

COVID-19 and labour law measures in Spain: emergency rules to deal with a health, economic and employment crisis

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Abstract

The COVID-19 pandemic has had a great impact in Spain. With the purpose of slowing down the spread of the virus and controlling the situation, the Government declared the state of alarm and imposed restrictions to people's movement and social contact (including temporary confinement of the population at home). Most economic and working activities were temporarily paralysed, leaving apart those considered 'essential services' and other exceptions. With the aim of reducing the economic and social impact of such extraordinary circumstances, protecting workers and allowing to resume working activities after the crisis, the Government approved a package of urgent legislation, including a large list of measures in the area of Labour Law and Social Security: among others, promoting telework; facilitating the adaptation of working time to family care needs; favouring the temporary suspension of employment contracts or the reduction of working time due to force majeure or other grounds related to COVID-19, while dismissals were limited; establishing an extraordinary paid leave for workers of undertakings forced to stop their activity; finally, adapting and enhancing unemployment benefits and other forms of social protection. This paper provides a panoramic explanation on this legislation aiming to face the COVID-19 health, economic and employment crisis.

Keywords: Covid-19; State of alarm; Telework; Temporary suspension of employment contracts; Temporary reduction in working hours; Force majeure; Dismissals; Social Security benefits.

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1. General overview.

To deal with the effects of the COVID-19 pandemic and with the purpose to slow down the spread of the virus, on March 14, 2020, the Spanish Government decided to activate the state of alarm, according to Article 116 of the Spanish Constitution¹. Within this framework, and with the aim of restricting contact amongst people and the subsequent probability of contagion, the Government imposed many significant restrictions. Among other things, very important limitations of freedom of movement and a tighter border control to prevent the entry in Spain², with some exceptions (i.e., frontier workers or health staff for attending work)³. From the perspective of economy and work, all recreational, cultural, sports and commercial activities were suspended on that date, March 14, as well as hospitality and educational activities to be carried out on-site⁴.

On March 29, Royal Decree-Law 10/2020 initiated a second stage, going further ahead, suspending all non-essential activities until April 9, and establishing an especial compulsory paid leave for the forced interruption of the activity of all those workers performing activities considered as non-essential⁵. Except for those performing essential activities, the population was submitted to confinement or lockdown at home, allowing movement outside just for justified reasons and basic needs. The Government made clear in that moment that the duration of the state of alarm would be longer than it was initially anticipated, but the intensity of the restrictions on mobility and economic activity would be different depending on the evolution of the pandemic.

The state of alarm has been extended every 15 days, with the corresponding support of the Parliament. The last extension approved so far will end on June 7⁶, but, probably, it will not be the last one, as the Government was preparing and negotiating another extension by the time in which this text has been submitted for publication. This is being done in the framework of the ‘Plan for the transition to a new normality’, this is, the governmental strategy for the so-called ‘de-escalation’ from the limitations on economic activities,

¹ <https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229>. See also, Organic Law 4/1981, June 1, on the state of alarm (<https://www.boe.es/buscar/act.php?id=BOE-A-1981-12774>), the state of exceptionality and the state of siege. This Spanish constitutional and legal framework allows the Government to declare the state of alarm for a period of 15 days, which can be extended with the authorisation of the Parliament, to face exceptional situations as natural disasters, health emergencies or pandemics, block of essential services or shortage of basic need products. Within the state of alarm, the Government takes extraordinary powers, being entitled, for instance, to assume control of competencies normally corresponding to the regional governments of the autonomous communities, to requisition of goods, to imposition of compulsory services to persons or businesses, or to adopt restrictions of people’s movement. Anyhow, it is important to outline that constitutional fundamental rights are not suspended in the state of alarm, which does neither involve an alteration in the configuration of the democratic institutions. Therefore, in the state of alarm, the Government acquires additional capabilities and entitlements, but these are nevertheless temporary and constitutionally and legally limited.

² Orden INT/239/2020, March 16: (<https://www.boe.es/boe/dias/2020/03/16/pdfs/BOE-A-2020-3776.pdf>). These limitations will be in force until the end of the state of alarm according to Orden SND/439/2020, May 23 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5264).

³ Orden SND/439/2020, May 23 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5264).

⁴ Royal Decree 463/2020, March 14, <https://www.boe.es/buscar/act.php?id=BOE-A-2020-3692>.

⁵ <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4166>.

⁶ This extension was published in the Official Gazette of May 23: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-5243>.

movement and contact amongst people, gradually reducing them according to four consecutive phases, and maintaining nevertheless some caution and prevention measures in order to avoid a new upsurge of the public health crisis⁷.

Obviously, the economic activity has decreased during the state of alarm, either as a direct result of the suspension decided by the Government, or, indirectly, due to the consequences of the limitations on freedom of movement (lockdown of the population). Consequently, many undertakings suffering a dramatic stop or reduction of their activity took measures for interrupting, reducing or modifying the working time of their employees, and temporary suspensions of the employment relationships or dismissals have affected more than three million workers. On March 17, the Government adopted Royal Decree-Law 8/2020 with specific measures for this period⁸, some of them in the field of Labour Law, and specifically regarding those business decisions on reductions and interruptions of working time due to the exceptional circumstances. These measures were supplemented by the ones included in Royal Decree-Law 9/2020, March 27, with the purpose of protecting employment and minimize the impact of the crisis in the working people. One of the keys for achieving those aims was the explicit limitation of dismissals during the state of alarm⁹.

Of course, ‘ordinary’ and previously existing Labour Law provides tools to deal with crisis and restructuring of undertakings. Those rules are in accordance with European Union Law and are reasonably effective in the most common situations. However, COVID-19 has led to an emergency context and the traditional rules did not fit properly. New and more adapted rules were needed.

