

JUBILACION ESPECIAL A LOS 64 AÑOS

2.18 Royal Decree 1194/1985. FROM JULY 17 TO ARRANGE FOR, AS PROVIDED UNDER THE WILLINGNESS OF THE SEVEN ADDITIONAL ACT 8 / 1980 of 10 March AMENDED BY LAW 32/1984, OF 2 AUGUST, THE RULES OF THE AGE AHEAD RETIREMENT AS A MEASURE TO PROMOTE EMPLOYMENT.

(BOE of 20 July)

Little impact on employment has so far had this special retirement system to the sixty-four years specified in Royal Decree-Law 14/1981, of 20 August, under which were allowed to anticipate the age of retirement to workers whose company agreed to replace others who were recipients of unemployment or economic benefits young first job seekers, under a contract of the same nature as that of the retired worker, advised to review the assumptions on which regulates the referred to special retirement system and, in particular, the conditions under which he was to be the aforementioned substitution effect, allowing new hires can take place using any of the existing arrangements, with the exception of part-time contract and Previte in Article 15.1.b the status of workers, any workers who are registered as unemployed in the relevant employment office.

At its behest of the Ministry of Labour and Social Security, using the authority granted to the government in the seventh additional provision of Law 8 / 1980 of March 10, amended by Law 32/1984, August 2 , consultation with the Organization 'union and business organizations, the council of state hearing and after deliberation the Council of Ministers at its meeting on July 17, 1985, order:

First Chapter Special Retirement

Article 1 - Reduction of retirement age.

1 The minimum age of sixty-five years, which generally requires the social security system to pursue the right to retirement pension, was downgraded to sixty-four years for employees whose companies replacing them simultaneously with his retirement in retirement, by other workers, as laid down in this Royal Decree.

2. In cases where the intended application of the reduction coefficients for the minimum age of sixty-four years, always takes place for replacement of retired workers.

Article 2 - Application and origin of the right.

1. may apply for retirement from the age referred to in the preceding article of workers belonging to a company that required to replace other workers, so to establish a collective agreement or under an agreement with the affected employees themselves.

2. The request may be submitted in advance of six months from the date on which the employee is scheduled to end at work, attaching to it the company's certificate certifying the commitment of substitution.

3. In any case, the birth of the right to retirement pension will require the effective cessation in the workplace and the simultaneous recruitment of new employees.

CHAPTER II.

Article 3. Regime of new hires.

1. The contracts are held to replace retiring workers may agree under any of any of the current contracting arrangements, except hiring part-time and the conditions specified in Article 15.1.b status of workers with any employees who are registered as unemployed in the relevant employment office.

2. Such contracts, which shall be governed by specific rules governing the contractual arrangement in question, have a minimum duration of one year and there will be formalized in any case shall be evidenced in writing them the name of the worker who is replaced. It registaran the relevant employment office where a copy shall be deposited, another duly filled, shall be given to the worker who retires to present it to the managing body that corresponds to the recognition of the right to retirement pension.

Article 4. Obligations of companies.

If during the term of the occurrence of the termination of the employee, the employer must replace, within fifteen days, on the other unemployed by the time remaining to reach the minimum duration of the contract, except in cases of force majeure. In the event of default shall pay to the managing body for the amount of retirement benefits accrued from the date of termination of the contractual employee.

Article 5. Stimulating recruitment indefinitely.

1. If the contract is concluded for an indefinite time with young unemployed people under Twenty-six years the employer contributions for that employee, for common to the general system of social security, corporate giving by applying the percentage of 12 percent over the life of the contract.

2. When the contract was concluded for a specified period, any unemployed worker and the employer opts to completion to make it a contract of indefinite duration shall be entitled, from that moment on to make the social security contributions under the terms provided last issue.

3. For the contracts concluded in accordance with the provisions of previous issues, we will apply real decreto 799/1985 of 25 May.

REPEALING PROVISION

Hereby repealed Royal Decree 14/1981 of 20 August, and Royal Decree 2705/1981 of 19 October.

FINAL PROVISIONS

First. In matters not covered by this provision shall apply the standards in general carat established for this purpose in the social security regime.

Second is authorized Ministry of Labour and Social Security to issue such rules are necessary for the execution of the provisions of this Royal Decree.

Third. This Royal Decree will be in effect the day following its publication in the official bulletin of the state.