

## Spain: New Requirements in Disciplinary Dismissals

Following a recent Supreme Court decision, it has become more challenging for employers in Spain to carry out disciplinary dismissals.

Employers are now obliged to give employees the opportunity to defend themselves before any disciplinary dismissal related to conduct or performance. In the view of the Court, this change reflects the need for a fair procedure. It will place additional administrative demands on employers as they must manage and document the internal process that allows the employee to respond.

Courts are expected to scrutinize employers' adherence to these regulations, especially regarding the fairness and transparency of the dismissal process.

With these enhanced rights, employees may feel more confident in challenging dismissals, potentially leading to an increase in formal complaints.

Employers should anticipate a rise in disputes and consider taking proactive measures, such as seeking legal advice early in the process or offering internal HR training in mediation and conflict resolution. They are advised to review and update their policies to ensure compliance with the new requirements.

The changes mark a substantial shift in how disciplinary actions must be handled in Spain.

**This is a high level general update only. Legal advice should be obtained on specific circumstances.**