be an essential requirement for the recognition and payment of the benefit that the interested parties are up to date in the payment of Social Security contributions."

Twenty-two. The eleventh additional provision is reworded as follows:

"Eleventh additional provision ter. *Management of maternity and paternity economic benefits.*

The management of the maternity and paternity economic benefits regulated in the present law will correspond directly and exclusively to the corresponding managing entity."

Twenty-three. A new forty-fourth additional provision is introduced, as follows:

"Forty-fourth additional provision. *Assimilated contribution periods for childbirth.*

For the purposes of contributory retirement and permanent disability pensions under any Social Security system, a total of 112 full days of contributions will be computed in favor of the worker requesting the pension for each birth of a single child and 14 more days for each child after the second, including the second, if the birth is multiple, unless, as a worker or civil servant at the time of birth, contributions have been paid for the full sixteen weeks or, if the birth is multiple, for the corresponding time".

Nineteenth Additional Provision. *Amendments to the Law on Measures for the Civil Service Reform.*

The following precepts of Law 30/1984, of August 2, 1984, on Measures for the Reform of the Civil Service are amended:

One. The second paragraph of article 29.4 is amended, which shall be worded as follows:

"Also entitled to a period of leave of absence of no more than three years, shall be officials to attend to the care of a dependent relative, up to the second degree of consanguinity or affinity, who for reasons of age, accident, illness or disability cannot fend for himself and does not perform paid activity."

Two. The fifth paragraph of article 29.4 is amended, which shall be worded as follows:

"The period of permanence in this situation will be computable for the purposes of three-year periods, consolidation of personal grade and passive rights.

Civil servants may participate in training courses organized by the Administration. During the first two years, they shall be entitled to the reservation of the position they held. After this period, the said reservation will be to the post in the same locality and of the same level and remuneration".

Three. The current sixth paragraph of article 29.4 is deleted.

Four. The title of article 29.8 is amended and shall be worded as follows:

"Excedencia por razón de violencia de género sobre la mujer funcionaria."

Five. A paragraph shall be added after the first paragraph of article 29.8, with the following wording:

"Likewise, during the first two months of this leave, the employee shall be entitled to receive full remuneration and, where appropriate, family allowances for dependent children".

Six. Letter a) of Article 30.1 is amended, with the following wording:

"Leave shall be granted for the following justified causes:

a) For the birth, foster care, or adoption of a child, fifteen days to be enjoyed by the father from the date of birth, of the administrative or judicial decision of foster care or of the judicial resolution constituting the adoption."

Seven. A new letter a bis) is created in Article 30.1, with the following wording:

"a bis) For the death, accident or serious illness of a relative within the first degree of consanguinity or affinity, three working days when the event occurs in the same locality, and five working days when it is in a different locality.

In the case of the death, accident or serious illness of a relative within the second degree of consanguinity or affinity, the leave shall be two working days when the event occurs in the same locality and four working days when it is in a different locality."

Eight. Letter f) of Article 30.1 is amended and two paragraphs are added to said letter, being the wording as follows:

"The civil servant, for breastfeeding a child under twelve months, shall be entitled to one hour of daily absence from work, which may be divided into two fractions. This right may be replaced by a reduction of the normal working day by half an hour at the beginning and at the end of the day, or by one hour at the beginning or at the end of the day, for the same purpose. This right may be exercised indistinctly by one or the other of the parents, in the event that both work.

Likewise, the employee may request the substitution of the breastfeeding time by a paid leave that accumulates the corresponding time in full days. This leave shall be increased proportionally in cases of multiple births."

Nine. The first paragraph of letter f bis) of Article 30.1 is amended to read as follows:

"(fa) In cases of birth of premature children or children who for any reason must remain hospitalized after childbirth, the official shall be entitled to be absent from work for a maximum of two hours on full pay. Likewise, they shall have the right to reduce their working day up to a maximum of two hours, with a proportional reduction of their remuneration".

Ten. The first paragraph of letter g) of article 30.1 is amended, which shall be worded as follows:

"(g) An official who, for reasons of legal guardianship, has in his direct care a minor under twelve years of age, an elderly person requiring special dedication or a disabled person, who is not in paid employment, shall be entitled to a reduction in his working hours."

Eleven. A letter g bis) shall be added to Article 30.1 with the following wording:

"(ga) An official who needs to care for a first-degree relative shall be entitled to request a reduction of up to fifty percent of the working day, on a paid basis, for reasons of very serious illness and for a maximum period of one month. If there is more than one holder of this right for the same causal event, the time of enjoyment of this reduction may be prorated among them, respecting, in any case, the maximum period of one month."