Certainly, the Government (with validation by the Parliament) has passed an important bunch of measures and rules in the field of both Labour Law and Social Security within the period of the COVID-19 alert, with the purpose of dealing with the exceptional situation. All these regulations are included in a ‘Code’, daily updated, and available for consultation in the Official Gazette (BOE) website¹⁰. In general, many of these measures for protecting workers and supporting the employing undertakings might be somewhat of a temporary and conjunctural nature, consisting in a package of emergency legislation for facing the severe impact on employment and occupation, but based on an urgency and short-term approach, rather than in a long-term perspective.

Many of those new rules seem to have a limited temporal scope of action, so their applicability will probably expire when the extraordinary circumstances underlying their approval are over. More exactly, at the moment, the most of them are declared applicable while the extraordinary situation persists and extended for three months after the state of alarm expires. These exceptional provisions create a somehow ‘parallel Labour Law’, differing from the general framework traditionally applicable, but just for this concrete lapse of time affected by the pandemic (and the immediately subsequent months). Therefore, during this period two different regulations coexist. On the one hand, the more traditional Labour Law, mainly included in the Workers’ Statute. On the other hand, these emergency

⁷ <https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov-China/planDesescalada.htm>.

⁸ <https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>.

⁹ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4152.

¹⁰ https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=355.

provisions, which partially displace structural Labour Law while the effects of the pandemic remain. Some of these emergency regulations are designed for the whole duration of the state of alarm, but others will be (or have been) in force for a very limited time, depending on the phases of the so-called 'de-escalation' with the aim of returning to a 'new normality'.

At a first glance, most of the temporary emergency measures approved during the period of the COVID-19 pandemic might not necessarily involve a structural modification of the relevant provisions of Labour Law on matters such as working time, interruptions and reductions of work and dismissals, nor of those concerning the Social Security system. However, we cannot totally discard the maintenance of some of these new regulations after the crisis, and it is possible to guess a deeper impact in the future of Labour Law, even if it is still too early to deliver a precise conclusion on this point. For now, trade unions and employers' organisations have already suggested to the Government that a new regulatory framework for telework would be desirable.

This is precisely one of the key features or lessons that can be drawn from this health crisis: telework has been promoted as a natural alternative to on-site work. Work organisation will probably experience huge changes in the near future due to ICTs, so Labour Law will need a reform to face these challenges. Moreover, this preference for telework has revealed that the rights to work-family life balance do not properly fit with this kind on context, where schools, kindergartens or centres for elderly persons, for example, are closed, so a lot of people are continuously living in the same house at the same time and there is no easy way for the worker to take care of all obligations and duties of both the job and the family.

However, this is not the only lesson to be learned. Perhaps the most prominent feature has been the leading role of the Government during the whole crisis. The Government, with the support of the Parliament, have passed a set of new regulations with lesser space for agreements between employers and workers or their representatives. Therefore, in times of crisis, the public authorities seem to be required to take the leadership and adopt a more direct intervention, possibly at the expense of reducing the sphere of autonomous composition of interests in private relationships (including the area of employment and labour relations), or even altering some rights or expectations that everyone would take for granted in a normal context.

In this leadership role, the Government has devoted its greatest efforts to protecting employment in the long term, trying to avoid dismissals, and prioritizing less drastic measures that allow the continuation of the employment relationship. Among these, reductions in working hours and temporary suspensions of contracts have become very common, which has also led to modifications in the field of Social Security to provide alternative income to those affected. It is worth mentioning that public employment has experienced a lesser impact than employment in the private sector. One of the main reasons is that the lockdown has not extended to essential services, provided by public administrations.

2. Working during the confinement.

The restriction of freedom of movement did not imply the total stop of production. The aforementioned Royal Decree-Law 8/2020 prioritised the continuity of employment contracts through telework whenever possible. Article 13 of the Labour Code¹¹ provides the general rules for telework and requires a written agreement between the employer and the worker to allow this modality of work performance. It also contains some specific provisions to guarantee employee's rights. It was not easy to fully comply with all these requirements for telework set in Article 13, in the context of the sudden lockdown, and the subsequent forced and unexpected turn of presential activities into a non-presential mode, due to the exceptional situation, and without a previous and proper planning on its implementation. For example, according to the aforementioned provisions, telework was traditionally voluntary and required mutual agreement amongst the parties. However, in the current situation, it has become not exactly as voluntary as before: it might be the only option to continue for many businesses and undertakings, and it can be somehow forcedly requested by the employee to the employer or vice versa, whenever this is the only option for maintaining work and complying with the restrictions of movement and activity at the same time.

Accordingly, Royal Decree-Law 8/2020¹² established new urgent emergency rules for telework in the context of the pandemic and the confinement of people at home. These are applicable just temporarily, and do not directly involve a structural change of the traditional legal regime on the matter for the long term, even if it is possible to guess a future new legislation on telework, as a result of the insufficiencies revealed during the COVID-19 crisis. Article 5 of this legal piece regulated 'the preferential character of telework', trying to promote and to make more flexible the legal requirements for adopting this mode of work performance. The underlying idea is that telework is a better alternative than the total interruption of the activity, and the subsequent consequences regarding the paralysation of the economy, the suspension of employment contracts or employee dismissals. The goal was to ensure that businesses and employment relationships could continue to some extent and resume normally as soon as possible. Precisely considering this reason, for enabling the sudden turn into telework, some of the rules regarding employer's obligations on prevention of occupational hazards for teleworkers have been made more flexible. The requirement of a previous assessment on those risks by the employer has been considered fulfilled in a simplified manner, by means of a voluntary self-assessment carried out by the teleworker him/herself.

However, telework was not declared mandatory, because, obviously, not all activities could continue this way. For activities not forcedly interrupted as a consequence of the declaration of the state of alarm and not suitable for telework, on-site work was allowed, but applying more flexible rules on working time and other special provisions during this period. Therefore, the total interruption of work and the temporary suspension of the employment contracts are not the only options to deal with this situation, and probably not the best for

¹¹ <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430>.

