

GMS Flash Alert

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Spain – New Rules End Need for Employers to Keep Books of Visits

In Spain, a new Order has eliminated the need to keep a visitors book at each work-place (*Libro de Visitas de la Inspección de Trabajo y Seguridad Social*).¹ Employers were required to keep these books² for records of inspections and visits by the labor and social security inspectors who record their findings therein. The new Order provides for the elimination of the book of visits, both in physical form and electronic format.

WHY THIS MATTERS

The elimination of the requirement to keep books of visits will ease the administrative burdens placed on employers by labor and social security inspection authorities (*la Inspección de Trabajo y Seguridad Social*), and reduce the chance of compliance-related penalties.

It is expected that this step could translate into savings for businesses of around EUR 700,000,000

Background

The requirement to keep a “Libro de Visitas” dates back to 1906 when in the first regulation for labor inspection service approved by Spain’s Ministry of the Interior, the requirement was laid down that all business establishments subject to inspection keep a Libro de Visitas, or book of visits.

In such a book, the labor inspector would report his or her observations during an inspection of the work-place and note incidents (typically, violations and policies) tied to employment, safety, and social security at the work-place.

A 2013 law essentially provided for the replacement of traditional books of visits, in paper form, by an electronic book of visits.

Highlights of the New Order

On 12 September 2016, Order ESS/1452/2016 of 10 June 2016, was published in Spain's official gazette (*Boletín Oficial del Estado*), doing away with the obligation to keep a book of visits at each work-place, whether in paper form or electronic form.

This Order is intended to implement Law 23/2015 of 21 July 2015, eliminating the obligation to keep a book of visits and replacing it with a simple written record by official inspectors and so-called "sub-inspectors" of the Inspectorate of Labor and Social Security of their visits to places of work.

13 September 2016, is the effective date of this measure.

Obligation to Keep a Book of Visits with Entries Prior to Order Coming into Effect

Provisions under Order ESS/1452/2016 and Law 23/2015 require that employers keep books of visits and any records written up prior to the entry into force of this Order available for the labor and social security inspection authorities for a period of five years as from the date of the last record made.

With respect to any records made in an electronic-format book of visits, the labor and social security inspectors must keep the electronic-format books of visits for a five-year period, and companies may request a copy of such records during this time.

New Procedure: Preparing Records of Inspections/Visits

Labor and social security inspectors will draw up a record (called a "diligencia")³ of every work-place visit or inspection, detailing the issues and aspects inspected and any other incidents. Such records will be drawn up in the standard form provided and may be prepared/submitted electronically.

The inspectors will forward or send the company a copy of the record, the original remaining in the hands of the acting official for subsequent filing.

Obligation to Keep the Records

Every record delivered to a company in person or via electronic means must be kept at the disposal of the labor and social security inspection authorities for a period of five years, as from the date of issue.

FOOTNOTES:

1 Also, see the 12 September 2016 [press release](#) (in Spanish) "Desarrollo de la nueva Ley ordenadora del Sistema de Inspección de Trabajo y Seguridad Social," from Spain's Ministerio de Empleo y Seguridad Social.

2 A facsimile of a book of visits:



3 For a model of a diligencia, click [here](#).

Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in Spain.

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