Management and control of temporary disability benefits processes (less than 365 days)

Important: entered into force from **April 1, 2023**

Processing, communications and data transmission



Employee obligations

The obligation to provide the company with medical certificates of sick leave. confirmation and discharge for temporary disability no longer applies.

+info: Orden ISM/2/2023 +info: RD 1060/2022



PHS, collaborative mutuals and collaborative companies

They shall submit inmediately the data included in the sick leave/ discharge and confirmation certificates to the INSS by telematic means and, in any case, in the first business day after its issuance.

Sick leave, confirmation and discharge reports



INSS obligations

INSS will communicate the data to the company through the INSS companies file of the Electronic Data Remission System (RED)* no later than the following business day after its reception by the aforementioned insitute.

* Companies not obliged to join the RED system: shall be carried out by electronic means, through the corresponding service of the Sede Electrónica de la Secretaría de Estado de la Seguridad Social y Pensiones (SEDESS)



Attention: deadlines

Company/ies **obligations**

Send via RED System to the INSS, within 3 business days since reception of the sick leave communication, the data* included in the anexo III de la Orden ISM/2/2023, even when they have assumed the payment of the temporary disability economic benefit, in a volluntary collaborative regime.

Data explotation may only be carried out by the INSS, ISM or the corresponding collaborative mutual company.



Sick leave report

It shall be issued inmediately after the medical examination by the Public Health Service's doctor or by the Collaborative Mutual's in the event of a work-related accident or ocuppational disease.

If it is considered that you have not recovered your working capacity, the estimated duration may be modified. A confirmation report shall be issued, which shall invalidate the discharge provided for in the sick-leave report, indicating:

- Diagnosis
- Estimated duration
- Process type
- Medical examination date

If the duration of the process is of a very short estimated kind, the sick leave and discharge medical certificates shall be issued in the same medical act.

Regardless of the estimated duration, the doctor will issue the discharge report for recovery or improvement that allows the patient to carry out his/her usual work when it is considered he/she has regained his/her capacity to work, by a permanent disability proposal or by the commencement of a situation of parental leave.



Confirmation reports

Very short estimated duration: no confirmation report shall proceed.

Short estimated duration: 1st report: 7 calendar days at the latest from the date of sick leave. The second and subsequent ones every 14 calendar days at the latest.

Medium estimated duration: 1st report within a maximum of 7 calendar days from the date of sick leave. The second and subsequent ones every 28 calendar days at the latest.

Long estimated duration: 1st report within a maximum of 14 calendar days from the date of sick leave. The second and subsequent ones every 35 calendar days at the latest.

In case of an occupational contingency, when issuing the last confirmation report prior to the exhaustion of the 365 calendar days of duration, it shall inform that the control will be carried out by the INSS.

Regardless of wether the PHS, collaborative mutuall o collaborative company continues to provide the medical assitance your condition may required.



Discharge report

Issued by:

- PHS' doctor, or collaborative mutual's if the process is derives from ocupational contingency. The practitioner issuing the discharge report shall give a copy to the worker.
- INSS o ISM medical inspectors shall give a copy to the worker. They shall submit it inmediately by telematic means and, in any case, in the first business day after its issuance, to the PHS and the collaborative mutual in the event of a working-related accident or occupational disease.

If the worker fails to attend the medical examination appointed in the sick leave and confirmation reports, the medical discharge may be issued for no-show.

365 days

The PHS shall notify to INSS by telematic means in an inmediate way, no later than the first following working day, the date of exhaustion of the 365 days.

