

**RDL 30/2020, OF 29 SEPTEMBER, OF SOCIAL MEASURES IN DEFENSE OF  
EMPLOYMENT**

With the aim of defending employment and guaranteeing the future viability of companies, Royal Decree-Law 30/2020 includes the social agreement in relation to the Temporary Employment Regulation Files (ERTO) linked to COVID-19 , as well as extraordinary measures to protect the unemployment of working people. The ERTOs in force majeure in force are automatically extended until January 31, 2021. All files will maintain the exemption of fees until September 30, from October 1, will only be provided for new cases that provides the rule:

- **ERTO for impediment of the activity:** foreseen for companies or entities of any sector that see impeded the development of his activity, as a consequence of the new restrictions or sanitary measures adopted from the 1 of October of 2020.

Exemptions planned until 31 January 2021 consisting of 100% of the business contribution for companies with less than 50 employees, as of 29 February 2020; and 90% for companies with more than 50 employees.

- **ERTO due to the limitation of the activity:** provided for companies or entities in any sector that see the development of their activity as a consequence of the measures adopted by the Spanish authorities.

Exemptions planned until 31 January 2021 regarding the contribution of the accrued business quota in the months of October, November and December 2020 and January 2021, of 100%, 90%, 85% and 80% respectively, for to companies with less than 50 employees as of February 29, 2020. For companies with more than 50 employees it will be 90%, 80%, 75% and 70%, respectively.

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- **ERTOs that affect companies with specific activities or linked to them:** these are companies or entities included in sectors with a high coverage rate and a low recovery rate of the activity, which is classified in some of the planned CNAE in the Annex to this standard; or companies whose business depends directly on those companies, or their value chain. The application for a declaration of company dependent on, or part of, the value chain must be submitted between 5 and 19 October 2020. The exemptions provided for these cases are 85% of the accrued business contribution in October, November, December 2020 and January 2021, for companies with less than 50 employees on February 29, 2020; and 75% for companies with more than 50 employees.

Article 23 of RDL 8/2020 continues to apply to ERTOs based on economic, technical, organizational and production causes (ETOP), thus maintaining the 5-day period for the constitution of the Representative Commission.

ETOP files that are initiated after the date of entry into force of this Royal Decree, may begin their procedures while an ERTO is in force due to force majeure, its effects being retroactive to the end of these .

The files in force on the date of entry into force of the standard will remain in force until the scheduled end date. These may be extended by processing them before the labor authority that knows the initial procedure, provided that it has been agreed during the consultation period.

With regard to the **extraordinary measures** applied, the limits in relation to the **distribution of benefits** and the requirement of **fiscal transparency**, set out in article 5 of *Royal Decree-Law 24/2020, of 26 June*, are reiterated.

The expected benefits in terms of Social Security contributions are still linked to the **safeguarding of employment**, so that the ones already provided are maintained in the same terms and it is established for companies that benefit through files. new, a new period of employment maintenance commitment, lasting six months, which will begin to count when the previous period ends.

Articles 2 and 5 of RDL 9/2020, referring **to the prohibition of termination of contracts and dismissals**, due to force majeure and the ETOP causes in which the measures for the suspension of contracts and reduction of working hours provided for in articles 22 and 23 of RDL 8/2020; as well as the interruption of the calculation of the maximum duration of temporary contracts.

The **prohibition** on **overtime**, new **outsourcing of activity**, and new hires, whether direct or indirect, also applies; during the application of the ERTes regulated in this standard.

With regard to **unemployment benefits**, they will continue to be applicable until 31 January 2021, with the companies affected having to send a new collective application for unemployment benefits, with a deadline of 20 December. October 2020. For access to benefits, the non-requirement of grace period remains, however, from October 1, 2020, the beneficiaries will be consuming the benefit days they receive. This will not be the case for people who access the benefit as a result of the termination of a fixed-term contract, an individual or collective dismissal, for economic, technical, organizational or production reasons, or of a dismissal for any cause declared unjustified, provided that this has occurred before January 1, 2022. In such cases, these benefits will not be counted as consumed.

The amount of the benefit will be calculated by applying to the regulatory base, prior to the impact of the file, 70%, until January 31, 2021.