LABOUR LAW I

EMPLOYER RESPONSIBILITIES, SOCIAL SECURITY FRAMEWORK, AND WORKPLACE RISK PROTECTION

Practical Legal Analytical Report (Labour Law Analysis Project)

Submitted by: Roshan

Student ID: PBM26037

Programme/Course: Bachelor of Business Administration and Management

Submission date: 24 October 2026

Table of Contents

Contents

Table of Contents 2

Executive Summary 4

1. Introduction 5

2. Statutory Framework and Legal Sources 5

2.1 Social Security and employment legislation 5

2.2 Legal hierarchy and collective labour relations 6

3. Employer Social Security Duties 7

3.1 Registration and worker affiliation 7

3.2 Contribution bases and payment 7

3.3 Work-related accidents and illnesses 8

4. Workplace Safety, Privacy and Management Authority 8

4.1 Preventive duties 8

4.2 Management powers and employee dignity 9

4.3 Consultation and collective labour dynamics 9

5. Contractual Analysis and Case Resolution 10

6. Corporate Liability and Penalties 10

7. Discussion and HR/Managerial Implications 11

8. Employer Compliance and Labour-Risk Plan 12

9. Conclusion and Compliance Recommendations 12

References 14

Appendix A: Compliance Checklist 16

Appendix B: Illustrative Contribution Calculation 16

Executive Summary

This report covers the employer obligations under Spain's labor and social security system, including registration, affiliation of employees, declaration of contributions, workplace accidents and occupational diseases, employers' liability to prevent workplace accidents, employee dignity and privacy, and the risk of facing sanctions. The main legal sources are the General Social Security Law, the Workers' Statute, the Organic Law on Personal Data Protection and Digital Rights, as well as the Law on Infringements and Sanctions in the Social Order. Employers are required to register before they use workers for the first time, to process worker registrations and changes of registration via the relevant Social Security agency and to report remuneration and pay contributions. The rate at which occupational accidents and diseases occur depend on the activity/occupation tariff applicable to the industry and are borne by the employer.

Employers have to also make prevention a part of management, evaluate risks, implement plans for controlling risks, train workers, supply appropriate protective equipment, and consult with worker representatives as needed. Monitoring must be in compliance with dignity, privacy, transparency and proportionality, and the authority of management is not unlimited. The consequences of failing to comply may include contribution debt, surcharges, administrative penalties, and civil and/or criminal liability, depending on the circumstances. The report offers a roadmap for compliance that is useful to the practice. Legislative changes and contribution rates may alter; a company should check the consolidated legislation and current official rates before payroll and/or litigation decisions. (General Social Security Law, 2015; Occupational Risk Prevention Act, 1995; Workers' Statute, 2015).

1. Introduction

Compliance with the law of employment does not just happen through creating contracts, or paying wages. A compliant employer is responsible for correctly categorizing the employment relationship, registering workers, making sure that the remuneration they use for worker contribution purposes is reported correctly, and ensuring that they protect workers against any occupational risks and respect fundamental rights in the management of the workplace. These responsibilities overlap: when an injury happens, it could lead to prevention, accident reporting, Social Security benefit and liability inquiries going on simultaneously. A failing process in one area can, therefore, have financial, operational and reputational implications.

This report shall be based on the Spanish law in the scenario of Option 3. It details the registration and contribution system, workplace accident cover, the rights and duties of the employer versus the employee and what legal implications there are if it is not adhered to. It then proposes a risk-based compliance plan using those rules on the basis of a hypothetical employer. This is not legal advice on a particular dispute and the outcome may also be influenced by the applicable collective agreement, rules in the sector and the facts and circumstances of the worker. Health and welfare policies and regulations

2. Statutory Framework and Legal Sources

2.1 Social Security and employment legislation

The General Social Security Law (Royal Legislative Decree 8/2015) lays the general framework of affiliation, contributions and protection for covered contingencies, such as occupational accidents and diseases. The framework of the employer-registration is complemented by the Royal Decree 84/1996 which establishes the rules for the registration of the employers and affiliation, registration, deregistration and updating of the information of the workers. An employer is required to register before the activity commences, and is issued with a

contribution account code (CCC) by the government. Registration and changes of workers are made through the appropriate Social Security systems. (Government of Spain, 2026a, 2026b).

The Workers Statute provides fundamental rights and obligations in the employment relationship, such as effective health and safety protection, powers of the employer to organize and monitor the work, and restrictions to protect worker dignity and privacy (Royal Legislative Decree 2/2015). The main law is the Occupational Risk Prevention Law (LPRL) 31/1995. It needs to be prevented to be woven into the fabric of company management, and sets responsibilities for risk assessment, planning, information, training, consultation and protection. The personal data and digital rights, such as those related to workplace digital devices, disconnection, video surveillance and geolocation are safeguarded by Organic Law 3/2018. The Administrative labor and Social Security infringements are tackled by Royal Legislative Decree 5/2000 (LISOS).

