



In Spain, Employers Contend with Pandemic's Changing Impact

By Leah Shepherd

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Employers in Spain are contending with the ongoing effects of the coronavirus pandemic, which continues to raise health and safety concerns after several months. A resurgence of COVID-19 cases in July prompted some parts of the country to reimplement restrictions that had been lifted earlier.

"Spain was among the countries hit hardest by the coronavirus," said Brian Cousin, head of the employment practice group at the law firm McDermott Will & Emery in New York City. "At the end of January, a German tourist became Spain's first coronavirus patient. By March 20, Spain had more than 20,000 cases. Just two months later, by May 20, Spain had over 264,000 cases. As of July 13, Spain had over 303,000 cases, 28,403 deaths—the seventh highest of all countries—and 60.80 deaths per 100,000 [people], the fifth highest per capita" rate.

In late April, the Spanish government announced a detailed coronavirus response plan with four phases, each of which gradually eased restrictions.

"By early July 2020, about 75 percent of the country was in the final phase of the reopening plan, which, among other things, increased mobility while recommending, but not requiring, mask use; increased restaurant capacity to 75 percent; and allowed tourist activities with a maximum of 30 people to resume," Cousin said.

But reopening plans were reversed when the number of new cases surged in July. "Parts of the country are moving toward stricter social-distancing and hygiene measures," Cousin confirmed.

On July 13, "government officials announced that the northern cities of Zaragoza and Huesca and their surrounding areas would revert back to a flexible Phase II [plan]. Under Phase II, among other things, social gatherings are limited to 15 people, and business meetings and conferences with a maximum of 50 attendees are allowed, but only if attendees can maintain proper social-distancing measures," he explained.

Strategies for Employers

Employers and HR professionals in Spain should monitor news about national and local restrictions and regulations, as well as new guidance issued by local health authorities, the Spanish Health Ministry and the World Health Organization, according to Cousin. "Local and regional requirements can change on a daily basis," he said.

Companies in Spain must:

- Have proper ventilation and cleaning and disinfection protocols in place.
- Provide soap and water or hand sanitizer to employees.

- Adapt the workplace to guarantee 5 feet of space between employees.
- Avoid hosting large gatherings of people.

Employees who can't work because they have been infected with COVID-19 are entitled to sick pay under Spanish law. When someone is absent from work due to a medically advised quarantine, the usual sick-leave pay provisions apply as well.

Workers in Spain have a legal right to take a reasonable amount of unpaid time off work to deal with domestic emergencies affecting their dependents, including a disruption to their child care arrangements.

In most cases, working from home remains the safest option with the least liability for employers. Of course, telework is not possible in some job functions and industries.

"The return of employees to their jobs must be done with the mindset that, whenever possible, the company should prioritize teleworking," said Juan Ignacio Alonso Dregi, an attorney with Dentons in Barcelona, Spain. "In those sectors where it has been possible to work remotely, it has been demonstrated that remote work is possible with optimum results. Spain has sufficient infrastructure and technical resources and means to enable remote work."

Any companywide decisions about returning to work should consider the likely impacts on the morale and mental health of employees.

"Working in a safe environment is less stressful than working in an environment without protective measures," Dregi said.

"Furthermore, it is also necessary to consider the damage to a company's reputation if a source of infection occurs due to a lack of prevention measures against COVID-19."

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Measures to Help Tourism, Small Businesses

Industries like tourism and construction, where most work can't be done remotely, are a big part of the Spanish economy.

"Important measures are being taken to allow tourism-related companies, which are a driving force in Spain's economy, to benefit from a moratorium on the payment of mortgages on real estate used or affected by touristic activities," Dregi said.

Travelers from other European Union countries may enter Spain without having to quarantine. Americans are not yet allowed to travel to Spain, but that could change.

To help prevent the loss of jobs, the Spanish government also has allowed small businesses to defer their corporate income tax payments interest-free, and it has reduced the Social Security contributions that small businesses must pay.

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