

# **Employment in Spain**

**With Paraiso Homes**

## **Employment**

Many people come to Spain with the intention of finding employment when they arrive. Despite the fact that any person from any EU country has the right to work in Spain it is not as easy to find a job as some may think, particularly those people who are planning to live in the coastal resorts. It should be noted that Spain deems that non EU nationals have no rights to work in Spain and should officially apply to the ministry of works (Ministerio de Trabajo) before arriving in the country. The facts are rather different...

## **Teach English**

It may be worth considering attending a "Teaching English as a Foreign Language" (TEFL) course before coming to Spain. If you hold a TEFL certificate you will be well prepared to join one of the many language schools as a teacher of English to Spaniards.

If you think you have the ability to teach there are now very good online courses where you can obtain a diploma which will stand you in good stead in any non English speaking country. Visit this website for more information. [Teach English](#).

## **Learn Spanish**

Speaking Spanish fluently will certainly stand you in good stead if you want to find a good position; therefore it's prudent to start to learn the language before you arrive in the country. If you don't speak Spanish then the range of job opportunities becomes considerably less. Building work, bar work or working for an English run business are possible options which may be considered.

## **Expatriate business.**

There are a few successful business's who rely for their work entirely on the expatriate community. Since both the customers and the supplier of the service both speak the same language it really does not matter if neither speaks Spanish. This scenario is equally valid in the case of those who decide to become self employed. If you have the skills it's quite easy to work for yourself in the expatriate community, there seems to be a demand for English speaking builders, plumbers, painters and decorators, hairdressers, TV repairers, window cleaners, etc. Look through the ads in the local expatriate newspapers and you will see many services being offered which might spark and idea for your own business venture. Beware however of offering services which require a Spanish qualification, e.g. you may work as an electrician or a gas fitter in the UK but without the necessary paperwork you would not be allowed to carry out this activity legally in Spain.

Professionals are also subject to Spanish rules, codes and limitations. For example a doctor of medicine from the UK would need to have his or her qualifications recognized and accepted by the Province where the practice is intended to be established. Furthermore references would be required from the General Medical Council to support the application.

Professional colleges cannot act in any way to obstruct the right of any lawyer, accountant, doctor, architect, etc from an EU state who wishes to practice his profession in Spain.

To check to see if your qualifications will be acceptable in Spain or obtain information and addresses of Spanish professional bodies, you should contact the Spanish Embassy and ask for the National Academic Recognition Information Centre (NARIC) representative. Also if you are in the UK it may be worth contacting the Occupation Standards Branch, Comparability Coordinators office in Sheffield. Their telephone number is 01742 704 144

Employment laws in Spain are complex and should not be underestimated furthermore working illegally on the black economy is risky and the punishments (if caught) can be steep.

### **Buying a business**

If you are an EU resident you do not require a work permit to start a business but you must be a resident of Spain or have applied for your residency. Otherwise if you are not an EU Citizen you will need to make an investment of around 80,000€ in order to be able to obtain a work permit. Conditions may apply as to the number of employees you must engage in the business.

If you intend purchasing an existing business in Spain then, like anywhere else in the world it is essential that you establish exactly the true situation before entering into any kind of agreement with the seller. Spain is not the easiest of countries in which to carry on a business and if your Spanish is not up to scratch it will be even more difficult.

Most foreign owned business tend to focus primarily on the expatriate community and therefore the need to speak Spanish is not quite so important, but inevitably it will require the services of someone fluent in the language and with a knowledge of the labour and administrative laws of the country.

Bars, restaurants and the like are probably the most popular type of business to be operated by expatriates in Spain. Many foreigners are attracted to the idea of running a pub in one of the many holiday resorts along the coast. What could be easier, after all anyone can pour a beer, can't they? It has been said many times that people who have been unable to make it in their own country will find it doubly difficult to make it in someone else's...

### **Freehold & Leasehold**

There is also a question of capital investment. Many businesses fail simply because the new owners lack the necessary financial and business acumen. One agent specializing in the sale of businesses was reported as having sold the same bar four times in one year, such is the incompetence and naivety of some who think running such a business is easy.

Typically and because the premises are invariably expensive and situated in key locations, most are leased. The lease (traspaso) is sold on from one owner to the next and reflects or should reflect the value of the good will of the business. However, the owner of the premises in addition to his monthly rent invariably requires a cut of the sale/purchase agreement involving a change of leaseholder. This practice has the effect of encouraging the owner of the property to keep his rent high to maintain a low profitability for the business subsequently encouraging further changes of tenant.

In Spain there is no security of tenure with an industrial tenancy, therefore if you intend leasing a business premises it is crucial that legal advice is sought before entering into any kind of contract with the seller.

