

Employment Update

26th May Royal Decree Law 19/2020 adopting supplementary measures in the agricultural, scientific, economic, employment and social security and tax fields to alleviate the effects of COVID-19

29th May 2020

The main employment and social security measures are aimed at making technical adjustments to the urgent social security measures adopted to mitigate the impact of COVID-19. The following is a summary of the most relevant issues that have been implemented in the employment and social security field by [RDL 19/2020](#):

RDL 19/2020 ADDITIONAL MEASURES	
Matter	Content
Extension of the effect of agricultural employment flexibility (Article 1 and F.P. 10)	<p>The measures to make employment more flexible - contained in Articles 1 to 5 and D.A. 1 and 2 of 7th April Royal Decree Law 13/2020 adopting certain urgent measures in the field of agricultural employment ("RDL 13/2020") - which were intended to promote the temporary employment of workers in the agricultural sector, are extended until 30th September 2020.</p> <p>The measures extended include the possibility of making the provision of services in the agricultural sector compatible with the receipt of public social security benefits (unemployment, unemployment benefit, cessation of activity, etc.).</p>
Consideration of SARS-CoV2 as a professional contingency derived from an accident at work by the staff of health or social-health centres (Article 9 and 3rd T.P.)	<p>The social security benefits received by personnel providing services in health or social-health centres as a result of having contracted the SARS-CoV2 virus during any of the phases of the epidemic -when this is accredited by the occupational risk prevention and occupational health services- will be considered as an occupational accident.</p> <p>This forecast will apply to SARS-CoV2 virus infections occurring until one month after the end of the alarm state.</p> <p>In the event of <u>death</u>, the cause shall be deemed to be an accident at work provided that the death occurred within <u>five years of the contagion of the disease and is derived from it</u>.</p> <p><u>Transitional regime</u>: Prior to the effective date of this RDL 19/2020, health professionals who are receiving a benefit as a result of having contracted COVID-19 and this benefit is classified as a common contingency, will continue with this classification, unless it is a relapse - in which case, it will already be classified as a professional contingency.</p>
Budget and loans for Social Security (Articles 10 and 11)	<p>Budgetary modifications are approved for the Ministry of Inclusion, Social Security and Migration, increasing them by 14,373,569,060 euros.</p> <p>In addition, a loan of 16,500,000,000 euros is granted to the Social Security Fund</p>
Work and residence permit for young foreigners (2nd A.P.)	<p>A residence and work permit will be granted to those young foreigners who have been employed in the agricultural sector during the period of validity of RDL 13/2020 when it expires.</p>



<p style="text-align: center;">Salary Guarantee Fund (5th F.P.)</p>	<p>A new paragraph 11 is added to Article 33 of Royal Legislative Decree 2/2015 of 23 October, approving the revised text of the Workers' Statute Law ("WS"):</p> <p>A specific regulation is established on administrative silence in procedures for claiming compensation and wages from the Wage Guarantee Fund ("FOGASA"). In this way, in the event that the processing period exceeds three months from the date of the application, positive administrative silence is provided for; although, its granting is limited to the fact that it occurs in favour of persons who may legally benefit from that guarantee and within the quantitative limits set out in Article 33.</p>
<p style="text-align: center;">Modification of the rules for inclusion in the Special System for Self-Employed Farm Workers (6th F.P.)</p>	<p>In accordance with Royal Legislative Decree 8/2015 of 30 October, approving the revised text of the General Law on Social Security ("GLSS") -ex. Article 324-, agricultural workers who own farms and carry out agricultural work there personally and directly are included in this special system, even if they are employed by others, <u>provided that there are no more than two workers.</u></p> <p>This RDL 19/2020 states <u>that the limitations on the hiring of employed workers</u> referred to in the previous paragraph are understood to be applicable by <u>each agricultural holding. Where there are two or more owners</u> on the agricultural holding, the limit of two workers may be increased by one more - i.e. three workers -.</p>
<p style="text-align: center;">Termination benefit (8TH F.P.)</p>	<p>Article 17 of 17th March Royal Decree Law 8/2020, on urgent exceptional measures to deal with the economic and social impact of COVID-19 is amended to clarify that the extraordinary severance pay will last for one month, extending, where appropriate, until the last day of the month in which the state of alert ends.</p> <p>Finally, it is clarified that the time of its receipt will be understood as the time of contribution, there will be no obligation to pay contributions and it will not reduce the periods of benefit for cessation of activity to which the beneficiaries may be entitled in the future.</p>
<p style="text-align: center;">Exceptional access to unemployment benefit for artists in public performances not affected by a furlough scheme arising from COVID-19 (4th T.P. 12th F.P.)</p>	<p>In the 12th F.P., paragraphs 1, 2 and 3 are modified, adding a paragraph 5 to Article 2 of 5th May Royal Decree Law 17/2020, which approves support measures for the cultural sector and measures of a tax nature to deal with the economic and social impact of COVID-19 ("RDL 17/2020"):</p> <p>a.- Paragraph 1: recognises the extraordinary access to economic benefits for unemployment, with certain particularities among which are the following (i) it shall not be required to be in a situation of registration or assimilated to registration; and (ii) neither shall it be required to be included in the General Social Security System either at the time of applying for the benefit or while receiving it.</p> <p>b.- Section 2: it is established that those workers who accredit the relevant days of registration with the Social Security with actual service provision as artists in public shows, will be recognized in the year 2020 for the purposes of article 266 of the GLSS - which regulates the requirements for access to benefits -, to be in a legal situation of unemployment, as well as having covered the minimum contribution period, provided that they are not receiving the contributory unemployment benefit.</p> <p>c.- Section 3: it is specified that the date of legal situation of unemployment shall be 14th March 2020.</p> <p>The 4th T.P. provides that applications for unemployment benefits by artists for public performances pending resolution will be resolved in accordance with the rules established in this new RDL 19/2020. In addition, it indicates that if they have been rejected, they may reapply for the benefit in accordance with the provisions of this new regulation.</p>
<p style="text-align: center;">Communication of the renunciation of furlough schemes due to force majeure (13TH F.P.)</p>	<p>Article 1.3, paragraph 2, of RDL 18/2020 is amended to provide that the waiver by companies and entities of furlough schemes due to force majeure, or where appropriate, the suspension or regularisation of the payment of benefits resulting from its amendment, shall be made after notification of the changes in the data contained in the initial collective</p>

	application, adding that in addition to the State Employment Service and, where appropriate, the Social Navy Institute.
<p style="text-align: center;">Repeal of the suspension of deadlines around the Labour and Social Security Inspectorate (Sole derogating provision)</p>	<p>The 2nd A.P. of 21st April Royal Decree Law 15/2020 on urgent additional measures to support the economy and employment, which established the suspension of the deadlines during the state of alarm and its possible extensions, is repealed. The deadlines were thus suspended: (i) to carry out verification actions by the Labour and Social Security Inspectorate and (ii) set by officials of the Labour and Social Security Inspectorate System to comply with any requirements.</p> <p>Therefore, <u>these suspended deadlines are reactivated with effect from 1st June 2020.</u></p>

Finally, the effective date of this RDL 19/2020 will take effect the day after its publication in the Official State Gazette, that is, tomorrow, 28th May 2020.

We hope the information is useful and of your interest. At Andersen Tax & Legal we have created a multidisciplinary team to attend to all the questions that may arise on this aspect or in relation to the COVID-19.

For more information, please contact:

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