



EMERGENCY MEASURES COVID-19: **Recoverable paid leave**

Barcelona, 30 March 2020

SUMMARY

In this News Alert we explain the main measures taken by the Spanish central government with regard to recoverable paid leave for employees who do not provide essential services, regulated by Royal Decree Law 10/2020 of 29 March.

RECOVERABLE PAID LEAVE

Recoverable paid leave will apply to **salaried employees** providing services in both public and private sector enterprises which do not qualify as essential.

^ What is the nature and duration of the leave?

The leave is **compulsory** for all workers not excluded from its scope.

The leave starts on **30 March 2020** and ends on **9 April 2020**.

^ Will the leave be paid?

Yes. Workers will retain their right to remuneration, including their base salary and wage supplements.

^ What will happen with the unworked hours?

The unworked hours **must be recovered** during the period between the day following the end of the state of emergency and 31 December 2020.

The means of recovering the hours must be negotiated between the company and the workers' legal representative body; if one does not exist, the negotiation will be carried out by a committee representing the workers made up of the most heavily represented trade unions and those specific to the industry in which the company operates; or, failing this, by three workers from the company itself, elected in accordance with article 41.4 of the Workers' Statute.



EMERGENCY MEASURES COVID-19:
Recoverable paid leave of absence

The recovery of the hours must respect at all times the workers' rights in the terms of Article 3.3 of the Royal Decree Law.

^ Is it allowed to set a minimum activity?

Yes, although only if necessary and, in this case, the activity and the minimum number of staff or shifts established will be based on the activity carried out during an ordinary weekend or on public holidays.

^ Which workers are excluded?

- Workers whose activity had been paralyzed by Royal Decree 463/2020 of March 14 which declared the State of Emergency. [SEE NEWS ALERT IV.](#)
- Persons providing services qualified as essential or in the divisions or production lines of sectors qualified as essential.
- Workers hired by companies that have applied for or are applying temporary lay-off proceedings, or hired by companies that have been authorised to implement temporary lay-off proceedings during the term of the recoverable paid leave.
- Workers who are on medical leave due to temporary disability or whose contracts have been suspended for other reasons.
- Workers who can provide their services through teleworking or other non-presential methods.

^ Activities excluded from compulsory paid leave

Paid leave **will not be applicable to employees working in activities classified as essential or in their production facilities.** The following activities, in particular, have been classified as essential:

- a) Activities which, according to Royal Decree 463/2020 ([consult here](#)), must continue to be provided.
- b) Activities forming part of the supply chain of the market and production of basic goods and services.
- c) Catering activities providing home delivery services.
- d) Goods and passenger transport, which have continued to operate since the declaration of the state of emergency.
- e) Activities relating to penal institutions, protection and security.
- f) Activities of health centres and care for the elderly, minors, dependents or disabled persons.



EMERGENCY MEASURES COVID-19:
Recoverable paid leave of absence

- g) Activities provided in Refugee Reception Centres or in Temporary Immigrant Housing Centres.
- h) Animal health care activities.
- i) COVID-19 research activities and associated services.
- j) People working in funeral services and related activities.
- k) Activities related to the press and media sector. The activities of telecommunications and audio-visual companies and essential computer services.
- l) Financial services companies for the provision of essential services.
- m) Lawyers, court representatives and labour advisors, among others, for the provision of procedural services that have not been suspended.
- n) Legal firms and consultancies, administrative agencies and labour advisors in urgent matters. Notaries and registries for the provision of essential services.
- o) Activities in the cleaning, maintenance, repair and waste and water treatment sector.
- p) Meteorological services and associated processes.
- q) Universal postal service and the distribution and delivery of products purchased via e-commerce, by telephone or by correspondence.
- r) All activities related to sanitary material and services involved in corridors for transporting patients.

The Royal Decree-Law entered force on 29 March 2020, although it allows **workers subject to paid leave to work on 30 March 2020**, where this is essential, **so they may take recoverable paid leave without seriously damaging the resumption of the relevant business activity.**

We will continue to inform you of any new measures and/or changes in legislation that may arise as a result of the COVID-19 pandemic.



NEWS ALERT XII: EMERGENCY MEASURES



EMERGENCY MEASURES COVID-19:
Recoverable paid leave of absence

The professionals that regularly work with your company are at your disposal for any clarification or additional information you may require in relation to the content of this Circular Letter. Please contact us by telephone at **934 677 414**.

Yours sincerely,

AUDICONSULTORES

The sole aim of this Circular Letter is to provide its recipients with a selection of general information items about novelties or issues of a labour, tax or legal nature, without this constituting professional advice of any kind or being sufficient for the making of personal or business decisions. © 2020 "Audiconsultores Advocats i Economistes, S.L.P."

All rights reserved.