¹² <https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>.

the workers. In the event of a decrease in demand and production levels, and thus in workforce needs, the Law allows employers, as a less drastic alternative, to impose a reduction of the working time of the workers, with a proportional adjustment in wages. The affected workers are entitled to unemployment benefits, so this measure does not cause a total loss of income.

It is worth mentioning that some regions adopted special provisions affecting the staff of the Public Administration, with the aim of guaranteeing the functioning of essential services and the adequate attention to general interest requirements. These measures affected all the personnel of the concerned Public Administrations, both civil servants and employees with an employment contract. This regulatory framework allows more flexibility for decisions on new assignments of tasks and functions, transfer to another workplace, modifications in working time, including leaves and breaks, and hiring of new personnel¹³.

It should also be mentioned that Article 37 of the Labour Code grants the worker the right to certain adaptations or modifications of working time in case that s/he needs to face family responsibilities. With a non-necessarily structural long term effect, Article 6 of Royal Decree-Law 8/2020 provided special rules for those cases when the worker has care responsibilities specifically deriving from the situation caused by COVID-19, widening then the rights of the employees for re-conciliation of work and family-life. Nevertheless, the exercise of this right to adaptations or modifications of working time in this enhanced version requires the worker to proof that there are new family care needs due to circumstances directly related to the Coronavirus alert, such as the closure of educational centres (in the case of children), or even that the professional caregiver who cared after an elderly or dependant person is no longer available to carry out this task, so the worker him/herself should take care directly of his/her family member.

In these circumstances, the employer and the worker should look for an agreement to implement a proportional measure allowing the worker to take care of his/her family responsibilities. The law provides a wide catalogue of measures: telework, shift changes, split shifts, continuous shift, change of workplace, assignment to different functions or any other reasonable and proportionate change in working conditions.

These extraordinary measures -special provisions on telework and the adaptation of working conditions and working hours- were declared in force during the state of alarm and in the three months following its termination. In this regard, Article 15 of Royal Decree 15/2020, April 21, extended for two months the initial duration established in Royal Decree 8/2020¹⁴.

¹³ I.e., Navarra, region that has approved with two provisions with this purpose: Decree-Law 1/2020, March 18:

(<https://www.boe.es/buscar/act.php?id=BOE-A-2020-4381>) and Ley Foral 6/2020, April 6: (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4540).

¹⁴ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4554.

3. Prohibition of dismissals and temporary suspension of employment contracts.

In this section, we comment some of the most outstanding rules approved as urgent legislation for facing the negative effects of the COVID-19 crisis. These are not structural modifications of Labour Law, but nevertheless very important measures, temporarily applicable during that extraordinary period, and already expected to transitorily remain for some time during the process of returning to normality, in the terms afterwards detailed. As said, Royal Decree-Law 8/2020 tried to avoid a massive jobs loss resulting from the situation generated by the pandemic and the restrictions imposed during the state of alarm, and to ensure that the business activities and employment relationships could resume normally as soon as possible after this period of exceptionality. For this purpose, Article 2 of Royal Decree-Law 9/2020, March 27, banned dismissals on the grounds of force majeure or on economic, technical, organisational or production grounds during the state of alarm¹⁵. As a less aggressive alternative to dismissals, this legal text tried to give the employers incentives for eventually deciding just the temporary suspension of employment contracts, interrupting work and remuneration but preserving jobs, instead of drastically terminating employment relationships. This kind of measures aiming the protection of employment seems to be fully consistent with the orientations provided by the ILO guidelines on the matter¹⁶.

In fact, the measures adopted to stop the expansion of COVID-19 affected many businesses, which could not continue with their activities, or could not continue as before. For those cases, or in those of impossibility to continue the activities due to the sickness or confinement of the workers or given the lack of supplies too, Article 22 of Royal Decree-Law 8/2020 allowed the employer to take adjustment measures on the workforce. All those circumstances were considered as a specific cause of force majeure, enabling then the employer to adopt decisions on temporary suspension of employment contracts or reduction of working time, within more favorable and flexible conditions. It is worth mentioning that Article 47 of the Labour Code already allowed this kind of measures in case of force majeure, but it was not fully clear if all the situations related with COVID-19 could fit into this provision. Royal Decree-Law 8/2020 clarified that all the mentioned Coronavirus-related circumstances fall under the scope of application of these provisions on adjustments on the grounds of force majeure. Besides, temporary suspensions of employment contracts were not allowed initially during the state of alarm in those undertakings providing essential services, as private health-care establishments. However, Royal Decree-Law 15/2020 eliminated that restriction and permitted such measures in this kind of entities¹⁷.

The general procedure for suspension of employment contracts on the grounds of force majeure traditionally regulated in Article 47 of the Labour Code requires an administrative procedure before the Labour Administration. This is applicable to the COVID-19-related situations, but with easing procedures and especial advantages. Thus, employers were enabled to adopt measures such as temporary suspension of employment contracts or the reduction in working hours and the proportional adjustment of remunerations, according to those more favourable conditions, whenever they provide prior evidence on the relevance

¹⁵ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4152.

¹⁶ <https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/lang--en/index.htm>.

¹⁷ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4554.

of the problem and its link to the COVID-19 situation. The reality of the alleged force majeure context is submitted to verification by the Public Administration (the Ministry of Labour or the relevant body of the region involved, regarding the territorial scope of the decision) within five days following the undertaking's request. The proceedings on the matter have been simplified and abbreviated, in comparison to those generally applicable. Besides, another significant benefit is that, during these force majeure temporary suspensions of employment contracts, undertakings with less than 50 workers are totally exempted from contributions to Social Security concerning the affected workers, and larger ones are only obliged to pay 25% of the total contributions, which is a relief regarding the contributory obligations normally applicable.

