



# Spain: Remote working measures enacted

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New remote working measures recently took effect in Spain based on an agreement reached between unions, employers and the government. Royal Decree-Law 28/2020 sets out the employment conditions for those who work remotely at least 30% of the time (calculated over a three-month reference period), but does not cover remote working arrangements introduced to address the effects of COVID-19.

## Highlights

- Remote working is voluntary for both employers and employees, and either party can reverse their decision. The law includes dispute resolution procedures if the employer rejects an employee's request to work remotely, or tries to make changes to the remote working agreement.
- The terms of remote working arrangements must be included in the employment contract of new hires, or a written agreement must be attached to the contracts of existing employees. Apprentices can work remotely for up to 50% of their work schedule.
- The minimum contents of remote working arrangements are set out in the law and include necessary resources and equipment, arrangements for reimbursing certain expenses, working hours, and the employee's chosen place of work. The employer must pay for equipment maintenance and provide technical support to remote workers, and cannot require them to use their own devices. Employees must comply with the employer's rules on the appropriate use of equipment.
- Collective agreements can specify the roles and functions to which remote working could apply, any additional requirements, the mechanisms and criteria that must be followed when changing to remote working status, and the reversal of such decisions.
- Employers must carry out a risk assessment of the remote worker's place of work, subject to meeting certain conditions.

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- Employees can establish their own flexible working schedule subject to fulfilling the terms of the remote working agreement or the applicable collective bargaining agreement, and must be able to record their working time accurately. Employers can monitor remote workers with the aim of verifying their compliance with labor laws.
- Remote workers must have the right to disconnect, and employers must publish an internal policy for all employees on the right to disconnect.
- Employers must provide the employee's legal representative with a copy of the remote working agreement within 10 days of signature, or submit a copy to the employment office if there is no legal representative. Breaches of these rules could be subject to financial penalties.

### Related resource

- [Royal Decree Law No 28/2020 of 22 Sep 2020 \(Spanish\) \(Official Journal, 23 Sep 2020\)](#)

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