2.2 Legal hierarchy and collective labour relations

Employers should review the legislation as well as regulations and applicable collective agreements. The LPRL sets out basic preventative measures and collective agreements can enhance it and provide additional protection. Consultation and participation can be achieved through the involvement of worker representatives and prevention delegates. Internal policy will not replace statutory requirements; if there is a conflict between the requirements of a policy and an obligation under law, then that legal requirement must be followed. Other rules may apply in the case of cross-border or sector specific work.

3. Employer Social Security Duties

3.1 Registration and worker affiliation

An employer must register with the General Treasury of Social Security and obtain a CCC before hiring their first employee. The employer shall ensure that each worker has a Social Security number and shall affiliate and register each worker before he begins work in accordance with applicable procedure. Any changes to the details of the employment and deregistration should also be shared via a recognized pathway. These steps create the administrative record that will be provided to identify the employer and the worker as well as to determine the contributions and benefits.

One practical approach to a pre-start HR onboarding gate is to ensure that HR activities for onboarding a productive employee are performed before that productivity can commence, through the following steps (among others): The concept of self-employment should not essentially be used to circumvent the obligations of employment; it is the realities of personal service, remuneration and direction/control that are relevant.

3.2 Contribution bases and payment

Employers have to report each employee's wages and make the necessary contributions according to the rules. The contribution base is calculated according to the contribution rates that are applicable under the law and contributions are capped, excluded and applied under special rules. Allocation rules can differ for the common contingencies and for the occupational contingencies. For occupational accidents and diseases, the amount of contribution is determined according to the applicable tariff for the activity, occupation or situation as set by law and is only charged by the employer under the appropriate Social Security rules. (General Social Security Law, 2015; Social Security General Treasury, 2026).

There should be a reconciliation between the employment contracts, payroll, overtime and other compensation elements, contribution bases, employees' deductions, and the payment of amounts to the Social Security General Treasury in a payroll control. When locating rates, limits and extra contributions, please refer to the current-year official rates and not copy the same rates from an old spreadsheet, as rates and limits may be different for the current year.

3.3 Work-related accidents and illnesses

Spanish Social Security is responsible for the protection of covered accidents and occupational diseases, in accordance with the law and evidence. Employment is registered and appropriate contributions made to receive benefits, as part of the administrative structure of access to benefits. Employers are not relieved of their responsibilities for failing to prevent risks by relying on social insurance. Inadequate risk assessment, missing guarding, failure to provide protective equipment, failure to train individuals or to apply proper enforcement or liability provisions under occupational safety law could be issues in the event of an accident caused by this.

4. Workplace Safety, Privacy and Management Authority

4.1 Preventive duties

The LPRL places an obligation on the employer to ensure the safety and health of workers in all aspects of their work. Prevention should be embedded at all levels of the organization in a prevention plan. Risk assessments are to be carried out by the employer, kept up to date if changes in working conditions or if damage occurs, and the employer is responsible for planning the measures with deadlines and resources, supplying the appropriate equipment and information, and training workers accordingly. Generally, collective protective measures should be used in preference to personal protective equipment (PPE) when effective collective controls are possible. (Occupational Risk Prevention Act, 1995; Government of Spain, 2026c).

But workers have responsibilities as well: They need to operate equipment properly, adhere to safety rules, and participate in safety practices. Those will not remove the employer's general duty to prevent from employees. If training is not effective or equipment is unsafe, a signed training sheet is not sufficient.

4.2 Management powers and employee dignity

There are restrictions on the power of the employer to organize work and make proportionate decisions to confirm compliance with work duties, but these are prescribed by the law and respect for human dignity. The Workers' Statute provides for a limit on personal searches and for respecting worker dignity and privacy. Organic Law 3/2018 provides protection for digital devices, video surveillance and geolocation. The relevant monitoring and policies would need to be communicated to workers, and it would need to be appropriate and necessary for a legitimate purpose. The statutory regime for video and audio recording in the workplace does not allow for surveillance in rest areas like toilets and changing rooms. (Organic Law 3/2018; Workers' Statute, 2015).

A warehouse could employ visible cameras at loading bays to investigate theft and/or enhance site security, for instance, for which there are information and data protection obligations. Because of the extent of the privacy and proportionality problems, recording audio secretly in the staff break rooms would be a much greater issue. GPS tracking of delivery vehicles should only be for a legitimate work purpose, and there should be an explanation and management of access, storage and use of the information outside of working time.