The undertaking could also apply suspensions of contracts or working time reductions not only on the basis of force majeure, but also relying on economic, organizational, technical or production grounds. In fact, this would be the option to take for those undertakings indirectly affected but not capable to evidence one of the mentioned force majeure circumstances more directly connected to the COVID-19 situation. In these cases, the general rules traditionally established in the Labour Code apply, requiring previous consultation with the workers' representatives and a procedure before the Labour Administration. However, the COVID-19 alert and the restrictions established during the state of alarm involved problems to fully comply with those information and consultation rights. Article 23 of Royal Decree-Law allowed a flexibilization and abbreviation of the consultation procedure, which, in the absence of workplace elective representatives (mainly for undertakings with less than 10 workers), is to be held with the most representative and sectoral-representative unions, or with three workers specifically designated by the staff for that negotiation. In addition, the duration of this negotiation in ordinary situations (15 or 30 days depending on the size of the undertaking) was reduced in this COVID-19 cases to 7 days, to speed up the procedure.

All these more flexible measures were conditioned to the undertaking's commitment to maintain the employment levels for a period of six months from the date on which the activity resumes. There is an exception for the case of artists, in the event of final cancellation of the show for which they were employed, according to Additional Provision 14 of Royal Decree-Law 11/2020¹⁸. On the other hand, this legal framework on measures for adjustments on workforce needs and working time is completed with provisions on administrative penalties, for cases of fraud, lack of proper grounds justifying the decisions adopted or non-compliance with the relevant requirements.

These measures have also a specific effect on fixed-term contracts. The computation regarding the maximum duration or the expiry date of fixed-term contracts is interrupted during the period of suspension of employment contracts in the context of COVID-19¹⁹. Therefore, the Law created a kind of parenthesis in the duration of fixed-term contracts, so that they cannot expire or be terminated during a temporary suspension due to force majeure or economic, technical, organizational or production-related grounds. The duration of the

¹⁸ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208.

¹⁹ Article 5 of Royal Decree-Law 9/2020:

<https://www.boe.es/buscar/act.php?id=BOE-A-2020-4152&p=20200513&tn=1#a2>.

fixed-term contract is paralyzed when the temporary suspension of contracts begins and the employment relationship resumes after that temporary interruption. Similar measures were put in place for university teaching staff and for researchers with a fixed-term employment contract²⁰.

According to the original provisions, the effects of the hereby commented temporary suspensions of employment contracts should finalise with the end of the state of alarm. However, the COVID-19 crisis has lasted more than expected at first, and it was very early made evident that some restrictions and especial regulations would remain in force after the state of alarm, during the so-called ‘new normality’ (i.e., social distance). As this is likely to have an important impact on the economic activity, Royal Decree-Law 18/2020, May 12, extended the effects of the exceptional regulations on temporary suspension of employment contracts and working time reductions even after the state of alarm is over²¹.

Therefore, temporary suspensions of employment contracts according to the especial COVID19-related rules, and all the measure related, even the reductions of the employers’ contributions to Social Security, will remain in force until June 30, at least. In this new context, temporary suspensions of employment contracts could affect the whole staff or only part of it, when the undertaking can resume its activity, but not at full capacity. However, this extension of favourable rules and effects includes some limitative conditions: a) undertakings with tax residence in a tax haven are excluded; b) undertakings with more than fifty workers benefiting from these measures cannot pay dividends, and c) the prohibition of dismissals during six months continues in force, although it is not applicable to undertakings with risk of entering into bankruptcy procedures.

Finally, the measures more recently passed by the regional governments of the Autonomous Communities are aimed to protect and promote employment, adapting the employment plans to this extraordinary situation²² or providing more funds to help job creation²³.

4. An extraordinary paid leave for workers on non-essential activities.

On March 30, the restrictions of movement and the confinement of the population were made even more strict than before, and all non-essential working activities to be performed in a presential mode were suspended until April 9 by Royal Decree-Law 10/2020²⁴. Telework was allowed, but on-site work was forbidden, except for general interest essential or basic services and those tasks considered necessary to resume the activity after this reinforced lockdown, for example in the case of industries with blast furnaces.

²⁰ Additional Provisions 12 and 13 of Royal Decree-Law 11/2020:

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208.

²¹ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4959.

²² Decree-Law (Andalucía) 10/2020, April 29 (<https://www.juntadeandalucia.es/boja/2020/521/1>).

²³ Decree-Law (Cataluña) 16/2020, May 5:

https://dogc.gencat.cat/es/pdogc_canals_interns/pdogc_resultats_fitxa/?action=fitxa&documentId=872893&language=es_ES.

²⁴ <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4166>.

However, the list of essential activities was a long one (more than 25): agriculture, food transport, food stores, health care, law enforcement bodies, transport of passengers and goods, production and distribution of electricity, distribution of gas and water, gas stations, telecommunications, ports, airports and the media, etc. The Government could specify or expand this list, as has happened in relation to some health-care services²⁵, as well as with regard to services for the protection of victims of gender violence²⁶.

The affected workers in these non-essential activities legally forced to stop were entitled to a paid leave until the end of this suspension in April 9. This was a general paid leave directly established by Royal Decree-Law 10/2020, and compulsorily imposed to all the employers within the scope of application of this legal text. Nevertheless, according to these provisions, this leave is 'recoverable', so the concerned employees will need to perform those lost working hours when the activity resumes, during the year 2020. The way for recovering those working hours before December 31 is to be negotiated between the undertaking and the workers' representatives. In the absence of workers' representatives (mainly workplaces with less than 10 workers), the negotiation on behalf of the employees can be carried out by the most representative and sector representative unions, or even by three workers directly elected by their colleagues with that purpose.

This is obviously an urgent and emergency nature measure. Its application declines with the end of the COVID-19 crisis and the restrictions to business activities and people's movement. Nevertheless, the effects will somehow remain later, as the recovery of the working time lost is to be negotiated and completed afterwards and will possibly generate some labour disputes on the matter.