Twelve. The following shall be added at the end of article 30.2:

". and for duties arising from the reconciliation of family and work life."

Thirteen. Article 30.3 is amended to read as follows:

"In the event of childbirth, the duration of the leave shall be sixteen uninterrupted weeks, extendable in the case of multiple births by two additional weeks for each child after the second. The leave shall be distributed at the option of the employee, provided that six weeks are immediately following childbirth. In case of death of the mother, the other parent may use all or, as the case may be, the remaining part of the leave.

Notwithstanding the foregoing, and without prejudice to the six weeks of obligatory leave immediately following childbirth for the mother, in the event that both parents work, the mother, at the beginning of the maternity leave period, may opt for the other parent to enjoy a determined and uninterrupted part of the postpartum leave period, either simultaneously or successively with the mother's. The other parent may continue to enjoy the maternity leave initially granted, even if at the time of the mother's return to work she is in a situation of temporary incapacity. The other parent may continue to enjoy the maternity leave initially granted, even if at the time foreseen for the mother's return to work she is in a situation of temporary disability.

In cases of premature birth and in those cases in which, for any other reason, the newborn must remain hospitalized after delivery, the suspension period will be extended by as many days as the newborn is hospitalized, with a maximum of thirteen additional weeks.

In cases of adoption or foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, provided that the simple foster care is of a duration of not less than one year, and regardless of the age of the child, the leave will have a duration of sixteen uninterrupted weeks, extendable in the case of adoption or multiple fostering in two more weeks for each child from the second, counted at the choice of the official, either from the administrative or judicial decision of fostering or from the court decision by which the adoption is constituted, without in any case the same child may be entitled to several periods of enjoyment of this leave. In the event that both parents work, the leave will be distributed at the option of the interested parties, who will be able to enjoy it simultaneously or successively, always with uninterrupted periods.

In the case of disability of the child or of the adopted or fostered minor, the leave referred to in this section will have an additional duration of two weeks. In the event that both parents work, this additional period will be distributed at the option of the interested parties, who will be able to enjoy it simultaneously or successively and always in an uninterrupted way.

In cases of simultaneous enjoyment of rest periods, the sum of the same may not exceed the sixteen weeks provided for in the preceding paragraphs or those corresponding in the case of childbirth, adoption or multiple foster care and disability of the adopted or fostered child or minor.

The leaves referred to in this paragraph may be enjoyed on a full-time or part-time basis, at the request of the officials and if the needs of the service allow it, under the terms to be determined by regulation. In the assumptions of international adoption, when it is necessary the previous displacement of the parents to the country of origin of the adopted, the

The employee shall be entitled to a leave of absence of up to two months, receiving during this period only the basic remuneration.

Independently of the leave provided for in the preceding paragraph, and for the case contemplated therein, the leave for adoption and foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, provided that the simple foster care is of a duration of not less than one year, may begin up to four weeks prior to the resolution by which the adoption is constituted.

During the enjoyment of the leaves regulated in this section, the employee may participate in the training courses organized by the Administration.

In the cases foreseen in this section, the time spent on maternity or childbirth leave shall be computed as effective service for all purposes, guaranteeing the full economic rights of the employee and, if applicable, of the other parent, during the entire period of leave and, if applicable, during the periods following the leave, if, in accordance with the applicable regulations, the right to receive some concept of remuneration is determined according to the period of leave.

Civil servants who have taken maternity or childbirth leave shall be entitled, after the end of the leave period, to return to their jobs under terms and conditions that are no less favorable to their leave, as well as to benefit from any improvement in working conditions to which they may have been entitled during their absence".

Twentieth additional provision. *Amendments to the Law on the Regime of the Personnel of the Armed Forces.*

Law 17/1999, of May 18, 1999, on the Regime of the Personnel of the Armed Forces, is amended as follows:

One. Article 108.2 is reworded:

"Regulations shall determine the composition, incompatibilities and rules of operation of the evaluation bodies, adapting as far as possible to the principle of balanced composition in the terms defined in the Organic Law for the effective equality of women and men. In any case, they shall be constituted by military personnel of higher employment than those being evaluated."

Two. A new fourth paragraph is included in Article 112, with the following wording:

"4. Women shall be given special protection in situations of pregnancy, childbirth and postpartum in order to meet the conditions for promotion to all professional military jobs."