On the other hand should you decide to purchase a business property as opposed to leasing it you should be aware that any debt, liens or charges whether they are connected to the business or not, will be transferred to you when you buy. It follows therefore you should establish from the beginning that the business is free from all charges before proceeding to purchase it. It is also a good idea to try and find out why the business is for sale and how many times it has changed hands over recent years.

## **Forming a company**

It is easy to make a small fortune running a business in Spain – just remember to arrive in the country with a large fortune!

Forming a limited liability company in Spain is rather more complicated than buying a UK limited company for £50 on the internet. Although essentially both, in theory anyway, offer the same thing i.e. a business whose liability is limited to the amount of share capital invested by the share holders. In Spain however, the initial costs will be considerably more. Setting up a limited company in Spain requires a minimum share capital of 3,000€ and the services of the public Notary to prepare the escritura in accordance with the company's proposed activity or activities. In addition to Notary fees you will have to pay taxes on the value of the share capital plus registration fees when the company is registered at the regional company's house.

Unless you speak fluent Spanish and have a lot of experience with company law in Spain then it is probably an impossible task upon which to embark alone. Probably the best person to contact before attempting anything on your own is your accountant. He will eventually be required to deal with such things as VAT returns, annual returns and so on so it is as well to involve him from the beginning. He should also advise you as to the feasibility and cost effectiveness of starting a company as opposed to being self employed.

## **Part time or full time**

Casual work is often possible to find particularly during the busy holiday season when bars, restaurants, hotels and supermarkets are often stretched to the limits and need extra help. Invariably however, as the busy periods decline and the tourists return to their homelands so the need for part time work reduces. Spain does have a law laying out precisely the minimum salary that an employer is required to pay his employee, but as in the case of part time work the period of employment is for a few months only, often these laws are not adhered to.

## **Full time work.**

Full time work usually means 35 -40 hours per week with a two or three hour break for a siesta in the afternoon. Typically office work starts at 10 am and until 2pm and then 5 pm until 8pm Monday to Friday with Saturday mornings as required.

Irrespective of whether the work is full time or part time the employer is obliged to give the employee a contract of employment. This contract will include details of the job category or description, the salary, hours per week, period of employment, holiday entitlement, etc. It should be noted also that part of the salary will be retained by the employer in respect of Social Security and income tax contributions. Curiously an annual contract will actually mean a salary for 14 months, this peculiarity dates back to an old Spanish custom where traditionally the employee receives an extra months pay for their summer holidays and an extra months pay at Christmas. This incidentally is in addition to a statutory one months paid holiday. It is not surprising therefore that many employers under declare the official salary to minimize the effect of this. Another problem facing an employer is his inability to fire his staff.

Once established, an employee needs to have committed some heinous crime before he or she can be sacked; otherwise redundancy payments are the order of the day. To overcome this, contracts tend to be for very short periods and seldom do they ever become fixed, even good staff will not have their contracts immediately renewed but instead will have a few weeks "unemployed" before starting a new short term contract with the same employer. This said it is true that very recently changes have come about which do give the employer a rather better deal and so its likely that fixed contracts might soon become the order of the day. This will change as Spain falls in line with EU Directives so watch this space...

## **Finding work**

Unless you already know someone who is prepared to offer you a job, probably the easiest way to find work is to approach a private recruitment agency. Alternatively in most towns there is a government job centre (INEM) where you can apply for a job and also if you are entitled, sign on for unemployment benefit.

Finding work can be relatively easy if you are prepared for manual work, pool cleaning etc. however if you have special skills then finding the right niche could prove more difficult. The local newspapers are now advertising more and more job opportunities in the situations vacant columns and of course it is a good idea to advertise yourself in the situations wanted section.

Following is a list of potentially good areas for finding work:

- Boating and Yachting Marinas can provide a good source of employment. Looking after boats when the owner is away, boat cleaning, antifouling, general maintenance crewing, etc.
- Gardening can also provide a reasonable income. Many urbanizations employ gardeners to keep the common areas in order, also property owners who are away can often provide regular work.
- Driving work may be worth considering. Many car hire companies require drivers to move vehicles too and from the airport,
- Hospitals employ casual labour especially during the peak tourist season. Nurses and auxiliaries are often in demand especially by the many private hospitals and clinics in the Coastal Resort areas.
- Hotels can be a useful source of employment; cleaners, waiters, cooks etc are often required.
- Temporary recruitment agency may be the answer if you are fluent in Spanish and computer literate.
- Language schools often require staff to teach English to Spanish students. If you have the right credentials this could be a good possibility.

Eventually Spain will fall into line with other EU states and the rules will be more or less the same throughout Europe. In the meanwhile learn what you need to know and don't presume that everything should be the same as back home. The fact is that your worst enemies are rogue foreign employers who will go bankrupt at the drop of a hat and your own ignorance.