5. The enhanced Social Security protection.

Social Security has played a decisive role during the COVID-19 crisis. Due to the great impact of the situation on employment, the Government adopted some extraordinary measures in this area too, applicable temporarily during the very particular context of the pandemic, and even extending for some time afterwards. Firstly, unemployment benefits were extended (in an extraordinary way) to deal with the consequences of the lockdown. Indeed, workers affected by temporary suspension of employment contracts or reduction in working hours due to COVID-19 enjoyed special unemployment benefits. In these cases, among other things, the legal requirements for enjoying unemployment benefits were lowered, for instance, not requesting any previous minimum contribution period. The regular unemployment benefits require at least 360 days of contribution within the last six years. The recognition of these special benefits follows also particular rules, because they must be requested directly by the undertaking, instead of the employees themselves, to ease the administrative procedure and to reduce on-site activities. Besides, conversely to the general rule, the payment of unemployment benefits to the workers in the context of these COVID19-related temporary suspensions of employment contracts is not computed as

²⁵ Orden SND/310/2020, March 31 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4211).

²⁶ Royal Decree-Law 12/2020, March 31 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4209).

consumption of such benefits and consequently discounted from the contribution records of the beneficiary, so it does not affect nor the right nor the duration of future unemployment benefits²⁷.

Unemployment protection for the cases of suspension of work or reduction of working hours has been enhanced too in the case of members of cooperatives, when such circumstances are related to the Covid-19 crisis, in equivalent terms to those of temporary suspension of employment contracts. Some specific advantages have been established too regarding unemployment benefits for the case of seasonal employees who have been unable to work due to the COVID-19 situation²⁸.

The right to unemployment benefits is also extended to all artists²⁹, and even to workers who have resigned from a job because they had a job offer with another undertaking, but the contract was never started due to COVID-19 situation. In addition, other requirements to enjoy unemployment benefits were made temporarily inapplicable. For example, unemployment benefits are not always granted when a contract is terminated by decision of the employer during the initial trial period. Generally, the Social Security Act requires to take into account the reason why the previous employment contract was terminated. However, that additional requirement is not applicable for the contracts ended during the trial period after the beginning of the state of alarm³⁰. Other requirements regarding contributory and non-contributory unemployment benefits were exempted or made more flexible too, as those referred to the renewal of the inscription as job-seeker and to the extension of the duration of subsidies, which was somewhat made automatic³¹.

Furthermore, Additional Provision 20 of Royal Decree-Law 11/2020, complemented by Article 23 of Royal Decree-Law 15/2020³², allowed the workers affected by temporary suspensions of employment contracts to take cash from their private pension funds during six months after the beginning of the state of alarm. The cash taken could not exceed the amount of the wages lost during the temporary suspension of the employment relationship³³.

Fixed-term employment contracts raised a specific problem. Unemployment benefits are available for fixed-term employees, but they require a prior period of contribution. So, workers with very short duration fixed-term employment contracts could face problems in that regard. A lot of fixed-term contracts ended during the state of alarm and the subsequent paralysation of activities, and many of these workers did not have the minimum period of contribution required for unemployment benefits, nor opportunities to get another contract during the confinement. Considering such situation, Article 33 of Royal Decree-Law 11/2020 created an extraordinary unemployment benefit for these workers. Nevertheless,

²⁷ Article 25 of Royal Decree- Law 8/2020, March 17(<https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>).

²⁸ Article 25 of Royal Decree- Law 8/2020, March 17(<https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>).

²⁹ Article 2 of Royal Decree- Law 17/2020, May 5 (<https://www.boe.es/buscar/act.php?id=BOE-A-2020-4832>).

³⁰ Article 22 of the Royal Decree 15/2020, April 21 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4554).

³¹ Articles 25 to 27 of Royal Decree- Law 8/2020, March 17(<https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>).

³² https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4554.

³³ Royal Decree- Law 11/2020, March 31 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208).

this provision required that the fixed-term contract terminated during the state of alarm had a minimum duration of at least for two months. The duration of this benefit is one month and its amount is 430.27 euros³⁴.

There have been measures for domestic workers too. These employees are included in the Social Security system, but they are not entitled to unemployment benefits. However, regarding this exceptional situation, Article 30 of Royal Decree-Law 11/2020 has created extraordinary unemployment benefits for this category of workers. Those who had to temporarily stop domestic work or were dismissed as a result of the situation caused by COVID-19 could apply for this benefit. The amount of the benefit was equal to 70% of the previous salary, with the limit of the national minimum wage (31.66 euros per day or 950 euros per month).

However, the scope of these unemployment benefits, both ordinary and extraordinary ones, was not universal, so some people were excluded. Some regions tried to fill this gap and created economic benefits for workers with low incomes affected by temporary suspensions of employment contracts³⁵ and for people in need³⁶.

There were other measures beyond unemployment benefits, particularly concerning temporary disability leaves due to COVID-19. Spanish Social Security gives better protection to temporary disability caused by work than to the so-called ‘common illnesses’ (not caused by work). COVID-19 should be a common illness, but both the illness itself and the preventive confinement in case of suspicion were qualified as a professional or work-related circumstance to the purpose of temporary disability benefits, even in situations of confinement that do not allow commuting to work³⁷. That meant that the worker did not need a previous time of contribution and that the amount of the benefit was equal to 75% of the last month wage (and not 60% during the first 20 days, as in case of common illness)³⁸. COVID-19 will be also considered as accident at work for health staff even if it appears during the month after the end of the state of alarm³⁹.

6. A new Social Security benefit: ‘minimum living income’.

Moreover, the enhancement of Social Security protection in the COVID-19 context has gone one step further ahead with the creation of a new Social Security benefit for people in situations of need, called ‘minimum living income’. Even if this was already planned by the

³⁴ Royal Decree-Law 11/2020, March 31 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208).

³⁵ I.e., Comunitat Valenciana (Decree-Law 3/2020, April 19, http://www.dogv.gva.es/datos/2020/04/11/pdf/2020_2895.pdf) and Castilla y León (Decree-Law 2/2020, April 16:

<http://bocyl.jcyl.es/boletines/2020/04/18/pdf/BOCYL-D-18042020-1.pdf?fbclid=IwAR1EeWv7jsK4JVKdBr7HwNv5qQ5DGBvtiBX6FouQRzc-j2GJR1-Ut4cMVpY>).

