

## **COVID-19 and Labour Regulations**

### **Spain – Pinto Ruiz & Del Valle**

#### **1. Teleworking or distance work**

Government recommendation for teleworking, not mandatory but extreme security measures have to be incorporated.

In May, the Spanish Government obliged companies to give a recoverable paid leave of 9 days. This measure caused a lot of conflict between trade unions and employers. Currently, teleworking is recommended, but not imposed. In case it is implemented, the company has to provide the resources (computer equipment).

Article 5 of Royal Decree-Law 8/2020 establishes the preferential nature of distance working or teleworking.

#### **2. Safety measures in the workplace**

It is mandatory to maintain a safety distance of 1.5 meters and the use of a mask in premises with public operations. In addition, hydroalcoholic gels should be available. Adequate ventilation is recommended and the guidelines of the Law of Prevention of Labor Risks and of the Royal Decrees that came out as a result of the pandemic should be followed.

#### **3. Support measures for companies**

ERTE (Record of Temporary Employment Regulation) were established until 30 September, 2020, with different Social Security beneficiaries. Currently and until 31 January 2021, the Government has proceeded to implement different types of ERTES (new) of tendering or independently of the economic activity, for possible new government measures (resurgence).

If the company implements ERTES, there is a controversial "employment safeguard" for workers in ERTE that forbids dismissal (only disciplinary dismissal) for a period of 6 months.

Workers are entitled to an allowance of 70% of their salary.

It has been forbidden by law to dismiss for COVID-19 reasons (organizational, objective, productive, economic and technical) forcing the company to reduce the ERTES.

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