



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Spain
Title:	Spain recognises the right to a pension supplement for mothers
Date:	18 December 2015
Expert:	María Amparo Ballester-Pastor
<u>Context</u>	
Issue at stake:	New legislation is approved that recognises the right to a pension supplement for mothers of two or more children
Ground of discrimination:	Sex
Source:	Legislation
Field:	Pregnancy and maternity; statutory social security
Applicable law:	Article 60 of General Law of Social Security (Royal Legislative Decree 8/2015, of 31 October 2015); Additional Provision 18 of the Royal Legislative Decree 670/1987, of 30 April 1987; General State Budget Act for 2016 (Law 48/2015, of 29 October 2015)

Content

Law development: The General State Budget Act for 2016 has approved an important reform of the General Law of Social Security that consists of the recognition of a pension supplement to mothers of two or more children. The General State Budget Act for 2016 also modified the legislation concerning civil servants (Royal Legislative Decree 670/1987, of 30 of April of 1987), which consists of the same recognition of pension supplement to civil servants. This new benefit has been incorporated into Article 60 of the new General Law of Social Security (approved by the Royal Legislative Decree 8/2015 of 31 October 2015) and into the Additional Provision 18 of the Royal Legislative Decree 670/1987 of 30 April 1987.

The main features of the new pension supplement are the following: (a) the objective of the pension supplement is to recognize women's 'demographic contribution' (*aportación demográfica*) to Social Security; (b) the supplement will be granted to every woman that has had at least two children, by birth or by adoption, starting in 2016; (c) the supplement will be applied to the following pensions: retirement, permanent disability and widowhood; (d) it will apply only to so-called 'contributory pensions' (*pensiones contributivas*), which means that it will not apply to 'non-contributory pensions' (social assistance pensions); (e) the pension supplement will apply as follows: if the woman has had two children, her pension will be increased by 5%; if the woman has had three children, her pension will be increased by 10%; if the woman has had more than three children, her pension will be increased by 15%; and (f) if the application of the pension supplement implies that the resulting pension is greater than the maximum pension established in the social security system, the supplement will be reduced to half the amount.

Key points of analysis: Spain has just approved a pension supplement exclusively applicable to mothers of at least two children. The supplement also applies to mothers of adopted children. No equivalent measure is in place for fathers who are responsible for taking care of the children. The supplement is an increase of between 5 and 15% of the pension and may exceed the maximum pension established in the social security system.

Internet link source:

-General State Budget Act for 2016, (Law 48/2015, of 29 October 2015), <https://www.boe.es/boe/dias/2015/10/30/pdfs/BOE-A-2015-11644.pdf>, accessed 9 December 2015

-General Law of Social Security, (Royal Legislative Decree 8/2015, of 31 October 2015), <https://www.boe.es/boe/dias/2015/10/31/pdfs/BOE-A-2015-11724.pdf>, accessed 9 December 2015

-Royal Legislative Decree 670/1987, of 30 of April of 1987, <https://www.boe.es/buscar/doc.php?id=BOE-A-1987-12636>, accessed 9 December 2015.