³⁶ Decree-Law 14/2020, April 28: (https://dogc.gencat.cat/es/pdogc_canals_interns/pdogc_resultats_fitxa/?action=fitxa&documentId=872655).

³⁷ Additional Provision 21 of Royal Decree-Law 11/2020 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208).

³⁸ Royal Decree-Law 6/2020, March 10 (<https://www.boe.es/buscar/act.php?id=BOE-A-2020-3434>).

³⁹ Article 9 of Royal Decree-Law 19/2020, May 26 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5315).

Government before the COVID-19 pandemic, this exceptional situation has accelerated the implementation of this initiative. However, differently from other measures approved in the current extraordinary circumstances, this is not a temporary and merely conjunctural social protection instrument, but one already added to the Social Security list of benefits that will remain for the future. This was enacted by Royal Decree-Law 20/2020, May 29, on Minimum Living Income, approved with the objective of creating and regulating that minimum living income as a benefit aimed at preventing the risk of poverty and social exclusion of people, when they are in a vulnerable situation due to the lack of sufficient economic resources for covering basic needs⁴⁰.

The minimum income is considered as a new non-contributory Social Security benefit and configured as the subjective right to an economic payment for ensuring a minimum level of income to those who are in a situation of economic vulnerability. In addition, it provides access to other measures aiming an improvement of real opportunities for social and labour market inclusion of the beneficiaries. These beneficiaries are individuals living alone, generally requiring an age between 23 and 65 (with exceptions as for gender violence, sexual exploitation and human trafficking victims), or people integrated in ‘coexistence units’, as legally defined (a family or other cases of persons living together). There are several requirements for accessing these benefits: a) legal residence in Spain, and effectively and uninterruptedly living in the country for at least one year (nevertheless with some exceptions); b) lack of sufficient income or wealth; c) having previously requested other benefits to which the beneficiaries might be entitled (as minimum income is subsidiary to other benefits), and d) being registered as jobseeker (with some exceptions). Other requisites are established for specific situations. For individuals living alone and for coexistence units formed by persons not linked by couple or close family relationships, a period of 3 years of independent living or co-habitation is required⁴¹.

Regarding the requisite of insufficient economic resources, all the current own income of the requesting person or coexistence unit is taken into account (with a few exceptions), in a yearly computation. For being entitled to the benefits, the monthly average amount should be under the threshold legally established: at least 10 euros less than the amount of benefit that would correspond depending on the specific circumstances (individual living alone or coexistence unit, and number and characteristics of such unit). There are special rules for the flexibilization of these income limits, with the aim of favouring compatibility of minimum income with employment or self-employment of the beneficiaries, and thus avoiding disincentive to participation in the labour market⁴².

Minimum living income is applied in the form of a monthly payment. This payment is a supplement to the beneficiaries’ own income gained by themselves. Minimum income covers the difference between the beneficiaries’ own income and the sum established as, at the same time, minimum living threshold and total amount (as a maximum) of the minimum income benefit. This amount of the minimum income and threshold for access to the benefits is

⁴⁰ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493.

⁴¹ Articles 1 to 8 of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴² Article 8 of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

calculated taking as starting point that of the non-contributory old-age and invalidity pensions. Following these rules, the amount initially established for year 2020 is 461,50 monthly euros for an adult living alone (5.538 euros in yearly computation). In the case of people integrated in a coexistence unit, the amount is increased depending on the number of persons within the unit and on their particular circumstances, up to 1.015 monthly euros in a unit of five members. Single-parent units receive a specific additional payment. The amounts will be periodically updated⁴³.

In addition to the economic payment, the public administrations and collaborating private entities are exhorted to provide the beneficiaries with other labour market and social inclusion actions and programs. The beneficiaries are expected and obliged (with some exceptions) to participate in such activities for promoting their employment and social participation⁴⁴. There can be other additional advantages for some beneficiaries (i.e. free access to some public services, as university studies)⁴⁵.

The minimum income does not have a limited duration. It is paid while the situation of vulnerability persists, and the requirements are properly met by the beneficiaries. The amount paid can be modified if there is a change of the circumstances, and the payment can be suspended and extinguished too, in case of lack of the requirements for being beneficiary, or even as a penalty for some situations of fraud or non-compliance regarding the legal rules and obligations⁴⁶.

Royal Decree-Law 20/2020 includes a set of technical rules on the procedures and bodies concerning the request and management of the minimum income benefits. The financial legal regime and control is regulated in detail too⁴⁷. Finally, it contains a catalogue of legal infractions and corresponding penalties⁴⁸. All this legal framework entered into force on June 1. It is expected to reach around 850.000 coexistence units and 2,3 million of people⁴⁹.

Some regions (as Asturias, Basque Country or Navarra) already had similar minimum income benefits applicable within their territory, according to their autonomous legislation. Other regions previously had other less ambitious payments or emergency aid measures for people without sufficient resources. These are not necessarily incompatible with the new national minimum living income. It depends on the corresponding regional legislation, but generally both means for social protection could act as a complement to each other. Nevertheless, coordination rules and mechanisms will surely be needed.

⁴³ Articles 9 to 11, Final Provision 7th and Annexes, of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁴ Articles 28 to 31, 33, Additional Provision 1st of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁵ Transitional Provision 5th of Royal Decree-Law 20/2020, May 29: (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁶ Articles 12 to 17 of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁷ Articles 21 to 32, 37 and Additional, Transitional and Final Provisions of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁸ Articles 34 to 36 of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

⁴⁹ Preamble of Royal Decree-Law 20/2020, May 29 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493).

