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Labour Law Department

BAN ON DISMISSALS ON OBJECTIVE GROUNDS DUE TO AN INCREASE IN ENERGY COSTS. SUPPORT MEASURES

On 30 March 2022, Royal Decree-Law 6/2022, of 29 March, was published in the Official State Gazette, adopting urgent measures within the framework of the National Plan to respond to the economic and social consequences of the war in Ukraine ("**RD-L 6/22**"). It came into force on 31 March 2022.

The following new measures must be highlighted:

1) Limitations on dismissal

It states in article 44 that companies benefiting from the direct aid provided for in RD-L 6/22, **may not allege increased energy costs as an objective reason for dismissal** until 30 June 2022. Consequently, non-compliance will mean that companies benefiting from the aforesaid direct aid will have to repay the aid received.

The same goes for those companies that benefit from public support and are taking advantage of the **measures to reduce working hours or suspend contracts regulated in article 47 ET, which may also not use these reasons as grounds for dismissal.**

2) Support measures in certain sectors

Sectors where it has been necessary to establish a series of supplementary measures, in order to prevent dismissals and the destruction of jobs should be highlighted.

(i) In the transport sector, it should be noted, that among other measures, the voluntary extension of the temporary work contracts and the extension of the temporary residence and work permits of Ukrainian crew members sailing under the Spanish flag on merchant vessels, has been established.

(ii) In the road and rail transport sector:

Direct aid will be granted to companies and professionals affected by the rise in fuel prices. The direct aid corresponding to the 2022 financial year, for granting financial support to private companies whose activity is encompassed within National Classification of Economic Activities Code 4920 "Freight transport by rail", should also be highlighted.

In terms of Social Security, the possibility that urban and road transport companies that have workers under the General Social Security Scheme (RGSS) and workers covered by the Special Social Security Scheme for Self-Employed or Freelance Workers (the General Self-employed Worker Regime) (National Classification of Economic Activities Codes 4931, 4932, 4939, 4941 and 4942), can request a deferral in paying Social Security contributions, and under the heading for joint payments which will be accrued between the months of April to July 2022, in the case of companies, and between the months of May to August 2022, in the case of self-employed workers.

- (iii) This also applies in the maritime-fishing sector, companies included under the Special Social Security Scheme for Sea Workers and self-employed workers covered by the same scheme, as well as to companies in the Agricultural Sector.

3) Increase in the amount of the minimum vital income

Due to the extraordinary increase in prices in a situation in which the CPI was at its highest levels, it was agreed to adopt measures for the most vulnerable groups in economic and social terms.

Thus, an increase in the amount of the minimum vital income corresponding to the months of April, May and June 2022 is expected by applying a percentage of 15% to the amount recognised in every case, including the monthly recognised supplements, but excluding the amounts corresponding to previous periods, as well as other headings of non-monthly frequency that may have accrued.

And, as is logical, this increase will also apply to applications for this benefit that have been submitted on the date RD-L 6/22 came into force, but have not been resolved, and also to those submitted subsequently which will be recognised prior to 1 June 2022.