

March 2020

Employment Law Department

**CORONAVIRUS POTENTIAL IMPACT ON EMPLOYMENT ISSUES: SPANISH
SOCIAL SECURITY DEPARTMENT HAS PUBLISHED CRITERIA FOR
CLASSIFYING MEDICALLY CONFIRMED ABSENCE FROM WORK OF
EMPLOYEES WHO MUST SELF-ISOLATE DUE TO THIS VIRUS (SARS-CoV-2)**

Without prejudice to any other implications that the current outbreak of coronavirus (named SARS-CoV-2) may come to have across the various different company areas, it is highly recommended insofar as employment relations are concerned for **companies to set down internal protocols to which employees can refer as basic rules supplementing protocols established by Health Authorities. Such internal company protocols must, naturally, follow the steps and recommendations laid down by the aforesaid authorities.** In this regard, the Government has now announced that the Department of Employment is in charge of establishing protocols to be applied by companies likely to be affected by the coronavirus (e.g. recommendations on working from home, along with other measures aimed at ensuring sustainability and the question of whether unemployment provisions might apply if companies have to halt production due to unavailability of raw materials from third countries, comprise some of the key points).

Equally, by application of the law on health and safety of workers, **one basic action that can be taken to reduce risk is for companies to communicate with the corresponding risk prevention services.** Given that contact with the virus affects both the health industry and non-health industry environments, the recommendation is that companies evaluate their risk of exposure and follow recommendations established in that regard by the relevant prevention service, which must be consulted as a matter of course.

The preventive measures a company can implement are set down in *Royal Decree 664/1997, of 12 May, on the protection of workers against risks related to exposure to biological agents during work and damage*, and as such may be deemed a professional or common contingency in law. In both instances, workers are entitled to the corresponding Sickness benefit.

The Spanish Health Authorities recommend preventive self-isolating to help isolate contagion risks (as in the rest of the European Union and our neighbouring countries) and even in instances when no diagnosis has been confirmed. In this regard, ***Criterion 2/2020 issued by the Ministry for Inclusion, Social Security and Migration* dispels doubts that have arisen about the employment situation of workers in preventive self-isolation as a consequence of the SARS-CoV-2 virus and this establishes that periods of preventive self-isolation to which workers are subject as a result of the virus must be deemed time off work for sickness deriving from a common illness.**

Lastly, it should be pointed out that the Works Inspectorate has published a document establishing certain guidelines about how to proceed in the employment area in relation with the coronavirus.