7. Measures for specific activities and workers.

COVID-19 created a health crisis that challenged the Spanish public health system and tested its actual strength. Public authorities realised that the human resources available could be not enough to deal with the situation, so some emergency rules were passed. The number of sick people forced to increase the hiring of healthcare personnel and the usual requirements for the recruitment procedures were relaxed for this purpose. Orden SND/232/2020, March 15, and Orden SND/319/2020, April 1, took several measures. Specifically, the hire of some personnel who had not yet obtained the relevant title was allowed, the recruitment of health personnel from countries that are not members of the European Union was made easier⁵⁰, and the employment contracts of resident physicians were extended, and their evaluations were postponed⁵¹, in order to be able to deal with the COVID-19 effects⁵². In addition, retired doctors and nurses were allowed to return to work. Of course, that work effectively done was paid but that salary was made compatible with the retirement pension, which was not reduced, as an incentive measure to convince as many people as possible to join this additional healthcare workforce⁵³.

An Order of March 26 provided particular rules for workers in social-service centres, because it allowed the imposition of extraordinary measures (different functions, change of workplace, etc.) to meet the needs of people who are in those centres (elderly people, victims of gender violence, persons with disability, etc.). This kind of extraordinary work could not be imposed to pregnant workers. The rules on breaks, working time and leaves (including annual leave) could be modified and teleworkers could be required to perform on-site work. In addition, and due to the lack of qualified personnel, these regulations exceptionally allowed the hiring of students in the final year of the degrees providing the corresponding qualifications for the relevant professions needed⁵⁴.

Working time of judiciary staff has also been adapted to improve the functioning of the courts, because the lockdown has caused many delays in pending litigation and many more conflicts are expected in the near future, for example regarding lawsuits on temporary suspension of employment contracts. Royal Decree-Law 16/2020, April 28, included several measures that have been approved to speed up the return to normality through different stages⁵⁵. Some of these measures have tried to reinforce the volume of available staff (i.e., people doing internships are allowed to work). However, the most important one is the change in working hours, to allow holding trials not only in the morning, but also in the

⁵⁰ Along with the general measures for the whole State, some regions have passed specific provisions with that purpose (i.e., Extremadura, Decree-Law 5/2020, April 3, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4560).

⁵¹ Orden SND/346/2020, April 15 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4471).

⁵² Orden SND/319/2020, April 1 (<https://www.boe.es/boe/dias/2020/04/03/pdfs/BOE-A-2020-4265.pdf>).

⁵³ Additional Provision 15 of Royal Decree-Law 11/2020, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208.

⁵⁴ Orden SND/295/2020, March 26 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4156&fbclid=IwAR0r1-e-7PL_YrVGAuZb3Ez1NJVlu-LHg50LBQME-URnoi6qL1tsCpkGjMI).

⁵⁵ According to Orden JUS/430/2020, May 22, Stage 2 started on May 24 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5241).

afternoon/evening. These measures extend to the whole country and will last for three months after the end of the state of alarm⁵⁶.

Carriage of goods by road also had new rules regarding working time. In particular, the Government decided to temporarily exempt the application of the following limitations of Regulation (EC) No 561/2006⁵⁷ until April 12: 1) Article 6.1: The maximum daily driving time could be extended, but the requirements established for breaks and for daily and weekly rests should be respected. 2) Article 8.6: The 45-hour weekly rest could be replaced by a continuous rest of at least 24 hours, without the need for compensation. 3) Article 8.8: Possibility of enjoying the weekly rest in the vehicle itself (it should be parked and adequately equipped for rest).

Once those exemptions ended, the Government decided to replace them for these other exemptions from April 13 to May 31: 1) Article 6.1: The maximum daily driving time was raised from 9 to 11 hours. 2) Article 8.1: Daily rest period was reduced from 11 to 9 hours (also for passenger transport services in the agricultural sector). 3) Article 8.6: Possibility of taking two consecutive reduced weekly rest periods of at least 24 hours, provided that: a) the driver should take at least 4 weekly rest periods in those 4 consecutive weeks, and at least two needed to be normal weekly rest periods of at least 45 hours. b) Compensation for reduced weekly breaks should not be necessary. 4) Article 8.8: Possibility of enjoying the weekly rest in the vehicle itself (it should be parked and adequately equipped for rest)⁵⁸.

Regarding the agricultural sector, the impact of the pandemic caused by COVID-19 has been huge, because the available labour force was severely reduced due to movement restrictions. Consequently, the harvesting of many fruits and vegetables was in danger, with a great potential impact on food supply. To deal with this danger, the Government approved measures to facilitate the recruitment of fixed-term workers in the agriculture sector⁵⁹. Thanks to these flexibility measures (extraordinary, according to the relevant provision), wages obtained for a fixed-term work in agriculture during this period were compatible with unemployment benefits and other social aid payments. This was a measure targeting unemployed people, workers affected by temporary suspension of employment contracts due to COVID-19 and foreigners with a work permit expiring before June 30. Royal Decree-Law 19/2020, May 26⁶⁰, extended these measures until September 30, 2020. Besides, young foreigners between the ages of 18 and 21 who have worked in the agricultural sector in accordance with these provisions will receive a two-year residence permit, renewable for another two years.

There are also several measures for self-employed workers. For example, the payment of Social Security contributions is deferred for six months and the requirements for unemployment benefits were relaxed⁶¹. Accordingly, self-employed workers have been

⁵⁶ Royal Decree-Law 16/2020, April 28 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4705).

⁵⁷ Resolución de 26 de marzo de 2020, de la Dirección General de Transporte Terrestre (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4129).

⁵⁸ Resolución de 14 de abril de 2020, de la Dirección General de Transporte Terrestre (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4461).

⁵⁹ Royal Decree-Law 13/2020, April 7 (<https://www.boe.es/buscar/act.php?id=BOE-A-2020-4332>).

⁶⁰ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5315.

⁶¹ Article 17 of Royal Decree-Law 8/2020 (<https://www.boe.es/buscar/act.php?id=BOE-A-2020-3824>) and Article 34 of Royal Decree-Law 11/2020, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208.

entitled to unemployment benefits in despite of lacking the previous period of contribution generally required. Additionally, some regions have provided financial support to help self-employed workers whose businesses were affected by the effects of COVID-19⁶².