4.3 Consultation and collective labour dynamics

The LPRL includes provision for information, consultation and participation such as prevention delegates and safety and health committees (where applicable), and for information, consultation and participation in respect of prevention. Collective agreements can include

processes for reporting and monitoring risks, safeguards, training and conflict resolution. Consultation should be real, not a formality; HR should be able to document consultation and response.

5. Contractual Analysis and Case Resolution

Imagine a hypothetical logistics business that recruits a warehouse employee, never gets the employee to register for Social Security before they start their first day, and does not have any documented powered pallet truck training, and employs a camera without any employee notice.

Issue	Legal analysis	Recommended response
Late/missing registration	Potential Social Security non-compliance; consequences depend on facts and applicable law	Regularise records promptly, preserve evidence and obtain payroll/legal review
Unsafe equipment or inadequate training	May breach preventive duties under Law 31/1995	Stop unsafe work, provide medical support, investigate and implement controls
Workplace accident	May trigger reporting and benefit procedures; does not itself prove employer fault	Notify through required channels and cooperate with authorities
Unclear camera notice	May breach transparency/privacy requirements depending on facts	Review purpose, notice, access, retention and proportionality

Defensible response focuses on worker safety and hazard control, rather than hiding and victimizing. The employer should work with the worker and authorities, not retaliate, keep records and consult on reporting and claims. HR should be able to determine the root causes and take corrective action with timelines. No dismissal or disciplinary action should be carried out in relation to the incident unless it is considered separately and against the Workers' Statute, any relevant collective agreement and the protections afforded by the collective agreement.

6. Corporate Liability and Penalties

There may be several ways to become exposed if you do not comply. Social Security agencies can recover unpaid contributions and applicable surcharges and/or interest. LISOS categorizes infringements and administers penalties, ranging in seriousness and amount according to the specific infringement, as well as the applicable law. Occupational safety

violations are subject to sanctions and, if the statutory conditions are fulfilled, further consequences. Facts also may lead to civil compensation and/or criminal law issues in serious cases. These consequences are not inherent in all incidents; liability rests on the basis for such liability, the evidence, the causal connection and the procedures. (Royal Legislative Decree 5/2000; Ministry of Labour and Social Economy, n.d.).

Penalty ranges and statutory changes can vary and the company will not want to use the "one size fits all" threshold to a fine in a Compliance Manual. The compliance owner will determine the classification of the suspected breach, review the existing consolidated LISOS and Social Security legislation, review any inspection notice and observe any procedural deadlines. Prompt remediation does not necessarily remove a previously committed infringement, but it does help to reduce the risk of the infringement. Discussion/HR/Managerial Implications:

7. Discussion and HR/Managerial Implications

Compliant labor system is a governance process. Senior management must give explicit job description for registration, payroll, safety and data protection. HR should have responsibility for employee records and terms of the contract, payroll/finance should check the contribution is correct, operations should establish safe work procedures and prevention specialists should check the hazard, and the data-protection lead should check the monitoring. While small businesses may involve outside prevention options or payroll firms, outsourcing doesn't imply that the employer can evade legal obligations.

Fragmentation is a typical control shortcoming, such as when HR registers a worker but operations don't provide training or cameras are installed by IT without legal review. These gaps are minimized through a common onboarding process, a shared compliance calendar and incident escalation process. A culture of respect in reporting should be encouraged in

management. Supervisors' responses are more likely to be constructive and worker representatives are involved when employees report near misses and unsafe conditions.

8. Employer Compliance and Labour-Risk Plan

Timing	Control action	Evidence / owner
Before first hire	Register employer and obtain CCC; verify worker Social Security number and pre-start registration	HR checklist; HR/payroll
Every payroll cycle	Reconcile remuneration, contribution bases, rates and payment confirmation	Payroll reconciliation; finance
At onboarding and role change	Complete risk assessment, site induction, task-specific training and PPE issue where required	Training record; operations/prevention service
Quarterly and after changes	Review risk assessments, incidents, machinery and corrective-action status	Risk register; prevention service
Before monitoring starts	Document purpose; inform workers; assess proportionality, access, retention and data protection	Monitoring checklist; HR/data protection
After an accident	Provide assistance, report as required, investigate root cause and track corrective action	Incident file; operations/HR
Annually and after legal updates	Review collective agreement, current contribution rates, LISOS amendments and policies	Compliance review; legal/HR

A risk register should be scored according to likelihood and impact, have an owner and a date, and include the residual risk after the controls are implemented. Some priority indicators are unregistered starters, payroll difference reconciliations, overdue safety actions, expired training, repeat near miss, employee complaints and un-reviewed monitoring systems. Quarterly report to senior management with trends and outstanding actions.

