

Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.

I. Equality plans

- 1) The obligation to draw up an equality plan is extended to companies with 50 employees or more, with a transitional period for implementation of up to 3 years depending on the size of the workforce. Until now, this obligation only applied to companies with over 250 workers.
- 2) In order to draw up the equality plan, there is now an obligation to negotiate a prior assessment of the situation with workers' representatives, the minimum content of the prior assessment is set and preparing wage audits between men and women is required.
- 3) Creating a Registry is foreseen, in which each company's equality plans must be deposited.

II. Measures aimed at guaranteeing equal pay for women and men

- 1) As far as job classification is concerned, there is an obligation to define professional categories from a gender perspective and apply the principle of equal value, as defined in Article 28 of the Workers' Statute.
- 2) The criteria to be taken into account to establish payment for "equal value" of work are set out.
- 3) An obligation is placed on companies to keep a wage register by category and gender, to be made available to workers' representatives.
- 4) In a company with at least 50 workers, when the average pay for workers of one gender is 25 per cent or above that of the other, the employer must justify this difference.

III. Measures aimed at improving rights to work-family balance

- 1) The scope is set out regarding the right to adapt working hours to balance working and family life, as referred to in article 34.8 of the

Workers' Statute, including requests to work remotely. The company will only be able to refuse the request if there are organisational grounds to justify it.

- 2) With regard to working reduced hours, two major new developments are introduced. Firstly, the right to a reduction in working hours can be extended until the infant is 12 months of age (previously 9 months) for childcare purposes, provided that both parents use this reduction in working hours at the same time. In this case, working reduced hours between months 9 and 12 involves a proportional reduction in salary and the worker's right to access a new Social Security cash benefit. In addition, the salary to be taken into account to calculate the compensation provided for in the Workers' Statute - in the event of dismissal among others - will be that to which the worker would have been entitled without taking into consideration the reduction in working hours.
- 3) The two-day leave period for the birth of a child is eliminated and the right to contract suspension for birth, adoption, guardianship for adoption and fostering (maternity and paternity leave) is extended up to 16 weeks for both parents. The first 6 weeks after birth or adoption are compulsory for both parents. The remaining leave (10 weeks) may be used at any time during the 12 months following birth or adoption. However, these extensions will be implemented progressively until they have full effect on 1 January 2021.
- 4) The temporal scope (from 9 to 12 months) of the objective guarantee against dismissal is extended to workers who have returned to work at the end of the periods of contract suspension due to birth, adoption, guardianship for adoption and fostering.

In addition, in order to justify the reason for redundancy in cases to which the guarantee applies, the company is expressly required to provide sufficient evidence that the grounds for the redundancy specifically warrant terminating the contract of the person in question.

- 5) Dismissing a pregnant worker during the trial period will be deemed null and void unless the employer proves that there are grounds unrelated to pregnancy or maternity.

IV. Infringements and penalties

A better definition is given to specific types of infringements for non-compliance with business obligations relating to equality plans and measures.

V. Self-employed workers

Self-employed persons will have the right to suspend business activities for birth and sharing childcare, as well as the right to adequate social assistance and benefits in these circumstances, under terms similar to those provided for employees.

VI. Public sector

The rights applying to the private sector in the new Royal Decree-Law are extended with similar content and scope to public-sector workers.

VII. Entry into force

The Royal Decree-Law enters into force on 8 March 2019, except for the new regulation relating to suspending employment contracts for birth, adoption, guardianship or fostering, which will enter into force on 1 April 2019.