Three. Article 132 is reworded as follows:

"During the period of pregnancy and after a medical report, a professional military woman may be assigned to an organizational position or task other than the one she was occupying, which is appropriate to the circumstances of her condition.

In the event of childbirth or adoption, the mother and father shall be entitled to the corresponding leaves of absence, in accordance with the legislation in force for personnel in the service of public administrations.

The application of these assumptions will not entail loss of the assignment."

Four. Article 141.1.e) is reworded to read as follows:

"e) They request it to attend to the care of children or in case of foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, provided that its duration is not less than one year, even if these are provisional, of minors up to six years of age, or of minors who are older than six years of age when they are disabled minors or who, due to their personal circumstances and experiences or because they come from abroad, have special difficulties of social and family integration duly accredited by the competent social services.

Also entitled to a period of leave of absence of no more than one year shall be those who request it to take direct care of a relative, up to the second degree of consanguinity or affinity, who for reasons of age, accident or illness is unable to care for him/herself and is not gainfully employed.

Voluntary leave of absence may not be granted for these reasons when the spouse or person with analogous relationship of affectivity or another family member of the military member has been granted the rights derived from this administrative situation and in relation to the same causal agent.

Voluntary leave of absence shall also be granted due to family grouping when the spouse resides in another municipality because he/she has obtained a permanent position in any of the public administrations or a posting of those referred to in Article 126."

Five. A new paragraph 6 is included in article 148, with the following wording:

"6. The complementary military and professional military of troops and sailors who, at the time of ending their service relationship with the Armed Forces, were in a situation of temporary disability due to accident or illness derived from the service, or in a situation of pregnancy, childbirth or postpartum, will not be discharged from the Armed Forces and their commitment will be extended until the end of these situations".

Twenty-first additional provision. *Amendments to the State Civil Servants Law.*

Paragraph 3 of article 69 of the articulated text of the Law of Civil Servants of the State, approved by Decree 315/1964, of February 7, shall read as follows:

"When the circumstances referred to in numbers 3 and 4 of Article 26 of Law 31/1995, of November 8, 1995, on Occupational Risk Prevention, affect a female employee included in the scope of application of the administrative mutual insurance system, leave may be granted for risk during pregnancy or leave for risk during breastfeeding under the same terms and conditions as those provided for in the previous numbers."

Twenty-second additional provision. *Modification of Law 1/1995, of the Framework Statute of the Statutory Staff of the Health Services.*

One. Paragraph 3 of Article 59 of Law 55/2003, of the framework statute of the statutory personnel of the health services, is modified with the following text:

"3. The special measures provided for in this article may not affect personnel who are on maternity leave or leave for risk during pregnancy or risk during breastfeeding."

Paragraph 2 of Article 61 of Law 55/2003, of the framework statute of the statutory personnel of the health services, is modified with the following text:

"Statutory personnel shall be entitled to enjoy the leave and leave regime, including leave for risk during pregnancy, established for civil servants by Law 39/1999, of November 5, 1999, on the reconciliation of family and work life of workers and by the organic law for the effective equality of women and men."

Twenty-third additional provision.

Articles 22 and 12.b) of the Law on Social Security for Civil Servants of the State, approved by Royal Legislative Decree 4/2000, of June 23, 2000, are amended, which will henceforth have the following wording:

"Situation of risk during pregnancy or risk during breastfeeding.

The situation of a female civil servant who has been granted leave for risk during pregnancy or risk during breastfeeding of children under nine years of age shall have the same consideration and effects as temporary incapacity.

months, under the terms provided for in Article 69 of the Articulated Text of the Law on Civil Servants of the State."

"Article 12.

b) Allowances for temporary disability, risk during pregnancy or risk during breastfeeding."

Twenty-fourth additional provision. *Amendments to the Law on the Regime of the Civil Guard Corps Personnel.*

Law 42/1999, of November 25, 1999, on the Regime of the Personnel of the Civil Guard Corps, is amended as follows:

One. Article 56.2 is reworded:

"Regulations shall determine the composition, incompatibilities and rules of operation of the evaluation bodies, adapting whenever possible to the principle of balanced composition in the terms defined in the Organic Law for the effective equality of women and men. In any case they shall be constituted by personnel of the Civil Guard Corps of greater employment or seniority than those being evaluated."

Two. A new sixth paragraph is included in Article 60, with the following wording:

"6. Women will be given special protection in situations of pregnancy, childbirth and postpartum to meet the conditions for promotion to all jobs in the Civil Guard Corps."