9. Conclusion and Compliance Recommendations

The compliance of Spanish employers encompasses social security management with the administration, proper payments, and workplace security and respect of workers' rights. Registration must take place via the correct procedure, contribution base and rates should be confirmed with the relevant legislation in place and risks related to the occupational accident

managed by a proper prevention system which should be documented. Proportionality in surveillance or lack thereof dignity and privacy are not allowed due to employer authority over the working process. Contributions may be recovered as well as the imposing of surcharges, administrative penalties and other legal liabilities in the event of infringement depending on the facts.

It is recommended that their priorities are as follows: (1) require that they register before starting work; (2) reconcile monthly payroll and contribution; (3) take steps to ensure that risk assessments, training and prevention planning are current; (4) have an accident procedure and near-miss; (5) check that monitoring is transparent, necessary and proportionate; (6) consult worker representatives as appropriate; and (7) review existing legislation and collective agreements at least annually.

References

Government of Spain. (2026a, March 25). Registering as an employer. Public Administration Portal. https://administracion.gob.es/pag_Home/en/Tu-espacio-europeo/derechos-obligaciones/empresas/empleados/seguridad-social/alta-empresario.html

Government of Spain. (2026b, April 7). Registration of employees. Public Administration Portal. https://administracion.gob.es/en/tu-espacio-europeo/derechos-obligaciones/empresas/empleados/seguridad-social/alta-empleados

Government of Spain. (2026c, March 30). Occupational risk prevention—Safety and health. Public Administration Portal. https://administracion.gob.es/en/tu-espacio-europeo/derechos-obligaciones/ciudadanos/trabajo-jubilacion/seguridad-salud/prevencion-riesgos

Ministry of Labour and Social Economy. (n.d.). Labour law infringements and sanctions. https://www.mites.gob.es/es/sec_trabajo/debes_saber/desplazamiento-trabajadores-eng/desplazamiento/infringements.htm

Organic Law 3/2018 of 5 December on Personal Data Protection and Guarantee of Digital Rights. (2018). Boletín Oficial del Estado. https://www.boe.es/eli/es/lo/2018/12/05/3

Occupational Risk Prevention Act 31/1995 of 8 November. (1995). Boletín Oficial del Estado. https://www.boe.es/eli/es/l/1995/11/08/31/con

Royal Legislative Decree 2/2015 of 23 October approving the revised text of the Workers' Statute. (2015). Boletín Oficial del Estado. https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430

Royal Legislative Decree 5/2000 of 4 August approving the revised text of the Law on Infringements and Sanctions in the Social Order. (2000). Boletín Oficial del Estado. https://www.boe.es/buscar/act.php?id=BOE-A-2000-15060

Royal Legislative Decree 8/2015 of 30 October approving the revised text of the General Social Security Law. (2015). Boletín Oficial del Estado. https://www.boe.es/buscar/act.php?id=BOE-A-2015-11724

Social Security General Treasury. (2026). Contributions for work-related injuries and occupational diseases. Social Security. https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/CotizacionRecaudacionTrabajadores/9896/11301/11302/12703

Appendix A: Compliance Checklist

- Employer registration and CCC verified before first hire.
- Each worker has a Social Security number and correct registration date.
- Monthly payroll, contribution bases, applicable rates and payments reconciled.
- Current occupational accident/disease tariff checked for activity and role.
- Risk assessment and preventive plan are current and assigned to responsible owners.
- Training, PPE and safety instructions are documented and understood.
- Accident and near-miss reporting process is available to all staff.
- Monitoring systems have a documented purpose, notice, proportionality review and access controls.
- Applicable collective agreement and worker-representative consultation requirements checked.
- Legal updates, inspection notices and corrective actions tracked to closure.

Appendix B: Illustrative Contribution Calculation

This example is purely illustrative and does not state a current Spanish contribution rate. If an employee's legally determined contribution base for a particular contingency were €2,000 and the applicable employer rate for that contingency were 23.60%, the employer contribution would be €2,000 × 0.236 = €472. The rate is used only to demonstrate arithmetic and must not be treated as applicable to every employee or contingency. In actual payroll, use the current official rate, contribution base, statutory limits, activity tariff and special rules.

Item	Illustrative value	Calculation
Contribution base	€2,000	Hypothetical base
Illustrative employer rate	23.60%	Hypothetical rate only
Illustrative employer contribution	€472	€2,000 × 0.236