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Factsheet for case **ES-2020-13/598**

Prohibition of objective dismissals

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Country	Spain, applies nationwide
Time period	Open ended, started on 27 March 2020
Type	Legislation or other statutory regulation
Category	Employment protection and retention – Changes to dismissal law or employment protection legislation
Case created	14 April 2020

Background Information

This measure is part of a second package of measures to mitigate the social and economic impact of the Covid-19 crisis.

The objective of this prohibition is to avoid employers taking advantage of the health crisis in order to dismiss workers.

The Government approved in Royal Decree 9/2020 the temporary prohibition, from 27th March until the health crisis ends, dismissals due to force majeure or objective causes of an economic, technical, organizational or production nature, which are justified by the impact of the coronavirus

Content of measure

Under this regulation, objective dismissals are prohibited. These dismissals have a severance pay of 20 days per year worked and a maximum of one year salary, when the judge finds these cases appropriate. Although, in the case of finding them inadmissible, the compensation rises to 33 days per year worked and a maximum of two annuities.

The legal wording indicates: "Force majeure and the economic, technical, organizational and production

causes covered by the measures for suspension of contracts and reduction of working hours provided for in articles 22 and 23 of Royal Decree Law 8/2020, of March 17 cannot be understood as justifications for the termination of the employment contract or dismissal. "

Thus, it follows from this text that more than prohibiting these dismissals, it makes them more expensive, because, if they occur, the judge will declare them inadmissible, and therefore the compensation will be greater than if they were due to objective causes.

Use of measure

No estimates exist

Actors, target groups and funding

Actors	Target groups	Funding
National government Company / Companies	employees	No special funding required

Social partners

Role of social partners	No involvement
Form of involvement	No involvement

No involvement of social partners

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 27 March 2020: Royal Decree 9/2020 (www.boe.es)