Three. Article 75 is reworded:

"During the period of pregnancy and after a medical report, the civil guard woman may be assigned an organic position or task other than the one she was occupying, appropriate to the circumstances of her condition. In the event of childbirth or adoption, she will be entitled to the corresponding maternity and paternity leaves, in accordance with the legislation in force for the personnel in the service of the Public Administrations. The application of these assumptions shall not entail loss of assignment."

Four. Article 83.1 e) is reworded to read as follows:

"e) They request it to attend to the care of children or in case of foster care, whether pre-adoptive, permanent or simple, in accordance with the Civil Code or the civil laws of the Autonomous Communities that regulate it, provided that its duration is not less than one year, even if these are provisional, of minors up to six years of age, or of minors who are older than six years of age when they are disabled minors or who, due to their personal circumstances and experiences or because they come from abroad, have special difficulties of social and family integration duly accredited by the competent social services.

Also entitled to a period of leave of absence of no more than one year are those who request it to take direct care of a relative, up to the second degree of consanguinity or affinity who, for reasons of age, accident or illness, is unable to look after himself/herself, and who does not perform a remunerated activity.

These rights may not be exercised simultaneously by two or more Civil Guards in relation to the same person".

Twenty-fifth additional provision. *Modification of the General Law for the Defense of Consumers and Users.*

Section 10 of Article 34 of Law 26/1984, of July 19, 1984, General Law for the Defense of Consumers and Users, is rewritten and its current content becomes a new section 11:

"10. Discriminatory conduct in access to goods and the provision of services, and especially those provided for as such in the Organic Law for the effective equality of women and men."

Twenty-sixth additional provision. *Modification of the Corporations Law.*

The ninth paragraph of Article 200 of the Corporations Law, revised text approved by Royal Legislative Decree 1564/1989, December 22, 1989, is amended to read as follows:

"The average number of persons employed during the fiscal year, expressed by category, as well as the personnel expenses relating to the fiscal year, distributed as provided for in Article 189, paragraph A.3, when they are not so stated in the profit and loss account.

The distribution by gender at the end of the fiscal year of the company's personnel, broken down into a sufficient number of categories and levels, including senior management and board members".

Twenty-seventh additional provision. *Amendments to the Law creating the Women's Institute.*

A new article 2 bis is added to Law 16/1983, of October 24, 1983, on the creation of the Women's Institute, in the following terms:

"Article 2 bis. In addition to those attributed in the previous article and other regulations in force, the Women's Institute shall exercise, independently, the following functions:

- a) providing assistance to victims of discrimination in processing their discrimination claims;
- b) conducting studies on discrimination;
- c) the publication of reports and the formulation of recommendations on any issue related to discrimination."

Twenty-eighth additional provision. *Designation of the Women's Institute.*

The Women's Institute will be the competent body in the Kingdom of Spain for the purposes of Article 8a of Directive 76/207 of 9 February 1976, as amended by Directive 2002/73 of the European Parliament and of the Council of 23 September 2002 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and Article 12 of Council Directive 2004/113 of 13 December 2004 on the implementation of the principle of equal treatment for men and women in the workplace, and Article 12 of Council Directive 2004/113 of 13 December 2004 on the implementation of the principle of equal treatment for men and women in the workplace, Article 12 of Council Directive 2004/113 of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services and Article 12 of Council Directive 2004/113 of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Twenty-ninth additional provision.

A new third additional provision is added to Law 5/1984, of March 26, 1984, regulating the right to asylum and refugee status, in the following terms:

"Third additional provision.

The provisions of Article 3(1) shall apply to foreign women who flee their country of origin due to a well-founded fear of gender-based persecution."

Thirtieth additional provision. *Amendments to the Law of Organization of the Special Penitentiary Corps and Creation of the Corps of Penitentiary Institution Assistants.*

Law 36/1977, of May 23, 1977, on the Organization of the Special Penitentiary Corps and the Creation of the Corps of Penitentiary Institution Assistants, is amended as follows:

One. Article 1 is reworded:

"The Corps of Penitentiary Institutions Assistants will be made up of civil servant personnel, guaranteeing access to the same under the terms defined in the Organic Law for the effective equality of women and men."

Two. The First Transitory Provision is reworded:

"The current male and female scales of the Corps of Penitentiary Institutions Assistants are hereby extinguished and their officers are integrated in their entirety into the Corps of Penitentiary Institutions Assistants."

