

BE INFORMED – INFANT SCHOOLS

BE INFORMED: INFANT SCHOOLS - THE DIFFERENCES BETWEEN *FORCE MAJEURE* FURLOUGHING AND ETOP FURLOUGHING SCHEMES

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| <p>The company can propose a furloughing scheme [in Spanish <i>ERTE</i> or <i>Expediente de Regulación Temporal de Empleo</i>, literally a temporary regulation of employment scheme]</p> <p>The furloughing scheme can cover activity either partially or totally.</p> | <p><i>FORCE MAJEURE</i></p> | <p>FOR ECONOMIC, TECHNICAL, ORGANISATIONAL OR PRODUCTION CAUSES (ETOP)</p> |
| <p>What causes can be alleged?</p> | <p>Causes which were impossible to predict or were unavoidable, this may include for reasons of public health</p> | <p>An abrupt and sudden fall in the number of clients, turnover or demand, the rupturing of supply chains, supplier issues etc.</p> |
| <p>What conditions must be met by the company?</p> | <p>The company must present an application to the Labour Authorities and communicate this to the workforce. The Labour Authorities will collect reports from the Labour Inspectorate and the Social Security. THERE IS NO NEGOTIATION.</p> | <p>The company will inform the legal representatives of the workforce in writing of the start of the consultation period along with the corresponding documentation for the alleged cause. At the same time the Labour Authorities will be informed of the start of the consultation period.</p> <p>There must be a negotiation with the legal representatives of the workforce.</p> <p>In the case of companies without legal representatives of the workforce, the representative commission for</p> |

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| | | the negotiating period will be formed by the trade union organisations with most representation in the sector the company belongs to. |
| When are the measures applied from? | <p>The Labour Authorities must respond to the application within five days and if accepted, the application of the measures can take effect from the date of the application and the scheme will have the duration designated to it by the Labour Authorities. If the application is rejected, the intervening time must be regarded as time effectively worked, and the business and the legal representatives of the workforce can begin the process for a furloughing scheme for economic, technical, organisational or production causes.</p> | <p>The regulations provide for a negotiation lasting 15 days with at least 2 meetings which should be at least 3 days apart. However, it can be decided to reduce these timings if agreement is reached.</p> <p>If there is an agreement, the measures introduced can be effective from the date of the communication of their adoption to the legal representatives of the workforce.</p> <p>If there is no agreement, the company can implement this type of furloughing scheme unilaterally, although it would be open to legal challenge. The duration of the furloughing will be that agreed in the negotiation, or if there was no agreement, that designated by the company.</p> |