

Employment Update

Urgent prevention, containment and coordination measures to address the health crisis caused by COVID-19

10th June 2020

Regarding the 9th June Royal Decree-Law 21/2020, on urgent prevention, containment and coordination measures to deal with the health crisis caused by COVID-19

Yesterday, the 9th June Royal Decree-Law 21/2020, on urgent prevention, containment and coordination measures to deal with the health crisis caused by the COVID-19 ("RDL 21/2020") was published. Its purpose is to establish a series of rules, guidelines and steps with a view to overcoming phase III of the Plan for the Transition to a New Normality and the expiry of the state of alert. Its main measures are:

RDL 21/2020 Main measures adopted	
Measures	Content of the measures
Places of work (Article 7.1)	<p>Without prejudice to compliance with the Occupational Risk Prevention regulations, the licensee of the economic activity or the director of the centres and institutions must</p> <p>a.- Adopt ventilation, cleaning and disinfection measures appropriate to the characteristics and intensity of use of the places of work;</p> <p>b.- Make water and soap or hydro alcoholic gels or disinfectants with viricidal activity available to the workers;</p> <p>c.- Adapt working conditions, including the organisation of workstations and shifts, as well as the use of common areas in such a way as to guarantee the maintenance of a minimum interpersonal safety distance of 1.5 metres between workers. Where this is not possible, workers shall be provided with protective equipment appropriate to the level of risk;</p> <p>d.- Adopt measures to avoid massive overlapping of people, whether workers, customers or users, in workplaces during the time slots with the foreseeable highest influx;</p> <p>e.- Adopt measures for the gradual return to work in person and the promotion of the use of teleworking when this is possible due to the nature of the work activity.</p>
Working people with COVID-19 diagnosis or quarantine (Article 7.2)	<p>They must not go to their workplace:</p> <p>a.- People who are in home isolation due to a COVID-19 diagnosis;</p> <p>b.- People who are in home quarantine due to close contact with someone with COVID-19.</p>
Actions in the case of working people with symptoms which match the disease	<p>If a worker started having symptoms which match the disease:</p> <p>a.- They will not go to their work place;</p> <p>b.- He/she will immediately contact the telephone number authorized for this purpose by the corresponding Autonomous Community or health centre, and if necessary, the corresponding Occupational Risk Prevention services;</p>



(Article 7.3)	c.-, The worker will put on a mask immediately and follow the recommendations that are indicated to him/her, until his/her medical situation is evaluated by a health professional.
Other issues of interest included in the RDL 21/2020	<p>RDL 21/2020 regulates certain issues which, although not of a strictly labour nature, are of obvious interest in this area:</p> <p>1.- Rules for mandatory use of masks (article 6);</p> <p>2.- Special features in health centres, services and establishments (Article 8): the competent health administration shall ensure that organisational, preventive and hygienic measures are taken to ensure the well-being of workers and patients and the availability of protective materials, as well as the cleaning, disinfection and proper maintenance of equipment and facilities;</p> <p>3.- Special features in educational establishments (Article 9);</p> <p>4.- Special features in social services (article 10): the owners of the centres: (i) must have contingency plans for COVID -19 aimed at the early identification of possible cases among residents and workers and their contacts; (ii) will adopt organisational measures of prevention and hygiene in relation to workers, users and visitors, to prevent the risks of contagion; (iii) will guarantee the provision of protection materials appropriate to the risk;</p> <p>5.- Special features in commercial establishments (Article 11);</p> <p>6.- Special features in hotels and tourist accommodation (Article 12);</p> <p>7.- Special features in hotel and restaurant activities (Article 13);</p> <p>8.- Special features in cultural facilities, public entertainment and other recreational activities (Article 14);</p> <p>9.- Special facilities for sporting activities and competitions (Article 15);</p> <p>10.- Rules for other sectors of activity (Article 16);</p> <p>11.- Measures for public travel and maritime transport (Articles 17 and 18);</p> <p>12.- Measures concerning medicines, medical devices and products necessary for the protection of health (articles 19, 20 and 21);</p> <p>13.- Action regarding early detection, control of sources of infection and epidemiological surveillance (Articles 22 to 27): it should be stressed that <u>establishments, means of transport or any other place, centre or public or private entity</u> in which the health authorities identify the need to carry out contact tracing, will be obliged to provide the health authorities with the information available to them or requested of them regarding the identification and contact details of potentially affected persons;</p> <p>14.- Measures to ensure the capacities of the health system (articles 28 a 30);</p> <p>15.- Penalty system (article 31): non-compliance with the prevention measures and obligations provided for in this RDL 21/2020 may be sanctioned under the terms of Law 33/2011 of 4 October, the General Law on Public Health and the corresponding sectoral laws on transport.</p>

Finally, **the measures published in this RDL 21/2020 will enter into effect** in all territories on **11th June 2020** with the following particularities:

a.- From the effective date of the regulation, the general provisions (Chapter I) contained in this RDL 21/2020, the measures envisaged for the sporting activities of the Professional Football League and the ACB Basketball League (article 15.2) and the final, derogatory, transitional and additional provisions - within the latter of which the 6^a A.P. relating to the management of the pharmaceutical benefit is excepted and which will enter into force in accordance with the provisions of the following section b- will be applicable;

b.- The rest of the measures (chapters II to VII and D.A. 6^a) contained in this RDL 21/2020 **will also be applicable only in those provinces, islands or territorial units that have passed phase III of the Plan for the Transition towards a New Normality and those in which all the measures linked to the declaration of the state of alarm have been removed;**

c.- Once the extension of the state of alarm is completed, this RDL 21/2020 will apply to the entire national territory until the government declares the end of the health crisis caused by the COVID-19.

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.

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