

**Press Release**

**12<sup>th</sup> December of 2006**

**The Catalan Ombudsman claims for the recognition of more social rights for the self-employed**

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The Catalan Ombudsman, Rafael Ribó, made public a monographic report about the social protection of the self-employed people. In the report the Catalan Ombudsman makes proposals and recommendations in order to achieve more rights for these workers' group, and to equal them as much as possible with the rest of the employees.

The Catalan Ombudsman has been condemning for years the situation of self-employed people, reported to the Síndic's Office through 137 complaints. The knowledge of the situation has encouraged the Catalan Ombudsman to make a monographic report stating it is possible and necessary to go further in the social rights' protection of the self-employed, who amount to more than 550.000 people in Catalonia.

The new self-employed people's statute, currently under parliamentary proceedings, contemplates some of these social rights, like the establishment of unemployment benefits and sick leaves. But it does not foresee other rights that other employees have been enjoying for many years thus becoming an offence to the self-employed ones.

Since this is a nationwide basis competence, the report has already been given to the Spanish Ombudsman and to the Catalan Parliamentary Groups.

**Main recommendations**

**Simplifying the social security's system**, with only two types of system: the employees' one and the self-employed people's one. It would be necessary then, to integrate the agricultural special system and the sea workers' one into the special System of the Self-Employed (RETA), as it is already set up by the Toledo's Pact.

**Updating the current law**, from 1970, that regulates the special system of the self-employed people, as today it does not respond to the needs and current demands of this collective.

**Delaying the duty to pay contributions**, in some cases, until the entrepreneurial or professional activity of the self-employed person will be consolidated.

**Adjusting rates.** Assessing the possibility for the self-employed people with an annual income lower than a legally fix limit to pay lower rates. Carrying on and improving the payment allowances and temporary allowances' policies of some groups, like youngsters, women, disabled people, people in situation of social exclusion, etc.

**Improving the situation regarding industrial accidents.** Today, the special System of the Self-Employed (RETA) uses a more restrictive term than the general system does to describe an industrial accident. To improve the situation would imply to recognise as an industrial accident all the accidents occurred on the workplace or on the way to work, like for the rest of the employees.

**Regulating the part-time self-employed figure.** The possible fraud suspicion or the control difficulties should not be any longer an impediment to regulate the situation. This regulation should facilitate the effective starting of the partial and flexible retirement.

**Requiring protection in case of temporary disability protection, industrial accidents and professional illnesses.** Regarding temporary disability, this requirement should start immediately, and later it should contemplate the industrial accidents protection and the professional illnesses as well. The Catalan Ombudsman recommends setting up this obligation, even if it entails an increase of the self-employed person contribution payment.

**Improvement of the maternity and pregnancy's risks benefits** with the recognition of the part-time benefits and the exoneration of the contributions during the period of maternity leave and during the risk to pregnancy benefit period, like for the rest of the employees.

**Equal rights for all workers regarding invalidity benefits.** One of the imbalances between both collectives is that self-employed people are entitled to the partial invalidity benefits when the disability is lower than the 50%, but for the rest of the employees the disability level has to be lower than 33%.

**Setting up different retirement types**, as enjoyed for the rest of employees, like early retirement, special retirement at the age of 64, partial and flexible retirement. Also, the current differences regarding the calculation of the rating period should be made equal or improved.

**Unemployment benefits.** According to the Catalan Ombudsman, it is unjustifiable self-employed people are excluded from the unemployment benefits. The RETA should include an obligatory unemployment benefit, linked to an additional contribution made by the worker, who could benefit from it when his or her professional activity stopped completely due to market or business reasons.

**Regulation of the self-employed dependant figure (TRADE)**

This regulation should be made both from the working conditions perspective and the social protection side.