Thirty-first additional provision. *Extension to other groups.*

The necessary provisions will be adopted to apply the provisions of the eleventh additional provision. Ten, in relation to premature births, to the groups not included in the scope of application of the Workers' Statute.

First transitory provision. *Transitory regime of appointments.*

The rules on composition and balanced representation contained in this Law shall apply to appointments made after its entry into force, without affecting those already made.

Second transitory provision. *Transitory regulatory regulation in relation to the corporate badge in matters of equality.*

For the purposes of obtaining the corporate equality label regulated in Chapter IV of Title IV of this Law, the conditions for validation of the qualifications attributed to companies in accordance with the previous regulations shall be determined by regulation.

Third Transitory Provision. *Transitory regime of procedures.*

Administrative and judicial proceedings already initiated prior to the entry into force of this Law shall not be subject to the same, and shall be governed by the previous regulations.

Fourth transitory provision. *Regime of application of the duty to negotiate in matters of equality.*

The provisions of Article 85 of the Workers' Statute on equality, as amended by this Law, shall be applicable in the negotiation subsequent to the first termination of the agreement that occurs after the entry into force of this Law.

Fifth transitory provision. *Mortality and survival tables.*

(Deleted)

Sixth transitory provision. *Retroactivity of effects for conciliation measures.*

The precepts of Law 30/1984, of August 2, 1984, on Measures for the Reform of the Civil Service as amended by this Law shall be retroactive with respect to the causal events originated and in force as of January 1, 2006 in the scope of the General State Administration.

Seventh Transitional Provision. *Transitional regime for the new maternity, paternity and risk during pregnancy rights and consideration of certain periods as having been contributed for Social Security purposes.*

1. The regulation introduced by this Law regarding maternity and paternity leave will be applicable to births, adoptions or foster care that occur or are constituted after its entry into force.

2. The amendments introduced by this Law regarding risk during pregnancy will be applicable to suspensions that occur for this reason as of its entry into force.

3. The consideration of the periods referred to in paragraph 6 of article 124 and the forty-fourth additional provision of the revised text of the General Social Security Law, approved by Royal Legislative Decree 1/1994, of June 20, as having been contributed, will be applicable to benefits accrued as of the entry into force of this Law. The same effects will be applied to the extension of the period considered as having contributed in paragraph 1 of article 180 of the same regulation and to the consideration as having contributed at 100% of the periods referred to in paragraphs 3 and 4 of the aforementioned article.

Eighth transitional provision. *Transitional regime for unemployment benefits.*

The amount of unemployment benefit established in the second paragraph of Article 217(1) of the General Social Security Law, as amended by this Law, shall apply to unemployment benefit entitlements arising from the entry into force of this Law.

Ninth transitory provision. *Extension of the suspension of the employment contract.*

(Deleted)

Tenth Transitional Provision. *Deployment of gender impact.*

In 2007, the Government will develop the regulations of the Gender Impact Law, specifying the indicators to be taken into account for the preparation of this report.

Eleventh Transitional Provision.

The Government, in 2007, shall regulate the Guarantee Fund provided for in the sole additional provision of Law 8/2005, of July 8, which amends the Civil Code and the Civil Procedure Law in matters of separation and divorce, initially created and endowed in the fifty-third additional provision of Law 42/2006, of December 28, of the General State Budget for 2007.

Twelfth transitional provision. *Gradual application of los articles 45 and 46 in the wording by Real Decree-Law 6/2019, of March 1, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation.*

For the application of the provisions of paragraph 2 of Article 45 and paragraphs 2, 4, 5 and 6 of Article 46 of this Organic Law, in the wording given to them by Royal Decree-Law 6/2019, of March 1, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation:

Companies with more than one hundred and fifty employees and up to two hundred and fifty employees will have a period of one year for the approval of equality plans.

Companies with more than one hundred and up to one hundred and fifty employees will have a period of two years for the approval of equality plans.

Companies with fifty to one hundred employees will have a period of three years for the approval of equality plans.

These transitional periods will be calculated from the publication of Royal Decree-Law 6/2019, of March 1, in the "Official Gazette of the State".

Sole derogatory provision.

Any regulations of equal or lower rank that oppose or contradict the provisions of this Law are hereby repealed.

First final provision. *Constitutional basis.*

1. The precepts contained in the Preliminary Title, Title I, Chapter I of Title II, Articles 28 to 31 and the first additional provision of this Law constitute regulation of the basic conditions that guarantee the equality of all Spaniards in the exercise of their rights and the fulfillment of their constitutional duties, in accordance with Article 149.1.1.^a of the Constitution.

