

Employment Update

Coronavirus | Possible employment measures and other issues of concern

10th March 2020

Analysis of the measures adopted by the Community of Madrid regarding the evolution of the Covid-19 from an employment point of view

In view of the evolution that the commonly known as Coronavirus (Covid-19) has had in recent hours, more and more measures are beginning to be adopted both from different public and private rooms, highlighting, due to its recent nature, the battery of actions to which the Governing Council of the Community of Madrid has given the green light and which will be active for 15 days starting tomorrow, Wednesday 11 March.

Among them, it is worth highlighting those adopted in educational matters, mainly the suspension of face-to-face teaching activities at all educational levels, or, in health matters, the possibility of delaying or suspending programmed surgical activities or non-preferential diagnostic tests.

From the employment perspective, also dealt with in the aforementioned battery of actions of the Governing Council of Madrid, the concern that this evolution is generating is increasingly greater in companies, trying to find a balance between, on the one hand, the due protection of the health and safety of workers and, on the other hand, the need to continue operating in terms of normality.

Beyond the series of recommendations that have been published in recent days, such as allowing teleworking, banning travel and face-to-face meetings, etc., it should be remembered that employment legislation provides for certain mechanisms which, if the current situation continues to evolve at the same pace as it has in recent hours, employers may have to resort to in order to adapt the workforce to the now by no means unthinkable scenarios in which work activity has to be stopped, temporarily, either totally or partially.

And in this sense, it is worth mentioning, basically, the figure of the temporary suspension and/or reduction of employment contracts - also commonly known as temporary employment regulation file ("ERTE") -, regulated mainly in article 47 of the Workers' Statute, as well as in the regulations that develop it (Royal Decree 1483/2012, of 29 October), differentiating that modality that has its origin in the concurrence of objective economic, technical, organizational and/or productive causes, from that which has its reason of being in a situation of force majeure; election by one or another modality that, nevertheless, would come determined and imposed by the concurrent circumstances.

In this sense, the causes that would motivate one or another measure would be different, as well as, without prejudice to the existence of numerous similarities, the form in which they must be carried out, their effects and the intervention and powers of the employment authorities.

On the basis of the foregoing and from the point of view of employment, it can be concluded that companies, on the one hand, should implement measures to guarantee the health and safety of workers and, on the other hand, be perfectly prepared in view of the unforeseeable development of events to proceed to process, if necessary and as soon as possible, the necessary employment measures required in each case.

For more information you can download the [press release](#) by the Madrid Regional Government with the measures taken.



For more information please contact:

Alfredo Aspra

alfredo.aspra@AndersenTaxLegal.es