

On March 29th, the RD 10/2020 was approved, the recoverable paid leave for employees who do not provide essential services, with effects from 30th March to 9th April (both included), with the aim of reducing the mobility in relation to the fight against COVID-19, because of the fact that work and professional activity is the cause of most of the displacements that currently take place in our country.

1. Scope of application

It will be applied to all those employees who provide services in public or private sector companies and whose activity has not been paralyzed as a result of the state of alarm, with the exception of all those employees who:

- a) provide their services in sectors classified as essential (see annex);
- b) those whose contractor company is processing or has an approved ERTE in which they are included;
- c) those who are on leave due to temporary incapacity;
- d) those who can continue to carry out their activity by means of teleworking or any other non-presential modality.

2. Paid leave

Employees included within the scope of RD 10/2020 may take **compulsory recoverable paid leave**, between 30th March and 9th April 2020, both inclusive. This means that employees will retain the right to the same remuneration that they would have been entitled to if they had been providing their services on an ordinary basis.

3. Recovery of not worked hours during paid leave

The recovery of working hours may be effective from the day after the end of the state of alarm and with a **limit until December 31, 2020**. Such recovery shall be negotiated during a period of consultation in which the parties will negotiate in good faith in order to reach to an agreement.

In any case, limits are set on such recovery of hours so that:

- a) It may not lead to non-compliance with the minimum daily and weekly rest periods provided for by law or in the applicable collective agreement;
- b) A period of notice of less than 5 days may not be established;
- c) The maximum annual working day provided in the applicable collective agreement may not be exceeded;



- d) The rights to combine personal, work and family life recognized by law must be respected.

4. Minimum essential activity.

If necessary, the companies affected by this permit may **establish a minimum number of staff or work shifts** that are strictly essential to maintain the indispensable activity, taking as a reference that which is maintained on an ordinary weekend or on bank holidays.

5. Guarantees for the resumption of business activity.

If it is impossible to interrupt the activity immediately, employees included in the scope of application of this Royal Decree Law may provide services on **Monday 30th March 2020** with the sole purpose of carrying out the essential tasks in order to make the recoverable paid leave effective without irremediably damaging the resumption of the business activity.

6. Essential services in the Administration of Justice.

Judges, public prosecutors, lawyers and other personnel in the service of the Administration of Justice will continue to deal with procedural actions not suspended by Royal Decree 463/2020, of 14 March, which declared the state of alarm for the management of the health crisis situation caused by COVID-19, in order to cover the essential services established.

7. Personnel of companies awarded public sector contracts.

The recoverable paid leave regulated by this Royal Decree-Law will not be applicable to the personnel of companies awarded public sector works, services and supply contracts that are essential for the maintenance and safety of buildings and the proper provision of public services, including the provision of such services on a non-attendance basis.

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