The lockdown had a significant impact on foreigners too, due to the suspension of administrative procedures. Work permits could not be renewed even if they came to an end and that limitation put these workers in a situation of uncertainty. Finally, the Government decided to extend work permits for foreigners that expired during the state of alarm. This extension will last for six months after the end of this exceptional context⁶³. The alien identity cards of the EU citizens and the residence cards of a family member of a Union citizen enjoy the same extension. This is consistent with the freedom of movement and with the guidelines provided for the Commission during this COVID-19 situation⁶⁴.

Finally, it should be pointed out that vocational training was also affected, due to the suspension of all educational activities carried out on-site. However, vocational training was allowed through distance learning (telelearning, e-learning), but not by any kind of means. The relevant provisions referred to ‘virtual classroom’, so technology should allow interaction in real time to validate vocational training⁶⁵. However, vocational training on-site has been allowed for railway staff⁶⁶.

8. The return to a ‘new normality’: the ‘de-escalation’ process.

On May 4, Spain started the so-called ‘de-escalation’ of the extraordinary situation caused by COVID-19. The Government announced a plan for gradually reducing the movement and activity restrictions and progressively recovering normal life. This plan envisaged four stages in this ‘de-escalation’ process that would lead to a ‘new normality’, this somehow meaning to resume the before paralysed activities, but nevertheless with an innovative framework of limitations, restrictions and cautions. These stages of the ‘de-escalation’ were not established symmetrically and simultaneously for the whole Spanish territory. The virus has had a very different impact in each region, and the transition to the subsequent stage is accordingly organised depending on the current situation of regions, provinces, or other delimitations of specific areas. The health system capabilities will be decisive for each territory to move from one stage to another, because it needs to evidence that it is ready and capable to deal with a potential new outbreak of the virus.

The first of these stages started on May 4 and has had a minimum duration of a week. It was called ‘stage 0’ due to its preparatory purpose. The lockdown was relaxed, and people were allowed to walk to do sports at specific time slots. Small shops were allowed to open

⁶² I.e., Andalucía (Decree-Law 9/2020, April 15, <https://www.juntadeandalucia.es/boja/2020/516/1>), Castilla-León (Decree-Law 2/2020, April 16, <http://bocyl.jcyl.es/boletines/2020/04/18/pdf/BOCYL-D-18042020-1.pdf?fbclid=IwAR1EeWv7jsK4JVKdBr7HwNv5qQ5DGBvtiBX6FouQRzc-j2GJR1-Ut4cMVpY>), Extremadura (Decree-Law 8/2020, April 24, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5250) and Navarra (Decree-Law 3/2020, April 15, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4794).

⁶³ Orden SND/421/2020, May 18, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5141.

⁶⁴ Available here: [https://eur-lex.europa.eu/legal-content/ES/LSU/?uri=CELEX:52020XC0316\(03\)](https://eur-lex.europa.eu/legal-content/ES/LSU/?uri=CELEX:52020XC0316(03)).

⁶⁵ Resolución de 15 de abril de 2020, del Servicio Público de Empleo Estatal (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4506).

⁶⁶ Orden TMA/379/2020, April 30 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4760).

but with enhanced health and safety measures. Some businesses, such as hair salons, could resume too, but the client was required to request a prior appointment⁶⁷. Therefore, the de-escalation has led to the return of many workers to their jobs, but the conditions of this resuming are different from the previous ones, because it is necessary to respect new security measures, such as ‘social distance’ or improved cleaning habits⁶⁸. In fact, security measures will be more severe in the future to protect workers and users from the virus. For example, passenger transport undertakings must provide masks and hydro-alcoholic products to their employees, since workers are forced to wash their hands frequently⁶⁹. There are specific measures for other sectors, as the justice system (court staff)⁷⁰. However, it is worth noting that telework is still the preferred legal option to do the job during stages 0 and 1 of de-escalation⁷¹.

After the preparatory stage, the regions meeting the requirements could move to ‘Stage 1’, called ‘initial stage’, which started in May 11 (as the earliest possible date). However, this stage 1 started on May 4 in some little Balearic and Canary Islands (Formentera, La Gomera, El Hierro y La Graciosa), as a kind of pilot project due to the small impact of COVID-19 there⁷². This stage should last two weeks at least. Restaurants and bars were allowed to open their terraces, but respecting especial capacity limitations (no more than 50%) and new health and security protocols.

Malls, cinemas and theatres were allowed to open in ‘Stage 2’ (intermediate stage), as well as the inside areas of restaurants and bars (not only terraces, as in Stage 1), but all of them must respect capacity limitations. During ‘Stage 3’ (advanced stage) capacity limitations will be less rigid and all business will be allowed to be opened (i.e, discotheques, gyms).

Stage 2 started on May 18 in some Balearic and Canary Islands (Formentera, La Gomera, El Hierro and La Graciosa⁷³) and on May 25 in most regions. However, Madrid and Barcelona, more affected by COVID-19, remained on Stage 0 until May 25 and then started Stage 1. The restrictions of movement and activities have been significantly reduced in municipalities with less than 10.000 inhabitants⁷⁴.

⁶⁷ Orden SND/388/2020, May 3 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4793).

⁶⁸ Articles 4 - 6 of Orden SND/399/2020, May 9 (<https://www.boe.es/eli/es/o/2020/05/09/snd399/con>).

⁶⁹ Orden TMA/384/2020, May 3 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4789).

⁷⁰ Orden JUS/394/2020, May 8 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4897).

⁷¹ Article 3 of Orden SND/399/2020, May 9 (<https://www.boe.es/eli/es/o/2020/05/09/snd399/con>).

⁷² Orden SND/386/2020, May 3 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4791).

⁷³ Orden SND/414/2020, May 16 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5088).

⁷⁴ Orden SND/427/2020, May 21 (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5218).

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