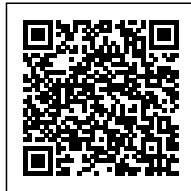


ABDÓN PEDRAJAS EXPLAINS NEW REMOTE WORKING REGULATIONS

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Ignacio González Fernández, Labour senior associate at Abdón Pedrajas Abogados, explains to

Iberian Lawyer new remote working regulation keys and challenges



The new legal framework, approved today by the Spanish Government, seeks to exhaustively regulate the specific rights and obligations of the parties, particularly after the increase of this figure during the emergency situation caused by COVID-19 .

The regulation will apply to those people who work remotely at least 30% of their working day in a reference period of three months. Remote work is drafted as a voluntary and reversible modality, forbidding the imposition of the companies or the termination of the employment relationship motivated by the refusal of the employee to work remotely. In addition, it necessarily requires a written agreement that must have a detailed minimum content, as the new regulation establishes.

Employees who are working remotely will have the same rights as if they provided their services on-site, which expressly includes the right to equal treatment and non-discrimination, the right to full economic compensation established for on-site employees, the right to training and to develop a career, collective rights, health protection, privacy, digital disconnection, among others.

Within this catalogue, the new rule recognizes some rights expressly for remote employees, like the priority of occupying jobs that are carried out totally or partially in-site, as well as the right to flexible schedule by the employee within the terms stated in the distance working agreement and the collective agreement.

The possible corporate control of remote work is also regulated and must safeguard the employee's right to privacy and data protection.

Likewise, the new law establishes a general principle of assumption of the expenses by the employer and the correlative prohibition that the employee supports the labour costs, including the equipment or tools needed for the development of the work activity. In this way, the remote work agreement must include an inventory of the goods, equipment and tools that the company makes available to the worker, as well as the expenses and form of quantification of these, which can be regulated by collective agreements.

Finally, the new rule will be applied to current employment relationships that are already regulated by collective agreements that regulate remote work from the date they lose their validity. If there is no term established in the agreement, the new regulations would apply within 1 year from its entry into force unless the negotiators of these agreements decide to establish a long term, that could not exceed 3 years.

Ignacio González Fernández (pictured) is Labour senior associate at Abdón Pedrajas Abogados.