2. Articles 23 to 25 of this Law are of a basic nature, in accordance with Article 149.1.30.^a of the Constitution. Article 27 and the eighth and ninth additional provisions of this Law are of a basic nature, in accordance with Article 149.1.16.^a of the Constitution. Articles 36, 39 and 40 of this Law are of a basic nature, in accordance with Article 149.1.16 of the Constitution.

149.1.27.^a of the Constitution. Articles 33, 35 and 51, section six of the nineteenth additional provision and the fourth, seventh, eighth and ninth paragraphs of the text introduced in section thirteen of the same nineteenth additional provision of this Law are of a basic nature, in accordance with article 149.1.18.^a of the Constitution. The fifteenth, sixteenth and eighteenth additional provisions constitute basic legislation in matters of Social Security, in accordance with Article 149.1.17.^a of the Constitution.

3. The precepts contained in Title IV and in the eleventh, twelfth, fourteenth and seventeenth additional provisions constitute labor legislation applicable throughout the State, in accordance with Article 149.1.7.^a of the Constitution.

Article 41, the precepts contained in Titles VI and VII and the twenty-fifth and twenty-sixth additional provisions of this Law constitute legislation of direct application throughout the State, in accordance with Article 149.1.6.^a and 8.^a of the Constitution.

The third to seventh and thirteenth additional provisions are issued in exercise of the powers on procedural legislation, in accordance with Article 149.1.6.^a of the Constitution.

4. The rest of the provisions of this Law are applicable to the General State Administration.

Second Final Provision. *Nature of the Law.*

The provisions contained in the first, second and third additional provisions of this Law are of an organic nature. The rest of the provisions contained in this Law are not of an organic nature.

Third final provision. *Regulatory qualifications.*

1. The Government is hereby authorized to issue such provisions as may be necessary for the application and development of this Law in matters within the competence of the State.

2. By regulation, within six months after the entry into force of this Law:

The regulation of the corporate equality label established in Chapter IV of Title IV of this Law will be put into effect.

The contents of the Annexes of the European Council Directive 92/85, of the European Council of October 19, 1992, on the application of measures to promote the improvement of safety and health at work for pregnant workers, workers who have given birth or workers who are breastfeeding. The Ministry of Labor and Social Affairs will draw up, within six months of the publication of the Royal Decree, guidelines on risk assessment.

3. The Government may establish, before December 21, 2007, by Royal Decree, the cases referred to in the second paragraph of Article 71.1 of this Law.

Fourth Final Provision. *Transposition of Directives.*

This Law transposes Directive 2002/73 of the European Parliament and of the Council of 23 September 2002 amending Directive 76/207 of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, training and work experience.

and working conditions and Council Directive 2004/113 of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Likewise, by means of this Law, the Council Directive 97/80/EC of December 15, 1997, on the burden of proof in cases of discrimination based on sex, is incorporated into Law 1/2000, of January 7, 2000, on Civil Procedure, and into Law 29/1998, of July 13, 1998, regulating the Contentious-Administrative Jurisdiction.

Fifth final provision. *Equality plans and collective bargaining.*

Four years after the entry into force of this Law, the Government will proceed to evaluate, together with the most representative trade union organizations and business associations, the state of collective bargaining in matters of equality, and to study, depending on the evolution of the situation, the measures which, if necessary, may be appropriate.

Sixth final provision. *Implementation of preventive measures against sexual harassment and sexual gender-based harassment in the General State Administration.*

The implementation of the action protocol on measures relating to sexual harassment or harassment based on sex regulated in Article 62 of this Law will take place within six months from the entry into force of the Royal Decree that approves it.

Seventh final provision. *Measures to enable maternity and paternity leave for persons holding elected office.*

As of the entry into force of this Law, the Government shall promote the necessary agreement to initiate a process to amend the legislation in force in order to make maternity and paternity leave possible for persons holding elected office.

Eighth final provision. *Entry into force.*

This Law shall enter into force on the day following its publication in the Official State Gazette, with the exception of the provisions of Article 71.2, which shall enter into force on December 31, 2008.

Therefore,
I command all Spaniards, individuals and authorities, to keep and enforce this organic law.

Madrid, March 22, 2007.

JUAN CARLOS R.

The President of the
Government, JOSÉ LUIS
RODRÍGUEZ ZAPATERO