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Factsheet for case ES-2020-12/548

Flexibilisation of temporary adjustment of business activities to avoid layoffs

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Country	Spain, applies nationwide
Time period	Open ended, started on 18 March 2020
Type	Legislation or other statutory regulation
Category	Employment protection and retention – Income support for people in employment (e.g. short-time work)
Case created	13 April 2020 (updated 07 May 2020)

Background information

With the objective of allowing companies to maintain their activities in the context of the COVID-19, measures have been taken in order to speed up and make more flexible the process whereby companies can implement collective temporary redundancies and apply reduced working time schemes.

Contract suspensions and reductions in working hours that have their direct cause in loss of activity as a consequence of COVID-19, including the declaration of the state of alarm, which imply suspension or cancellation of activities, temporary closure of places of public influx, restrictions on public transport and, in general, the mobility of people and / or goods, lack of supplies that seriously impede the continued development of the activity, or in urgent and extraordinary situations due to the contagion of the staff or the adoption of preventive isolation measures decreed by the health authority, which are duly accredited, will be considered as coming from a situation of force majeure, with the consequences derived from article 47 of the revised text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of October 23.

Content of measure

In the cases in which the company decides to suspend contracts or temporarily reduce the working day, the following process will be followed:

a) The procedure will begin at the request of the company, which will be accompanied by a report regarding

the link of the loss of activity as a result of COVID-19, as well as, where appropriate, the corresponding supporting documentation. The company must communicate its request to the workers and transfer the previous report and the supporting documentation, if any, to their representation.

b) The existence of force majeure, as a motivating cause for the suspension of contracts or the reduction in working hours provided for in this article, must be verified by the labor authority, regardless of the number of workers affected.

c) The resolution of the labor authority will be dictated within a period of five days from the request, following a report, where appropriate, of the Labor and Social Security Inspection and must be limited to verifying the existence, when appropriate, of force majeure. alleged by the company, corresponding to it, the decision on the application of measures to suspend contracts or reduce working hours, which will take effect from the date of the act of force majeure.

d) The report of the Labor and Social Security Inspection, whose request will be optional for the labor authority, will be evacuated within the non-extendable period of five days.

Use of measure

There is no estimate yet as to the number of companies and/or workers affected

Actors, target groups and funding

Actors	Target groups	Funding
National government Company / Companies	Employees All companies	National funds

Social partners

Role of social partners	Consulted
Form of involvement	Direct consultation

Social partners were consulted the days before the decree was approved on this point

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 18 March 2020: Royal Decree-Law 8/2020, of March 17, on extraordinary and urgent measures to face the economic and social impact of COVID-19. (www.boe.es)