



March 2020

Employment Law Department

REMUNERATED RECOVERABLE TIME OFF FOR EMPLOYED WORKERS NOT PROVIDING ESSENTIAL SERVICES

Royal Decree-Law 10/2020, of 29 March, governing remunerated recoverable time off for employed workers not providing essential services has been passed into law. The purpose of this law is **to reduce mobility among the population in the context of the fight against COVID-19** (Spanish Official Gazette of 29 March 2020), reinforcing stay-at-home measures. The main content of this new legislation is summarised below:

- **Recoverable remunerated time off:** Employees are prohibited from working at company facilities whenever the company business is not classed as an essential activity and they must remain at home, whilst continuing to be paid in the usual manner. Such employees have therefore been given remunerated "time off", to be worked later in the year. At all events, legal rules on established breaks will be upheld and a procedure put in place for making up the time off, based on negotiations to be held by creating a negotiating committee.
- **Duration:** All non-essential business activities are forbidden from 30 March to 9 April (on the basis that Easter Week runs until 12 or 13 April, depending on the Autonomous Region). Nevertheless, the First Transitory Provision includes a 24-hour moratorium, applicable to "cases in which it is not feasible to immediately temporarily cease business activity".
- **Essential business activities:** The measure sets out a series of exceptions, inter alia, businesses with an impact on health, food, transport, banking, consultancy and legal services or press-related industries. The most affected sector by far is most certainly the construction industry.

The legislation is completed by means of an Appendix listing 25 points describing business activities classed as "essential", in relation to which workers are therefore exempted from the compulsory "time off" provision and permitted to continue attending their employer companies' places of work.

- **Exceptions:** The "time off" provision does not apply to self-employed individuals working from home, nor to employees of companies included in business suspension ERTes or employees already off work for other reasons.