

20 October 2023

This week we want to inform you of **3 changes** which have recently been made to the law that **supersede** some of the current articles of our **CLA**.

These laws are **live** and may be requested by you and the company **must** comply.

● **PAID ABSENCE**

Up to 5 days in the case of any accident, serious sickness, hospitalization or surgery which requires rest. This absence needs prior notice and justification, such as medical certificate. It is important to note that this right may be asked as many times as you are legally entitled to it, for example twice in a year or more.

This could affect you or your wife/husband/de facto partner, as well as relatives up to the second degree of kinship or affinity by marriage as well as blood relatives of your wife/husband/de facto partner. (In case of unmarried couples, a "certificado de empadronamiento" should be provided. However, a registration as de facto couple would be ideal).

It also includes any other person living together with you if it can be proven that this third person needs to be taken care of by you.

Article 34b of the new CLA should be disregarded as the conditions laid out in the Workers Statute (WS) supersede this article.

Any members requiring paid authorised absence relating to Article 34b who are given conflicting advice from the company are advised to contact us for clarity and assistance.

● **FORCE MAJEURE LEAVE**

The Workers Statute has also approved a new right (*Article 37.9*) which consists of the right of an employee to leave his job to attend to urgent family matters in the event of sickness or accident which

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requires their immediate presence. (For example, a parent must take a sick child to hospital)

This also includes persons living together with the employee.

The law states that the employee will be entitled to paid leave for each hour they have been absent from work **up to a maximum of 4 days per year.**

Our current CLA Article 44b grants **unpaid** parental leave for this type of occurrence therefore the WS is more favourable and supersedes the CLA.

If you find yourselves in this type of situation, please let us know as the company should comply with the WS.

• **PARENTAL RIGHTS TO CARE FOR CHILDREN UNDER 8**

Not mentioned in our new CLA, but forming part of the WS (*Article 48*) **a maximum of 8 weeks unpaid leave** may be requested until your child is 8 years old. If an employee has more than 1 child, they may ask for this right for every child.

This does **not** have to be taken in one block and may be requested with a minimum of **10 days notice** unless unforeseen circumstances make this impossible.

In the case of both parents being employed by the company, they may each request the leave for the same child giving them both 8 weeks off work. The Company might ask to enjoy this right separately if they prove this might disrupt their organizational needs.

The Company will have to request this in writing while offering an alternative to the affected parents.

The employees contract during this period will be **formally suspended.**