

## **ERTES: "X" FILES REGARDING COVID-19**

In this exceptional situation marked by the Covid-19 pandemic, we find ourselves in a scenario of continuing uncertainty, where a vigilant attitude towards each of the government movements that mark the course to be followed is decisive.

Taking the Temporary Employment Regulation (ERTE) file as a measure of labor flexibility, its classification according to the cause that motivates it has taken on special relevance: (i) force majeure, or (ii) economic, technical, organizational or production causes ("ETOP" causes). However, with the entry into force of RD-Law 18/2020, a new classification has been added to determine whether the cause of force majeure is total or partial, by virtue of the continuity of the activity.

This has important consequences in terms of the listing of the companies concerned, as well as a special impact in terms of the possibility of carrying out redundancies in the company if this were necessary.

In any case, it is essential to bear in mind how long these RTAs can last and why they will remain in force. In fact, while it was assumed that the ERTE would remain in force as long as the state of alarm persisted, it will now depend on the survival of the cause that motivated its adoption.