



## WAGES NOT PAID ON TIME WHAT CAN YOU DO

You have the right to be paid on time so as soon as your employer is one day late with paying, you can ask for assistance from the courts to receive the payment due to you. If no pay-dates are mentioned in your contract or your convenio the past regular payment dates will serve as reference. The window to claim monies due to you is 12 months as of the first date they became claimable and you can even do so if you are no long employed by the company (either of your own free will, or through dismissal) or when the company has closed shop.

It's called a 'Reclamación de cantidad laboral' and it starts with filing a request for reconciliation 'papeleta de reconciliación laboral' at one of the offices of the SMAC Servicio de Medicación, Arbitraje y Conciliación in your area. If you are in Murcia, [THIS](#) is the link to use for their addresses.

Please check under 'Distribución territorial' on [THIS](#) webpage to see which office covers your area.

The fourth link from on the above webpage, 'Modelo de papeleta' will lead you to the actual form to download and fill out. It's important to realise that you do not have to prove that you have not been paid, your employer must prove that he has paid you in full. Moreover you might be entitled to 10% interest 'interés anual moratorio laboral', as per art. 29 of the Estatuto de Trabajadores.

Once the request for reconciliation has been filed, a date will be set for a 'Acto de reconciliación' at which time you both will be required to assist. Timeframe usually about 2 weeks.

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If your employer has paid you by then, all the merrier, but if he has not or when he fails to show up for the 'Acto' the case will continue before the courts.

If push comes to shove and even after a sentence from the courts your employer doesn't pay you can appeal to the courts to execute the sentence and they can either embargo 'bienes' from the firm, embargo personal possessions of value, or, worst case scenario proceed to declare the company bankrupt. In the latter case, there is another way to claim your money through FOGASA.

For the time you need to be absent from work, either to file the request for reconciliation or to be present at the 'Acto' you've got 'permiso retribuido', meaning that you do not have to recuperate time lost nor can your employer deduct any time from your wages.

Lastly, for filing a 'demanda' or 'reclamación' against your employer you cannot legally lose your job. Any dismissal based on this will be declared nul and void.

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